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HOUSE BILL NO. 1279

House Amendments in [] — February 12, 1996

A BILL to amend and reenact §§ 54.1-3000, 54.1-3005, and 54.1-3008 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 30 of Title 54.1 an article numbered 5, consisting of a section numbered 54.1-3029, relating to the practice of massage therapy; penalty.

Patrons—Fisher, Connally, Darner, Hamilton and Tata; Senator: Howell

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3000, 54.1-3005, and 54.1-3008 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 30 of Title 54.1 an article numbered 5, consisting of a section numbered 54.1-3029, as follows:

§ 54.1-3000. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Nursing.

"Certified nurse aide" means a person who meets the qualifications specified in this article and who is currently certified by the Board.

"Clinical nurse specialist" means a person who is registered by the Board in addition to holding a license under the provisions of this chapter to practice professional nursing as defined in this section. Such a person shall be recognized as being able to provide advanced services according to the specialized training received from a program approved by the Board, but shall not be entitled to perform any act that is not within the scope of practice of professional nursing.

"Certified Massage therapist" means a person who meets the qualifications specified in this chapter and who is currently certified by the Board.

"Massage therapy" means the treatment of soft tissues for therapeutic purposes [: *Massage therapy includes, but is not limited to, effleurage, petrissage, tapotement, compression, vibration, friction, nerve strokes and Swedish gymnastics. Massage therapy may include the use of oils, salt glows, hot or cold packs or hydrotherapy. Synonymous terms for massage therapy include massage, therapeutic massage, body massage, myomassage, body rub or any derivation of these terms. by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body.] The terms " [massage] therapy" and "therapeutic massage" do not include the diagnosis or treatment of illness or disease or any service or procedure for which a license to practice medicine, [nursing] chiropractic therapy, physical therapy, occupational therapy, acupuncture, or podiatry is required by law.*

"Practical nurse" or "licensed practical nurse" means a person who is licensed under the provisions of this chapter to practice practical nursing as defined in this section. Such a licensee shall be empowered to provide nursing services without compensation. The abbreviation "L.P.N." shall stand for such terms.

"Practical nursing" or "licensed practical nursing" means the performance for compensation of selected nursing acts in the care of individuals or groups who are ill, injured, or experiencing changes in normal health processes; in the maintenance of health; in the prevention of illness or disease; or, subject to such regulations as the Board may promulgate, in the teaching of those who are or will be nurse aides. Practical nursing or licensed practical nursing requires knowledge, judgment and skill in nursing procedures gained through prescribed education. Practical nursing or licensed practical nursing is performed under the direction or supervision of a licensed medical practitioner, a professional nurse, registered nurse or registered professional nurse or other licensed health professional authorized by regulations of the Board.

"Practice of a nurse aide" or "nurse aide practice" means the performance of services requiring the education, training, and skills specified in this chapter for certification as a nurse aide. Such services are performed under the supervision of a dentist, physician, podiatrist, professional nurse, licensed practical nurse, or other licensed health care professional acting within the scope of the requirements of his profession.

"Professional nurse," "registered nurse" or "registered professional nurse" means a person who is licensed under the provisions of this chapter to practice professional nursing as defined in this section. Such a licensee shall be empowered to provide professional services without compensation, to promote health and to teach health to individuals and groups. The abbreviation "R.N." shall stand for such terms.

"Professional nursing," "registered nursing" or "registered professional nursing" means the performance for compensation of any nursing acts in the observation, care and counsel of individuals or

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60 groups who are ill, injured or experiencing changes in normal health processes or the maintenance of
61 health; in the prevention of illness or disease; in the supervision and teaching of those who are or will
62 be involved in nursing care; or the administration of medications and treatments as prescribed by any
63 person authorized by law to prescribe such medications and treatment. Professional nursing, registered
64 nursing and registered professional nursing require specialized education, judgment, and skill based upon
65 knowledge and application of principles from the biological, physical, social, behavioral and nursing
66 sciences.

67 § 54.1-3005. Specific powers and duties of Board.

68 In addition to the general powers and duties conferred in this title, the Board shall have the
69 following specific powers and duties:

70 1. To prescribe minimum standards and approve curricula for educational programs preparing persons
71 for licensure or certification under this chapter;

72 2. To approve programs that meet the requirements of this chapter and of the Board;

73 3. To provide consultation service for educational programs as requested;

74 4. To provide for periodic surveys of educational programs;

75 5. To deny or withdraw approval from educational programs for failure to meet prescribed standards;

76 6. To provide consultation regarding nursing practice for institutions and agencies as requested and
77 investigate illegal nursing practices;

78 7. To keep a record of all its proceedings;

79 8. To certify and maintain a registry of all certified nurse aides and to promulgate regulations
80 consistent with federal law and regulation. Such regulations may include standards for the authority of
81 licensed practical nurses to teach nurse aides;

82 9. To approve programs that entitle professional nurses to be registered as clinical nurse specialists
83 and to prescribe minimum standards for such programs;

84 10. To maintain a registry of clinical nurse specialists and to promulgate regulations governing
85 clinical nurse specialists; ~~and~~

86 11. (Effective until July 1, 1999) To promulgate regulations for the voluntary certification of
87 licensees as sex offender treatment providers. In promulgating such regulations, the Board shall consider
88 the standards recommended by the Advisory Committee on Certified Practices pursuant to § 54.1-3610.
89 The provisions of this subdivision shall expire on July 1, 1999; and

90 12. *To certify and maintain a registry of all certified massage therapists and to promulgate*
91 *regulations governing the criteria for certification as a massage therapist and the standards of*
92 *professional conduct for certified massage therapists.*

93 § 54.1-3008. Particular violations; prosecution.

94 It shall be a Class 1 misdemeanor for any person to:

95 1. Practice nursing under the authority of a license or record illegally or fraudulently obtained or
96 signed or issued unlawfully or under fraudulent representation;

97 2. Practice nursing unless licensed to do so under the provisions of this chapter;

98 3. Knowingly employ an unlicensed person as a professional or practical nurse or knowingly permit
99 an unlicensed person to represent himself as a professional or practical nurse;

100 4. Use in connection with his name any designation tending to imply that he is a professional nurse
101 or a practical nurse unless duly licensed to practice under the provisions of this chapter;

102 5. Practice professional nursing or practical nursing during the time his license is suspended or
103 revoked;

104 6. Conduct a nursing education program for the preparation of professional or practical nurses unless
105 the program has been approved by the Board;:

106 7. *Claim to be a certified massage therapist or massage therapist or use any designation tending to*
107 *imply that he is a massage therapist or certified massage therapist unless he is certified under the*
108 *provisions of this chapter.*

109 Article 5.

110 Certification of Massage Therapists.

111 § 54.1-3029. *Qualifications for a certified massage therapist.*

112 A. *In order to be certified as a massage therapist the applicant shall furnish evidence satisfactory to*
113 *the Board that the applicant:*

114 1. *Is at least 18 years old;*

115 2. *Has successfully completed a minimum of 500 hours of training from an education program*
116 *recognized by the Board [of Education, Division of Proprietary Schools, notwithstanding the provisions*
117 *of § 22.1-320] ;*

118 3. *Has passed the National Certification Exam for Massage and Bodywork [and has current*
119 *national certification] ; and*

120 4. *Has not committed any acts or omissions that would be grounds for disciplinary action or denial*
121 *of [licensure certification] as set forth in this chapter.*

122 *B. The Board may certify any applicant who has been practicing massage therapy for up to ten*
 123 *years prior to July 1, 1997, and has completed at least 200 hours of training in an education program*
 124 *recognized by the Board, or has been in practice for ten years or more prior to July 1, 1997, and has*
 125 *completed 20 hours of such training.*

126 *C. The Board may issue a provisional certification to an applicant prior to passing the National*
 127 *Certification Exam for Massage and Bodywork for such time and in such manner as prescribed by the*
 128 *Board. No more than one provisional certification shall be issued to any applicant.*

129 *D. The Board may certify without examination any applicant who is licensed or certified as a*
 130 *massage therapist in another state, the District of Columbia, a United States possession or territory, or*
 131 *another country, and, in the opinion of the Board, meets the requirements for certified massage*
 132 *therapists in this Commonwealth.*

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