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HOUSE BILL NO. 1384

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Woods
on March 6, 1996)

(Patron Prior to Substitute—Delegate Guest)

A BILL to amend and reenact § 54.1-2901 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.1-174.3, relating to exceptions and exemptions to Board of Medicine regulation; adult care residences; do-not-resuscitate orders.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2901 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding a section numbered 63.1-174.3 as follows:

§ 54.1-2901. Exceptions and exemptions generally.

The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;

2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;

3. Any licensed nurse practitioner from rendering care under the supervision of a duly licensed physician when such services are authorized by regulations promulgated jointly by the Board of Medicine and the Board of Nursing;

4. Any registered professional nurse, registered midwife, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine;

5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;

6. Any practitioner licensed or certified by the Board from delegating to personnel in his personal employ and supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;

7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state to emergency medical personnel acting in an emergency situation;

8. The domestic administration of family remedies;

9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;

10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;

11. The advertising or sale of commercial appliances or remedies;

12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;

13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;

14. The practice of the religious tenets of any church in the ministrations to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;

15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;

16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary license or certification by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while

60 participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any
61 site any health care services within the limits of his license, voluntarily and without compensation, to
62 any patient of any clinic which is organized in whole or in part for the delivery of health care services
63 without charge as provided in § 54.1-106;

64 17. The performance of the duties of any commissioned or contract medical officer, physical
65 therapist, podiatrist, or clinical psychologist in active service in the army, navy, coast guard, marine
66 corps, air force, or public health service of the United States while such individual is so commissioned
67 or serving;

68 18. Any masseur, who publicly represents himself as such, from performing services within the scope
69 of his usual professional activities and in conformance with state law;

70 19. Any person from performing services in the lawful conduct of his particular profession or
71 business under state law;

72 20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;

73 21. Qualified emergency medical personnel from following Emergency Medical Services Do Not
74 Resuscitate Orders in accordance with § 54.1-2987.1;

75 22. Any visiting or home care nurse licensed by the Board of Nursing acting in compliance with the
76 written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory
77 arrest; or

78 23. Any commissioned or contract medical officer of the army, navy, coast guard or air force
79 rendering services voluntarily and without compensation while deemed to be licensed pursuant
80 § 54.1-106-;

81 24. Any provider of a chemical dependency treatment program who is certified as an "acupuncture
82 detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent
83 certifying body, from administering auricular acupuncture treatment under the appropriate supervision of
84 a licensed physician acupuncturist or licensed acupuncturist; or

85 25. *Any employee of any adult care residence who is certified in cardiopulmonary resuscitation*
86 *(CPR) acting in compliance with the patient's individualized service plan and with the written order of*
87 *the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest.*

88 § 63.1-174.3. *Certification in cardiopulmonary resuscitation; do not resuscitate orders.*

89 *The owners or operators of any adult care residence may provide that their employees who are*
90 *certified in cardiopulmonary resuscitation (CPR) shall not be required to resuscitate any patient for*
91 *whom a valid written order not to resuscitate in the event of cardiac or respiratory arrest has been*
92 *issued by the attending physician and has been included in the patient's individualized service plan.*