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SENATE BILL NO. 190

Senate Amendments in [] — January 29, 1996

A BILL to amend and reenact § 54.1-2900 of the Code of Virginia, as is currently in effect and as may become effective and to amend the Code of Virginia by adding a section numbered 54.1-2939.1, relating to the practice of podiatry.

Patrons—Barry and Ticer

Referred to the Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2900 of the Code of Virginia, as is currently in effect and as may become effective is amended and reenacted and the Code of Virginia is amended by adding a section numbered 54.1-2939.1 as follows:

§ 54.1-2900. (Effective until January 1, 1997) Definitions.

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

"Acupuncturist" means individuals approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy or podiatry, who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., L.Ac.) and "physician acupuncturist" which means doctors of medicine, osteopathy and podiatry who have fulfilled the physician requirements for licensure to practice acupuncture established by the Board.

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of an approved chemical dependency treatment program, under the appropriate supervision of a licensed physician acupuncturist or licensed acupuncturist.

"Board" means the Board of Medicine.

"Certified optometrist" means an optometrist who is licensed under Chapter 32 of this title and who has successfully completed the requirements for certification established by the Board of Medicine. Such certification shall enable an optometrist to treat certain diseases, including abnormal conditions, of the human eye and its adnexa, as specified by the Board of Medicine, with certain therapeutic pharmaceutical agents specified by the Board. However, such certification shall not permit treatment through surgery or other invasive modalities.

"Clinical psychologist" means a psychologist who is competent in the diagnosis, prevention, treatment and amelioration of psychological problems, behavioral or emotional disorders or conditions or mental conditions, by the application of psychological principles, psychological methods, or psychological procedures, including but not limited to psychological assessment and evaluation and psychotherapy, which does not amount to the practice of medicine. This definition shall not be construed to limit or restrict any person licensed by a health regulatory board as defined in § 54.1-2500 from rendering services which he is licensed to provide.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and ~~moxabustion~~ moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, osteopathic manipulative techniques, the use or prescribing of any drugs, medications, herbal preparations, nutritional supplements, serums or vaccines, nor the procedure of auricular acupuncture as exempted in § 54.1-2901 when used specifically and exclusively in the context of a publicly supported comprehensive drug treatment program by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association.

"Practice of chiropractic" means the adjustment of the twenty-four movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs, medicines, serums or vaccines.

"Practice of clinical psychology" means the offering by an individual of his services to the public as a clinical psychologist.

"Practice of medicine or osteopathic medicine" means the prevention, diagnosis and treatment of

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60 human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.

61 "Practice of physical therapy" means, upon medical referral and direction, the evaluation, testing,
62 treatment, reeducation and rehabilitation by physical, mechanical or electronic measures and procedures
63 of individuals who, because of trauma, disease or birth defect, present physical and emotional disorders,
64 but does not include the use of Roentgen rays and radium for diagnostic or therapeutic purposes or the
65 use of electricity for shock therapy and surgical purposes including cauterization.

66 "Practice of podiatry" means the medical, mechanical and surgical treatment of the ailments of the
67 human foot and ankle, ~~but does not include~~ *including* amputation proximal to the metatarsal-phalangeal
68 joints. *Excluded from the definition of podiatry is amputation of the entire foot.* The Board of Medicine
69 shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice
70 of podiatry.

71 § 54.1-2900. (Effective January 1, 1997) Definitions.

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

73 "Acupuncturist" means individuals approved by the Board to practice acupuncture. This is limited to
74 "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy or
75 podiatry, who has successfully completed the requirements for licensure established by the Board
76 (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., L.Ac.) and "physician acupuncturist"
77 which means doctors of medicine, osteopathy and podiatry who have fulfilled the physician requirements
78 for licensure to practice acupuncture established by the Board.

79 "Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles
80 in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the
81 context of an approved chemical dependency treatment program, under the appropriate supervision of a
82 licensed physician acupuncturist or licensed acupuncturist.

83 "Board" means the Board of Medicine.

84 "Certified optometrist" means an optometrist who is licensed under Chapter 32 (§ 54.1-3200 et seq.)
85 of this title and who has successfully completed the requirements for certification established by the
86 Board of Medicine. Such certification shall enable an optometrist to treat certain diseases, including
87 abnormal conditions, of the human eye and its adnexa, as specified by the Board of Medicine, with
88 certain therapeutic pharmaceutical agents specified by the Board. However, such certification shall not
89 permit treatment through surgery or other invasive modalities.

90 "Clinical psychologist" means a psychologist who is competent in the diagnosis, prevention, treatment
91 and amelioration of psychological problems, behavioral or emotional disorders or conditions or mental
92 conditions, by the application of psychological principles, psychological methods, or psychological
93 procedures, including but not limited to psychological assessment and evaluation and psychotherapy,
94 which does not amount to the practice of medicine. This definition shall not be construed to limit or
95 restrict any person licensed by a health regulatory board as defined in § 54.1-2500 from rendering
96 services which he is licensed to provide.

97 "Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure
98 or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

99 "Practice of acupuncture" means the stimulation of certain points on or near the surface of the body
100 by the insertion of needles to prevent or modify the perception of pain or to normalize physiological
101 functions, including pain control, for the treatment of certain ailments or conditions of the body and
102 includes the techniques of electroacupuncture, cupping and ~~moxabustion~~ *moxibustion*. The practice of
103 acupuncture does not include the use of physical therapy, chiropractic, osteopathic manipulative
104 techniques, the use or prescribing of any drugs, medications, herbal preparations, nutritional
105 supplements, serums or vaccines, nor the procedure of auricular acupuncture as exempted in § 54.1-2901
106 when used specifically and exclusively in the context of a publicly supported comprehensive drug
107 treatment program by an employee of the program who is trained and approved by the National
108 Acupuncture Detoxification Association.

109 "Practice of chiropractic" means the adjustment of the twenty-four movable vertebrae of the spinal
110 column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does
111 not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs,
112 medicines, serums or vaccines.

113 "Practice of clinical psychology" means the offering by an individual of his services to the public as
114 a clinical psychologist.

115 "Practice of medicine or osteopathic medicine" means the prevention, diagnosis and treatment of
116 human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.

117 "Practice of physical therapy" means, upon medical referral and direction, the evaluation, testing,
118 treatment, reeducation and rehabilitation by physical, mechanical or electronic measures and procedures
119 of individuals who, because of trauma, disease or birth defect, present physical and emotional disorders,
120 but does not include the use of Roentgen rays and radium for diagnostic or therapeutic purposes or the
121 use of electricity for shock therapy and surgical purposes including cauterization.

"Practice of podiatry" means the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, ~~but does not include~~ *including* amputation proximal to the metatarsal-phalangeal joints. *Excluded from the definition of podiatry is amputation of the entire foot.* The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice of podiatry.

"Practice of radiologic technology" means the application of x-rays to human beings for diagnostic or therapeutic purposes.

"Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy, podiatry, or chiropractic, or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.) of this title, who (i) performs, may be called upon to perform, or who is licensed to perform a comprehensive scope of diagnostic radiologic procedures employing equipment which emits ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs or other procedures which contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

"Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist, dental hygienist or who is otherwise authorized by the Board of Dentistry under Chapter 27 of this title and the regulations pursuant thereto, who performs diagnostic radiographic procedures employing equipment which emits ionizing radiation which is limited to specific areas of the human body.

§ 54.1-2939.1. *Amputations by podiatrists.*

~~[Amputations proximal to the metatarsal-phalangeal joints shall be performed in an accredited hospital or surgery center. Amputations proximal to the metatarsal-phalangeal joints (i) shall be performed in a licensed hospital or a hospital owned or operated by an agency of the United States government or the Commonwealth after consultation with the patient's physician or an attending physician and (ii) shall only be performed by a podiatrist who has completed at minimum, a twenty-four month postgraduate surgical training program which is accredited by the Council on Education of the American Podiatric Medical Association and recognized by the Board of Medicine.]~~

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