

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 614

An Act to amend and reenact § 54.1-2961 of the Code of Virginia, relating to interns and residents in hospitals.

[H 857]

Approved April 15, 1998

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2961 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2961. Interns and residents in hospitals.

A. Interns and residents holding temporary licenses may be employed in a legally established and licensed hospital, *medical school* or other organization operating an approved graduate medical education program when their practice is confined to persons who are bona fide patients within the hospital or other organization or who receive treatment and advice in an outpatient department of the hospital *or an institution affiliated with the graduate medical education program.*

B. Such intern or resident shall be responsible and accountable at all times to a licensed member of the staff. *The training of interns and residents shall be consistent with the requirements of the agencies cited in subsection D and the policies and procedures of the hospital, medical school or other organization operating a graduate medical education program.* No intern or resident holding a temporary license may be employed by any hospital or other organization operating an approved graduate medical education program unless he has completed successfully the preliminary academic education required for admission to examinations given by the Board in his particular field of practice.

C. No intern or resident holding a temporary license shall serve in any hospital or other organization operating an approved graduate medical education program in this Commonwealth *after six consecutive years have elapsed from the date on which his services as intern or resident first commenced in the Commonwealth for longer than the time prescribed by the graduate medical education program.* The Board may prescribe regulations not in conflict with existing law and require such reports from hospitals or other organizations in the Commonwealth as may be necessary to carry out the provisions of this section.

D. Such employment shall be a part of an internship or residency training program approved by the ~~Liaison~~ Accreditation Council ~~on~~ for Graduate Medical Education of the ~~American Medical Association~~ or American Osteopathic Association, *or American Podiatric Medical Association or Council on Chiropractic Education.* No unlicensed intern or resident may be employed as an intern or resident by any hospital or other organization operating an approved graduate medical education program. The Board may determine the extent and scope of the duties and professional services which may be rendered by interns and residents.

E. *The Board of Medicine shall adopt guidelines concerning the ethical practice of surgeons and surgery interns and residents in hospitals or other organizations operating graduate medical education programs. These guidelines shall not be construed to be or to establish standards of care or to be regulations and shall be exempt from the requirements of the Administrative Process Act (§ 9-6.14:1 et seq.). The Medical College of Virginia of Virginia Commonwealth University, the University of Virginia School of Medicine, and the Medical College of Hampton Roads shall cooperate with the Board in the development of these guidelines.*

The guidelines shall include, but need not be limited to (i) the obtaining of informed consent from all patients, after such patients are informed as to which surgeons, residents, or interns will perform the surgery; (ii) except in emergencies and other unavoidable situations, the need, consistent with the informed consent, for a surgeon to be present during the procedure; and (iii) policies to avoid situations, unless the circumstances fall within an exception in the Board's guidelines or the policies of the relevant hospital, medical school or other organization operating the graduate medical education program, in which a surgeon, intern or resident represents that he will perform a procedure which he then fails to perform.

F. *The Board shall publish and distribute the guidelines required by subsection E to its licensees.*