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SENATE BILL NO. 1141

Offered January 21, 1999

A BILL to amend and reenact § 54.1-2900 of the Code of Virginia, relating to manual spinal care.

Patron—Schrock

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-2900 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-2900. 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, chiropractic 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.

"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.

"Manual spinal care" means a skillful procedure whereby a person uses a directed thrust, contact or leverage to the articular joints with the intent of affecting the structure and/or function of a person's spine. "Manual spinal care" includes, but is not limited to, uniquely distinct procedures, such as osteopathic manipulative treatments, spinal manipulations, and chiropractic adjusting techniques, and shall only be performed by persons who are (i) doctors of osteopathy, chiropractic or medicine, licensed in Virginia and (ii) practitioners of the specific form of care rendered.

"Physician assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed doctor of medicine, osteopathy, or podiatry.

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

"Practice of occupational therapy" means the evaluation, analysis, assessment, and delivery of education and training in activities of daily living (ADL); the design, fabrication, and application of orthoses (splints); guidance in the selection and use of adaptive equipment; therapeutic activities to enhance functional performance; prevocational evaluation and training; and consultation concerning the adaptation of physical environments for individuals who have disabilities.

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

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60 "Practice of podiatry" means the medical, mechanical and surgical treatment of the ailments of the
61 human foot and ankle, but does not include amputation proximal to the metatarsal-phalangeal joints. The
62 Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within
63 the scope of practice of podiatry.

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

66 "Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and
67 therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease
68 prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or
69 osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a
70 practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii)
71 observation and monitoring of signs and symptoms, general behavior, general physical response to
72 respiratory care treatment and diagnostic testing, including determination of whether such signs,
73 symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv)
74 implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting,
75 referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a
76 licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures,
77 pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care
78 may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed
79 appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or
80 osteopathic medicine, and shall be performed under qualified medical direction.

81 "Qualified medical direction" means, in the context of the practice of respiratory care, having readily
82 accessible to the respiratory care practitioner a licensed practitioner of medicine or osteopathic medicine
83 who has specialty training or experience in the management of acute and chronic respiratory disorders
84 and who is responsible for the quality, safety, and appropriateness of the respiratory services provided
85 by the respiratory care practitioner.

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

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

99 "Respiratory care" means the practice of the allied health profession responsible for the direct and
100 indirect services, including inhalation therapy and respiratory therapy, in the treatment, management,
101 diagnostic testing, control and care of patients with deficiencies and abnormalities associated with the
102 cardiopulmonary system under qualified medical direction.