

# VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

## CHAPTER 688

*An Act to amend and reenact §§ 2.1-1.6 and 9-6.25:2 as they are currently effective and as they may become effective, §§ 2.1-20.4, 9-6.25:1, 13.1-543, 13.1-1102, 54.1-2503, 54.1-2900 through 54.1-2904 and 54.1-2908 of the Code of Virginia; to amend the Code of Virginia by adding in Title 54.1 a chapter numbered 34.1, consisting of sections numbered 54.1-3473 through 54.1-3483; and to repeal §§ 54.1-2942 through 54.1-2948 of the Code of Virginia, relating to the Board of Physical Therapy.*

[H 1469]

Approved April 8, 2000

### **Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.1-1.6 and 9-6.25:2 as they are currently effective and as they may become effective, §§ 2.1-20.4, 9-6.25:1, 13.1-543, 13.1-1102, 54.1-2503, 54.1-2900 through 54.1-2904 and 54.1-2908 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 54.1 a chapter numbered 34.1, consisting of sections numbered 54.1-3473 through 54.1-3483, as follows:**

§ 2.1-1.6. State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board of  
Agriculture and Consumer Services, Board of  
Air Pollution, State Advisory Board on  
Alcoholic Beverage Control Board, Virginia  
Apple Board, Virginia State  
Appomattox State Scenic River Advisory Board  
Aquaculture Advisory Board  
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for  
Art and Architectural Review Board  
Athletic Training, Advisory Board on  
Auctioneers Board  
Audiology and Speech-Language Pathology, Board of  
Aviation Board, Virginia  
Barbers, Board for  
Branch Pilots, Board for  
Bright Flue-Cured Tobacco Board, Virginia  
Building Code Technical Review Board, State  
Catoctin Creek State Scenic River Advisory Board  
Cattle Industry Board, Virginia  
Cave Board  
Cemetery Board  
Certified Seed Board, State  
Charity Food Assistance Advisory Board  
Chesapeake Bay Local Assistance Board  
Chickahominy State Scenic River Advisory Board  
Child Abuse and Neglect, Advisory Board on  
Chippokes Plantation Farm Foundation, Board of Trustees  
Clinch Scenic River Advisory Board  
Coal Mining Examiners, Board of  
Coal Research and Development Advisory Board, Virginia  
Coal Surface Mining Reclamation Fund Advisory Board  
Conservation and Development of Public Beaches, Board on  
Conservation and Recreation, Board of  
Contractors, Board for  
Corn Board, Virginia  
Correctional Education, Board of  
Corrections, State Board of  
Cosmetology, Board for  
Criminal Justice Services Board  
Dark-Fired Tobacco Board, Virginia

Deaf and Hard-of-Hearing, Advisory Board for the Department for the  
 Dentistry, Board of  
 Design-Build/Construction Management Review Board  
 Education, State Board of  
 Egg Board, Virginia  
 Emergency Medical Services Advisory Board, State  
 Farmers Market Board, Virginia  
 Fire Services Board, Virginia  
 Forestry, Board of  
 Funeral Directors and Embalmers, Board of  
 Game and Inland Fisheries, Board of  
 Geology, Board for  
 Goose Creek Scenic River Advisory Board  
 Health Planning Board, Virginia  
 Health Professions, Board of  
 Health, State Board of  
 Hearing Aid Specialists, Board for  
 Hemophilia Advisory Board  
 Historic Resources, Board of  
 Housing and Community Development, Board of  
 Irish Potato Board, Virginia  
 Juvenile Justice, State Board of  
 Licensed Professional Counselors, Marriage and Family Therapists, and Substance Abuse Treatment  
 Professionals, Board of  
 Litter Control and Recycling Fund Advisory Board  
 Marine Products Board, Virginia  
 Medical Advisory Board, Department of Motor Vehicles  
 Medicare and Medicaid, Advisory Board on  
 Medicine, Board of  
 Mental Health, Mental Retardation and Substance Abuse Services Board, State  
 Migrant and Seasonal Farmworkers Board  
 Military Affairs, Board of  
 Mineral Mining Examiners, Board of  
 Minority Business Enterprise, Interdepartmental Board of the Department of  
 Networking Users Advisory Board, State  
 Neurotrauma Initiative Advisory Board, Commonwealth  
 North Meherrin State Scenic River Advisory Board  
 Nottoway State Scenic River Advisory Board  
 Nursing, Board of  
 Nursing Home Administrators, Board of  
 Occupational Therapy, Advisory Board of  
 Oil and Gas Conservation Board, Virginia  
 Opticians, Board for  
 Optometry, Board of  
 Peanut Board, Virginia  
 Personnel Advisory Board  
 Pesticide Control Board  
 Pharmacy, Board of  
~~Physical Therapy to the Board of Medicine, Advisory Board on~~  
*Physical Therapy, Board of*  
 Plant Pollination Advisory Board  
 Polygraph Examiners Advisory Board  
 Pork Industry Board, Virginia  
 Poultry Products Board, Virginia  
 Private College Advisory Board  
 Private Security Services Advisory Board  
 Professional and Occupational Regulation, Board for  
 Professional Soil Scientists, Board for  
 Psychiatric Advisory Board  
 Psychology, Board of  
 Public Broadcasting Board, Virginia  
 Public Buildings Board, Virginia  
 Public Guardian and Conservator Advisory Board  
 Radiation Advisory Board

Real Estate Appraiser Board  
 Real Estate Board  
 Reciprocity Board, Department of Motor Vehicles  
 Recreational Fishing Advisory Board, Virginia  
 Reforestation Board  
 Rehabilitation Providers, Advisory Board on  
 Rehabilitative Services, Board of  
 Respiratory Care, Advisory Board on  
 Rockfish State Scenic River Advisory Board  
 Safety and Health Codes Board  
 Seed Potato Board, State  
 Sewage Handling and Disposal Appeal Review Board, State Health Department  
 Shenandoah State Scenic River Advisory Board  
 Small Business Advisory Board  
 Small Business Environmental Compliance Advisory Board  
 Small Grains Board, Virginia  
 Social Services, Board of  
 Social Work, Board of  
 Soil and Water Conservation Board, Virginia  
 Soybean Board, Virginia  
 State Air Pollution Control Board  
 Substance Abuse Certification Board  
 Surface Mining Review, Board of  
 Sweet Potato Board, Virginia  
 T & M Vehicle Dealers' Advisory Board  
 Teacher Education and Licensure, Advisory Board on  
 Transportation Board, Commonwealth  
 Transportation Safety, Board of  
 Treasury Board, The, Department of the Treasury  
 Veterans' Affairs, Board on  
 Veterinary Medicine, Board of  
 Virginia Board for Asbestos and Lead  
 Virginia Coal Mine Safety Board  
 Virginia Correctional Enterprises Advisory Board  
 Virginia Cotton Board  
 Virginia Employment Commission, State Advisory Board for the  
 Virginia Geographic Information Network Advisory Board  
 Virginia Horse Industry Board  
 Virginia Manufactured Housing Board  
 Virginia Retirement System, Board of Trustees  
 Virginia Schools for the Deaf and the Blind, Advisory Commission on the  
 Virginia Sheep Industry Board  
 Virginia Veterans Cemetery Board  
 Virginia Waste Management Board  
 Visually Handicapped, Virginia Board for the  
 Voluntary Formulary Board, Virginia  
 War Memorial Foundation, Virginia, Board of Trustees  
 Waste Management Facility Operators, Board for  
 Water Resources Research Center Statewide Advisory Board, Virginia  
 Waterworks and Wastewater Works Operators, Board for  
 Well Review Board, Virginia.

B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be referred to as boards:

Compensation Board  
 State Board of Elections  
 State Water Control Board  
 Virginia Parole Board  
 Virginia Veterans Care Center Board of Trustees.

§ 2.1-1.6. (Delayed effective date) State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board of  
 Agriculture and Consumer Services, Board of  
 Air Pollution, State Advisory Board on

Alcoholic Beverage Control Board, Virginia  
 Apple Board, Virginia State  
 Appomattox State Scenic River Advisory Board  
 Aquaculture Advisory Board  
 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape  
 Architects, Board for  
 Art and Architectural Review Board  
 Athletic Training, Advisory Board on  
 Auctioneers Board  
 Audiology and Speech-Language Pathology, Board of  
 Aviation Board, Virginia  
 Barbers, Board for  
 Branch Pilots, Board for  
 Bright Flue-Cured Tobacco Board, Virginia  
 Building Code Technical Review Board, State  
 Catoctin Creek State Scenic River Advisory Board  
 Cattle Industry Board, Virginia  
 Cave Board  
 Cemetery Board  
 Certified Seed Board, State  
 Charity Food Assistance Advisory Board  
 Chesapeake Bay Local Assistance Board  
 Chickahominy State Scenic River Advisory Board  
 Child Abuse and Neglect, Advisory Board on  
 Chippokes Plantation Farm Foundation, Board of Trustees  
 Clinch Scenic River Advisory Board  
 Coal Mining Examiners, Board of  
 Coal Research and Development Advisory Board, Virginia  
 Coal Surface Mining Reclamation Fund Advisory Board  
 Conservation and Development of Public Beaches, Board on  
 Conservation and Recreation, Board of  
 Contractors, Board for  
 Corn Board, Virginia  
 Correctional Education, Board of  
 Corrections, State Board of  
 Cosmetology, Board for  
 Criminal Justice Services Board  
 Dark-Fired Tobacco Board, Virginia  
 Deaf and Hard-of-Hearing, Advisory Board for the Department for the  
 Dentistry, Board of  
 Design-Build/Construction Management Review Board  
 Education, State Board of  
 Egg Board, Virginia  
 Emergency Medical Services Advisory Board, State  
 Farmers Market Board, Virginia  
 Fire Services Board, Virginia  
 Forestry, Board of  
 Funeral Directors and Embalmers, Board of  
 Game and Inland Fisheries, Board of  
 Geology, Board for  
 Goose Creek Scenic River Advisory Board  
 Health Planning Board, Virginia  
 Health Professions, Board of  
 Health, State Board of  
 Hearing Aid Specialists, Board for  
 Hemophilia Advisory Board  
 Historic Resources, Board of  
 Housing and Community Development, Board of  
 Irish Potato Board, Virginia  
 Juvenile Justice, State Board of  
 Licensed Professional Counselors, Marriage and Family Therapists, and Substance Abuse Treatment  
 Professionals, Board of  
 Litter Control and Recycling Fund Advisory Board  
 Marine Products Board, Virginia

Medical Advisory Board, Department of Motor Vehicles  
 Medicare and Medicaid, Advisory Board on  
 Medicine, Board of  
 Mental Health, Mental Retardation and Substance Abuse Services Board, State  
 Migrant and Seasonal Farmworkers Board  
 Military Affairs, Board of  
 Mineral Mining Examiners, Board of  
 Minority Business Enterprise, Interdepartmental Board of the Department of  
 Networking Users Advisory Board, State  
 Neurotrauma Initiative Advisory Board, Commonwealth  
 North Meherrin State Scenic River Advisory Board  
 Nottoway State Scenic River Advisory Board  
 Nursing, Board of  
 Nursing Home Administrators, Board of  
 Occupational Therapy, Advisory Board of  
 Oil and Gas Conservation Board, Virginia  
 Opticians, Board for  
 Optometry, Board of  
 Peanut Board, Virginia  
 Personnel Advisory Board  
 Pesticide Control Board  
 Pharmacy, Board of  
~~Physical Therapy to the Board of Medicine, Advisory Board on~~  
*Physical Therapy, Board of*  
 Plant Pollination Advisory Board  
 Polygraph Examiners Advisory Board  
 Pork Industry Board, Virginia  
 Poultry Products Board, Virginia  
 Private College Advisory Board  
 Private Security Services Advisory Board  
 Professional and Occupational Regulation, Board for  
 Professional Soil Scientists, Board for  
 Psychiatric Advisory Board  
 Psychology, Board of  
 Public Broadcasting Board, Virginia  
 Public Buildings Board, Virginia  
 Public Guardian and Conservator Advisory Board  
 Radiation Advisory Board  
 Real Estate Appraiser Board  
 Real Estate Board  
 Reciprocity Board, Department of Motor Vehicles  
 Recreational Fishing Advisory Board, Virginia  
 Reforestation Board  
 Rehabilitation Providers, Advisory Board on  
 Rehabilitative Services, Board of  
 Respiratory Care, Advisory Board on  
 Rockfish State Scenic River Advisory Board  
 Safety and Health Codes Board  
 Seed Potato Board, State  
 Sewage Handling and Disposal Appeal Review Board, State Health Department  
 Shenandoah State Scenic River Advisory Board  
 Small Business Advisory Board  
 Small Business Environmental Compliance Advisory Board  
 Small Grains Board, Virginia  
 Social Services, Board of  
 Social Work, Board of  
 Soil and Water Conservation Board, Virginia  
 Soybean Board, Virginia  
 State Air Pollution Control Board  
 Substance Abuse Certification Board  
 Surface Mining Review, Board of  
 Sweet Potato Board, Virginia  
 T & M Vehicle Dealers' Advisory Board  
 Teacher Education and Licensure, Advisory Board on

Transportation Board, Commonwealth  
 Transportation Safety, Board of  
 Treasury Board, The, Department of the Treasury  
 Veterans' Affairs, Board on  
 Veterinary Medicine, Board of  
 Virginia Board for Asbestos and Lead  
 Virginia Coal Mine Safety Board  
 Virginia Correctional Enterprises Advisory Board  
 Virginia Cotton Board  
 Virginia Employment Commission, State Advisory Board for the  
 Virginia Geographic Information Network Advisory Board  
 Virginia Horse Industry Board  
 Virginia Manufactured Housing Board  
 Virginia Retirement System, Board of Trustees  
 Virginia Schools for the Deaf and the Blind, Advisory Commission on the  
 Virginia Sheep Industry Board  
 Virginia Veterans Cemetery Board  
 Virginia Waste Management Board  
 Visually Handicapped, Virginia Board for the  
 Voluntary Formulary Board, Virginia  
 Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board  
 War Memorial Foundation, Virginia, Board of Trustees  
 Waste Management Facility Operators, Board for  
 Water Resources Research Center Statewide Advisory Board, Virginia  
 Waterworks and Wastewater Works Operators, Board for  
 Well Review Board, Virginia.

B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be referred to as boards:

Compensation Board  
 State Board of Elections  
 State Water Control Board  
 Virginia Parole Board  
 Virginia Veterans Care Center Board of Trustees.

§ 2.1-20.4. Bodies receiving compensation.

Notwithstanding any other provision of law, members of the commissions, boards, committees, councils and other similar bodies listed below, and members of any other board, committee, council, or similar body who are appointed at the state level, shall receive compensation from state funds pursuant to § 2.1-20.3:

Accountancy, Board of  
 Agriculture and Consumer Services, Board of  
 Air Pollution Control Board, State  
 Airports Authority, Virginia  
 Apprenticeship Council  
 Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for  
 Athletic Training, Advisory Board on  
 Auctioneers Board  
 Audiology and Speech-Language Pathology, Board of  
 Aviation Board, Virginia  
 Barbers, Board for  
 Branch Pilots, Board for  
 Building Code Technical Review Board, State  
 Charitable Gaming Commission  
 Chesapeake Bay Local Assistance Board  
 Chief Information Officer Advisory Board  
 Coal Mining Examiners, Board of  
 College Building Authority  
 Commonwealth Competition Council  
 Commonwealth Transportation Board  
 Conservation and Development of Public Beaches, Board on  
 Conservation and Recreation, Board of  
 Contractors, Board for  
 Correctional Education, Board of  
 Corrections, Board of

Cosmetology, Board for  
 Criminal Justice Services Board  
 Deaf and Hard-of-Hearing, Advisory Board for the  
 Dentistry, Board of  
 Education, State Board of  
 Elections, State Board of  
 Fire Services Board, Virginia  
 Funeral Directors and Embalmers, Board of  
 Game and Inland Fisheries, Board of  
 Geology, Board for  
 Health, State Board of  
 Health Professions, Board of  
 Hearing Aid Specialists, Board for  
 Higher Education, State Council of  
 Historic Resources, Board of  
 Housing and Community Development, Board of  
 Juvenile Justice, State Board of  
 Licensed Professional Counselors, Marriage and Family Therapists, and Substance Abuse Treatment  
 Professionals, Board of  
 Marine Resources Commission  
 Medical Assistance Services, Board of  
 Medical Complaint Investigation Committee  
 Medicine, Board of  
 Mental Health, Mental Retardation and Substance Abuse Services Board, State  
 Milk Commission  
 Mineral Mining Examiners, Board of  
 Motor Vehicle Dealer Board  
 Nursing, Board of  
 Nursing Home Administrators, Board of  
 Occupational Therapy, Advisory Board of  
 Oil and Gas Conservation Board, Virginia  
 Opticians, Board for  
 Optometry, Board of  
 Pesticide Control Board  
 Pharmacy, Board of  
~~Physical Therapy, Advisory Board on~~  
*Physical Therapy, Board of*  
 Port Authority, Board of Commissioners of the Virginia  
 Professional and Occupational Regulation, Board for  
 Professional Soil Scientists, Board for  
 Psychology, Board of  
 Public Defender Commission  
 Public School Authority, Virginia  
 Purchases and Supply Appeals Board  
 Real Estate Appraiser Board  
 Real Estate Board  
 Rehabilitative Services, Board of  
 Respiratory Care, Advisory Board on  
 Safety and Health Codes Board  
 Seed Potato Board, State  
 Social Services, Board of  
 Social Work, Board of  
 State Health Department Sewage Handling and Disposal Appeal Review Board  
 Substance Abuse Certification Board  
 Surface Mining Review, Board of  
 Treasury Board  
 Veterans' Affairs, Board on  
 Veterinary Medicine, Board of  
 Virginia Advanced Shipbuilding and Carrier Integration Center Board  
 Virginia Board for Asbestos and Lead  
 Virginia Health Planning Board  
 Virginia Manufactured Housing Board  
 Virginia Veterans Care Center Board of Trustees  
 Virginia Waste Management Board

Visually Handicapped, Virginia Board for the  
Waste Management Facility Operators, Board for  
Water Control Board, State  
Waterworks and Wastewater Works Operators, Board for  
Well Review Board, Virginia.

§ 9-6.25:1. Advisory boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following advisory boards, commissions and councils within the executive branch:

Advisory Board for the Department for the Deaf and Hard-of-Hearing  
Advisory Board on Athletic Training  
Advisory Board on Child Abuse and Neglect  
Advisory Board on Medicare and Medicaid  
Advisory Board of Occupational Therapy  
~~Advisory Board on Physical Therapy to the Board of Medicine~~  
Advisory Board on Rehabilitation Providers  
Advisory Board on Respiratory Care to the Board of Medicine  
Advisory Board on Teacher Education and Licensure  
Advisory Commission on the Virginia Schools for the Deaf and the Blind  
Advisory Council on Revenue Estimates  
Advisory Council on the Virginia Business-Education Partnership Program  
Appomattox State Scenic River Advisory Board  
Aquaculture Advisory Board  
Art and Architectural Review Board  
Board for the Visually Handicapped, Virginia  
Board of Directors, Virginia Truck and Ornaments Research Station  
Board of Forestry  
Board of Military Affairs  
Board of Rehabilitative Services  
Board of Transportation Safety  
Board of Trustees of the Family and Children's Trust Fund  
Board of Visitors, Gunston Hall Plantation  
Board on Veterans' Affairs  
Catocin Creek State Scenic River Advisory Board  
Cave Board  
Charity Food Assistance Advisory Board  
Chickahominy State Scenic River Advisory Board  
Chief Information Officer Advisory Board  
Clinch Scenic River Advisory Board  
Coal Surface Mining Reclamation Fund Advisory Board  
Coastal Land Management Advisory Council, Virginia  
Commonwealth Competition Council  
Commonwealth Council on Aging  
Council on Indians  
Council on the Status of Women  
Debt Capacity Advisory Committee  
Emergency Medical Services Advisory Board  
Falls of the James Committee  
Goose Creek Scenic River Advisory Board  
Governor's Mined Land Reclamation Advisory Committee  
Hemophilia Advisory Board  
Human Services Information and Referral Advisory Council  
Interagency Coordinating Council on Housing for the Disabled  
Interdepartmental Board of the State Department of Minority Business Enterprise  
Litter Control and Recycling Fund Advisory Board  
Local Advisory Board to the Blue Ridge Community College  
Local Advisory Board to the Central Virginia Community College  
Local Advisory Board to the Dabney S. Lancaster Community College  
Local Advisory Board to the Danville Community College  
Local Advisory Board to the Eastern Shore Community College  
Local Advisory Board to the Germanna Community College  
Local Advisory Board to the J. Sargeant Reynolds Community College  
Local Advisory Board to the John Tyler Community College  
Local Advisory Board to the Lord Fairfax Community College  
Local Advisory Board to the Mountain Empire Community College



Local Advisory Board to the New River Community College  
 Local Advisory Board to the Northern Virginia Community College  
 Local Advisory Board to the Patrick Henry Community College  
 Local Advisory Board to the Paul D. Camp Community College  
 Local Advisory Board to the Piedmont Virginia Community College  
 Local Advisory Board to the Rappahannock Community College  
 Local Advisory Board to the Southside Virginia Community College  
 Local Advisory Board to the Southwest Virginia Community College  
 Local Advisory Board to the Thomas Nelson Community College  
 Local Advisory Board to the Tidewater Community College  
 Local Advisory Board to the Virginia Highlands Community College  
 Local Advisory Board to the Virginia Western Community College  
 Local Advisory Board to the Wytheville Community College  
 Maternal and Child Health Council  
 Medical Advisory Board, Department of Motor Vehicles  
 Migrant and Seasonal Farmworkers Board  
 North Meherrin State Scenic River Advisory Board  
 Nottoway State Scenic River Advisory Board  
 Personnel Advisory Board  
 Plant Pollination Advisory Board  
 Private College Advisory Board  
 Private Security Services Advisory Board  
 Psychiatric Advisory Board  
 Public Guardian and Conservator Advisory Board  
 Radiation Advisory Board  
 Rappahannock Scenic River Advisory Board  
 Recreational Fishing Advisory Board, Virginia  
 Reforestation Board  
 Rockfish State Scenic River Advisory Board  
 Shenandoah State Scenic River Advisory Board  
 Small Business Advisory Board  
 Small Business Environmental Compliance Advisory Board  
 St. Mary's Scenic River Advisory Committee  
 State Advisory Board on Air Pollution  
 State Building Code Technical Review Board  
 State Health Benefits Advisory Council  
 State Land Evaluation Advisory Council  
 State Networking Users Advisory Board  
 State Public Records Advisory Council  
 Statewide Independent Living Council  
 Statewide Rehabilitation Advisory Council  
 Statewide Rehabilitation Advisory Council for the Blind  
 Staunton Scenic River Advisory Committee  
 Substance Abuse Services Council  
 Telecommunications Relay Service Advisory Board  
 Virginia-Israel Advisory Board  
 Virginia Advisory Commission on Intergovernmental Relations  
 Virginia Advisory Council for Adult Education and Literacy  
 Virginia Coal Mine Safety Board  
 Virginia Coal Research and Development Advisory Board  
 Virginia Commission for the Arts  
 Virginia Correctional Enterprises Advisory Board  
 Virginia Council on Coordinating Prevention  
 Virginia Equal Employment Opportunity Council  
 Virginia Geographic Information Network Advisory Board  
 Virginia Interagency Coordinating Council  
 Virginia Military Advisory Council  
 Virginia Public Buildings Board  
 Virginia Recycling Markets Development Council  
 Virginia Transplant Council  
 Virginia Veterans Cemetery Board  
 Virginia Water Resources Research Center, Statewide Advisory Board  
 Virginia Winegrowers Advisory Board.

§ 9-6.25:2. Policy boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following policy boards, commissions and councils:

- Apprenticeship Council
- Auctioneers Board
- Blue Ridge Regional Education and Training Council
- Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
- Board for Barbers
- Board for Contractors
- Board for Cosmetology
- Board for Geology
- Board for Hearing Aid Specialists
- Board for Opticians
- Board for Professional and Occupational Regulation
- Board for Professional Soil Scientists
- Board for Waterworks and Wastewater Works Operators
- Board of Accountancy
- Board of Agriculture and Consumer Services
- Board of Audiology and Speech-Language Pathology
- Board of Coal Mining Examiners
- Board of Conservation and Recreation
- Board of Correctional Education
- Board of Dentistry
- Board of Funeral Directors and Embalmers
- Board of Health Professions
- Board of Historic Resources
- Board of Housing and Community Development
- Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals
- Board of Medical Assistance Services
- Board of Medicine
- Board of Mineral Mining Examiners
- Board of Nursing
- Board of Nursing Home Administrators
- Board of Optometry
- Board of Pharmacy
- Board of Physical Therapy*
- Board of Psychology
- Board of Social Services
- Board of Social Work
- Board of Surface Mining Review
- Board of Veterinary Medicine
- Board on Conservation and Development of Public Beaches
- Cemetery Board
- Chesapeake Bay Local Assistance Board
- Child Day-Care Council
- Commission on Local Government
- Commonwealth Transportation Board
- Council on Human Rights
- Criminal Justice Services Board
- Design-Build/Construction Management Review Board
- Disability Services Council
- Farmers Market Board, Virginia
- Interdepartmental Council on Rate-setting for Children's Facilities
- Library Board, The Library of Virginia
- Marine Resources Commission
- Milk Commission
- Pesticide Control Board
- Real Estate Appraiser Board
- Real Estate Board
- Reciprocity Board, Department of Motor Vehicles
- Safety and Health Codes Board
- Specialized Transportation Council
- State Air Pollution Control Board

State Board of Corrections  
 State Board of Elections  
 State Board of Health  
 State Board of Juvenile Justice  
 State Health Department, Sewage Handling and Disposal Appeal Review Board  
 State Mental Health, Mental Retardation and Substance Abuse Services Board  
 State Seed Potato Board  
 State Water Control Board  
 Substance Abuse Certification Board  
 Treasury Board, The, Department of the Treasury  
 Virginia Aviation Board  
 Virginia Board for Asbestos and Lead  
 Virginia Fire Services Board  
 Virginia Gas and Oil Board  
 Virginia Health Planning Board  
 Virginia Manufactured Housing Board  
 Virginia Parole Board  
 Virginia Public Broadcasting Board  
 Virginia Soil and Water Conservation Board  
 Virginia Voluntary Formulary Board  
 Virginia Waste Management Board  
 Virginia Workforce Council  
 Waste Management Facility Operators, Board for.

§ 9-6.25:2. (Delayed effective date) Policy boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following policy boards, commissions and councils:

Apprenticeship Council  
 Auctioneers Board  
 Blue Ridge Regional Education and Training Council  
 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects  
 Board for Barbers  
 Board for Contractors  
 Board for Cosmetology  
 Board for Geology  
 Board for Hearing Aid Specialists  
 Board for Opticians  
 Board for Professional and Occupational Regulation  
 Board for Professional Soil Scientists  
 Board for Waterworks and Wastewater Works Operators  
 Board of Accountancy  
 Board of Agriculture and Consumer Services  
 Board of Audiology and Speech-Language Pathology  
 Board of Coal Mining Examiners  
 Board of Conservation and Recreation  
 Board of Correctional Education  
 Board of Dentistry  
 Board of Funeral Directors and Embalmers  
 Board of Health Professions  
 Board of Historic Resources  
 Board of Housing and Community Development  
 Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals  
 Board of Medical Assistance Services  
 Board of Medicine  
 Board of Mineral Mining Examiners  
 Board of Nursing  
 Board of Nursing Home Administrators  
 Board of Optometry  
 Board of Pharmacy  
*Board of Physical Therapy*  
 Board of Psychology  
 Board of Social Services  
 Board of Social Work

Board of Surface Mining Review  
 Board of Veterinary Medicine  
 Board on Conservation and Development of Public Beaches  
 Cemetery Board  
 Chesapeake Bay Local Assistance Board  
 Child Day-Care Council  
 Commission on Local Government  
 Commonwealth Transportation Board  
 Council on Human Rights  
 Criminal Justice Services Board  
 Design-Build/Construction Management Review Board  
 Disability Services Council  
 Farmers Market Board, Virginia  
 Interdepartmental Council on Rate-setting for Children's Facilities  
 Library Board, The Library of Virginia  
 Marine Resources Commission  
 Milk Commission  
 Pesticide Control Board  
 Real Estate Appraiser Board  
 Real Estate Board  
 Reciprocity Board, Department of Motor Vehicles  
 Safety and Health Codes Board  
 Specialized Transportation Council  
 State Air Pollution Control Board  
 State Board of Corrections  
 State Board of Elections  
 State Board of Health  
 State Board of Juvenile Justice  
 State Health Department, Sewage Handling and Disposal Appeal Review Board  
 State Mental Health, Mental Retardation and Substance Abuse Services Board  
 State Seed Potato Board  
 State Water Control Board  
 Substance Abuse Certification Board  
 Treasury Board, The, Department of the Treasury  
 Virginia Aviation Board  
 Virginia Board for Asbestos and Lead  
 Virginia Fire Services Board  
 Virginia Gas and Oil Board  
 Virginia Health Planning Board  
 Virginia Manufactured Housing Board  
 Virginia Parole Board  
 Virginia Public Broadcasting Board  
 Virginia Soil and Water Conservation Board  
 Virginia Voluntary Formulary Board  
 Virginia Waste Management Board  
 Virginia Workforce Council  
 Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board  
 Waste Management Facility Operators, Board for.

§ 13.1-543. Definitions.

As used in this chapter:

A. The term "professional service" means any type of personal service to the public which requires as a condition precedent to the rendering of such service or use of such title the obtaining of a license, certification or other legal authorization and shall be limited to the personal services rendered by pharmacists, optometrists, practitioners of the healing arts, nurse practitioners, practitioners of the behavioral science professions, veterinarians, surgeons, dentists, architects, professional engineers, land surveyors, certified landscape architects, public accountants, certified public accountants, attorneys-at-law, insurance consultants, audiologists or speech pathologists, and clinical nurse specialists. For the purposes of this chapter, the following shall be deemed to be rendering the same professional service:

1. Architects, professional engineers and land surveyors; and
2. Practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1; nurse practitioners, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1; optometrists, licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1; *physical therapists and physical therapist assistants, licensed under the provisions of Chapter 34.1*

(§ 54.1-3473 *et seq.*) of Title 54.1; practitioners of the behavioral science professions, licensed under the provisions of Chapters 35 (§ 54.1-3500 *et seq.*), 36 (§ 54.1-3600 *et seq.*) and 37 (§ 54.1-3700 *et seq.*) of Title 54.1; and one or more clinical nurse specialists who render mental health services licensed under Chapter 30 (§ 54.1-3000 *et seq.*) of Title 54.1 and registered with the Board of Nursing.

B. The term "professional corporation" means (i) a corporation which is organized under this chapter for the sole and specific purpose of rendering professional service other than that of architects, professional engineers, land surveyors or certified landscape architects and, except as expressly otherwise permitted by this chapter, which has as its shareholders only individuals who themselves are duly licensed or otherwise legally authorized to render the same professional service as the corporation and of which shareholders at least one is duly licensed or otherwise legally authorized to render such professional service within this Commonwealth; or (ii) a corporation which is organized under this chapter for the sole and specific purpose of rendering the professional services of architects, professional engineers, land surveyors or certified landscape architects, or any combination thereof, and at least two-thirds of whose shares are held by persons duly licensed or otherwise legally authorized within this Commonwealth to perform the services of an architect, professional engineer, land surveyor or certified landscape architect; or (iii) a corporation which is organized under this chapter or under Chapter 10 (§ 13.1-801 *et seq.*) of this title for the sole and specific purpose of rendering the professional services of one or more practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 *et seq.*) of Title 54.1, or one or more nurse practitioners, licensed under Chapter 29 (§ 54.1-2900 *et seq.*) of Title 54.1, or one or more optometrists licensed under the provisions of Chapter 32 (§ 54.1-3200 *et seq.*) of Title 54.1, *or one or more physical therapists and physical therapist assistants licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1*, or one or more practitioners of the behavioral science professions, licensed under the provisions of Chapter 35 (§ 54.1-3500 *et seq.*), 36 (§ 54.1-3600 *et seq.*) or 37 (§ 54.1-3700 *et seq.*) of Title 54.1, or one or more practitioners of audiology or speech pathology, licensed under the provisions of Chapter 26 (§ 54.1-2600 *et seq.*) of Title 54.1, or one or more clinical nurse specialists who render mental health services licensed under Chapter 30 (§ 54.1-3000 *et seq.*) of Title 54.1 and registered with the Board of Nursing, or any combination of practitioners of the healing arts, optometry, *physical therapy*, the behavioral science professions, and audiology or speech pathology, and all of whose shares are held by or all of whose members are persons duly licensed or otherwise legally authorized to perform the services of a practitioner of the healing arts, optometry, *physical therapy*, the behavioral science professions, or audiology or speech pathology or of a clinical nurse specialist who renders mental health services; however, nothing herein shall be construed so as to allow any member of the healing arts, optometry, *physical therapy*, the behavioral science professions, or audiology or speech pathology or a clinical nurse specialist to conduct his practice in a manner contrary to the standards of ethics of his branch of the healing arts, optometry, *physical therapy*, the behavioral science professions, or audiology or speech pathology, or nursing, as the case may be.

C. Persons who practice the healing art of performing professional clinical laboratory services within a hospital pathology laboratory shall be legally authorized to do so for purposes of this chapter if such persons (i) hold a doctorate degree in the biological sciences or a board certification in the clinical laboratory sciences and (ii) are tenured faculty members of an accredited medical college or university that is an "educational institution" within the meaning of § 23-14.

#### § 13.1-1102. Definitions.

A. As used in this chapter:

"Professional business entity" means (i) a professional limited liability company, (ii) a professional corporation within the meaning of § 13.1-543 B of Chapter 7 of Title 13.1, or (iii) a partnership (including a professional registered limited liability partnership registered under § 54.1-3902) each of the partners of which is duly licensed or otherwise legally authorized to render the same professional services as those for which the partnership was organized.

"Professional limited liability company" means (i) a limited liability company that is organized under this chapter for the sole and specific purpose of rendering professional service other than that of architects, professional engineers, land surveyors or certified landscape architects and, except as expressly otherwise permitted by this chapter, that has as its members only persons or professional business entities that themselves are duly licensed or otherwise legally authorized to render the same professional service as the professional limited liability company and of which members at least one is duly licensed or otherwise legally authorized to render such professional service within this Commonwealth; (ii) a limited liability company that is organized under this chapter for the sole and specific purpose of rendering professional service of architects, professional engineers, land surveyors or certified landscape architects, or any combination thereof, and at least two-thirds of whose membership interests are held by persons duly licensed or legally authorized within this Commonwealth to perform the services of an architect, professional engineer, land surveyor or certified landscape architect; or (iii) a limited liability company that is organized under this chapter for the sole and specific purpose of rendering the professional services of one or more practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 *et seq.*) of Title 54.1, or one or more nurse practitioners, licensed

under Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or more optometrists licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1, *or one or more physical therapists and physical therapist assistants licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1*, or one or more practitioners of the behavioral science professions, licensed under the provisions of Chapter 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.) or 37 (§ 54.1-3700 et seq.) of Title 54.1, or one or more practitioners of audiology or speech pathology, licensed under the provisions of Chapter 26 (§ 54.1-2600 et seq.) of Title 54.1, or one or more clinical nurse specialists who render mental health services licensed under Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 and registered with the Board of Nursing, or any combination of practitioners of the healing arts, of optometry, *physical therapy*, the behavioral science professions, and audiology or speech pathology and all of whose members are persons or professional business entities duly licensed or otherwise legally authorized to perform the services of a practitioner of the healing arts, optometry, *physical therapy*, the behavioral science professions or audiology or speech pathology or of a clinical nurse specialist who renders mental health services; however, nothing herein shall be construed so as to allow any member of the healing arts, optometry, *physical therapy*, the behavioral science professions, or audiology or speech pathology or a clinical nurse specialist to conduct that person's practice in a manner contrary to the standards of ethics of that person's branch of the healing arts, optometry, *physical therapy*, the behavioral science professions, or audiology or speech pathology, or nursing as the case may be.

"Professional services" means any type of personal service to the public that requires as a condition precedent to the rendering of that service or the use of that title the obtaining of a license, certification, or other legal authorization and shall be limited to the personal services rendered by pharmacists, optometrists, *physical therapists and physical therapist assistants*, practitioners of the healing arts, nurse practitioners, practitioners of the behavioral science professions, veterinarians, surgeons, dentists, architects, professional engineers, land surveyors, certified landscape architects, public accountants, certified public accountants, attorneys at law, insurance consultants, audiologists or speech pathologists and clinical nurse specialists. For the purposes of this chapter, the following shall be deemed to be rendering the same professional services:

1. Architects, professional engineers, and land surveyors; and
2. Practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1; nurse practitioners, licensed under Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1; optometrists, licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1; *and; physical therapists, licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1*; practitioners of the behavioral science professions, licensed under the provisions of Chapters 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.), and 37 (§ 54.1-3700 et seq.) of Title 54.1; *and one or more* clinical nurse specialists who render mental health services licensed under Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 and registered with the Board of Nursing.

B. Persons who practice the healing art of performing professional clinical laboratory services within a hospital pathology laboratory shall be legally authorized to do so for purposes of this chapter if such persons (i) hold a doctorate degree in the biological sciences or a board certification in the clinical laboratory sciences and (ii) are tenured faculty members of an accredited medical college or university that is an "educational institution" within the meaning of § 23-14.

C. Except as expressly otherwise provided, all terms defined in § 13.1-1002 shall have the same meanings for purposes of this chapter.

#### § 54.1-2503. Boards within Department.

In addition to the Board of Health Professions, the following boards are included within the Department: Board of Audiology and Speech-Language Pathology, Board of Dentistry, Board of Funeral Directors and Embalmers, Board of Medicine, Board of Nursing, Board of Nursing Home Administrators, Board of Optometry, Board of Pharmacy, *Board of Physical Therapy*, Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals, Board of Psychology, ~~Board of Recreation Specialists~~, Board of Social Work and Board of Veterinary Medicine.

#### § 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., and 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.

"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, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or 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 athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under the direction of a licensed physical therapist and the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

"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.~~

"Practice of podiatry" means the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include amputation proximal to the metatarsal-phalangeal joints. 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.

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

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

"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 person 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.

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

§ 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 ministration 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



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

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

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

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

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

21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

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

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

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

25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities; or

26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia.

§ 54.1-2902. Unlawful to practice without license.

It shall be unlawful for any person to practice medicine, osteopathic medicine, chiropractic, podiatry, ~~physical therapy~~, or as a ~~physical therapist's~~, physician's or podiatrist's assistant in the Commonwealth without a valid unrevoked license issued by the Board of Medicine.

§ 54.1-2903. What constitutes practice.

Any person shall be regarded as practicing the healing arts who actually engages in such practice as defined in this chapter, or who opens an office for such purpose, or who advertises or announces to the public in any manner a readiness to practice or who uses in connection with his name the words or letters "Doctor," "Dr.," "M.D.," "D.O.," "D.P.M.," "D.C.," "Healer," ~~"Physical Therapist," "R.P.T.," "P.T.," "L.P.T.A.,"~~ or any other title, word, letter or designation intending to designate or imply that he is a practitioner of the healing arts or that he is able to heal, cure or relieve those suffering from any injury, deformity or disease. No person regulated under this chapter shall use the title "Doctor" or the abbreviation "Dr." in writing or in advertising in connection with his practice unless he simultaneously uses a clarifying title, initials, abbreviation or designation or language that identifies the type of practice for which he is licensed.

Signing a birth or death certificate, or signing any statement certifying that the person so signing has rendered professional service to the sick or injured, or signing or issuing a prescription for drugs or other remedial agents, shall be prima facie evidence that the person signing or issuing such writing is practicing the healing arts within the meaning of this chapter except where persons other than physicians are required to sign birth certificates.

§ 54.1-2904. Biennial renewal of licenses; copies; fee; lapsed licenses; reinstatement; penalties.

A. Every license to practice medicine, osteopathy, chiropractic, ~~or podiatry, or physical therapy~~ granted under the provisions of this chapter shall be renewed biennially as prescribed by the Board. The Board shall mail an application for renewal of a license to every licensee. Failure to receive such an application shall not excuse any licensee from the requirements of renewal. The person receiving such application shall furnish the information requested and return the form to the Board with the prescribed renewal fee. Copies of licenses may be obtained as provided in the Board's regulations.

B. Any licensee who allows his license to lapse by failing to renew the license or failing to meet professional activity requirements stipulated in the regulations may be reinstated by the Board upon

submission of evidence satisfactory to the Board that he is prepared to resume practice in a competent manner and upon payment of the prescribed fee.

C. Any person practicing medicine, osteopathy, chiropractic, ~~or podiatry, or physical therapy~~ during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties for violation of this chapter.

§ 54.1-2908. Reports of disciplinary action against health professionals; immunity from liability.

A. The president of the Medical Society of Virginia, the Osteopathic Medical Association, the Virginia Chiropractors Association, Inc., ~~and the Virginia Podiatric Medical Association and the Virginia Physical Therapy Association~~ shall report to the Board of Medicine any disciplinary action taken by his organization against any member of his organization licensed under this chapter if such disciplinary action is a result of conduct involving professional ethics, professional incompetence, moral turpitude, drug addiction or alcohol abuse.

B. The president of any association, society, academy or organization shall report to the Board of Medicine any disciplinary action taken against any of its members licensed under this chapter if such disciplinary action is a result of conduct involving professional ethics, professional incompetence, moral turpitude, drug addiction or alcohol abuse.

C. Any report required by this section shall be in writing directed to the Board of Medicine, shall give the name and address of the person who is the subject of the report and shall fully describe the circumstances surrounding the facts required to be reported.

D. Any person making a report required by this section or testifying in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability resulting therefrom unless such person acted in bad faith or with malicious intent.

E. In the event that any organization enumerated in subsection A ~~above~~ or any component thereof receives a complaint against one of its members, such organization may, in lieu of considering disciplinary action against such member, request that the Board investigate the matter pursuant to this chapter, in which event any person participating in the decision to make such a request or testifying in a judicial or administrative proceeding as a result of such request shall be immune from any civil liability alleged to have resulted therefrom unless such person acted in bad faith or with malicious intent.

#### CHAPTER 34.1.

#### PHYSICAL THERAPY.

§ 54.1-3473. *Definitions.*

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

*"Board" means the Board of Physical Therapy.*

*"Physical therapist" means any person licensed by the Board to engage in the practice of physical therapy.*

*"Physical therapist assistant" means any person licensed by the Board to assist a physical therapist in the practice of physical therapy.*

*"Practice of physical therapy" means that branch of the healing arts that is concerned with, 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.*

§ 54.1-3474. *Unlawful to practice without license.*

*It shall be unlawful for any person to practice physical therapy or as a physical therapist assistant in the Commonwealth without a valid unrevoked license issued by the Board.*

§ 54.1-3475. *Board of Physical Therapy; appointment; qualifications; officers; nominations.*

A. The Board of Physical Therapy shall regulate the practice of physical therapy and carry out the provisions of this chapter regarding the qualifications, examination, licensure and regulation of physical therapists and physical therapist assistants and shall have the general powers and duties of a health regulatory board pursuant to § 54.1-2400.

B. The Board shall be appointed by the Governor and shall be composed of seven members, five of whom shall be physical therapists who have been in active practice for at least seven years prior to appointment with at least three of such years in Virginia; one shall be a licensed physical therapist assistant; and one shall be a citizen member. Members shall be appointed for terms of four years and shall serve until their successors are appointed. The initial appointments shall provide for staggered terms with two members being appointed for a one-year term, two members being appointed for a two-year term, two members being appointed for a three-year term, and one member being appointed for a four-year term. Vacancies occurring other than by expiration of term shall be filled for the unexpired term. No person shall be eligible to serve on the Board for more than two successive full terms.

C. The Board shall annually elect a president and a vice president.

D. Nominations for the professional members of the Board may be chosen by the Governor from a list of at least three names for each vacancy submitted by the Virginia Physical Therapy Association,

*Inc. The Governor may notify the Association of any professional vacancy other than by expiration of a term and nominations may be submitted by the Association. The Governor shall not be bound to make any appointments from among such nominees.*

*§ 54.1-3476. Exemptions.*

*This chapter shall not apply to the performance of the duties of any commissioned or contract physical therapist or physical therapist assistant while practicing in the United States Armed Services, United States Public Health Service or United States Veterans Administration as based on requirements under federal regulations for state licensure of health care providers, or to a physical therapist or a physical therapist assistant licensed or certified and in good standing with the applicable regulatory agency in the state, District of Columbia, or Canada where the practitioner resides when the practitioner is in Virginia temporarily to practice for no longer than sixty days (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) in continuing education programs, or (iii) by rendering at any site any health care services within the limits of his license or certificate, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106.*

*§ 54.1-3477. Requirements for licensure as a physical therapist.*

*An applicant for licensure as a physical therapist shall submit evidence, verified by affidavit and satisfactory to the Board, that the applicant:*

- 1. Is eighteen years of age or more;*
- 2. Is a graduate of a school of physical therapy approved by the American Physical Therapy Association or is a graduate of a school outside of the United States or Canada which is acceptable to the Board; and*
- 3. Has satisfactorily passed an examination approved by the Board.*

*§ 54.1-3478. Requirements for licensure as a physical therapist assistant.*

*An applicant for licensure as a physical therapist assistant shall submit evidence, verified by affidavit and satisfactory to the Board, that the applicant:*

- 1. Is eighteen years of age or more;*
- 2. Is a graduate of a two-year college-level education program for physical therapist assistants acceptable to the Board; and*
- 3. Has satisfactorily passed an examination approved by the Board.*

*§ 54.1-3479. Licensure by examination or endorsement; traineeships.*

*A. The Board shall provide for the examinations to be taken by applicants for licensure as physical therapists and physical therapist assistants. The Board shall, on the basis of such examinations, issue or deny licenses to applicants to practice physical therapy or perform the duties of a physical therapist assistant. Any applicant who feels aggrieved at the result of his examination may appeal to the Board.*

*B. The Board, in its discretion, may issue licenses to applicants upon endorsement by boards of other appropriate authorities of other states or territories or the District of Columbia with which reciprocal relations have not been established if the credentials of such applicants are satisfactory and the examinations and passing grades required by such other boards are determined to be equivalent to those required by the Virginia Board.*

*C. The Board, in its discretion, may provide for the limited practice of physical therapy by a graduate physical therapist or physical therapist assistant enrolled in a traineeship program as defined by the Board under the direct supervision of a licensed physical therapist.*

*D. In granting licenses to out-of-state applicants, the Board may require physical therapists or physical therapist assistants to meet the professional activity requirements or serve traineeships according to regulations promulgated by the Board.*

*§ 54.1-3480. Refusal, revocation or suspension.*

*A. The Board may refuse to admit a candidate to any examination, may refuse to issue a license to any applicant, and may suspend for a stated period of time or indefinitely or revoke any license or censure or reprimand any person or place him on probation for such time as it may designate for any of the following causes:*

- 1. False statements or representations or fraud or deceit in obtaining admission to the practice, or fraud or deceit in the practice of any branch of the healing arts;*
- 2. Substance abuse rendering him unfit for the performance of his professional obligations and duties;*
- 3. Unprofessional conduct as defined in this chapter;*
- 4. Gross ignorance or carelessness in his practice, or gross malpractice;*
- 5. Mental or physical incapacity or incompetence to practice his profession with safety to his patients and the public;*
- 6. Restriction of a license to practice physical therapy in another state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction;*
- 7. Conviction in any state, territory or country of any felony or of any crime involving moral turpitude;*
- 8. Adjudged legally incompetent or incapacitated in any state if such adjudication is in effect and the*

person has not been declared restored to competence or capacity; or

9. Conviction of an offense in another state, territory or foreign jurisdiction, which if committed in Virginia would be a felony. Such conviction shall be treated as a felony conviction under this section regardless of its designation in the other state, territory or foreign jurisdiction.

B. The Board shall refuse to admit a candidate to any examination and shall refuse to issue a license to any applicant if the candidate or applicant has had his certificate or license to practice physical therapy revoked or suspended, and has not had his certificate or license to so practice reinstated, in another state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction.

C. The Board may direct any licensee under a disciplinary order to furnish it at such intervals as it may require, evidence that he is not practicing his profession in violation of this chapter. In addition, when the Board has probable cause to believe the licensee is unable to practice physical therapy with reasonable skill and safety to patients because of excessive use of alcohol or drugs or physical or mental illness, the Board, after preliminary investigation by informal conference, may direct that the licensee submit to a mental or physical examination by physicians designated by it. Failure of the licensee to submit to the examination shall constitute grounds for disciplinary action. Any licensee affected by this subsection shall be afforded reasonable opportunity to demonstrate that he is competent to practice physical therapy with reasonable skill and safety to patients.

§ 54.1-3481. Unlawful designation as physical therapist or physical therapist assistant.

It shall be unlawful for any person who is not licensed under this chapter, or whose license has been suspended or revoked or who licensure has lapsed and has not been renewed, to use in conjunction with his name the letters or words "R.P.T.," "Registered Physical Therapist," "L.P.T.," "Licensed Physical Therapist," "P.T.," "Physical Therapist," "Physio-therapist," "P.T.T.," "Physical Therapy Technician," "P.T.A.," "Physical Therapist Assistant," "Licensed Physical Therapist Assistant," or to otherwise by letters, words, representations or insignias assert or imply that he is a licensed physical therapist. The title to designate a licensed physical therapist shall be "P.T." The title to designate a physical therapist assistant shall show such fact plainly on its face.

§ 54.1-3482. Unlawful to practice physical therapy or physical therapist assistance except by referral and direction; exceptions.

A. It shall be unlawful for a person to engage in the practice of physical therapy except as a licensed physical therapist, upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, or as provided in subsection B.

Any person licensed as a physical therapist assistant shall perform his duties only under the direction and control of a licensed physical therapist and the patient's physician.

B. This chapter shall not be construed to require referral and direction by a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery for the provision of physical therapy services to (i) a student athlete participating in a school-sponsored athletic activity while such student is at such activity in a public, private, denominational or parochial elementary, middle or high school, or public or private institution of higher education by a licensed physical therapist who is certified as an athletic trainer by the National Athletic Training Association or as a sports certified specialist by the American Board of Physical Therapy Specialties or (ii) employees solely for the purpose of evaluation and consultation related to workplace ergonomics by a licensed physical therapist.

§ 54.1-3483. Unprofessional conduct.

Any physical therapist or physical therapist assistant licensed by the Board shall be considered guilty of unprofessional conduct if he:

1. Engages in the practice of physical therapy under a false or assumed name or impersonates another practitioner of a like, similar or different name;

2. Undertakes to practice physical therapy independently of the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery;

3. Knowingly and willfully commits any act which is a felony under the laws of this Commonwealth or the United States, or any act which is a misdemeanor under such laws and involves moral turpitude;

4. Aids or abets, has professional contact with, or lends his name to any person known to him to be practicing physical therapy illegally;

5. Conducts his practice in such a manner as to be a danger to the health and welfare of his patients or to the public;

6. Is unable to practice with reasonable skill or safety because of illness or substance abuse;

7. Publishes in any manner an advertisement that violates Board regulations governing advertising;

8. Performs any act likely to deceive, defraud or harm the public;

9. Violates any provision of statute or regulation, state or federal, relating to the manufacture, distribution, dispensing, or administration of controlled substances;

10. Violates or cooperates with others in violating any of the provisions of this chapter or regulations of the Board; or

11. Engages in sexual contact with a patient concurrent with and by virtue of the practitioner/patient relationship or otherwise engages at any time during the course of the practitioner/patient relationship

*in conduct of a sexual nature that a reasonable patient would consider lewd and offensive.*

**2. That §§ 54.1-2942 through 54.1-2948 of the Code of Virginia are repealed.**

**3. That individuals licensed as physical therapists or physical therapist assistants by the Board of Medicine prior to the effective date of the provisions of this act shall be licensed as physical therapists and physical therapist assistants by the Board of Physical Therapy.**

**4. That all records and funds of the Board of Medicine dealing with licensing of physical therapists and physical therapist assistants shall be transferred to the Board of Physical Therapy as determined by the Director of the Department of Health Professions.**

**5. That regulations regarding licensure of physical therapists and physical therapist assistants that were promulgated by the Board of Medicine and in effect on the effective date of this act shall continue in full force and effect unless and until amended or repealed by the Board of Physical Therapy. Regulatory actions validly commenced by the Board of Medicine that are pending prior to the effective date of this act shall remain in effect until amended or rescinded by the Board of Physical Therapy.**

**6. That the terms of the current members of the Advisory Board on Physical Therapy to the Board of Medicine shall expire upon the effective date of the provisions of this act.**

**7. That the Board of Physical Therapy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.**