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HOUSE BILL NO. 1759

House Amendments in [] — January 21, 2013

A BILL to amend and reenact § 54.1-3408 of the Code of Virginia, relating to administration of medications; percutaneous [~~endoscopic~~ gastric gastrostomy] tube.

Patron Prior to Engrossment—Delegate O'Bannon

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3408 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause them to be administered by a nurse, physician assistant or intern under his direction and supervision, or he may prescribe and cause drugs and devices to be administered to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services by other persons who have been trained properly to administer drugs and who administer drugs only under the control and supervision of the prescriber or a pharmacist or a prescriber may cause drugs and devices to be administered to patients by emergency medical services personnel who have been certified and authorized to administer such drugs and devices pursuant to Board of Health regulations governing emergency medical services and who are acting within the scope of such certification. A prescriber may authorize a licensed respiratory care practitioner as defined in § 54.1-2954 to administer by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, a school nurse, or any school board employee who is authorized and trained in the administration of epinephrine, may possess and administer epinephrine.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs, or to possess and administer epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent

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59 with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe
60 the categories of persons to whom the tuberculin test is to be administered and shall provide for
61 appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the
62 nurse implementing such standing protocols has received adequate training in the practice and principles
63 underlying tuberculin screening.

64 The Health Commissioner or his designee may authorize registered nurses, acting as agents of the
65 Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein
66 derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and
67 policies established by the Department of Health.

68 H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his
69 professional practice, such prescriber may authorize, with the consent of the parents as defined in
70 § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to
71 assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes
72 and who requires insulin injections during the school day or for whom glucagon has been prescribed for
73 the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed
74 nurse, nurse practitioner, physician or physician assistant is not present to perform the administration of
75 the medication.

76 I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the
77 administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is
78 not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses
79 under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in
80 accordance with established protocols of the Department of Health may authorize the administration of
81 vaccines to any person by a pharmacist, nurse, certified emergency medical technician-intermediate, or
82 emergency medical technician-paramedic under the direction of an operational medical director when the
83 prescriber is not physically present. Emergency medical services personnel shall provide documentation
84 of the vaccines to be recorded in the Virginia Immunization Information System.

85 J. A dentist may cause Schedule VI topical drugs to be administered under his direction and
86 supervision by either a dental hygienist or by an authorized agent of the dentist.

87 Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist
88 in the course of his professional practice, a dentist may authorize a dental hygienist under his general
89 supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral
90 anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions,
91 as well as any other Schedule VI topical drug approved by the Board of Dentistry.

92 In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI
93 nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI
94 local anesthesia.

95 K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the
96 course of his professional practice, such prescriber may authorize registered professional nurses certified
97 as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically
98 present to possess and administer preventive medications for victims of sexual assault as recommended
99 by the Centers for Disease Control and Prevention.

100 L. This section shall not prevent the administration of drugs by a person who has satisfactorily
101 completed a training program for this purpose approved by the Board of Nursing and who administers
102 such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of
103 administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to
104 security and record keeping, when the drugs administered would be normally self-administered by (i) an
105 individual receiving services in a program licensed by the Department of Behavioral Health and
106 Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision
107 Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the
108 placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program
109 participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of
110 any facility authorized or operated by a state or local government whose primary purpose is not to
111 provide health care services; (vi) a resident of a private children's residential facility, as defined in
112 § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department
113 of Behavioral Health and Developmental Services; or (vii) a student in a school for students with
114 disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

115 *In addition, this section shall not prevent a person who has successfully completed a training*
116 *program for the administration of drugs via percutaneous [endoscopic gastric gastrostomy] tube*
117 *approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated*
118 *competency in administration of drugs via percutaneous [endoscopic gastric gastrostomy] tube from*
119 *administering drugs to a person receiving services from a program licensed by the Department of*
120 *Behavioral Health and Developmental Services to such person via percutaneous [endoscopic gastric*

121 *gastrostomy] tube. The continued competency of a person to administer drugs via percutaneous*
 122 *[endoscopic gastric gastrostomy] tube shall be evaluated semiannually by a registered nurse.*

123 M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.)
 124 of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any
 125 assisted living facility licensed by the Department of Social Services. A registered medication aide shall
 126 administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to
 127 dosage, frequency, and manner of administration; in accordance with regulations promulgated by the
 128 Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living
 129 facility's Medication Management Plan; and in accordance with such other regulations governing their
 130 practice promulgated by the Board of Nursing.

131 N. In addition, this section shall not prevent the administration of drugs by a person who administers
 132 such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of
 133 administration and with written authorization of a parent, and in accordance with school board
 134 regulations relating to training, security and record keeping, when the drugs administered would be
 135 normally self-administered by a student of a Virginia public school. Training for such persons shall be
 136 accomplished through a program approved by the local school boards, in consultation with the local
 137 departments of health.

138 O. In addition, this section shall not prevent the administration of drugs by a person to a child in a
 139 child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a
 140 local government pursuant to § 15.2-914, provided such person (i) has satisfactorily completed a training
 141 program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed
 142 practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (ii) has obtained written
 143 authorization from a parent or guardian; (iii) administers drugs only to the child identified on the
 144 prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and
 145 manner of administration; and (iv) administers only those drugs that were dispensed from a pharmacy
 146 and maintained in the original, labeled container that would normally be administered by a parent or
 147 guardian to the child.

148 P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by
 149 persons if they are authorized by the State Health Commissioner in accordance with protocols
 150 established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has
 151 declared a disaster or a state of emergency or the United States Secretary of Health and Human Services
 152 has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public
 153 health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such
 154 persons have received the training necessary to safely administer or dispense the needed drugs or
 155 devices. Such persons shall administer or dispense all drugs or devices under the direction, control and
 156 supervision of the State Health Commissioner.

157 Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by
 158 unlicensed individuals to a person in his private residence.

159 R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his
 160 authority and scope of practice and the provisions of this section to a Board agent for use pursuant to
 161 subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid
 162 prescriptions.

163 S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care
 164 technicians who are certified by an organization approved by the Board of Health Professions or persons
 165 authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary
 166 course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical
 167 needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the
 168 purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the
 169 orders of a licensed physician, nurse practitioner or physician assistant and under the immediate and
 170 direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a
 171 patient care dialysis technician trainee from performing dialysis care as part of and within the scope of
 172 the clinical skills instruction segment of a supervised dialysis technician training program, provided such
 173 trainee is identified as a "trainee" while working in a renal dialysis facility.

174 The dialysis care technician or dialysis patient care technician administering the medications shall
 175 have demonstrated competency as evidenced by holding current valid certification from an organization
 176 approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

177 T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be
 178 authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

179 U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a
 180 prescriber may authorize the administration of controlled substances by personnel who have been
 181 properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not

182 include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for
183 such administration.

184 V. A nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of
185 children aged six months to three years pursuant to an oral or written order or a standing protocol issued
186 by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the
187 Virginia Department of Health.

188 W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may
189 authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse,
190 licensed practical nurse under the direction and immediate supervision of a registered nurse, certified
191 emergency medical technician-intermediate, or emergency medical technician-paramedic when the
192 prescriber is not physically present.

193 **2. That the Board of Nursing shall promulgate regulations to implement the provisions of this act**
194 **to be effective within 280 days of its enactment.**