



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Medicine, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC85-20, 18VAC85-40, 18VAC85-50, 18VAC85-80, 18VAC85-101, 18VAC85-110, 18VAC85-120
Regulation title	Regulations Governing the: Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic Practice of Respiratory Care Practitioners Practice of Physician Assistants Licensure of Occupational Therapists Licensure of Radiologic Technologists and Radiologic Technologists-Limited Licensed Acupuncturists Licensure of Athletic Trainers
Action title	Restricted volunteer license for out-of-state practitioners
Final agency action date	June 26, 2008
Document preparation date	June 26, 2008

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

House Bill 1222 of the 2008 General Assembly amended § [54.1-2901](#) of the Code of Virginia, which sets out exemptions for which the requirement for licensure in the healing arts does not apply. The legislation deleted the requirement that the volunteer, nonprofit organization have no paid employees and the requirement that it sponsor of health care to populations of underserved

people *throughout the world*. It also changed the notification requirement from 15 days to five business days. The regulations are amended accordingly.

Changes to Code section are noted:

27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization ~~with no paid employees~~ that sponsors the provision of health care to populations of underserved people ~~throughout the world~~, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least ~~15~~ *five business* days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. *However, the board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;*

The amendments to regulations are promulgated as an exempt action because they are: “*Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.*” (§ 2.2-4006. 4 A 4)

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On June 26, 2008, the Board of Medicine amended 18VAC85-20-10 et seq., Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic; 18VAC85-20-10 et seq., Regulations Governing the Practice of Respiratory Care Practitioners; 18VAC85-50-10 et seq., Regulations Governing the Practice of Physician Assistants; 18VAC85-80-10 et seq., Regulations Governing the Licensure of Occupational Therapists; 18VAC85-101-10 et seq., Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited; 18 VAC85-101-10 et seq., Regulations Governing the Practice of Licensed Acupuncturists; and 18VAC85-120-10 et seq., Regulations Governing the Licensure of Athletic Trainers.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact on the institution of the family and family stability.