

March 29, 2022
Board Room 4
10:00 a.m.

Agenda
Virginia Board of Health Professions
Full Board Meeting

Call to Order – James Wells, RPH, Board Chair

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- Welcome
- Mission Statement
- Emergency Egress Procedures
- Introductions

Ordering of Agenda – Mr. Wells

Public Comment – Mr. Wells

The Board will receive all public comment related to agenda items at this time.
The Board will not receive comment on any regulatory process for which a public comment period has closed.

Approval of Minutes – Mr. Wells

Pages 2-5

December 2, 2021 – Full Board Meeting

Director’s Report – David E. Brown, DC, Director

Policy Analyst’s Report – Elaine Yeatts

Pages 6-29

- Report of 2022 General Assembly (pages 6 – 19)
- Post 2022 General Assembly Actions (pages 20 – 21)
- Regulatory Report (pages 22 – 25)
- Guidance Document 75-4 Bylaws of the Board of Health Professions (pages 26 – 29)

Discussion Items – Leslie Knachel

Format for Individual Board Reports

Board Counsel’s Report – Charis Mitchell

Chair’s Report – Mr. Wells

Staff Reports – Ms. Knachel

New Business – Mr. Wells

Next Meeting – Mr. Wells

[Board Calendar](#)

Meeting Adjournment – Mr. Wells

This information is in **DRAFT** form and is subject to change.

MISSION STATEMENT

Our mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.

Call to Order

The December 2, 2021, Virginia Board of Health Professions (Board) meeting was called to order at 9:46 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia 23233.

Presiding Officer – James Wells, RPh, Chair

Board Members Present

Barry Alvarez, LMFT, Board of Counseling
Margaret Lemaster, RDH, Board of Dentistry
Mitchell Davis, NHA, Board of Long-Term Care Administrators
Brenda Stokes, MD, Board of Medicine
Sarah Melton, PHARMD, Board of Pharmacy
Allen Jones, Jr., DPT, PT, Board of Physical Therapy
Steve Karras, DVM, Board of Veterinary Medicine
Carmina Bautista, MSN, FNP-BC, BC-ADM, Citizen Member
Sahil Chaudhary, Citizen Member

Members Not Present

Alison King, PhD, CCC-SLP, Board of Audiology & Speech Language-Pathology
Kenneth Hickey, MD, Board of Funeral Directors and Embalmers
Ann Gleason, PhD, Board of Nursing
Helene Clayton-Jeter, OD, Board of Optometry
Susan Wallace, PhD, Board of Psychology
Michael Hayter, LCSW, CSAC, SAP, Board of Social Work
Sheila Battle, MHS, Citizen Member
Martha Rackets, PhD, Citizen Member

Staff Present

Leslie L. Knachel, Executive Director, Board of Health Professions
David E. Brown, DC, Agency Director
Barbara Allison-Bryan, MD, Chief Deputy Director
Elaine Yeatts, Sr. Policy Analyst
Charis Mitchell, Assistant Attorney General, Board Counsel
Sylvia Robinson, Administrative Assistant
Corie Tillman Wolf, JD, Executive Director, Boards of Funeral Directors & Embalmers, Long-Term Care Administrators and Physical Therapy
Jay Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing
Jaime Hoyle, JD, Executive Director, Boards of Counseling, Psychology and Social Work
Sandra Reen, Executive Director, Board of Dentistry
William Harp, MD, Executive Director, Board of Medicine

Public Present

No public attended.

Establishment of Quorum

With ten board members present, a quorum was established.

Mission Statement

Mr. Wells read the Department of Health Professions' mission statement.

Introductions

Since its last meeting, the Board received multiple new board member appointments, a new executive director and new board staff. Mr. Wells requested that all members in attendance introduce themselves.

Ordering of Agenda

The agenda was accepted as presented.

Public Comment

There were no requests to provide public comment.

Approval of Minutes

Mr. Wells opened the floor to any edits or corrections regarding the draft minutes from the January 21, 2021 Nominating Committee meeting minutes and the May 13, 2021 Full Board meeting minutes. Hearing none, Mr. Wells stated that the minutes were approved as presented.

Director's Report – David E. Brown, D.C., Director

Dr. Allison-Bryan provided an update on current COVID-19 statistics. Based on this information, Dr. Brown advised that DHP employees would not be returning to the office on January 3, 2022, as originally planned.

Dr. Brown presented Dr. Elizabeth Carter, Chief Data Scientist for the agency, with a plaque for her many years of service as the Executive Director for the Board of Health Professions.

Legislative and Regulatory Report – Elaine Yeatts

Ms. Yeatts provided an overview of the agency's regulatory boards' current actions, 2021 general assembly regulatory/policy actions and reports submitted to the general assembly.

Policy Action – Consideration of Electronic Meeting Policy

Ms. Yeatts provided information on the purpose of the Electronic Meeting policy.

Dr. Jones, Jr. made a motion to adopt the Electronic Meeting Policy as presented. Dr. Stokes seconded the motion. The motion carried unanimously.

Board Discussion Items**Review of § 54.1-2510. Powers and Duties of Board of Health Professions**

Ms. Knachel provided a review of the Powers and Duties of the Board of Health Professions.

Practitioner Self Referral: Peninsula Vascular Center, PC

Closed Session - A motion was made by Dr. Karras to convene a closed meeting to reach a decision in the matter regarding the agency subordinate recommendation for the Application for Practitioner Self-Referral Advisory Opinion for Peninsula Vascular Center, PC. Additionally, Dr. Karras moved that Ms. Knachel and Ms. Mitchell attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded by Dr. Stokes. The motion carried unanimously. Mr. Wells did not attend the closed meeting.

Reconvene – Dr. Karras moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded by Mr. Chaudhary. The motion carried unanimously.

Decision - Dr. Jones, Jr., made a motion to adopt the Practitioner Self-Referral recommendation for Peninsula Vascular Center, PC as presented. Dr. Stokes seconded the motion. The motion carried with nine votes in favor of the motion. Mr. Wells abstained.

Amendments to Guidance Document 75-4 Bylaws

Ms. Knachel reviewed the recommended amendments to Guidance Document 75-4 Bylaws. Based on the current bylaws, a vote on the proposed changes will be taken at the next meeting of the Board.

Board Member Training

Ms. Knachel asked that the Board discuss training recommendations for board members. The Board requested training be provided on Conflict of Interest, FOIA and Sanction Reference Points.

Format for Individual Board Reports

Ms. Knachel presented information regarding board reports and opened the floor to discussion. Meeting minutes, report topics and executive director recommendations were discussed. The Board requested that Ms. Knachel discuss format options with the Board Executive Directors and present options at the next meeting.

Board Counsel Report

Ms. Mitchell stated she had nothing to report.

Board Chair's Report

Mr. Wells thanked the board members for their attendance at the meeting and the good work that the Board does in service to the Commonwealth.

Staff Reports

Executive Director's Report

Ms. Knachel reviewed the proposed 2022 board meeting calendar dates. She was asked to review with Mr. Wells the committee assignments and provide an explanation of the responsibilities for each of the Board's Committees.

New Business

There was no new business to report.

Next Meeting

The next full board meeting is scheduled for Tuesday, March 29, 2022.

Adjournment

With no objection, Mr. Wells adjourned the meeting at 12:00 p.m.

Leslie L. Knachel, Executive Director Date

DRAFT

Report of the 2022 General Assembly
Bills that have passed or are still pending
(Duplicates of identical bills deleted)

HB 45 Health carriers; licensed athletic trainers.

Chief patron: Ware

Summary as passed:

Health carriers; licensed athletic trainers. Requires health insurers and health service plan providers whose policies or contracts cover services that may be legally performed by a licensed athletic trainer to provide equal coverage for such services when rendered by a licensed athletic trainer when such services are performed in an office setting. As introduced, this bill was a recommendation of the Health Insurance Reform Commission. This bill is identical to SB 525.

HB 84 Out-of-state audiologists; providing free health care to an underserved area in the Commonwealth.

Chief patron: Kilgore

Summary as introduced:

Volunteer audiologists. Permits out-of-state audiologists to volunteer to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported nonprofit organization that sponsors the provision of health care to populations of underserved people if they do so for a period not exceeding three consecutive days and if the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state.

HB 99 Continuing education; approved courses for funeral service licensees, funeral directors, etc.

Chief patron: Head

Summary as passed House:

Continuing education; funeral service licensees, funeral directors, and embalmers.

Provides that approved continuing education courses for funeral service licensees, funeral directors, and embalmers shall include either one hour of compliance with laws and regulations

governing the profession or one hour of preneed funeral arrangements per year, provided that at least one hour of continuing education regarding preneed funeral arrangements is completed every three years. Current law requires at least one hour of compliance with laws and regulations governing the profession and at least one hour of preneed funeral arrangements per year. The bill contains technical amendments.

HB 145 Physician assistants; practice.

Chief patron: Head

Summary as passed House:

Practice of physician assistants. Removes the requirement that physician assistants appointed as medical examiners practice as part of a patient care team. For hospice program licensing, the bill adds physician assistants to the list of hospice personnel who may be part of a medically directed interdisciplinary team. The bill removes a reference to physician assistants in the definition of patient care team podiatrist. Finally, the bill permits physician assistants working in the field of orthopedics as part of a patient care team to utilize fluoroscopy for guidance of diagnostic and therapeutic procedures, provided other requirements are met.

HB 191 Health Workforce Development; creates position of Special Advisor to the Governor. PENDING

Chief patron: Hodges

Summary as passed House:

Health workforce development; Special Advisor to the Governor for Health Workforce Development; Virginia Health Workforce Development Fund. Creates the position of Special Advisor to the Governor for Health Workforce Development (the Special Advisor) in the Office of the Governor and creates the Virginia Health Workforce Development Fund to (i) provide incentives for the removal of barriers to educating and training health workforce professionals that include increasing eligible faculty, clinical placements, and residencies; (ii) incentivize the production of health workforce credentials, degrees, and licensures based on a rigorous analysis of the need by the Office of Education and Labor Market Alignment; (iii) address regulatory barriers to entering into and staying in health professions; and (iv) provide education and training for health and health science professionals to align education and training initiatives with existing and evolving health workforce needs.

The bill also requires the Special Advisor to review and evaluate the structure and organization of the Virginia Health Workforce Development Authority (the Authority) and make recommendations regarding the long-term administrative structure and funding of the Authority to the Governor and the General Assembly by November 1, 2022.

The bill has an expiration date of July 1, 2026.

HB 192 Opioids; repeals sunset provisions relating to prescriber requesting information about a patient.

Chief patron: Hodges

Summary as introduced:

Prescription of opioids; sunset. Repeals sunset provisions for the requirement that a prescriber registered with the Prescription Monitoring Program request information about a patient from the Program upon initiating a new course of treatment that includes the prescribing of opioids anticipated, at the onset of treatment, to last more than seven consecutive days.

HB 193 Drug Control Act; adds certain chemicals to the Act.

Chief patron: Hodges

Summary as passed House:

Drug Control Act; Schedule I; Schedule II; Schedule IV; Schedule V. Adds certain chemicals to the Drug Control Act. The Board of Pharmacy has added these substances in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. This bill is identical to SB 759.

HB 213 Optometrists; allowed to perform laser surgery if certified by Board of Optometry.

Chief patron: Robinson

Summary as passed House:

Optometrists; laser surgery. Allows an optometrist who has received a certification to perform laser surgery from the Board of Optometry (the Board) to perform certain types of laser surgery of the eye and directs the Board to issue a certification to perform laser surgery to any

optometrist who submits evidence satisfactory to the Board that he (i) is certified by the Board to prescribe for and treat diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents pursuant to Code requirements and (ii) has satisfactorily completed such didactic and clinical training programs provided by an accredited school or college of optometry that includes training in the use of lasers for the medically appropriate and recognized treatment of the human eye as the Board may require.

The bill also requires the Board to adopt regulations (a) establishing criteria for certification of an optometrist to perform permitted laser surgeries and (b) requiring optometrists to register annually with the Board and to report information regarding any disciplinary action, malpractice judgment, or malpractice settlement against the provider and any evidence that indicates the provider may be unable to engage safely in the practice of his profession. The bill also requires optometrists certified to perform laser surgery to report certain information regarding the number any types of laser surgeries performed and the conditions treated, as well as any adverse treatment outcomes associated with the performance of such laser surgeries to the Board, and requires the Board to report such information to the Governor and the Secretary of Health and Human Resources annually. This bill is identical to SB 375.

HB 242 Professional counselors, licensed; added to list of providers who can disclose or recommend records.

Chief patron: Adams, D.M.

Summary as introduced:

Practice of licensed professional counselors. Adds licensed professional counselors to the list of eligible providers who can disclose or recommend the withholding of patient records, face a malpractice review panel, and provide recommendations on involuntary temporary detention orders.

HB 264 Public health emergency; out-of-state licenses, deemed licensure.

Chief patron: Head

Summary as passed House:

Public health emergency; out-of-state licenses; deemed licensure. Allows a practitioner of a profession regulated by the Board of Medicine who is licensed in another state or the District of Columbia and who is in good standing with the applicable regulatory agency in that state or the District of Columbia to engage in the practice of that profession in the Commonwealth with a

patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services and (ii) the patient is a current patient of the practitioner with whom the practitioner has previously established a practitioner-patient relationship and the practitioner has performed an in-person examination of the patient within the previous 12 months. The bill also provides that when the Board of Health has issued an emergency order, the Boards of Medicine and Nursing may waive (a) the requirement for submission of a fee for renewal or reinstatement of a license to practice medicine or osteopathic medicine or as a physician assistant or nurse practitioner and (b) the requirement for submission of evidence that a practitioner whose license was allowed to lapse for failure to meet professional activity requirements has satisfied such requirements and is prepared to resume practice in a competent manner for any person who held a valid, unrestricted, active license within the four-year period immediately prior to the application for renewal or reinstatement of such license. This bill is identical to SB 369.

HB 285 Clinical nurse specialist; practice agreements.

Chief patron: Adams, D.M.

Summary as introduced:

Clinical nurse specialist; practice agreements. Provides that a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist who does not prescribe controlled substances or devices may practice in the practice category in which he is certified and licensed without a written or electronic practice agreement, provided that he (i) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (ii) consult and collaborate with other health care providers based on the clinical condition of the patient to whom health care is provided, and (iii) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers. The bill also provides that a nurse practitioner licensed by the Boards in the category of clinical nurse specialist who prescribes controlled substances or devices shall practice in consultation with a licensed physician in accordance with a practice agreement between the nurse practitioner and the licensed physician.

HB 286 Nurse practitioners; declaration of death and cause of death.

Chief patron: Adams, D.M.

Summary as passed House:

Nurse practitioners; declaration of death and cause of death. Authorizes autonomous nurse practitioners, defined in the bill, to declare death and determine cause of death; allows nurse practitioners who are not autonomous nurse practitioners to pronounce the death of a patient in certain circumstances; and eliminates the requirement for a valid Do Not Resuscitate Order for the deceased patient for declaration of death by a registered nurse, physician assistant, or nurse practitioner who is not an autonomous nurse practitioner.

HB 444 Virginia Freedom of Information Act; meetings conducted through electronic meetings.

Chief patron: Bennett-Parker

Summary as introduced:

Virginia Freedom of Information Act; meetings conducted through electronic meetings.

Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments.

HB 537 Telemedicine; out-of-state providers, behavioral health services provided by practitioner.

Chief patron: Batten

Summary as passed House:

Telemedicine; out of state providers; behavioral health services. Allows certain practitioners of professions regulated by the Boards of Medicine, Counseling, Psychology, and Social Work who provide behavioral health services and who are licensed in another state, the District of Columbia, or a United States territory or possession and in good standing with the applicable regulatory agency to engage in the practice of that profession in the Commonwealth with a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services and (ii) the practitioner has previously established a practitioner-patient relationship with the patient. The bill provides that a practitioner who provides behavioral health services to a patient located in the Commonwealth

through use of telemedicine services may provide such services for a period of no more than one year from the date on which the practitioner began providing such services to such patient.

HB 555 Health care providers; transfer of patient records in conjunction with closure, etc.

Chief patron: Hayes

Summary as introduced:

Health care providers; transfer of patient records in conjunction with closure, sale, or relocation of practice; electronic notice permitted. Allows health care providers to notify patients either electronically or by mail prior to the transfer of patient records in conjunction with the closure, sale, or relocation of the health care provider's practice. Current law requires health care providers to provide such notice by mail.

HB 598 Registered surgical technologist; criteria for registration.

Chief patron: Hayes

Summary as introduced:

Certified surgical technologist; criteria for certification. Requires the Board of Medicine to certify as a surgical technologist any applicant who has practiced as a surgical technologist or attended a surgical technologist training program at any time prior to October 1, 2022, and registers with the Board by December 31, 2022. Under current law, an applicant who practiced as a surgical technologist at any time in the six months prior to July 1, 2021, and registered by December 31, 2021, is eligible for certification by the Board. The bill also provides that no person shall use the designation "C.S.T." or any variation thereof unless such person (i) is certified by the Board and (ii) has successfully completed an accredited surgical technologist training program and holds a current credential as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting or its successor.

HB 604 Nursing, Board of; power and duty to prescribe minimum standards, etc., for educational programs.

Chief patron: Sickles

Summary as introduced:

Board of Nursing; education programs; oversight. Gives the Board of Nursing the power and duty to prescribe minimum standards and approve curricula for educational programs preparing persons for registration as a medication aide and to provide periodic surveys of training programs.

HB 745 Respiratory therapists; practice pending licensure.

Chief patron: Bell

Summary as introduced:

Respiratory therapists; practice pending licensure. Provides that a person who has graduated from an accredited respiratory therapy education program may practice with the title "Respiratory Therapist, License Applicant" or "RT-Applicant" until he has received a failing score on any examination required by the Board of Medicine for licensure or six months from the date of graduation, whichever occurs sooner.

HB 896 Nurse practitioner; patient care team provider.

Chief patron: Adams, D.M.

Summary as passed House:

Nurse practitioner; patient care team provider. Eliminates the authority of a physician on a patient care team to require a nurse practitioner practicing as part of a patient care team to be covered by a professional liability insurance policy and the requirement that a nurse practitioner practicing without a practice agreement obtain and maintain coverage by or be named insured on a professional liability insurance policy.

HB 933 Pharmaceutical processors; amends the definition of "cannabis oil."

Chief patron: Robinson

Summary as passed House:

Pharmaceutical processors. Amends the definition of "cannabis oil" by removing the requirement that only oil from industrial hemp be used in the formulation of cannabis oil. The bill removes the Board of Pharmacy patient registration requirement for medical cannabis but maintains the requirement that patients obtain written certification from a health care provider for

medical cannabis. The bill directs the Board to promulgate numerous regulations related to pharmaceutical processors by September 15, 2022. This bill is identical to SB 671.

HB 1245 Nurse practitioners; practice without a practice agreement, repeals sunset provision. PENDING

Chief patron: Adams, D.M.

Summary as introduced:

Nurse practitioners; practice without a practice agreement; repeal sunset. Repeals the sunset provision on the bill passed in 2021 that reduces from five to two the number of years of full-time clinical experience a nurse practitioner must have to be eligible to practice without a written or electronic practice agreement.

HB 1323 Pharmacists; initiation of treatment with and dispensing and administration of vaccines.

Chief patron: Orrock

Summary as passed House:

Pharmacists; initiation of treatment with and dispensing and administration of vaccines.

Provides that a pharmacist may initiate treatment with, dispense, or administer to persons five years of age or older in accordance with a statewide protocol developed by the Board of Pharmacy in collaboration with the Board of Medicine and the Department of Health vaccines authorized by the U.S. Food and Drug Administration, and provides that the pharmacist may cause such vaccines to be administered by a pharmacy technician or pharmacy intern under the direct supervision of the pharmacist. The bill also requires the Department of Medical Assistance Services and accident and sickness insurance providers to provide reimbursement for such service in an amount that is no less than the reimbursement amount for such service by a health care provider licensed by the Board of Medicine. The bill also requires the Board of Pharmacy, together with the Board of Medicine and the Department of Health, to establish a statewide protocol for the initiation of treatment with and dispensing and administering of drugs in accordance with the provisions of the bill and directs the Board of Pharmacy to establish a work group to provide recommendations regarding development of the protocols and to adopt regulations to implement the provisions of the bill within 280 days. The provisions of the bill authorizing administration of certain vaccinations by pharmacists, pharmacy technicians and

pharmacy interns shall become effective upon the expiration of the federal public health emergency related to COVID-19.

HB 1324 Pharmacy, Board of; pharmacy work environment requirements.

Chief patron: Hodges

Summary as passed House:

Board of Pharmacy; pharmacy work environment requirements. Directs the Board of Pharmacy to promulgate regulations related to work environment requirements for pharmacy personnel that protect the health, safety, and welfare of patients. The bill directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill.

EMERGENCY

HB 1359 Health care; consent to disclosure of records.

Chief patron: Byron

Summary as passed:

Health care; consent to services and disclosure of records. Provides that an authorization for the disclosure of health records shall remain in effect until (i) the authorization is revoked in writing to the health care entity maintaining the health record subject to the authorization, (ii) any expiration date set forth in the authorization, or (iii) the health care entity maintaining the health record becomes aware of any expiration event described in the authorization, whichever occurs first, and that a revocation shall not be effective to the extent that the health care entity maintaining the health record released health records prior to the delivery of such revocation.

The bill also provides that authorization for the release of health records shall include authorization for the person named in the authorization to assist the person who is the subject of the health record in accessing health care services, including scheduling appointments for the person who is the subject of the health record and attending appointments together with the person who is the subject of the health record.

The bill also provides that every health care provider shall make health records of a patient available to any person designated by a patient in an authorization to release medical records and that a health care provider shall allow a spouse, parent, adult child, adult sibling, or other person identified by a person to make an appointment for medical services on behalf of another

person, regardless of whether the other person has executed an authorization to release medical records.

SB 14 Prescription drug donation program; Bd. of Pharmacy shall convene a work group to evaluate.

Chief patron: Favola

Summary as passed Senate:

Board of Pharmacy; prescription drug donation program; work group. Directs the Board of Pharmacy to convene a work group of interested stakeholders to evaluate any challenges and barriers to participation in the prescription drug donation program and ways to increase program participation, education, and outreach.

SB 129 Alkaline hydrolysis; work group to determine regulatory & statutory changes needed to legalize, etc.

Chief patron: Morrissey

Summary as passed:

Study; Board of Funeral Directors and Embalmers; alkaline hydrolysis work group; report. Directs the Board of Funeral Directors and Embalmers to convene a work group to study how to legalize, implement, and regulate the process of alkaline hydrolysis in the Commonwealth. The Board is required by the bill to report the results of the study to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on or before November 1, 2022.

SB 169 Practical nurses, licensed; authority to pronounce death for a patient in hospice, etc.

Chief patron: Peake

Summary as passed Senate:

Licensed practical nurses; authority to pronounce death. Extends to licensed practical nurses the authority to pronounce the death of a patient in hospice, provided that certain conditions are met. Current law provides that physicians, registered nurses, and physician assistants may pronounce death.

SB 317 Out-of-state health care practitioners; temporary authorization to practice.

Chief patron: Favola

Summary as passed:

Out-of-state health care practitioners; temporary authorization to practice; licensure by reciprocity for physicians; emergency. Allows a health care practitioner licensed in another state or the District of Columbia who has submitted an application for licensure to the appropriate health regulatory board to temporarily practice for a period of 90 days pending licensure, provided that certain conditions are met. The bill directs the Board of Medicine to pursue reciprocity agreements with jurisdictions that surround the Commonwealth to streamline the application process in order to facilitate the practice of medicine. The bill requires the Department of Health Professions to annually report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions the number of out-of-state health care practitioners who have utilized the temporary authorization to practice pending licensure and have not subsequently been issued full licensure. The bill contains an emergency clause and is identical to HB 1187.

EMERGENCY

SB 408 Sentencing documents; transmission to the DHP and DBHDS.

Chief patron: Dunnavant

Summary as passed:

Transmission of sentencing documents to the Department of Health Professions and Department of Behavioral Health and Developmental Services. Provides that after the pronouncement of sentence, if the court is aware that the defendant is registered, certified, or licensed by a health regulatory board or holds a multistate licensure privilege, or is licensed by the Department of Behavioral Health and Developmental Services, and the defendant has been convicted of a felony, crime involving moral turpitude, or crime that occurred during the course of practice for which such practitioner or person is licensed, the court shall order the clerk of the court to transmit certified copies of sentencing documents to the Director of the Department of Health Professions or to the Commissioner of Behavioral Health and Developmental Services.

SB 414 Nurse practitioners; patient care team physician supervision capacity increased.

Chief patron: Kiggans

Summary as passed:

Nurse practitioners; patient care team physician supervision capacity increased. Allows a physician to serve as a patient care team physician on a patient care team with up to 10 nurse practitioners licensed in the category of psychiatric-mental health nurse practitioner. The bill retains, in all other cases, the existing provision that a physician may serve as a patient care team physician on a patient care team with no more than six nurse practitioners.

SB 480 Administrative Process Act; final orders, electronic retention.

Chief patron: McClellan

Summary as introduced:

Administrative Process Act; final orders; electronic retention. Clarifies that signed originals of final agency case decisions may be retained in an electronic medium. This bill is a recommendation of the Administrative Law Advisory Committee and the Virginia Code Commission.

SB 511 Opioid treatment program pharmacy; medication dispensing, registered/licensed practical nurses.

Chief patron: Suetterlein

Summary as passed Senate:

Opioid treatment program pharmacy; medication dispensing; registered nurses and licensed practical nurses. Allows registered nurses and licensed practical nurses practicing at an opioid treatment program pharmacy to perform the duties of a pharmacy technician, provided that all take-home medication doses are verified for accuracy by a pharmacist prior to dispensing.

SB 590 Dentistry, license to teach; foreign dental program graduates.

Chief patron: Pillion

Summary as introduced:

License to teach dentistry; foreign dental program graduates. Allows the Board of Dentistry to grant, without examination, a faculty license to teach dentistry in an accredited dental program to a graduate of a dental school or college or the dental department of an institution of higher education in a foreign country that has been granted a certification letter from the dean or program director of an accredited dental program confirming that the applicant has clinical competency and clinical experience that meet the credentialing standards of the dental school with which the applicant is to be affiliated. The provisions of the bill expire on July 1, 2025.

679 Preneed funeral contracts; life insurance or annuity contracts.

Chief patron: SB Spruill

Summary as passed:

Board of Funeral Directors and Embalmers; life insurance or annuity preneed funeral contract requirements. Provides that the face amount of any life insurance policy issued to fund a preneed funeral contract shall not be decreased over the life of the life insurance policy except where such policies have lapsed due to nonpayment of premiums or have gone to a nonforfeiture option that lowers the face amount as allowed for in the provisions of the policy.

**Department of Health Professions
Regulatory/Policy Actions – 2022 General Assembly**

EMERGENCY REGULATIONS:

Legislative source	Mandate	Promulgating agency	Board adoption date	Effective date Within 280 days of enactment
HB1324	Working conditions regulations	Pharmacy	9/6/22	
HB1323/SB672	Pharmacists treating	Pharmacy	9/6/22	

EXEMPT REGULATORY ACTIONS

Legislative source	Mandate	Promulgating agency	Adoption date	Effective date
HB99	Change in CE requirement	Funeral	7/15/22	9/14/22
HB145	Authorization for PA to use fluoroscopy	Medicine	8/5/22	9/28/22
HB193/SB759	Repeal of drugs/chemicals scheduled in Drug Control Act	Pharmacy	9/6/22	11/9/22
HB285	CNS without prescriptive authority not required to have practice agreement	Nursing/Medicine	7/19/22 – N 8/5/22 – M	9/28/22
HB598	Surgical technologists – extension of grandfathering	Medicine	8/5/22	9/28/22
HB933/SB671	Numerous amendments to pharmaceutical processor regs	Pharmacy	6/6/22 - propose 9/6/22 – final	9/15/22
HB1269/SB269	Requirements for preneed funeral contracts	Funeral	7/15/22	9/14/22

APA REGULATORY ACTIONS

Legislative source	Mandate	Promulgating agency	Adoption date	Effective date
HB213/SB375	Rules for certification in laser procedures	Optometry	TBD	
HB604	Standards for medication aide education programs	Nursing	TBD	

NON-REGULATORY ACTIONS

Legislative source	Affected agency	Action needed	Due date
SB14	Pharmacy	Workgroup on prescription drug donation program	?
SB129	Funeral	Workgroup and report on alkaline hydrolysis practice	11/1/22
HB1187/SB317	All boards	System for record of temporary authorization?	
HB1187/SB317	Medicine	Reciprocal agreements with neighboring jurisdictions	
HB242	Medicine	Amend guidance on disclosure of records – 85-5	

HB1323/SB672	Protocols for pharmacists treating	Medicine (in collaboration with Pharmacy and VDH)	
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Policy Actions at SHHR:

HB2559 (2019) - requires the Secretary of Health and Human Resources to convene a work group to identify successes and challenges of the electronic prescription requirement and offer possible recommendations for increasing the electronic prescribing of controlled substances that contain an opioid and to report to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by **November 1, 2022**.

Regulatory Report

Board of Health Professions

Board		Board of Audiology and Speech-Language Pathology
Chapter		Action / Stage Information
[18 VAC 30 - 21]	Regulations Governing the Practice of Audiology and Speech-Language Pathology	Results of periodic review [Action 5876] Fast-Track - At Governor's Office [Stage 9476]
Board		Board of Counseling
Chapter		Action / Stage Information
[18 VAC 115 - 20]	Regulations Governing the Practice of Professional Counseling	Periodic review [Action 5230] Proposed - Register Date: 1/31/22 [Stage 8872]
[18 VAC 115 - 90]	Regulations Governing the Practice of Art Therapy (under development)	New chapter for licensure [Action 5656] Proposed - DPB Review in progress [Stage 9495]
Board		Board of Dentistry
Chapter		Action / Stage Information
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	Amendment to restriction on advertising dental specialties [Action 4920] Proposed - At Governor's Office [Stage 8500]
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	Training and supervision of digital scan technicians [Action 5600] Proposed - Register Date: 1/31/22 [Stage 9311]
[18 VAC 60 - 21]	Regulations Governing the Practice of Dentistry	Technical correction [Action 5198] Fast-Track - At Governor's Office [Stage 8622]
[18 VAC 60 - 30]	Regulations Governing the Practice of Dental Assistants	Removal of pulp capping as a delegable task for a DAI [Action 5728] NOIRA - Register Date: 1/31/22 [Stage 9269]
[18 VAC 60 - 30]	Regulations Governing the Practice of Dental Assistants	Training in infection control [Action 5505] Proposed - Register Date: 1/3/22 [Stage 9316]
Board		Board of Funeral Directors and Embalmers

Chapter		Action / Stage Information
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	Licenses for funeral directors and embalmers [Action 5635] Proposed - Register Date: 1/3/22 [Stage 9241]
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	Periodic review 2019 [Action 5221] Final - Register Date: 1/31/22 [Stage 9460]

Board

Board of Long-Term Care Administrators

Chapter		Action / Stage Information
[18 VAC 95 - 30]	Regulations Governing the Practice of Assisted Living Facility Administrators	Recommendations of RAP on qualifications for licensure [Action 5471] Proposed - Register Date: 1/31/22 [Stage 9481]

Board

Board of Medicine

Chapter		Action / Stage Information
[18 VAC 85 - 20]	Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic	Licensure by endorsement - expedited process [Action 5890] Fast-Track - Register Date: 2/14/22 [Stage 9500]
[18 VAC 85 - 80]	Regulations for Licensure of Occupational Therapists	Implementation of the OT Compact [Action 5797] Emergency/NOIRA - Register Date: 1/17/22 [Stage 9367]
[18 VAC 85 - 110]	Regulations Governing the Practice of Licensed Acupuncturists	Name changes for accrediting bodies [Action 5869] Fast-Track - Register Date: 1/31/22 [Stage 9467]
[18 VAC 85 - 160]	Regulations Governing the Licensure of Surgical Assistants and Registration of Surgical Technologists	Amendments for surgical assistants consistent with a licensed profession [Action 5639] Proposed - Register Date: 1/31/22 [Stage 9324]

Board

Board of Nursing

Chapter		Action / Stage Information
[18 VAC 90 - 30]	Regulations Governing the Licensure of Nurse Practitioners	Changes relating to clinical nurse specialists as nurse practitioners [Action 5800] Fast-Track - Register Date: 1/17/22 [Stage 9370]
[18 VAC 90 - 70]	Regulations Governing the Practice of Licensed Certified Midwives	New regulations for licensed certified midwives [Action 5801] Proposed - At Agency [Stage 9552]

Board		Board of Optometry
Chapter	Action / Stage Information	
[18 VAC 105 - 20]	Regulations of the Virginia Board of Optometry	E Addition to the TPA formulary [Action 5917] Proposed - Register Date: 3/14/22 [Stage 9546]
[18 VAC 105 - 20]	Regulations of the Virginia Board of Optometry	Contact lens rule [Action 5862] Fast-Track - At Governor's Office [Stage 9454]
Board		Board of Pharmacy
Chapter	Action / Stage Information	
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Reporting of immunizations to VIIS [Action 5598] Emergency - Register Date: 10/12/20 [Stage 9064]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Implementation of 2021 legislation for pharmacists initiating treatment [Action 5861] Emergency/NOIRA - Register Date: 1/17/22 [Stage 9452]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Remote processing of drugs in automated dispensing devices for hospitals [Action 5868] NOIRA - Register Date: 1/17/22 [Stage 9466]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Use of medication carousels and RFID technology [Action 5480] Proposed - Register Date: 8/16/21 [Stage 9236]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Implementation of legislation for pharmacists initiating treatment [Action 5604] Proposed - Register Date: 1/3/22 [Stage 9242]
[18 VAC 110 - 20]	Regulations Governing the Practice of Pharmacy	Prohibition against incentives to transfer prescriptions [Action 4186] Final - At Governor's Office [Stage 7888]
[18 VAC 110 - 21]	Regulations Governing the Licensure of Pharmacists and Registration of Pharmacy Technicians	Implementation of legislation for registration of pharmacy technicians [Action 5603] Proposed - Register Date: 1/3/22 [Stage 9243]
[18 VAC 110 - 30]	Regulations for Practitioners of the Healing Arts to Sell Controlled Substances	Limited license for prescribing Schedule VI drugs in non-profit clinics [Action 5605] Final - Register Date: 1/31/22 [Stage 9510]
Board		Board of Psychology

Chapter		Action / Stage Information
[18 VAC 125 - 20]	Regulations Governing the Practice of Psychology	<u>Implementation of Psychology Interstate Compact</u> [Action 5567] Proposed - Register Date: 1/3/22 [Stage 9249]
Board		Board of Social Work
Chapter		Action / Stage Information
[18 VAC 140 - 20]	Regulations Governing the Practice of Social Work	<u>Changes to endorsement and reinstatement; standards of practice</u> [Action 5631] Proposed - Register Date: 1/31/22 [Stage 9353]
[18 VAC 140 - 20]	Regulations Governing the Practice of Social Work	<u>Reduction in CE hours for continuation of approval to be a supervisor</u> [Action 5702] Proposed - Register Date: 1/3/22 [Stage 9354]
[18 VAC 140 - 20]	Regulations Governing the Practice of Social Work	<u>Acceptance of state examinations</u> [Action 5792] Fast-Track - AT Attorney General's Office [Stage 9556]
[18 VAC 140 - 30]	Regulations Governing the Practice of Music Therapy (under development)	<u>Initial regulations for licensure of music therapists</u> [Action 5704] Proposed - AT Attorney General's Office [Stage 9537]
Board		Board of Veterinary Medicine
Chapter		Action / Stage Information
[18 VAC 150 - 20]	Regulations Governing the Practice of Veterinary Medicine	<u>Acceptance of PAVE for veterinary technician licensure</u> [Action 5870] Fast-Track - Register Date: 2/14/22 [Stage 9470]

VIRGINIA BOARD OF HEALTH PROFESSIONS

BYLAWS

ARTICLE I. Name.

This body shall be known as the Virginia Board of Health Professions as set forth in the *Code of Virginia* Chapter 25, Title 54.1, Subtitle III, hereinafter referred to as the Board.

ARTICLE II. Powers and Duties.

The powers and duties of the Board (§54.1-2510 *Code of Virginia*) are:

1. To evaluate the need for coordination among the health regulatory boards and their staffs and report its findings and recommendations to the Director (of the Department of Health Professions) and the boards (within the Department of Health Professions);
2. To evaluate all health care professions and occupations in the Commonwealth, including those regulated and those not regulated by other provisions of Title 54.1, Subtitle III, *Code of Virginia*, to consider whether each such profession or occupation should be regulated and the degree of regulation to be imposed. Whenever the Board determines that the public interest requires that a health care profession or occupation which is not regulated by law should be regulated, the Board shall recommend to the General Assembly a regulatory system to establish the appropriate degree of regulation;
3. To review and comment on the budget for the Department;
4. To provide a means of citizen access to the Department;
5. To provide a means of publicizing the policies and programs of the Department in order to educate the public and elicit public support for Department activities;
6. To monitor the policies and activities of the Department, serve as a forum for resolving conflicts among the health regulatory boards and between the health regulatory boards and the Department and have access to Departmental information;
7. To advise the Governor, the General Assembly and the Director on matters relating to the regulation or deregulation of health care professions and occupations;

8. To make bylaws for the government of the Board of Health Professions and the proper fulfillment of its duties under Chapter 25 of the *Code of Virginia*;
9. To promote the development of standards to evaluate the competency of the professions and occupations represented on the Board of Health Professions;
10. To review and comment, as it deems appropriate, on all regulations promulgated or proposed for issuance by the health regulatory boards under the auspices of the Department. At least one member of the relevant Board shall be invited to present during any comments by the Board on proposed board regulations;
11. To review periodically the investigatory, disciplinary and enforcement processes of the Department and the individual boards to ensure the protection of the public and the fair and equitable treatment of health professionals;
12. To examine the scope of practice conflicts involving regulated and unregulated professions and advise the health regulatory boards and the General Assembly of the nature and degree of such conflicts;
13. To receive, review, and forward to the appropriate health regulatory board any departmental investigative reports related to complaints of violations by practitioners to Chapter 24.1 (§54.1-2410 et seq.) of the *Code of Virginia*, entitled “Practitioner Self-Referral Act.”;
14. To determine compliance with and violations of and grant exceptions to the prohibitions set forth in the “Practitioner Self-Referral Act” (Chapter 24.1 §54.1-2410 et seq. of the *Code of Virginia*); and
15. To take appropriate actions against entities, other than practitioners as defined in §54.1-2410 et seq. of the *Code of Virginia*, for violations of the “Practitioner Self-Referral Act.”

ARTICLE III. Members.

1. The membership of the Board shall be the persons appointed by the Governor of the Commonwealth as set forth in the *Code of Virginia* (§54.1-2507).
2. Members of the Board shall attend all regular and special meetings of the Board unless prevented by illness or other unavoidable cause.

ARTICLE IV. Officers and Election.

1. The Officers of the Board shall be the Chair, the First Vice Chair, and the Second Vice Chair.
2. ~~The Officers shall be elected by the Board members at the Annual Meeting of the Board each fall. At the first meeting of the organizational year, the Board shall elect its officers. Nominations for office shall be selected by open ballot. Voting will be by roll-call ballot and require a majority.~~
3. The organizational year for the Board shall be from July 1st through June 30th. At the first regularly scheduled meeting of the organizational year, the Board shall elect its officers with an effective date of January 1st. The term of office shall be for the next calendar year following the election, or until the successor shall be elected as herein provided.
4. A vacancy occurring in any elected position shall be filled by the Board at the next meeting.

ARTICLE V. Duties of Officers.

1. The Chair shall preside at all meetings of the Board; appoint all committees, except as where specifically provided by law; call special meetings; and perform duties as prescribed by parliamentary authority.
2. The First Vice Chair shall act as Chair in the absence of the Chair, and the Second Vice Chair shall act in the absence of both the Chair and the First Vice Chair.

ARTICLE VI. Executive Committee.

1. This Committee shall consist of the Officers.
2. The Committee shall review matters of interest to the Board and may make recommendations to the Board.
3. The Chair of the Board shall be the Chair of the Committee.

ARTICLE VII. Committees.

1. The Chair may appoint committees as necessary to assist in fulfilling the duties of the Board.

2. The committees shall be advisory to the Board and shall offer recommendations to the Board for final action.

ARTICLE VIII. Meetings.

1. The Board shall meet at least one time per year on a date at the discretion of the Board.
2. Special meetings shall be called by the Chair or by written request to the Chair of any three members of the board, provided that there is at least seven days' notice given to Board members.
3. A quorum for any Board meeting shall consist of a majority of the members of the board. A quorum for any committee shall consist of a majority of committee members. No member shall vote by proxy.
4. A majority vote of the members present shall determine all matters at any meeting, regular or special, unless otherwise provided herein.
5. Members shall attend all scheduled meetings of the Board and committees to which they serve. In the event of two consecutive absences at any meeting of the Board or its committees, the Chair shall make a recommendation to the Director of the Department of Health Professions for referral to the Secretary of Health and Human Resources and Secretary of the Commonwealth.

ARTICLE IX. Parliamentary Authority.

The rules contained in the current edition of Robert's Rules of Order shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules the Board may adopt and any statutes applicable to the Board.

ARTICLE X. Amendment of Bylaws.

The bylaws may be amended at any meeting of the Board by an affirmative vote of two-thirds of the members present, provided the proposed amendment was distributed to all members of the Board at least 30 days in advance. A board member or staff personnel may propose an amendment to these bylaws by presenting the amendment in writing to the Executive Director for distribution to all board members, the Board's legal counsel and staff personnel prior to any regularly scheduled meeting of the Board. An amendment to the bylaws shall be adopted, upon favorable vote of at least two-thirds of the board members present at said meeting.