

Welcome to the Advisory Board on Surgical Assisting

The Virginia Board of Medicine will hold an electronic meeting of the Advisory Board on Surgical Assisting on **February 2, 2021 at 10:00 A.M.** This meeting will be supported by Cisco WebEx Meetings application.

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This electronic meeting is deemed warranted under Amendment 28 to HB29 based on that requiring in-person attendance by the Advisory Board members is impracticable or unsafe to assemble in a single location.

Comments will be received from those persons who have submitted an email to william.harp@dhp.virginia.gov no later than 8:00 a.m. on February 1, 2021 indicating that they wish to offer comment. Comment may be offered by these individuals when their names are announced by the chairman.

Whether you are a member of the Advisory Board or a member of the public, you can join the meeting in the following ways.

- **JOIN by WEBEX**

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The Board of Medicine and the Freedom of Information Act Council are interested in your evaluation of the electronic experience of this meeting. You can provide comment via the following form **HERE**.

Advisory Board on Surgical Assisting

Board of Medicine

Tuesday, February 2, 2021 @ 10:00 a.m.

9960 Mayland Drive, Suite 300, Henrico, VA

Electronic Meeting

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Call to Order – Deborah Redmond, LSA, Chair	
Emergency Egress Procedures – William Harp, MD	i
Roll Call – Delores Cousins	
Approval of Minutes of October 16, 2020	1 - 4
Adoption of the Agenda	
Public Comment on Agenda Items (15 minutes)	
Old Business	
A. Surgical Assistant Licensure Application -Michael Sobowale	5 - 8
New Business	
1. Report of 2021 General Assembly -Elaine Yeatts	9 – 24
2. Notice of Intended Regulatory Action (NOIRA) -Elaine Yeatts	---
3. Standard Operating Procedures -Deborah Redmond	

Announcements:

Next Scheduled Meeting: June 1, 2021 @ 10:00 a.m.

Adjournment

<< DRAFT >>

ADVISORY BOARD ON SURGICAL ASSISTING
Minutes
October 16, 2020

The Advisory Board on Surgical Assisting met on Friday, October 16, 2020 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Thomas Gochenour, CSA
Deborah Redmond, CSA
Jessica Wilhelm, CSA
Srikanth Mahavadi, MD [Joined at 10:07 am]
Nicole Meredith, RN, Citizen

MEMBERS ABSENT: None

STAFF PRESENT: William L. Harp, M.D., Executive Director
Michael Sobowale, LLM, Deputy Director, Licensure
Elaine Yeatts, Senior Policy Analyst, DHP

GUESTS PRESENT: David Jennette, CSA, NSAA
W. Scott Johnson, JD, MSV

Call to Order

William L. Harp, MD, acted as chair and called the meeting to order at 10:01 a.m.

Emergency Egress Procedures

Dr. Harp announced the emergency egress instructions.

Roll Call

The roll was called; a quorum was declared.

Introduction of Members and Staff

Dr. Harp asked the staff members present and the Advisory Board members to introduce themselves.

Adoption of Agenda

Deborah Redmond moved to adopt the agenda. Nicole Meredith seconded. By show of hands, the agenda was adopted unanimously.

Public Comment on Agenda Items

David Jennette, CSA, Chief Administrative Officer for the National Surgical Assistant Association (NSAA) discussed the association's recommendations for the Advisory Board to consider creating a separate application for surgical assistants and requiring licensed surgical assistants to meet current continuing competence requirements offered by either the National Board of Surgical Technology and Surgical Assisting (NBSTSA), National Commission for the Certification of Surgical Assistants (NCCSA), or National Surgical Assistant Association (NSAA), upon license renewal.

No action was taken by the Advisory Board.

NEW BUSINESS

1. Review of Laws and Regulations Governing Licensure of Surgical Assistants and Registration of Surgical Technologists

Elaine Yeatts reviewed the law passed by the 2020 General Assembly which created the Advisory Board and the regulations governing the licensure and practice of surgical assisting in Virginia. She discussed the differences between the statutory licensure designation for surgical assistants and registration of surgical technologists, which is still required currently in law and regulation.

2. Review of Physician Assistants' Regulations

Mrs. Yeatts reviewed the Physician Assistants' regulations to guide the Advisory Board in its deliberation on regulations that they may be considering in the development of regulations for the licensure and practice of surgical assisting.

3. Development of Regulations for Licensure and Regulation of Surgical Assisting and Registration of Surgical Technologists

Mrs. Yeatts provided a basic outline of the standard regulatory process. After discussion, members agreed to approve the adoption of a Notice of Intended Regulatory Action (NOIRA) to make modifications to the regulations for the licensure of surgical assistants and registration of surgical technologists as follows: 1) add definitions as necessary; 2). Conform fees for licensure to other professions under the Board; 3) add requirements for continuing competency for surgical assistants licensed under a grandfathering provision; 4) provide for an inactive license and for reactivation or reinstatement of a license; 5) provide for a restricted volunteer license or voluntary

practice by out-of-state practitioners; and 6) provide for renewal of registration for surgical technologists. Finally, the Board will adopt standards of practice similar to those for other licensed professions under its jurisdiction and will also consider the code of ethics specific to surgical assistants, including provisions on maintenance of confidentiality and patient records.

Deborah Redmond moved that a Notice of Intended Regulatory Action (NOIRA) be recommended to the Board of Medicine for consideration at its next meeting on October 22, 2020, and that the recommendations of Advisory Board be added to Chapter 160, Section 10 of the Agency's regulations in Virginia Administrative Code, Title 18. Thomas Gochenour seconded the motion. By unanimous show of hands, the Advisory Board voted approval of the motion.

4. Discussion of License Application for Surgical Assisting

Michael Sobowale led the discussion and suggested changes to be made to the existing application for registration of surgical assistants. The Advisory Board expressed a desire to maintain a separate application form for the registration of surgical technologists. The Advisory Board discussed allowing grandfathered applications to be accepted for no more than a year, effective October 14, 2020, and also, to allow a grace period of one year for those currently practicing as a surgical assistant to be licensed. The grace period to obtain licensure will end on October 14, 2021.

Dr. Mohavadi moved for the Advisory Board to allow a grace period of one year to submit applications in order to allow those currently practicing surgical assisting to continue to work. By show of hands, the Advisory Board voted unanimous approval of this motion.

5. Board Orientation and Overview

Dr. Harp gave a brief orientation on the function of Department of Health Professions and an overview of the role and responsibilities of the Advisory Board.

6. Election of Officers

Jessica Wilhelm nominated Debbie Redmond as Chair. Thomas Gochenour seconded. Debbie Redmond nominated Jessica Wilhelm as Vice-Chair. Thomas Gochenour seconded. By unanimous show of hands, the Advisory Board voted to approve Debbie Redmond's election as Chair, and Jessica Wilhelm as Vice-Chair.

Announcements

Next Scheduled Meeting:

Dr. Harp announced that the Advisory Board would most likely meet to further consider regulations prior to January 2021.

Adjournment

With no other business to conduct, Dr. Harp adjourned the meeting at 1:40 p.m.

Deborah Redmond, CSA, Chair

William L. Harp, MD, Executive Director

Michael Sobowale, LLM, Recording Secretary

Revised 10/20 Surgical Assistant



Application for License to Practice as a Surgical Assistant

To the Virginia Board of Medicine:

I hereby make an application for a license to practice as a Surgical Assistant in the Commonwealth of Virginia and submit the following information:

1. Name in Full (Please Print or Type)

Last	First	Middle
Date of Birth ____ / ____ / ____ MO DAY YEAR	Social Security No. or VA Control No.*	Maiden Name if applicable
Public Address: This address will be public information:	House No. Street or PO Box	City State and Zip
Board Address: This address will be used for Board Correspondence and may be the same or different from the public address.	House No. Street or PO Box	City State and Zip
Work Phone Number	Home/Cell Phone Number	Email Address

Please submit address changes in writing immediately to medbd@dhp.virginia.gov

Please attach check or money order payable to the Treasurer of Virginia for \$75.00. Applications will not be processed without the fee. Do not submit the fee without an application. **IT WILL BE RETURNED.**

APPLICANTS DO NOT USE SPACES BELOW THIS LINE – FOR OFFICE USE ONLY

APPROVED BY

		Date
LICENSE NUMBER	PROCESSING NUMBER	FEE
0136- Surgical Assistant		\$75.00

*In accordance with §54.1-116 Code of Virginia, you are required to submit your Social Security Number or your control number** issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided by law. Federal and state law requires that this number be shared with other state agencies for child support enforcement activities. **NO LICENSE WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.**

**In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure to DMV of your Social Security Number will be required to obtain this number.

2. List in chronological order all professional practices including each location of service since completion of a surgical assistant training program, including after obtaining credential as a surgical assistant, hospital affiliations and absences from work. Also, list all periods of non-professional activity or employment. **PLEASE ACCOUNT FOR ALL TIME.** If engaged in private practice, list all clinical affiliations.

From	To	Name and Address of Location Where Service was Provided	Position Held
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. Do you intend to engage in the active practice of surgical assisting in the Commonwealth of Virginia? Yes No

If Yes, give location _____

4. List all jurisdictions in which you have been issued a license to practice or registered as a surgical assistant: include all active, inactive, expired, suspended or revoked licenses/registrations. Indicate number and date issued.

Jurisdiction	Number Issued	Active/Inactive/Expired

5. How did you obtain your credential as surgical assistant? NBSTSA NCCSA Completion of a Surgical Assistant training program in the US armed forces Practice as a surgical assistant in Virginia prior to July 1, 2020

QUESTIONS MUST BE ANSWERED. If any of the following questions (6-18) is answered **Yes**, explain and Substantiate with documentation.

Yes No

- 6. Have you ever been denied a license or the privilege of taking a licensure/competency examination by any testing entity or licensing authority?
- 7. Have you ever been convicted of a violation of/or pled Nolo Contendere to any federal, state, or local statute, or regulation or ordinance, or entered into plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence.)
- 8. Have you ever been denied privileges or voluntarily surrendered your clinical privileges for any reason?
- 9. Have you ever been placed on a corrective action plan, placed on probation or been dismissed or suspended or requested to withdraw from any professional school, training program, hospital, etc?
- 10. Have you ever been terminated from employment or resigned in lieu of termination from any training program, hospital, healthcare facility, healthcare provider, provider network or malpractice insurance carrier?
- 11. Do you have any pending disciplinary actions against your professional license/certification/permit/registration related to your practice of surgical assisting?
- 12. Have you voluntarily withdrawn from any professional society while under investigation?
- 13. Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice in a competent and professional manner?
- 14. Within the past five years, have you been disciplined by any entity?
- 15. Do you currently have any physical condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing surgical assistant.
- 16. Do you currently have any mental health condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing surgical assistant.
- 17. Do you currently have any condition or impairment related to alcohol or other substance use that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing surgical assistant.
- 18. Within the past 5 years, have you any condition or restrictions been imposed upon you or your practice to avoid disciplinary action by any entity?

Military Service:

- 19. Are you a spouse of someone who is on a federal active duty orders pursuant to Title 10 of the U.S. Code or of a veteran who has left active-duty service within one year of submission of this application and who is accompanying your spouse to Virginia or an adjoining state or the District of Columbia?
- 20. Are you active duty military?

21. AFFIDAVIT OF APPLICANT

I, _____, am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present), and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia Board of Medicine any information, files or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension, or revocation of my license to practice as a surgical assistant in the Commonwealth of Virginia.

I have carefully read the laws and regulations related to the practice of my profession which are available at www.dhp.virginia.gov and I understand that fees submitted as part of the application process shall not be refunded.

Signature of Applicant

Report of the 2021 General Assembly Session

January 20, 2021

HB 1737 Nurse practitioners; practice without a practice agreement.

Chief patron: Adams, D.M.

Summary as introduced:

Nurse practitioners; practice without a practice agreement. 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 1747 Clinical nurse specialist; licensure of nurse practitioners as specialists, etc.

Chief patron: Adams, D.M.

Summary as introduced:

Clinical nurse specialist; licensure; practice. Provides for the licensure of nurse practitioners as clinical nurse specialists by the Boards of Medicine and Nursing and provides that a nurse practitioner licensed as a clinical nurse specialist shall practice pursuant to a practice agreement between the clinical nurse specialist and a licensed physician. The bill requires the Boards of Medicine and Nursing to jointly issue a license to practice as a nurse practitioner in the category of a clinical nurse specialist to an applicant who is an advance practice registered nurse who has completed an advanced graduate-level education program in the specialty category of clinical nurse specialist and who is registered by the Board of Nursing as a clinical nurse specialist on July 1, 2021.

HB 1769 Health care providers, certain; licensure or certification by endorsement.

Chief patron: Freitas

Summary as introduced:

Certain health care providers; licensure or certification by endorsement. Requires the Board of Medicine to issue a license or certificate by endorsement to an applicant who holds a valid, unrestricted license or certificate under the laws of another state, the District of Columbia, or a United States territory or possession with which the Commonwealth has not established a reciprocal relationship upon endorsement by the appropriate board or other appropriate

authority of such other state, the District of Columbia, or United States territory or possession and a determination by the Board of Medicine that the applicant's credentials are satisfactory to the Board of Medicine and the examinations and passing grades required by such other board or authority are fully equal to those required by the Board of Medicine.

HB 1795 Counseling, Board of; licensure of professional counselors without examination.

Chief patron: Cole, M.L.

Summary as introduced:

Board of Counseling; licensure of professional counselors without examination. Requires the Board of Counseling to issue a license as a licensed professional counselor without examination to a person who has applied for such a license and who satisfies all other education, experience, and fitness to practice requirements set forth in regulation and who, in the judgment of the Board, is qualified to practice professional counseling.

HB 1815 Marijuana; legalization of cultivation, manufacture, sale, possession, and testing, penalties.

Chief patron: Heretick

Summary as introduced:

Marijuana; legalization of cultivation, manufacture, sale, possession, and testing; penalties. Establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, and retail marijuana stores by the Board of Agriculture and Consumer Services. The bill also grants localities the authority to enact ordinances establishing additional licensing requirements for marijuana establishments located within such locality and allows the home cultivation of marijuana for personal use under certain circumstances. The bill imposes a tax on retail marijuana and retail marijuana products sold by a retail marijuana store at a rate of 9.7 percent (for a total sales tax of 15 percent) and provides that 67 percent of the revenues collected from the tax be deposited into the general fund and 33 percent of the revenues be deposited into a "Retail Marijuana Education Support Fund" to be used solely for purposes of public education. Finally, the bill establishes several new criminal penalties related to marijuana, as well as modifies some existing criminal penalties.

HB 1817 Certified nurse midwives; practice.

Chief patron: Adams, D.M.

Summary as introduced:

Practice of certified nurse midwives. Eliminates the requirement that certified nurse midwives practice pursuant to a practice agreement and provides that certified nurse midwives shall practice in accordance with regulations of the Boards of Medicine and Nursing and consistent with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives and shall consult and collaborate with and refer patients to such other health care providers as may be appropriate for the care of the patient.

HB 1913 Career fatigue and wellness in certain health care providers; programs to address, civil immunity.

Chief patron: Hope

Summary as introduced:

Programs to address career fatigue and wellness in certain health care providers; civil immunity. Expands civil immunity for health care professionals serving as members of or consultants to entities that function primarily to review, evaluate, or make recommendations related to health care services to include health care professionals serving as members of or consultants to entities that function primarily to address issues related to career fatigue and wellness in health care professionals licensed, registered, or certified by the Boards of Medicine, Nursing, or Pharmacy, or in students enrolled in a school of medicine, osteopathic medicine, nursing, or pharmacy located in the Commonwealth. The bill contains an emergency clause.

EMERGENCY

HB 1953 Licensed certified midwives; definition of practice, licensure, report.

Chief patron: Gooditis

Summary as introduced:

Licensed certified midwives; licensure; practice. Defines "practice of licensed certified midwifery" and directs the Boards of Medicine and Nursing to establish criteria for the licensure and renewal of a license as a certified midwife. The bill also directs the Department of Health Professions to convene a workgroup to study the licensure and regulation of certified nurse midwives, certified midwives, and certified professional midwives to determine the appropriate licensing entity for such professionals. The Department shall report its findings and conclusions to the Governor and the General Assembly by November 1, 2021.

HB 1959 Medication abandonment and increasing patient medication adherence; options for reducing rates.

Chief patron: Fowler

Summary as introduced:

Study; Health Professions Subcommittee of the Committee on Health, Welfare and Institutions; options for reducing rates of medication abandonment and increasing patient medication adherence; report. Directs the Health Professions Subcommittee of the Committee on Health, Welfare and Institutions to study options for reducing the rates of medication abandonment and increasing patient medication adherence, including the feasibility of permitting health plans and pharmacy benefits managers to make available in real time to enrollees and their health care providers, upon request of such health care provider made at the time a prescription drug is prescribed to an enrollee, information regarding the actual cost and any benefits of the prescription drug and any health insurance coverage related to the prescription drug.

HB 1987 Telemedicine; coverage of telehealth services by an insurer, etc.

Chief patron: Adams, D.M.

Summary as introduced:

Telemedicine. Clarifies that nothing shall preclude coverage of telehealth services by an insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; a corporation providing individual or group accident and sickness subscription contracts; or a health maintenance organization providing a health care plan for health care services. The bill requires the Board of Medical Assistance Services to amend the state plan for medical assistance to provide for payment of medical assistance for remote patient monitoring services provided via telemedicine for certain high-risk patients, and provides for the establishment of a practitioner-patient relationship via telemedicine for the prescribing of Schedule II through VI controlled substances.

HB 1988 Cannabis oil; processing and dispensing by pharmaceutical processors.

Chief patron: Adams, D.M.

Summary as introduced:

Board of Pharmacy; pharmaceutical processors; processing and dispensing cannabis oil.

Effects numerous changes to the processing and dispensing of cannabis oil by pharmaceutical processors in the Commonwealth. The bill defines the term "designated caregiver facility" and allows any staff member or employee of a designated caregiver facility to assist with the possession, acquisition, delivery, transfer, transportation, and administration of cannabis oil for any patients residing in the designated caregiver facility. The bill allows written certifications for use of cannabis oil to include an electronic practitioner signature. The bill removes the requirement that a cannabis dispensing facility undergo quarterly inspections and instead requires that inspections occur no more than once annually and allows pharmaceutical processors to remediate cannabis oil that fails any quality testing standard. The bill requires pharmaceutical processors to maintain evidence of criminal background checks for all employees and delivery agents of the pharmaceutical processor. The bill directs the Board of Pharmacy to promulgate regulations implementing the provisions of the bill and regulations creating reasonable restrictions on advertising and promotion by pharmaceutical processors by July 1, 2021.

HB 2005 Disposition of the remains of a decedent; persons to make arrangements for funeral.

Chief patron: Sickles

Summary as introduced:

Disposition of the remains of a decedent; persons to make arrangements for funeral and disposition of remains. Establishes an order of priority for persons who have the right to make arrangements and otherwise be responsible for a decedent's funeral and the disposition of his remains, provided that any such person is 18 years of age or older and of sound mind. The bill sets out, among other things, the circumstances under which such persons forfeit the right to make arrangements and otherwise be responsible for a person's funeral and the disposition of his remains and sets out assertions that a person seeking to exercise the right to make such arrangements must attest to in a signed written statement to be delivered to the funeral service establishment. Any funeral service establishment, funeral service establishment manager of record, funeral service licensee, funeral director, embalmer, registered crematory, registered crematory owner, registered crematory manager of record, or certified crematory operator that relies upon such a written statement shall be immune from civil or criminal liability for any act, decision, or omission in connection with following such person's direction related to the decedent's funeral and the disposition of his remains, unless such act, decision, or omission resulted from willful neglect or bad faith. The bill sets out rights of funeral service establishments when there is a dispute regarding the arrangements of a decedent's funeral or

his remains or the identity of any persons who have the right to make arrangements for the decedent. The bill specifies that the provisions do not apply to cemeteries or cemetery companies.

HB 2039 Physician assistant; eliminates certain requirement for practice.

Chief patron: Rasoul

Summary as introduced:

Practice as a physician assistant. Eliminates the requirement that a physician assistant enter into a practice agreement with a single patient care team physician or patient care team podiatrist and provides that a patient care team physician or patient care team podiatrist shall not be liable for the actions or inactions of a physician assistant for whom the patient care team physician or patient care team podiatrist provides collaboration and consultation. The bill also makes clear that a student physician assistant shall not be required to be licensed to engage in acts that otherwise constitute practice as a physician assistant, provided that the student physician assistant is enrolled in an accredited physician assistant education program.

HB 2044 Naturopathic doctors; Board of Medicine to license and regulate.

Chief patron: Rasoul

Summary as introduced:

Naturopathic doctors; license required. Requires the Board of Medicine to license and regulate naturopathic doctors. The practice of naturopathic medicine is defined in the bill as (i) a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injury, and disease and (ii) the use of both naturopathic and traditional medical therapies to promote or restore whole patient health. The bill also establishes the Advisory Board on Naturopathic Medicine to assist the Board of Medicine in formulating regulations related to the practice of naturopathic medicine.

HB 2061 VIIS; any health care provider in the Commonwealth that administers immunizations to participate.

Chief patron: Willett

Summary as introduced:

Virginia Immunization Information System; health care entities; required participation.

Requires any health care provider in the Commonwealth that administers immunizations to

participate in the Virginia Immunization Information System (VIIS) and report patient immunization history and information to VIIS. Under current law, participation in VIIS is optional for authorized health care entities. The bill has a delayed effective date of January 1, 2022.

HB 2079 Pharmacists; initiation of treatment with and dispensing and administering of drugs and devices.

Chief patron: Rasoul

Summary as introduced:

Pharmacists; initiation of treatment; certain drugs and devices. Expands provisions governing the initiation of treatment with and dispensing and administering of drugs and devices by pharmacists to allow the initiation of treatment with and dispensing and administering of drugs, devices, and controlled paraphernalia to persons 18 years of age or older, in accordance with protocols developed by the Board of Pharmacy in collaboration with the Board of Medicine and the Department of Health, and of (i) vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention; (ii) tuberculin purified protein derivative for tuberculosis testing; (iii) controlled substances for the prevention of human immunodeficiency virus, including controlled substances prescribed for pre-exposure and post-exposure prophylaxis pursuant to guidelines and recommendations of the Centers for Disease Control and Prevention; and (iv) drugs, devices, controlled paraphernalia, and other supplies and equipment available over-the-counter, covered by the patient's health carrier when the patient's out-of-pocket cost is lower than the out-of-pocket cost to purchase an over-the-counter equivalent of the same drug, device, controlled paraphernalia, or other supplies or equipment. The bill requires any pharmacist who administers a vaccination pursuant to clause (i) to report such administration to the Virginia Immunization Information System. The bill also (a) requires the Board of Pharmacy, in collaboration with the Board of Medicine and the Department of Health, to establish protocols for the initiation of treatment with and dispensing and administering of drugs, devices, and controlled paraphernalia by pharmacists in accordance with the provisions of the bill by November 1, 2021; (b) requires the Board of Pharmacy, in collaboration with the Board of Medicine, to adopt regulations within 280 days of the bill's enactment to implement the provisions of the bill; and (c) requires the Board of Pharmacy to continue the work group composed of equal number of representatives of the Boards of Pharmacy and Medicine and other stakeholders to provide recommendations regarding the

developing of protocols for the initiation of treatment with and dispensing and administering of certain drugs and devices by pharmacists to persons 18 years of age or older.

HB 2116 Declared states of emergency, certain; funeral service licensees designated as essential workers.

Chief patron: Mugler

Summary as introduced:

Certain declared states of emergency; essential workers; funeral service licensees; emergency. Provides that in any case in which the Governor has declared a state of emergency related to a communicable disease of public health threat, funeral service licensees shall be considered essential workers and shall be included in any group afforded priority with regard to (i) access to personal protective equipment and (ii) administration of any vaccination against such communicable disease of public health threat during such emergency. The bill contains an emergency clause.

EMERGENCY

HB 2218 Pharmaceutical processors; permits processors to produce & distribute cannabis products.

Chief patron: Hayes

Summary as introduced:

Pharmaceutical processors; cannabis products. Permits pharmaceutical processors to produce and distribute cannabis products other than cannabis oil. The bill defines the terms "botanical cannabis," "cannabis product," and "usable cannabis." The bill requires the Board of Pharmacy to establish testing standards for botanical cannabis and botanical cannabis products, establish a registration process for botanical cannabis products, and promulgate emergency regulations to implement the provisions of the bill. The bill allows the Board of Pharmacy to assess and collect a one-time botanical cannabis regulatory fee from each pharmaceutical processor, not to exceed \$50,000, to cover costs associated with the implementation of the provisions of the bill, including costs for new personnel, training, promulgation of regulations and guidance documents, and information technology.

HB 2220 Surgical technologist; certification, use of title.

Chief patron: Hayes

Summary as introduced:

Surgical technologist; certification; use of title. Provides that that no person shall hold himself out to be a surgical technologist or use or assume the title of "surgical technologist" or "certified surgical technologist" unless such person is certified by the Board of Medicine; currently, a person must be registered with the Board of Medicine to use the title "registered surgical technologist." The bill also (i) adds a requirement that an applicant whose certification is based on his holding a current credential as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting also demonstrate that he has successfully completed an accredited surgical technologist training program and (ii) provides that the Board of Medicine may certify a person who has practiced as a surgical technologist at any time in the six months prior to July 1, 2021, provided that he registers with the Board of Medicine by December 31, 2021.

HB 2241 Unborn child protection from dismemberment abortion; penalties.

Chief patron: LaRock

Summary as introduced:

Unborn child protection from dismemberment abortion; penalties. Prohibits the practice of dismemberment abortion, which is defined in the bill as meaning to, with the purpose of causing the death of an unborn child, purposely dismember a living unborn child and extract him one piece at a time from the uterus through the use of clamps, grasping forceps, tongs, scissors, or any other instrument that, through the convergence of two rigid levers, slice, crush, or grasp a portion of the unborn child's body to cut or rip such portion of the unborn child's body. The term does not include an abortion that uses suction to dismember the body of an unborn child by sucking fetal parts into a collection container, but it does include an abortion in which a dismemberment abortion is used to cause the death of an unborn child but suction is subsequently used to extract fetal parts after the death of the unborn child. The bill provides that a person who purposely performs a dismemberment abortion is guilty of a Class 4 felony. A cause of action is also created for injunctive relief and civil damages. An exception is made when a dismemberment abortion is necessary to prevent serious health risk to the unborn child's mother.

HB 2259 Governor; issuance of licenses to persons denied by regulatory board.

Chief patron: Scott

Summary as introduced:

Professions and occupations; licensure by Governor. Provides that the Governor may issue a license of the kind granted by a regulatory board under the Department of Professional and Occupational Regulation or the Department of Health Professions to any person whose application for such license to such board has been denied.

HB 2272 Naturopathic doctors; Department of Health Professions to amend its regulations.

Chief patron: Fowler

Summary as introduced:

Department of Health Professions; naturopathic doctors. Directs the Department of Health Professions to amend its regulations to require that a person complete a four-year accredited doctoral program in naturopathy and pass the naturopathy examination administered by the Virginia Naturopathic Doctors Association in order to use the title "Naturopathic Doctor" or "ND." The bill requires the Department to collaborate with the Virginia Naturopathic Doctors Association to draft and implement regulations related to the scope of practice of naturopathic doctors in the Commonwealth.

HJ 531 Interstate Medical Licensure Compact; Joint Com. on Health Care to study advisability of joining.

Chief patron: Helmer

Summary as introduced:

Study; Joint Commission on Health Care; advisability of the Commonwealth's joining the Interstate Medical Licensure Compact; report. Directs the Joint Commission on Health Care to study the advisability of the Commonwealth's joining the Interstate Medical Licensure Compact (the Compact), including the legal effects of joining of the Compact in the Commonwealth and possible positive and negative outcomes resulting from the adoption of the Compact, and develop recommendations as to whether the Commonwealth should join the Compact. The Joint Commission on Health Care shall complete its work by November 30, 2021, and submit an executive report of its findings and conclusions no later than the first day of the 2022 Regular Session of the General Assembly.

SB 1107 Medical malpractice; limitation on recovery.

Chief patron: Stanley

Summary as introduced:

Medical malpractice; limitation on recovery. Eliminates the cap on the recovery in actions against health care providers for medical malpractice where the act or acts of malpractice occurred on or after July 1, 2021.

SB 1115 Industrial hemp; increases maximum THC concentration.

Chief patron: Peake

Summary as introduced:

Industrial hemp; increase maximum THC concentration. Increases the maximum tetrahydrocannabinol (THC) concentration in industrial hemp from the maximum allowed by federal law to the maximum allowed by federal law or one percent, whichever is greater. The bill expands the definition of "hemp product" to include raw materials of any part of the plant *Cannabis sativa* and omits from such definition the requirement that the product be otherwise lawful.

SB 1167 Nursing, Board of; licensure or certification by endorsement for members of the U.S. military.

Chief patron: Kiggans

Summary as introduced:

Board of Nursing; licensure or certification by endorsement for members of the United States military. Permits the Board of Nursing to issue licenses and certifications by endorsement for registered nurses, licensed practical nurses, and certified nurse aides who hold a similar or equivalent license or certification from the medical corps of a branch of the United States military.

SB 1178 Genetic counseling; repeals conscience clause.

Chief patron: Ebbin

Summary as introduced:

Genetic counseling; conscience clause. Repeals the conscience clause for genetic counselors who forgo participating in counseling that conflicts with their deeply held moral or religious beliefs, provided that they inform the patient and offer to direct the patient to the online directory of licensed genetic counselors maintained by the Board of Medicine. The law being repealed also prohibits the licensing of any genetic counselor from being contingent upon participating in such counseling.

SB 1187 Physical therapy; extends time allowed for a therapist to evaluate and treat patients.

Chief patron: Hashmi

Summary as introduced:

Department of Health Professions; practice of physical therapy. Extends from 30 days to 60 days the time allowed for a physical therapist who has completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has obtained a certificate of authorization to evaluate and treat patients after an initial evaluation without a referral under certain circumstances. The bill also provides that after discharging a patient a physical therapist shall not perform an initial evaluation of a patient without a referral if the physical therapist has performed an initial evaluation of the patient for the same condition within the immediately preceding 60 days.

SB 1189 Occupational therapists; licensure.

Chief patron: Hashmi

Summary as introduced:

Licensure of occupational therapists; Occupational Therapy Interjurisdictional Licensure Compact. Authorizes Virginia to become a signatory to the Occupational Therapy Interjurisdictional Licensure Compact. The Compact permits eligible licensed occupational therapists and occupational therapy assistants to practice in Compact member states provided they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2022, and directs the Board of Medicine to adopt emergency regulations to implement the provisions of the bill. The Compact takes effect when it is enacted by a tenth member state.

SB 1192 Naturopathic doctors; Department of Health Professions to amend its regulations.

Chief patron: Kiggans

Summary as introduced:

Department of Health Professions; naturopathic doctors. Directs the Department of Health Professions to amend its regulations to require that a person complete a four-year accredited doctoral program in naturopathy and pass the naturopathy examination administered by the Virginia Naturopathic Doctors Association in order to use the title "Naturopathic Doctor" or "ND." The bill requires the Department to collaborate with the Virginia Naturopathic Doctors Association to draft and implement regulations related to the scope of practice of naturopathic doctors in the Commonwealth.

SB 1205 Career fatigue and wellness in certain health care providers; programs to address, civil immunity.

Chief patron: Barker

Summary as introduced:

Programs to address career fatigue and wellness in certain health care providers; civil immunity. Expands civil immunity for health care professionals serving as members of or consultants to entities that function primarily to review, evaluate, or make recommendations related to health care services to include health care professionals serving as members of or consultants to entities that function primarily to address issues related to career fatigue and wellness in health care professionals licensed, registered, or certified by the Boards of Medicine, Nursing, or Pharmacy, or in students enrolled in a school of medicine, osteopathic medicine, nursing, or pharmacy located in the Commonwealth. The bill contains an emergency clause.

EMERGENCY

SB 1218 Naturopathic doctors; license required.

Chief patron: Petersen

Summary as introduced:

Naturopathic doctors; license required. Requires the Board of Medicine to license and regulate naturopathic doctors. The practice of naturopathic medicine is defined in the bill as (i) a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injury, and disease and (ii) the use of both naturopathic and traditional medical therapies to promote or restore whole patient health. The bill also establishes the Advisory Board on Naturopathic Medicine to assist the Board of Medicine in formulating regulations related to the practice of naturopathic medicine.

SB 1268 Disposition of the remains of a decedent; persons to make arrangements for funeral.

Chief patron: Deeds

Summary as introduced:

Disposition of the remains of a decedent; persons to make arrangements for funeral and disposition of remains. Establishes an order of priority for persons who have the right to make

arrangements and otherwise be responsible for a decedent's funeral and the disposition of his remains, provided that any such person is 18 years of age or older and of sound mind. The bill sets out, among other things, the circumstances under which such persons forfeit the right to make arrangements and otherwise be responsible for a person's funeral and the disposition of his remains and sets out assertions that a person seeking to exercise the right to make such arrangements must attest to in a signed written statement to be delivered to the funeral service establishment. Any funeral service establishment, funeral service establishment manager of record, funeral service licensee, funeral director, embalmer, registered crematory, registered crematory owner, registered crematory manager of record, or certified crematory operator that relies upon such a written statement shall be immune from civil or criminal liability for any act, decision, or omission in connection with following such person's direction related to the decedent's funeral and the disposition of his remains, unless such act, decision, or omission resulted from willful neglect or bad faith. The bill sets out rights of funeral service establishments when there is a dispute regarding the arrangements of a decedent's funeral or his remains or the identity of any persons who have the right to make arrangements for the decedent. The bill specifies that the provisions do not apply to cemeteries or cemetery companies.

SB 1320 Licensed certified midwives; definition of practice, licensure, report.

Chief patron: Lucas

Summary as introduced:

Licensed certified midwives; licensure; practice. Defines "practice of licensed certified midwifery" and directs the Boards of Medicine and Nursing to establish criteria for the licensure and renewal of a license as a certified midwife. The bill also directs the Department of Health Professions to convene a workgroup to study the licensure and regulation of certified nurse midwives, certified midwives, and certified professional midwives to determine the appropriate licensing entity for such professionals. The Department shall report its findings and conclusions to the Governor and the General Assembly by November 1, 2021.

SB 1333 Pharmaceutical processors; permits processors to produce & distribute cannabis products.

Chief patron: Lucas

Summary as introduced:

Pharmaceutical processors; cannabis products. Permits pharmaceutical processors to produce

and distribute cannabis products other than cannabis oil. The bill defines the terms "botanical cannabis," "cannabis product," and "usable cannabis." The bill requires the Board of Pharmacy to establish testing standards for botanical cannabis and botanical cannabis products, establish a registration process for botanical cannabis products, and promulgate emergency regulations to implement the provisions of the bill. The bill allows the Board of Pharmacy to assess and collect a one-time botanical cannabis regulatory fee from each pharmaceutical processor, not to exceed \$50,000, to cover costs associated with the implementation of the provisions of the bill, including costs for new personnel, training, promulgation of regulations and guidance documents, and information technology.

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SB 1406 Marijuana; legalization of simple possession; penalties.

Chief patron: Ebbin, Lucas

Summary as introduced:

Marijuana; legalization of simple possession; penalties. Eliminates criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill also modifies several other criminal penalties related to marijuana and provides for an automatic expungement process for those convicted of certain marijuana-related crimes. The bill establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, marijuana wholesalers, and retail marijuana stores by the Virginia Alcoholic Beverage Control Authority, renamed as the Virginia Alcoholic Beverage and Cannabis Control Authority. The bill imposes a tax on retail marijuana, retail marijuana products, and marijuana paraphernalia sold by a retail marijuana store, as well as non-retail marijuana and non-retail marijuana products at a rate of 21 percent and provides that localities may by ordinance levy a three percent tax on any such marijuana or marijuana products. The bill provides that net profits attributable to regulatory activities of the Authority's Board of Directors pursuant to this bill shall be appropriated as follows: (i) 40 percent to pre-kindergarten programs for at-risk three and four year olds, (ii) 30 percent to the Cannabis Equity Reinvestment Fund, established in the bill, (iii) 25 percent to substance use disorder prevention and treatment programs, and (iv) five percent to public health programs. The bill creates the Cannabis Control Advisory Board, the Cannabis Equity Reinvestment Board, and the Cannabis Public Health Advisory Council. The bill has a delayed effective date of January 1, 2023, with provisions for the Authority's Board of Directors to promulgate regulations for the implementation of the bill and for implementation of the automatic expungement process to begin in due course. In addition, the bill establishes three work groups to begin their efforts in due course: one focused on public health and safety issues, one focused on providing resources for teachers in elementary and secondary schools, and one focused on college-aged individuals. See S. B. 1406 PDF text: <https://lis.virginia.gov/000/CannabisBill.pdf>

SB 1408 Joint Commission on Health Care; sunset.

Chief patron: Barker

Summary as introduced:

Joint Commission on Health Care; sunset. Repeals the sunset provision for the Joint Commission on Health Care.

SB 1424 Funeral service establishments; manager of record.

Chief patron: Cosgrove

Summary as introduced:

Funeral service establishments; manager of record. Defines "manager of record" as a person who manages and handles all operations of a licensed funeral service establishment and sets out the conditions under which a funeral service licensee or a funeral director may serve as a manager of record. The bill requires that funeral service establishments employ a full-time manager of record.

SB 1446 Practice of medicine and other healing arts; provision of litigation assistance.

Chief patron: Surovell

Summary as introduced:

Practice of medicine and other healing arts; provision of litigation assistance. Requires practitioners of medicine and other healing arts to provide litigation assistance to treated patients and their attorneys. Such litigation assistance includes providing a legal consult fee schedule upon request, scheduling and participating in meetings with a treated patient's attorney upon request, participating in trial or de bene esse depositions as needed, and providing a written estimate of the cost of the patient's medical services related to the litigation.