

## 1 HOUSE BILL NO. 145

## 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Health, Welfare and Institutions

4 on January 20, 2022)

5 (Patron Prior to Substitute--Delegate Head)

6 A BILL to amend and reenact §§ 32.1-282, 54.1-2900, and 54.1-2952 of the Code of Virginia, relating to  
7 practice of physician assistants.

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

9 **1. That §§ 32.1-282, 54.1-2900, and 54.1-2952 of the Code of Virginia are amended and reenacted as**  
10 **follows:**

11 **§ 32.1-282. Medical examiners.**

12 A. The Chief Medical Examiner may appoint for each county and city one or more medical  
13 examiners, who shall be licensed as a doctor of medicine or osteopathic medicine, a physician assistant,  
14 or a nurse practitioner in the Commonwealth and appointed as agents of the Commonwealth, to assist the  
15 Office of the Chief Medical Examiner with medicolegal death investigations. A physician assistant  
16 appointed as a medical examiner shall ~~have a practice agreement with and be under the continuous~~  
17 ~~supervision of a physician medical examiner~~ in accordance with § 54.1-2952. A nurse practitioner  
18 appointed as a medical examiner shall practice in accordance with § 54.1-2957.

19 B. At the request of the Chief Medical Examiner, the Assistant Chief Medical Examiner, or their  
20 designees, medical examiners may assist the Office of the Chief Medical Examiner with cases requiring  
21 medicolegal death investigations in accordance with § 32.1-283.

22 C. The term of each medical examiner appointed, other than an appointment to fill a vacancy, shall  
23 begin on the first day of October of the year of appointment. The term of each medical examiner shall be  
24 three years; however, an appointment to fill a vacancy shall be for the unexpired term.

25 **§ 54.1-2900. Definitions.**

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

27 "Acupuncturist" means an individual approved by the Board to practice acupuncture. This is  
28 limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy,  
29 chiropractic or podiatry who has successfully completed the requirements for licensure established by the  
30 Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

31 "Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture  
32 needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the  
33 context of a chemical dependency treatment program.

34 "Birth control" means contraceptive methods that are approved by the U.S. Food and Drug  
35 Administration. "Birth control" shall not be considered abortion for the purposes of Title 18.2.

36 "Board" means the Board of Medicine.

37 "Certified nurse midwife" means an advanced practice registered nurse who is certified in the  
38 specialty of nurse midwifery and who is jointly licensed by the Boards of Medicine and Nursing as a nurse  
39 practitioner pursuant to § 54.1-2957.

40 "Certified registered nurse anesthetist" means an advanced practice registered nurse who is  
41 certified in the specialty of nurse anesthesia, who is jointly licensed by the Boards of Medicine and  
42 Nursing as a nurse practitioner pursuant to § 54.1-2957, and who practices under the supervision of a  
43 doctor of medicine, osteopathy, podiatry, or dentistry but is not subject to the practice agreement  
44 requirement described in § 54.1-2957.

45 "Clinical nurse specialist" means an advance practice registered nurse who is certified in the  
46 specialty of clinical nurse specialist and who is jointly licensed by the Boards of Medicine and Nursing as  
47 a nurse practitioner pursuant to § 54.1-2957.

48 "Collaboration" means the communication and decision-making process among health care  
49 providers who are members of a patient care team related to the treatment of a patient that includes the  
50 degree of cooperation necessary to provide treatment and care of the patient and includes (i)  
51 communication of data and information about the treatment and care of a patient, including the exchange  
52 of clinical observations and assessments, and (ii) development of an appropriate plan of care, including

53 decisions regarding the health care provided, accessing and assessment of appropriate additional resources  
54 or expertise, and arrangement of appropriate referrals, testing, or studies.

55 "Consultation" means communicating data and information, exchanging clinical observations and  
56 assessments, accessing and assessing additional resources and expertise, problem-solving, and arranging  
57 for referrals, testing, or studies.

58 "Genetic counselor" means a person licensed by the Board to engage in the practice of genetic  
59 counseling.

60 "Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and  
61 cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

62 "Licensed certified midwife" means a person who is licensed as a certified midwife by the Boards  
63 of Medicine and Nursing.

64 "Medical malpractice judgment" means any final order of any court entering judgment against a  
65 licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or  
66 wrongful death, based on health care or professional services rendered, or that should have been rendered,  
67 by a health care provider, to a patient.

68 "Medical malpractice settlement" means any written agreement and release entered into by or on  
69 behalf of a licensee of the Board in response to a written claim for money damages that arises out of any  
70 personal injuries or wrongful death, based on health care or professional services rendered, or that should  
71 have been rendered, by a health care provider, to a patient.

72 "Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the  
73 Boards of Medicine and Nursing pursuant to § 54.1-2957.

74 "Occupational therapy assistant" means an individual who has met the requirements of the Board  
75 for licensure and who works under the supervision of a licensed occupational therapist to assist in the  
76 practice of occupational therapy.

77 "Patient care team" means a multidisciplinary team of health care providers actively functioning  
78 as a unit with the management and leadership of one or more patient care team physicians for the purpose  
79 of providing and delivering health care to a patient or group of patients.

80 "Patient care team physician" means a physician who is actively licensed to practice medicine in  
81 the Commonwealth, who regularly practices medicine in the Commonwealth, and who provides  
82 management and leadership in the care of patients as part of a patient care team.

83 "Patient care team podiatrist" means a podiatrist who is actively licensed to practice podiatry in  
84 the Commonwealth, who regularly practices podiatry in the Commonwealth, and who provides  
85 management and leadership to physician assistants in the care of patients as part of a patient care team.

86 "Physician assistant" means a health care professional who has met the requirements of the Board  
87 for licensure as a physician assistant.

88 "Practice of acupuncture" means the stimulation of certain points on or near the surface of the body  
89 by the insertion of needles to prevent or modify the perception of pain or to normalize physiological  
90 functions, including pain control, for the treatment of certain ailments or conditions of the body and  
91 includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does  
92 not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or  
93 prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as  
94 exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for  
95 patients eligible for federal, state or local public funds by an employee of the program who is trained and  
96 approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

97 "Practice of athletic training" means the prevention, recognition, evaluation, and treatment of  
98 injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes  
99 strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury  
100 or condition resulting from occupational activity immediately upon the onset of such injury or condition;  
101 and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the  
102 patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or  
103 dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

104 "Practice of behavior analysis" means the design, implementation, and evaluation of  
105 environmental modifications, using behavioral stimuli and consequences, to produce socially significant

106 improvement in human behavior, including the use of direct observation, measurement, and functional  
107 analysis of the relationship between environment and behavior.

108 "Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column,  
109 and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include  
110 the use of surgery, obstetrics, osteopathy, or the administration or prescribing of any drugs, medicines,  
111 serums, or vaccines. "Practice of chiropractic" shall include (i) requesting, receiving, and reviewing a  
112 patient's medical and physical history, including information related to past surgical and nonsurgical  
113 treatment of the patient and controlled substances prescribed to the patient, and (ii) documenting in a  
114 patient's record information related to the condition and symptoms of the patient, the examination and  
115 evaluation of the patient made by the doctor of chiropractic, and treatment provided to the patient by the  
116 doctor of chiropractic. "Practice of chiropractic" shall also include performing the physical examination  
117 of an applicant for a commercial driver's license or commercial learner's permit pursuant to § 46.2-341.12  
118 if the practitioner has (i) applied for and received certification as a medical examiner pursuant to 49 C.F.R.  
119 Part 390, Subpart D and (ii) registered with the National Registry of Certified Medical Examiners.

120 "Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical  
121 histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and other  
122 family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk  
123 management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other  
124 diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family  
125 medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v)  
126 evaluating the patient's and family's responses to the medical condition or risk of recurrence and providing  
127 client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community resources  
128 that provide medical, educational, financial, and psychosocial support and advocacy; and (vii) providing  
129 written documentation of medical, genetic, and counseling information for families and health care  
130 professionals.

131 "Practice of licensed certified midwifery" means the provision of primary health care for  
132 preadolescents, adolescents, and adults within the scope of practice of a certified midwife established in

133 accordance with the Standards for the Practice of Midwifery set by the American College of Nurse-  
134 Midwives, including (i) providing sexual and reproductive care and care during pregnancy and childbirth,  
135 postpartum care, and care for the newborn for up to 28 days following the birth of the child; (ii) prescribing  
136 of pharmacological and non-pharmacological therapies within the scope of the practice of midwifery; (iii)  
137 consulting or collaborating with or referring patients to such other health care providers as may be  
138 appropriate for the care of the patients; and (iv) serving as an educator in the theory and practice of  
139 midwifery.

140 "Practice of medicine or osteopathic medicine" means the prevention, diagnosis, and treatment of  
141 human physical or mental ailments, conditions, diseases, pain, or infirmities by any means or method.

142 "Practice of occupational therapy" means the therapeutic use of occupations for habilitation and  
143 rehabilitation to enhance physical health, mental health, and cognitive functioning and includes the  
144 evaluation, analysis, assessment, and delivery of education and training in basic and instrumental activities  
145 of daily living; the design, fabrication, and application of orthoses (splints); the design, selection, and use  
146 of adaptive equipment and assistive technologies; therapeutic activities to enhance functional  
147 performance; vocational evaluation and training; and consultation concerning the adaptation of physical,  
148 sensory, and social environments.

149 "Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of  
150 physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical,  
151 mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include  
152 amputation of the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations  
153 proximal to the metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery  
154 facility accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and  
155 treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to  
156 the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved  
157 hospital or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939.  
158 The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within  
159 the scope of practice of podiatry.

160 "Practice of radiologic technology" means the application of ionizing radiation to human beings  
161 for diagnostic or therapeutic purposes.

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

177 "Practice of surgical assisting" means the performance of significant surgical tasks, including  
178 manipulation of organs, suturing of tissue, placement of hemostatic agents, injection of local anesthetic,  
179 harvesting of veins, implementation of devices, and other duties as directed by a licensed doctor of  
180 medicine, osteopathy, or podiatry under the direct supervision of a licensed doctor of medicine,  
181 osteopathy, or podiatry.

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

187 "Radiologic technologist" means an individual, other than a licensed doctor of medicine,  
188 osteopathy, podiatry, or chiropractic or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.),  
189 who (i) performs, may be called upon to perform, or is licensed to perform a comprehensive scope of  
190 diagnostic or therapeutic radiologic procedures employing ionizing radiation and (ii) is delegated or  
191 exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and  
192 staff from unnecessary radiation, the appropriate exposure of radiographs, the administration of  
193 radioactive chemical compounds under the direction of an authorized user as specified by regulations of  
194 the Department of Health, or other procedures that contribute to any significant extent to the site or dosage  
195 of ionizing radiation to which a patient is exposed.

196 "Radiologic technologist, limited" means an individual, other than a licensed radiologic  
197 technologist, dental hygienist, or person who is otherwise authorized by the Board of Dentistry under  
198 Chapter 27 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic  
199 radiographic procedures employing equipment that emits ionizing radiation that is limited to specific areas  
200 of the human body.

201 "Radiologist assistant" means an individual who has met the requirements of the Board for  
202 licensure as an advanced-level radiologic technologist and who, under the direct supervision of a licensed  
203 doctor of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and  
204 evaluate the physiological and psychological responsiveness of patients undergoing radiologic  
205 procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the  
206 supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising  
207 radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure  
208 consistent with the guidelines adopted by the American College of Radiology, the American Society of  
209 Radiologic Technologists, and the American Registry of Radiologic Technologists.

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



214 "Surgical assistant" means an individual who has met the requirements of the Board for licensure  
215 as a surgical assistant and who works under the direct supervision of a licensed doctor of medicine,  
216 osteopathy, or podiatry.

217 **§ 54.1-2952. Role of patient care team physician or patient care team podiatrist on patient**  
218 **care teams; services that may be performed by physician assistants; responsibility of licensee;**  
219 **employment of physician assistants.**

220 A. A patient care team physician or patient care team podiatrist licensed under this chapter may  
221 serve on a patient care team with physician assistants and shall provide collaboration and consultation to  
222 such physician assistants. No patient care team physician or patient care team podiatrist shall be allowed  
223 to collaborate or consult with more than six physician assistants on a patient care team at any one time.

224 Service as part of a patient care team by a patient care team physician or patient care team podiatrist  
225 shall not, by the existence of such service alone, establish or create vicarious liability for the actions or  
226 inactions of other team members.

227 B. Physician assistants may practice medicine to the extent and in the manner authorized by the  
228 Board. A patient care team physician or patient care team podiatrist shall be available at all times to  
229 collaborate and consult with physician assistants. Each patient care team shall identify the relevant  
230 physician assistant's scope of practice and an evaluation process for the physician assistant's performance.

231 C. Physician assistants appointed as medical examiners pursuant to § 32.1-282 ~~shall only function~~  
232 ~~as part of a patient care team that has a licensed doctor of medicine or osteopathic medicine who has been~~  
233 ~~appointed to serve as a medical examiner pursuant to § 32.1-282~~ may practice without a written or  
234 electronic practice agreement.

235 D. Any professional corporation or partnership of any licensee, any hospital and any commercial  
236 enterprise having medical facilities for its employees that are supervised by one or more physicians or  
237 podiatrists may employ one or more physician assistants in accordance with the provisions of this section.

238 Activities shall be performed in a manner consistent with sound medical practice and the protection  
239 of the health and safety of the patient. Such activities shall be set forth in a practice agreement and may  
240 include health care services that are educational, diagnostic, therapeutic, or preventive, including

241 establishing a diagnosis, providing treatment, and performing procedures. Prescribing or dispensing of  
242 drugs may be permitted as provided in § 54.1-2952.1. In addition, a physician assistant may perform initial  
243 and ongoing evaluation and treatment of any patient in a hospital, including its emergency department, in  
244 accordance with the practice agreement, including tasks performed, relating to the provision of medical  
245 care in an emergency department.

246 A patient care team physician or the on-duty emergency department physician shall be available  
247 at all times for collaboration and consultation with both the physician assistant and the emergency  
248 department physician. No person shall have responsibility for any physician assistant who is not employed  
249 by the person or the person's business entity.

250 E. No physician assistant shall perform any acts beyond those set forth in the practice agreement  
251 or authorized as part of the patient care team. No physician assistant practicing in a hospital shall render  
252 care to a patient unless the physician responsible for that patient is available for collaboration or  
253 consultation, pursuant to regulations of the Board.

254 F. Notwithstanding the provisions of § 54.1-2956.8:1, a licensed physician assistant who (i) is  
255 working in the field of radiology or orthopedics as part of a patient care team, (ii) has been trained in the  
256 proper use of equipment for the purpose of performing radiologic technology procedures consistent with  
257 Board regulations, and (iii) has successfully completed the exam administered by the American Registry  
258 of Radiologic Technologists for physician assistants for the purpose of performing radiologic technology  
259 procedures may use fluoroscopy for guidance of diagnostic and therapeutic procedures.

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