

HOUSE BILL NO. 1278

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health and Human Services

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Zehr)

A BILL to amend and reenact §§ 54.1-2900 and 54.1-2901 of the Code of Virginia, relating to auricular acupuncture; use of the five needle protocol.

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

**1. That §§ 54.1-2900 and 54.1-2901 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-2900. Definitions.**

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

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

"Advanced practice registered nurse" means a certified nurse midwife, certified registered nurse anesthetist, clinical nurse specialist, or nurse practitioner who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957, has completed an advanced graduate-level education program in a specialty category of nursing, and has passed a national certifying examination for that specialty.

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

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

"Board" means the Board of Medicine.

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

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

34 "Clinical nurse specialist" means an advanced practice registered nurse who is certified in the  
35 specialty of clinical nurse specialist and who is jointly licensed by the Boards of Medicine and Nursing as  
36 an advanced practice registered nurse pursuant to § 54.1-2957.

37 "Collaboration" means the communication and decision-making process among health care  
38 providers who are members of a patient care team related to the treatment of a patient that includes the  
39 degree of cooperation necessary to provide treatment and care of the patient and includes (i)  
40 communication of data and information about the treatment and care of a patient, including the exchange  
41 of clinical observations and assessments, and (ii) development of an appropriate plan of care, including  
42 decisions regarding the health care provided, accessing and assessment of appropriate additional resources  
43 or expertise, and arrangement of appropriate referrals, testing, or studies.

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

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

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

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

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

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

61 "Nurse practitioner" means an advanced practice registered nurse, other than an advanced practice  
62 registered nurse licensed by the Boards of Medicine and Nursing in the category of certified nurse  
63 midwife, certified registered nurse anesthetist, or clinical nurse specialist, who is jointly licensed by the  
64 Boards of Medicine and Nursing pursuant to § 54.1-2957.

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

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

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

74 "Patient care team podiatrist" means a podiatrist who is actively licensed to practice podiatry in  
75 the Commonwealth, who regularly practices podiatry in the Commonwealth, and who provides  
76 management and leadership in the care of patients as part of a patient care team.

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

79 "Practice of acupuncture" means the stimulation of certain points on or near the surface of the body  
80 by the insertion of needles to prevent or modify the perception of pain or to normalize physiological  
81 functions, including pain control, for the treatment of certain ailments or conditions of the body and  
82 includes the techniques of electroacupuncture, cupping, and moxibustion. The practice of acupuncture  
83 does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use  
84 or prescribing of any drugs, medications, serums or vaccines; or the procedure of the five needle auricular  
85 acupuncture protocol (5NP) as exempted in § 54.1-2901 ~~when used in the context of a chemical~~  
86 ~~dependency treatment program for patients eligible for federal, state or local public funds by an employee~~  
87 ~~of the program who is trained and approved by the National Acupuncture Detoxification Association or~~  
88 ~~an equivalent certifying body.~~

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

96 "Practice of behavior analysis" means the design, implementation, and evaluation of  
97 environmental modifications, using behavioral stimuli and consequences, to produce socially significant  
98 improvement in human behavior, including the use of direct observation, measurement, and functional  
99 analysis of the relationship between environment and behavior.

100 "Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column,  
101 and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include  
102 the use of surgery, obstetrics, osteopathy, or the administration or prescribing of any drugs, medicines,  
103 serums, or vaccines. "Practice of chiropractic" ~~shall include~~ includes (i) requesting, receiving, and  
104 reviewing a patient's medical and physical history, including information related to past surgical and  
105 nonsurgical treatment of the patient and controlled substances prescribed to the patient, and (ii)

106 documenting in a patient's record information related to the condition and symptoms of the patient, the  
107 examination and evaluation of the patient made by the doctor of chiropractic, and treatment provided to  
108 the patient by the doctor of chiropractic. "Practice of chiropractic" ~~shall also include~~ includes performing  
109 the physical examination of an applicant for a commercial driver's license or commercial learner's permit  
110 pursuant to § 46.2-341.12 if the practitioner has ~~(i)~~ (a) applied for and received certification as a medical  
111 examiner pursuant to 49 C.F.R. Part 390, Subpart D and ~~(ii)~~ (b) registered with the National Registry of  
112 Certified Medical Examiners.

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

124 "Practice of licensed certified midwifery" means the provision of primary health care for  
125 preadolescents, adolescents, and adults within the scope of practice of a certified midwife established in  
126 accordance with the Standards for the Practice of Midwifery set by the American College of Nurse-  
127 Midwives, including (i) providing sexual and reproductive care and care during pregnancy and childbirth,  
128 postpartum care, and care for the newborn for up to 28 days following the birth of the child; (ii) prescribing  
129 of pharmacological and non-pharmacological therapies within the scope of the practice of midwifery; (iii)  
130 consulting or collaborating with or referring patients to such other health care providers as may be  
131 appropriate for the care of the patients; and (iv) serving as an educator in the theory and practice of  
132 midwifery.

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

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

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

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

155 "Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and  
156 therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease  
157 prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or  
158 osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a practitioner  
159 of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii) observation and

160 monitoring of signs and symptoms, general behavior, general physical response to respiratory care  
161 treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions,  
162 behavior or general physical response exhibit abnormal characteristics; and (iv) implementation of  
163 respiratory care procedures, based on observed abnormalities, or appropriate reporting, referral,  
164 respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a licensed  
165 practitioner of medicine or osteopathic medicine or the initiation of emergency procedures, pursuant to  
166 the Board's regulations or as otherwise authorized by law. The practice of respiratory care may be  
167 performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed  
168 appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or  
169 osteopathic medicine, and shall be performed under qualified medical direction.

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

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

180 "Radiologic technologist" means an individual, other than a licensed doctor of medicine,  
181 osteopathy, podiatry, or chiropractic or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.),  
182 who (i) performs, may be called upon to perform, or is licensed to perform a comprehensive scope of  
183 diagnostic or therapeutic radiologic procedures employing ionizing radiation and (ii) is delegated or  
184 exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and  
185 staff from unnecessary radiation, the appropriate exposure of radiographs, the administration of  
186 radioactive chemical compounds under the direction of an authorized user as specified by regulations of

187 the Department of Health, or other procedures that contribute to any significant extent to the site or dosage  
188 of ionizing radiation to which a patient is exposed.

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

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

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

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

210 **§ 54.1-2901. Exceptions and exemptions generally.**

211 A. The provisions of this chapter shall not prevent or prohibit:

212 1. Any person entitled to practice his profession under any prior law on June 24, 1944, from  
213 continuing such practice within the scope of the definition of his particular school of practice;



214 2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such  
215 practice in accordance with regulations promulgated by the Board;

216 3. Any licensed advanced practice registered nurse from rendering care in accordance with the  
217 provisions of §§ 54.1-2957 and 54.1-2957.01, any advanced practice registered nurse licensed by the  
218 Boards of Medicine and Nursing in the category of certified nurse midwife practicing pursuant to  
219 subsection H of § 54.1-2957, or any advanced practice registered nurse licensed by the Boards of Medicine  
220 and Nursing in the category of clinical nurse specialist practicing pursuant to subsection J of § 54.1-2957  
221 when such services are authorized by regulations promulgated jointly by the Boards of Medicine and  
222 Nursing;

223 4. Any registered professional nurse, licensed advanced practice registered nurse, graduate  
224 laboratory technician, or other technical personnel who have been properly trained from rendering care or  
225 services within the scope of their usual professional activities which shall include the taking of blood, the  
226 giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed  
227 under the orders of a person licensed to practice medicine or osteopathy, an advanced practice registered  
228 nurse, or a physician assistant;

229 5. Any dentist, pharmacist, or optometrist from rendering care or services within the scope of his  
230 usual professional activities;

231 6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by  
232 him, such activities or functions as are nondiscretionary and do not require the exercise of professional  
233 judgment for their performance and which are usually or customarily delegated to such persons by  
234 practitioners of the healing arts, if such activities or functions are authorized by and performed for such  
235 practitioners of the healing arts and responsibility for such activities or functions is assumed by such  
236 practitioners of the healing arts;

237 7. The rendering of medical advice or information through telecommunications from a physician  
238 licensed to practice medicine in Virginia or an adjoining state, or from a licensed advanced practice  
239 registered nurse, to emergency medical personnel acting in an emergency situation;

240 8. The domestic administration of family remedies;

241 9. The giving or use of massages, steam baths, dry heat rooms, infrared heat, or ultraviolet lamps  
242 in public or private health clubs and spas;

243 10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed  
244 pharmacists or druggists;

245 11. The advertising or sale of commercial appliances or remedies;

246 12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus  
247 or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant  
248 bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when  
249 such bracemaker or prosthetist has received a prescription from a licensed physician, licensed advanced  
250 practice registered nurse, or licensed physician assistant directing the fitting of such casts and such  
251 activities are conducted in conformity with the laws of Virginia;

252 13. Any person from the rendering of first aid or medical assistance in an emergency in the absence  
253 of a person licensed to practice medicine or osteopathy under the provisions of this chapter;

254 14. The practice of the religious tenets of any church in the ministration to the sick and suffering  
255 by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for  
256 compensation;

257 15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with  
258 legally licensed practitioners in this Commonwealth;

259 16. Any practitioner of the healing arts licensed or certified and in good standing with the  
260 applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in  
261 Virginia temporarily and such practitioner has been issued a temporary authorization by the Board from  
262 practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer  
263 camp or in conjunction with patients who are participating in recreational activities, (ii) while participating  
264 in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health  
265 care services within the limits of his license, voluntarily and without compensation, to any patient of any  
266 clinic which is organized in whole or in part for the delivery of health care services without charge as  
267 provided in § 54.1-106;

268 17. The performance of the duties of any active duty health care provider in active service in the  
269 army, navy, coast guard, marine corps, air force, or public health service of the United States at any public  
270 or private health care facility while such individual is so commissioned or serving and in accordance with  
271 his official military duties;

272 18. Any masseur, who publicly represents himself as such, from performing services within the  
273 scope of his usual professional activities and in conformance with state law;

274 19. Any person from performing services in the lawful conduct of his particular profession or  
275 business under state law;

276 20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;

277 21. Qualified emergency medical services personnel, when acting within the scope of their  
278 certification, and licensed health care practitioners, when acting within their scope of practice, from  
279 following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of  
280 Health regulations, or licensed health care practitioners from following any other written order of a  
281 physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

282 22. Any commissioned or contract medical officer of the army, navy, coast guard or air force  
283 rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-  
284 106;

285 ~~23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture~~  
286 ~~detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent~~  
287 ~~certifying body, from administering auricular acupuncture treatment under the appropriate supervision of~~  
288 ~~a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist~~  
289 person from engaging in the five needle auricular acupuncture protocol (5NP), a standardized five needle  
290 protocol wherein up to five needles are inserted into the external human ear to provide relief from the  
291 effects of behavioral health conditions, provided such person (i) has appropriate training in the 5NP,  
292 including training established by the National Acupuncture Detoxification Association or equivalent  
293 certifying body; (ii) does not use any letters, words, or insignia indicating or implying that the person is  
294 an acupuncturist; and (iii) makes no statements implying that his practice of the 5NP is licensed, certified,

295 or otherwise overseen by the Commonwealth. Treatment utilizing the 5NP pursuant to this subdivision  
296 shall be strictly limited to the insertion of disposable sterile acupuncture needles into the ear and only in  
297 compliance with the 5NP. The application or insertion of needles anywhere else on the body of another  
298 person by a person acting under the provisions of this subdivision shall be considered engaging in the  
299 practice of acupuncture without a license;

300           24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation  
301 (CPR) acting in compliance with the patient's individualized service plan and with the written order of the  
302 attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

303           25. Any person working as a health assistant under the direction of a licensed medical or  
304 osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local  
305 correctional facilities;

306           26. Any employee of a school board, authorized by a prescriber and trained in the administration  
307 of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents  
308 as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student  
309 diagnosed as having diabetes and who requires insulin injections during the school day or for whom  
310 glucagon has been prescribed for the emergency treatment of hypoglycemia;

311           27. Any practitioner of the healing arts or other profession regulated by the Board from rendering  
312 free health care to an underserved population of Virginia who (i) does not regularly practice his profession  
313 in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state,  
314 territory, district or possession of the United States, (iii) volunteers to provide free health care to an  
315 underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit  
316 organization that sponsors the provision of health care to populations of underserved people, (iv) files a  
317 copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board  
318 at least five business days prior to the voluntary provision of services of the dates and location of such  
319 service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in  
320 compliance with the Board's regulations, during the limited period that such free health care is made  
321 available through the volunteer, nonprofit organization on the dates and at the location filed with the

322 Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose  
323 license or certificate has been previously suspended or revoked, who has been convicted of a felony or  
324 who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall  
325 allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without  
326 prior notice for a period of up to three days, provided the nonprofit organization verifies that the  
327 practitioner has a valid, unrestricted license in another state;

328         28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens  
329 of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as  
330 defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of  
331 Consolidated Laboratories or other public health laboratories, designated by the State Health  
332 Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in §  
333 32.1-49.1;

334         29. Any physician of medicine or osteopathy or advanced practice registered nurse from delegating  
335 to a registered nurse under his supervision the screening and testing of children for elevated blood-lead  
336 levels when such testing is conducted (i) in accordance with a written protocol between the physician or  
337 advanced practice registered nurse and the registered nurse and (ii) in compliance with the Board of  
338 Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or  
339 treatment shall be conducted at the direction of a physician or an advanced practice registered nurse;

340         30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good  
341 standing with the applicable regulatory agency in another state or Canada from engaging in the practice  
342 of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or  
343 athlete for the duration of the athletic tournament, game, or event in which the team or athlete is  
344 competing;

345         31. Any person from performing state or federally funded health care tasks directed by the  
346 consumer, which are typically self-performed, for an individual who lives in a private residence and who,  
347 by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate  
348 performance of such tasks;

349           32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good  
350 standing with the applicable regulatory agency in another state from engaging in the practice of that  
351 profession in Virginia with a patient who is being transported to or from a Virginia hospital for care;

352           33. Any doctor of medicine or osteopathy, physician assistant, or advanced practice registered  
353 nurse who would otherwise be subject to licensure by the Board who holds an active, unrestricted license  
354 in another state, the District of Columbia, or a United States territory or possession and who is in good  
355 standing with the applicable regulatory agency in that state, the District of Columbia, or that United States  
356 territory or possession who provides behavioral health services, as defined in § 37.2-100, from engaging  
357 in the practice of his profession and providing behavioral health services to a patient located in the  
358 Commonwealth in accordance with the standard of care when (i) such practice is for the purpose of  
359 providing continuity of care through the use of telemedicine services as defined in § 38.2-3418.16 and (ii)  
360 the practitioner has previously established a practitioner-patient relationship with the patient and has  
361 performed an in-person evaluation of the patient within the previous year. A practitioner who provides  
362 behavioral health services to a patient located in the Commonwealth through use of telemedicine services  
363 pursuant to this subdivision may provide such services for a period of no more than one year from the date  
364 on which the practitioner began providing such services to such patient;

365           34. Any employee of a program licensed by the Department of Behavioral Health and  
366 Developmental Services who is certified in cardiopulmonary resuscitation from acting in compliance with  
367 a program participant's valid written order not to resuscitate issued in accordance with § 54.1-2987.1 if  
368 such valid written order not to resuscitate is included in the program participant's individualized service  
369 plan; or

370           35. Any doctor of medicine or osteopathy, physician assistant, respiratory therapist, occupational  
371 therapist, or advanced practice registered nurse who would otherwise be subject to licensure by the Board  
372 who holds an active, unrestricted license in another state or the District of Columbia and who is in good  
373 standing with the applicable regulatory agency in that state or the District of Columbia from engaging in  
374 the practice of that profession in the Commonwealth with a patient located in the Commonwealth when  
375 (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services

376 as defined in § 38.2-3418.16 and (ii) the patient is a current patient of the practitioner with whom the  
377 practitioner has previously established a practitioner-patient relationship and the practitioner has  
378 performed an in-person examination of the patient within the previous 12 months.

379 For purposes of this subdivision, if such practitioner with whom the patient has previously  
380 established a practitioner-patient relationship is unavailable at the time in which the patient seeks  
381 continuity of care, another practitioner of the same subspecialty at the same practice group with access to  
382 the patient's treatment history may provide continuity of care using telemedicine services until the  
383 practitioner with whom the patient has a previously established practitioner-patient relationship becomes  
384 available. For the purposes of this subdivision, "practitioner of the same subspecialty" means a practitioner  
385 who utilizes the same subspecialty taxonomy code designation for claims processing.

386 For the purposes of this subdivision, if a patient is (a) an enrollee of a health maintenance  
387 organization that contracts with a multispecialty group of practitioners, each of whom is licensed by the  
388 Board of Medicine, and (b) a current patient of at least one practitioner who is a member of the  
389 multispecialty group with whom such practitioner has previously established a practitioner-patient  
390 relationship and of whom such practitioner has performed an in-person examination within the previous  
391 12 months, the patient shall be deemed to be a current patient of each practitioner in the multispecialty  
392 group with whom each such practitioner has established a practitioner-patient relationship.

393 B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel,  
394 as defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans  
395 Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist  
396 or the chief medical officer of an organization participating in such program, or his designee who is a  
397 licensee of the Board and supervising within his scope of practice.

398 #