

**DRAFT**  
**VIRGINIA BOARD OF HEALTH PROFESSIONS**  
**DEPARTMENT OF HEALTH PROFESSIONS**  
**FULL BOARD MEETING**  
**February 15, 2011**

**TIME AND PLACE:** The meeting was called to order at 12:50 p.m. on Tuesday, February 15, 2011 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Henrico, VA, 23233

**PRESIDING OFFICER:** Damien Howell, MS, PT, OCS Chair

**MEMBERS PRESENT:** Mary Lou Argow, Counseling  
Yvonne Haynes, Social Work  
Damien Howell, Physical Therapy  
David Kozera, Pharmacy  
Patricia Lane, Nursing  
Fernando Martinez, Citizen Member  
Michael Stutts, Psychology  
John Wise, Veterinary Medicine

**MEMBERS NOT PRESENT:** Maureen Clancy, Citizen Member  
Paul T. Conway, Citizen Member  
Billie Watson Hughes, Funeral Directors & Embalmers  
Juan M. Montero, Medicine  
Jonathan Noble, Optometry  
Mary Smith, Long Term Care Administrators  
Paul Zimmet, Dentistry

**STAFF PRESENT:** Elizabeth A. Carter, Ph.D., Executive Director for the Board  
Dr. Dianne Reynolds-Cane, MD, DHP Director  
Arne Owens, DHP Chief Deputy Directory  
Justin Crow, Research Assistant  
Laura Chapman, Operations Manager  
Diane Powers, DHP Director of Communications

**GUESTS:** Matthew Cobb, Deputy Secretary, Health & Human Resources

**OTHERS PRESENT:** Wendy DiNonno, Virginia Assoc. of Genetic Counselors  
Becky Perdue, VSCLS  
Emy Morris, VCU-Clinical Lab. Sciences

**QUORUM:** With 8 members present a quorum was established.

**AGENDA:** No changes or additions were made to the agenda.

**PUBLIC COMMENT:** There was no public comment.

**APPROVAL OF MINUTES:** Meeting minutes from December 14, 2010 were approved by motion of Dr. Wise and properly seconded by Mary Lou Argow. Fernando Martinez, Citizen Member, abstained stating that he was not present at the meeting.

## **SECRETARY'S REPORT**

Matt Cobb, Deputy Secretary with Health and Human Resources thanked the Board on behalf of Secretary Hazel and Governor McDonnell for its dedication to healthcare. Mr. Cobb advised the Board of the issues currently facing the Commonwealth regarding healthcare reform and the role that the Department and Board of Health Professions will play in supporting the health system. Mr. Cobb advised the board that ideas or recommendations that they believe would be of assistance should be sent to Dr. Reynolds-Cane.

## **DEPARTMENT DIRECTOR'S REPORT:**

Dr. Reynolds-Cane is a Senior Advisor on the Virginia Health Reform Initiative Advisory Council. The purpose of the Virginia Health Reform Initiative is to go beyond federal health reform and recommend other innovative healthcare solutions that meet the needs of Virginia's citizens and government.

Dr. Cane reported that the Department of Health Professions was involved in the National Take Back Day Initiative, sponsored by the U.S. Drug Enforcement Agency and in cooperation with Virginia State Police. This event provided an opportunity for the public to surrender expired, unwanted, or unused pharmaceutical controlled substances and other medications for destruction at 82 locations, resulting in 2.5 tons destroyed.

Dr. Reynolds-Cane stated that the Department of Health Professions is a well oiled machine, and the Board of Health Professions is the Department's most critical success factor as it represents the people of Virginia.

## **LEGISLATIVE/REGULATORY UPDATE:**

Dr. Carter provided an update on several pieces of legislation that the agency is tracking. The Attachment provides a summary.

## **COMMITTEE REPORT:**

### **Regulatory Research Committee**

Mr. Howell presented a report of the Committee's activities and actions. The Committee's recommendations are listed as follows:

#### Clinical Laboratory Scientists and Technicians

This study is awaiting information on Virginia laboratory inspections from the Centers for Medicare and Medicaid Services. The Committee will not move forward with recommendations until it has independent insight into what has been occurring in Virginia's inspected laboratories. A Freedom of Information Act request was earlier submitted and received by CMS.

#### Genetic Counselors

The Committee reviewed policy options for recommendations ranging from no action to licensure. They concluded that regulation was warranted and narrowed the potential options to title protection / voluntary certification or licensure. Staff will communicate this to the Board of Medicine and seek their

comments and additional information from the states currently regulating genetic counselors prior to making a final recommendation to the Board. All Board members voted in favor of the Committee's report.

#### Practitioner Self Referral

The proposal put forth by The Therapy Network, L.L.C. was reviewed by Administrative Proceedings, Board Counsel, Board Chair, and agency subordinate and Board member, Dr. Montero. The Advisory Opinion indicates that the proposal provided by The Therapy Network, L.L.C., does not conflict with the Act. Motion was made by Damien Howell and properly 2<sup>nd</sup> by Fernando Martinez. All Board members were in favor.

### **BOARD REPORTS:**

#### **Physical Therapy Board**

Damien Howell advised the Board that they presented Sanction Reference information at the annual meeting of the Federation of State Boards of Physical Therapy, and it was very well received.

#### **Veterinary Medicine Board**

Dr. Wise reported that the Board of Veterinary Medicine would be presenting information to the Virginia Veterinary Medical Association next week on issues ranging from discipline to continuing education with an emphasis on how important it is to ensure good communication between the veterinarian and client.

#### **Pharmacy Board**

David Kozera informed the Board that the implementation of inspection "ticketing" is going very well. He stated that compliance in addressing deficiencies has increased dramatically since its implementation. He recommends this to the other Boards that conduct inspections: Veterinary Medicine and Funeral Directors and Embalmers.

#### **Psychology Board**

Michael Stutts informed the Board that public comment is being received for the Board of Psychology's periodic regulatory review.

#### **Social Work**

Yvonne Haynes informed the Board that it is possible that a new level of licensure, between Licensed Social Worker and Licensed Clinical Social Worker, may emerge to address the need for intensive in-home services. This new licensed masters social worker level, if it comes to fruition, would be supervised by Licensed Clinical Social Workers.

#### **Nursing**

Patricia Lane reported that a collaborative effort between the Robert Wood Johnson Foundation and the Institute of Medicine enabled a live video conference on the Future of

Nursing. Participants from the nursing professional associations, Board of Nursing Board members and staff and others were able to electronically attend the conference here at the Conference Center conference. Also, Virginia's nurses vied for and won a related Robert Woods Johnson Foundation Rural Assistance Center grant.

**EXECUTIVE DIRECTOR'S  
REPORT:**

**Key Performance Measures**

Dr. Carter noted that the agency is maintaining excellent performance and is continuing its efforts to achieve even greater efficiencies, without sacrificing quality.

**Healthcare Workforce Data Center**

Dr. Carter advised the Board of the on going progress being made by the Healthcare Workforce Data Center. The following surveys are in the start-up phase; Pharmacy Workforce Advisory Committee and Dentistry Workforce Advisory Committee. The Behavioral Science Workforce Advisory Committee will be finalizing its survey this month. The Nurse Practitioner survey has been sent to the Department's Data Department for implementation.

On behalf of the new Virginia Health Workforce Development Authority (VHWDA), the Department of Health submitted a proposal for and received a Healthcare Workforce Implementation grant totaling \$1.93 million for the next two years with an option for a third. They will be collaborating with DHP's Healthcare Workforce Data Center.

**BHP Budget**

The Board of Health Professions' expenditures remain well within budget.

**Sanctioning Reference**

Sanctioning Reference is moving forward with almost all compliance rates above 70%.

**Agency Operating Efficiency Measures**

Agency Operating Efficiency Measures were implemented by Director Dr. Reynolds-Cane on January 27, 2011. These measures have been implemented to confront the financial challenges that the agency faces in the coming year.

**OAG's Office**

Eric Gregory, former Assistant Attorney General and Counsel for the Board, has left his position to serve as Assistant Commonwealth's Attorney in Powhatan County. He will be replaced temporarily by Senior Assistant Attorney General/Section Chief Allyson Tysinger who will serve as legal counsel/OAG contact.

**NEW BUSINESS:**

The Board of Health Professions is currently missing three board members: the representative for the Board of Audiology & Speech Language Pathology and two Citizen Members.

New Board Member, David Kozera, has been added to the Regulatory Research Committee.

In June the Nominating Committee will have no members due to Board member expirations. So Board members with an interest in serving should notify the Board office as soon as possible.

The next Full Board meeting will be held May 3, 2011.

**ADJOURNMENT:**

The meeting adjourned at 2:06 p.m.

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Damien Howell, MS, PT, OCS,  
Board Chair

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Elizabeth A. Carter, Ph.D.  
Executive Director for the Board

**Report of 2011 General Assembly  
Board of Health Professions**

**2/14/11**

**HB 1434 Marijuana, synthetic; penalties for possession, intent to sell, distribute, etc.**

*Chief patron:* Garrett

*Summary as passed House:*

**Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic marijuana.** Creates a new category for "synthetic marijuana" as a series of controlled substances listed in Schedule 1 (§ 54.1-3446) of the Drug Control Act (§ 54.1-3400 et seq.). Notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana. The bill contains an emergency clause.

EMERGENCY

02/07/11 House: VOTE: PASSAGE EMERGENCY (98-Y 0-N)

02/08/11 Senate: Constitutional reading dispensed

02/08/11 Senate: Referred to Committee for Courts of Justice

02/14/11 House: Impact statement from VCSC (HB1434H1)

02/14/11 House: Impact statement from DPB (HB1434H1)

**HB 1459 Medical malpractice; increases cap on recovery in actions against health care providers.**

*Chief patron:* Albo

*Summary as introduced:*

**Remedies; limitation on recovery in certain medical malpractice actions.** Increases from \$2 million to \$2.05 million, on July 1, 2012, the cap on the recovery in actions against health care providers for medical malpractice. Thereafter, the cap is increased by \$50,000 annually with the last increase on July 1, 2031.

02/14/11 Senate: Read third time

02/14/11 Senate: Reading of amendment waived

02/14/11 Senate: Committee amendment agreed to

02/14/11 Senate: Engrossed by Senate as amended

02/14/11 Senate: Passed Senate with amendment (40-Y 0-N)

**HB 1466 Surgical procedures; registered nurse shall perform circulator duties.**

*Chief patron:* Garrett

*Summary as introduced:*

**Regulation of surgical procedures; circulator duties.** Provides that the Board of Health shall promulgate regulations that require that for surgical procedures performed in hospitals, operating room circulator duties related to coordination of nursing care, patient safety procedures, and procedures necessary for the support and safety of the surgical team shall be performed by a registered nurse who is qualified by training in operating room nursing and circulator duties and who is present in the operating room during the surgical procedure.

12/06/10 House: Referred to Committee on Health, Welfare and Institutions

01/12/11 House: Assigned HWI sub: #1

01/18/11 House: Impact statement from DPB (HB1466)

01/24/11 House: Subcommittee recommends reporting with amendment(s) (4-Y 3-N)

01/25/11 House: Failed to report (defeated) in Health, Welfare and Institutions (5-Y 17-N)

**HB 1535 Licensure or certification by Board of Medicine, etc.; consideration of military experience.**

*Chief patron:* Merricks

*Summary as passed House:*

**Licensure or certification by the Board of Medicine or Board of Nursing; consideration of military training and experience.** Provides that the Boards of Medicine and Nursing shall consider and may accept relevant practical experience and didactic and clinical components of education and training completed by an applicant for licensure as a respiratory care practitioner, occupational therapist, radiologist assistant, radiologic technologist, radiologic technologist, limited, registered nurse, and practical nurse and for certification as a nurse aide as evidence of satisfaction of the educational requirements for licensure or certification, as appropriate.

01/21/11 House: Read third time and passed House BLOCK VOTE (94-Y 0-N)

01/21/11 House: VOTE: BLOCK VOTE PASSAGE (94-Y 0-N)

01/24/11 Senate: Constitutional reading dispensed

01/24/11 Senate: Referred to Committee on Education and Health

02/08/11 Senate: Assigned Education sub: Health Licensing

**HB 1559 Audiologists; those with doctoral degree shall not be required to pass exam to obtain a license.**

*Chief patron:* Scott, E.T.

*Summary as passed House:*

**Audiologists; sale of hearing aids.** Exempts audiologists with a doctoral degree in audiology licensed to practice in Virginia from the examination requirement for issuance of a license to engage in the practice of fitting or dealing in hearing aids.

01/28/11 House: Read third time and passed House (85-Y 10-N)

01/28/11 House: VOTE: PASSAGE (85-Y 10-N)

01/31/11 Senate: Constitutional reading dispensed

01/31/11 Senate: Referred to Committee on Education and Health

02/08/11 Senate: Assigned Education sub: Health Licensing

**HB 1642 Dental school faculty; licensure.**

*Chief patron:* O'Bannon

*Summary as passed House:*

**Dental school faculty; licensure.** Provides that the Board of Dentistry may issue a faculty license to a faculty member of an accredited dental program who is (i) a graduate of a dental school or college or dental department of a college or university, is licensed to practice dentistry in another state and has never been licensed in Virginia, or (ii) a graduate of a dental school or college or dental department of a college or university, has completed an advanced dental education program, and has never been licensed in Virginia. This bill also provides that faculty licenses issued by the Board and temporary licenses issued by the Board for persons enrolled in advanced dental education programs, serving as dental interns or residents, or post-doctoral certificate or degree candidates shall be for patient care activities associated with the educational program and that take place within facilities owned or operated by or affiliated with the dental school or program.

01/21/11 House: Read third time and passed House BLOCK VOTE (94-Y 0-N)

01/21/11 House: VOTE: BLOCK VOTE PASSAGE (94-Y 0-N)

01/24/11 Senate: Constitutional reading dispensed

01/24/11 Senate: Referred to Committee on Education and Health

02/08/11 Senate: Assigned Education sub: Health Licensing

**HB 1659 Funeral services; prerequisites for cremation.**

*Chief patron:* Alexander

*Summary as passed House:*

**Funeral services; prerequisites for cremation.** Allows a sheriff to make visual identification of a body prior to cremation if no next-of-kin or other named representative is available upon court order.

01/31/11 Senate: Referred to Committee on General Laws and Technology

02/09/11 Senate: Reported from General Laws and Technology (12-Y 0-N)

02/11/11 Senate: Constitutional reading dispensed (39-Y 0-N)

02/14/11 Senate: Read third time

02/14/11 Senate: Passed Senate (40-Y 0-N)

**HB 1842 Boards, commissions, and councils; makes policy improvements and clarifications.**

*Chief patron:* Cole

*Summary as passed House:*

**Boards, commissions and councils; membership; appointing authority; abolition.** Makes policy improvements and clarifications to several state boards, commissions, and councils including (i) establishing staggered terms for nonlegislative citizen members appointed by the Governor, (ii) clarifying the Governor's authority when provided lists of nominees by nongovernmental entities, and (iii) standardizing the terms of chairmen of entities appointed by the Governor to two years and limiting such appointees to two consecutive terms as chair. The bill contains technical amendments.



02/02/11 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)  
02/02/11 House: Impact statement from DPB (HB1842H1)  
02/03/11 Senate: Constitutional reading dispensed  
02/03/11 Senate: Referred to Committee on Rules  
02/14/11 Senate: Assigned Rules sub: #1

**HB 1862 Spouse of member of armed forces; provides extension of expiration of certain licenses, etc.**

*Chief patron:* Cosgrove

*Summary as introduced:*

**Professions and occupations; expiration of certain documents issued to spouses of citizens of Virginia serving in the armed forces of the United States.** Provides an extension of the expiration of certain licenses, certifications, registrations or other documents held by the spouse of a member of the armed forces of the United States when the spouse accompanies the citizen for a period of service outside of the country.

02/03/11 Senate: Referred to Committee on General Laws and Technology  
02/09/11 Senate: Reported from General Laws and Technology (11-Y 0-N)  
02/11/11 Senate: Constitutional reading dispensed (39-Y 0-N)  
02/14/11 Senate: Read third time  
02/14/11 Senate: Passed Senate (40-Y 0-N)

**HB 1917 Health professionals; assisted living facility administrator report those with mental health issues.**

*Chief patron:* Merricks

*Summary as passed House:*

**Reporting on health professionals; assisted living facilities.** Provides that the administrator of every licensed assisted living facility shall report to the Department of Health Professions any information indicating that a health professional may have a substance abuse or mental health problem.

01/31/11 Senate: Referred to Committee on Education and Health  
02/10/11 Senate: Reported from Education and Health (15-Y 0-N)  
02/11/11 Senate: Constitutional reading dispensed (39-Y 0-N)  
02/14/11 Senate: Read third time  
02/14/11 Senate: Passed Senate (40-Y 0-N)

**HB 1968 Physician assistants; signature to be included when law requires signature, etc., of a physician.**

*Chief patron:* Robinson

*Summary as introduced:*

**Physician assistants; when signature accepted.** Provides that whenever any law or regulation requires a signature, certification, stamp, verification, affidavit, or endorsement by a physician, it shall

be deemed to include a signature, certification, stamp, verification, affidavit, or endorsement by a physician assistant.

01/31/11 Senate: Referred to Committee on Education and Health  
02/10/11 Senate: Reported from Education and Health (15-Y 0-N)  
02/11/11 Senate: Constitutional reading dispensed (39-Y 0-N)  
02/14/11 Senate: Read third time  
02/14/11 Senate: Passed Senate (40-Y 0-N)

**HB 2037 Social work; unlawful for person not licensed by Board of Social Work to use title social worker.**

*Chief patron:* Peace

*Summary as introduced:*

**Social work; title protection.** Provides that it shall be unlawful for any person not licensed by the Board of Social Work to use the title "Social Worker" in writing or in advertising in connection with his practice unless he simultaneously uses the clarifying initials signifying a degree in social work. The bill provides exceptions for federally required and defined social workers in nursing homes and hospices and has a delayed effective date of July 1, 2013.

01/24/11 Senate: Constitutional reading dispensed  
01/24/11 Senate: Referred to Committee on General Laws and Technology  
02/03/11 Senate: Rereferred from General Laws and Technology (15-Y 0-N)  
02/03/11 Senate: Rereferred to Education and Health  
02/08/11 Senate: Assigned Education sub: Health Licensing

**HB 2193 Podiatry; expands definition.**

*Chief patron:* Ebbin

*Summary as passed House:*

**Podiatry; expands definition.** Expands the definition of podiatry to include the diagnosis and treatment of lower extremity ulcers, provided that the treatment of severe lower extremity ulcers proximal to the foot and ankle only be performed by appropriately trained, credentialed podiatrists in an approved hospitals or ambulatory surgery center at which the podiatrist has privileges. This bill is identical to SB 1396 (Lucas).

01/31/11 Senate: Referred to Committee on Education and Health  
02/10/11 Senate: Reported from Education and Health (15-Y 0-N)  
02/11/11 Senate: Constitutional reading dispensed (39-Y 0-N)  
02/14/11 Senate: Read third time  
02/14/11 Senate: Passed Senate (40-Y 0-N)

**HB 2216 Laboratory results; authority to provide directly to insurance carrier, etc.**

*Chief patron:* Stolle

*Summary as passed House:*

**Laboratory results; authority to receive directly.** . Allows a laboratory, if so requested by the patient or his legal guardian and in a manner consistent with state and federal law, to provide a copy of the report of the results directly to the insurance carrier, health maintenance organization, or self-insured plan that provides health insurance or similar coverage to the patient.

02/14/11 Senate: Read third time  
02/14/11 Senate: Reading of amendments waived  
02/14/11 Senate: Committee amendments agreed to  
02/14/11 Senate: Engrossed by Senate as amended  
02/14/11 Senate: Passed Senate with amendments (40-Y 0-N)

**HB 2218 Health care providers; third-party reimbursement programs.**

*Chief patron:* Stolle

*Summary as introduced:*

**Health care providers; third-party reimbursement programs.** Clarifies that physicians shall not be required to participate in any public or private third-party reimbursement program as a condition of licensure.

01/28/11 House: Read third time and passed House BLOCK VOTE (95-Y 0-N)  
01/28/11 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N)  
01/31/11 Senate: Constitutional reading dispensed  
01/31/11 Senate: Referred to Committee on Education and Health  
02/08/11 Senate: Assigned Education sub: Health Licensing

**HB 2220 Pharmacies; implement continuous quality improvement program for analysis of dispensing errors.**

*Chief patron:* Rust

*Summary as passed House:*

**Pharmacies; continuous quality improvement program.** Requires pharmacies to implement a continuous quality improvement program to provide for a systematic, ongoing process of analysis of dispensing errors that uses findings to formulate an appropriate response and to develop or improve pharmacy systems and workflow processes designed to prevent or reduce future errors. This bill requires the Board of Pharmacy to work cooperatively with pharmacists representing all areas of pharmacy practice in implementing the requirements of this act.

01/31/11 Senate: Referred to Committee on Education and Health  
02/10/11 Senate: Reported from Education and Health (15-Y 0-N)  
02/11/11 Senate: Constitutional reading dispensed (39-Y 0-N)  
02/14/11 Senate: Read third time  
02/14/11 Senate: Passed Senate (40-Y 0-N)

**HB 2229 Health professionals; competency assessments.**

*Chief patron:* O'Bannon

*Summary as introduced:*

**Health professionals; competency assessments.** Changes the requirement for assessing physicians who have had three medical malpractice judgments or claims in a 10-year period so that it only affects actively practicing physicians. The bill also changes the amount required to trigger the assessment from \$10,000 to \$75,000 and allows the Board of Health Professionals to post the number of assessments done on its website, rather than through a report to the General Assembly.

01/31/11 Senate: Referred to Committee on Education and Health

02/10/11 Senate: Reported from Education and Health (15-Y 0-N)

02/11/11 Senate: Constitutional reading dispensed (39-Y 0-N)

02/14/11 Senate: Read third time

02/14/11 Senate: Passed Senate (40-Y 0-N)

**HB 2253 Health professions; reciprocity exemption from licensing.**

*Chief patron:* Nutter

*Summary as passed House:*

**Health professions; reciprocity exemption from licensing.** Provides an exemption for the requirement that health professionals be licensed for a practitioner who is in good standing with the applicable regulatory agency in another and who is treating a patient who is being transported to or from Virginia for care. This bill is identical to SB 828 (Edwards).

01/26/11 House: Impact statement from DPB (HB2253E)

02/10/11 Senate: Reported from Education and Health (15-Y 0-N)

02/11/11 Senate: Constitutional reading dispensed (39-Y 0-N)

02/14/11 Senate: Read third time

02/14/11 Senate: Passed Senate (40-Y 0-N)

**HB 2255 Disclosure of health records; health care providers who dispense controlled substances.**

*Chief patron:* Nutter

*Summary as introduced:*

**Disclosure of health records; dispensing of controlled substances.** Clarifies that nothing in the Health Records Privacy Act shall prohibit a health care provider who dispenses a controlled substance to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient. This bill also provides that nothing shall prevent a person who prescribes or dispenses a controlled substance from redisclosing information obtained from the Prescription Monitoring Program to another prescriber or dispenser who prescribes or dispenses a controlled substance to a recipient. This bill is identical to SB 1029 (Puckett).

01/26/11 Senate: Referred to Committee on Education and Health

02/10/11 Senate: Reported from Education and Health (15-Y 0-N)

02/11/11 Senate: Constitutional reading dispensed (39-Y 0-N)

02/14/11 Senate: Read third time

02/14/11 Senate: Passed Senate (40-Y 0-N)

**HB 2256 Schedule II drugs; identification required for filling prescriptions.**

*Chief patron:* Nutter

*Summary as passed House:*

**Schedule II drugs; identification required in filling prescriptions.** Specifies that certain duties imposed upon a pharmacist in the delivery of Schedule II drugs may be undertaken by the agent of the pharmacist. The bill also provides that if the person seeking to take delivery of a drug listed on Schedule II pursuant to a prescription is not the patient for whom the drug is prescribed and the person is not known to the pharmacist or his agent, the pharmacist or his agent shall either make a photocopy or electronic copy of the person's identification or record the full name and address of the person. The bill also reduces the period of time for which the pharmacist must maintain records of the names and addresses or copies of the proof of identification of persons taking delivery of Schedule II drugs when they are not the person for whom the drug is prescribed from one year to one month.

02/03/11 House: Engrossed by House - committee substitute HB2256H1

02/04/11 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

02/04/11 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

02/07/11 Senate: Constitutional reading dispensed

02/07/11 Senate: Referred to Committee on Education and Health

**HB 2306 Health Professions, Board of; membership.**

*Chief patron:* Sickles

*Summary as introduced:*

**Board of Health Professions; membership.** Adds two representatives of the health care service delivery system appointed by the Governor to the Board of Health Professions.

01/12/11 House: Prefiled and ordered printed; offered 01/12/11 11102068D

01/12/11 House: Referred to Committee on Health, Welfare and Institutions

01/21/11 House: Assigned HWI sub: #4

01/27/11 House: Subcommittee recommends laying on the table

02/08/11 House: Left in Health, Welfare and Institutions

**HB 2373 Medical malpractice; privileged communications of certain committees.**

*Chief patron:* Peace

*Summary as passed House:*

**Medical malpractice; privileged communications of certain committees.** Provides that nothing in the statute governing privileged communications of certain health committees shall be construed as providing any privilege to any health care provider, emergency medical services agency, community services board, or behavioral health authority with respect to any factual information regarding specific patient health care or treatment, including patient health care incidents, whether oral, electronic, or written. However, the analysis, findings, conclusions, recommendations, and the deliberative process of any medical staff committee, utilization review committee, or other committee, board, group, commission, or other entity, as well as the proceedings, minutes, records, and reports, including the

opinions and reports of experts, of such entities shall be privileged in their entirety under the aforementioned statute.

02/07/11 Senate: Referred to Committee for Courts of Justice  
02/09/11 Senate: Reported from Courts of Justice (15-Y 0-N)  
02/11/11 Senate: Constitutional reading dispensed (39-Y 0-N)  
02/14/11 Senate: Read third time  
02/14/11 Senate: Passed Senate (40-Y 0-N)

**HB 2464 Drug Control Act; conforms Schedule II to federal drug classification schedule.**

*Chief patron:* Nutter

*Summary as introduced:*

**Drug Control Act; Schedule II.** Conforms Schedule II of the Drug Control Act to the federal drug classification schedule.

02/02/11 Senate: Referred to Committee on Education and Health  
02/10/11 Senate: Reported from Education and Health (15-Y 0-N)  
02/11/11 Senate: Constitutional reading dispensed (39-Y 0-N)  
02/14/11 Senate: Read third time  
02/14/11 Senate: Passed Senate (40-Y 0-N)

**HB 2487 Naturopaths; Board of Medicine to license and regulate.**

*Chief patron:* Kilgore

*Summary as introduced:*

**Naturopaths; license required.** Requires the Board of Medicine to license and regulate naturopaths. The bill defines a naturopath as an individual, other than a doctor of medicine, osteopathy, chiropractic, or podiatry, who may diagnose, treat, and help prevent diseases using a system of practice that is based on the natural healing capacity of individuals, using physiological, psychological, or physical methods, and who may also use natural medicines, prescriptions, legend drugs, foods, herbs, or other natural remedies, including light and air.

01/21/11 House: Presented and ordered printed 11104046D  
01/21/11 House: Referred to Committee on Health, Welfare and Institutions  
01/28/11 House: Impact statement from DPB (HB2487)  
02/08/11 House: Left in Health, Welfare and Institutions

**SB 742 Neighborhood assistance tax credits; eligibility of certain pharmacists.**

*Chief patron:* Howell

*Summary as introduced:*

**Neighborhood assistance tax credits; eligibility of certain pharmacists.** Clarifies that pharmacists donating pharmaceutical services to patients of a free clinic, which clinic is an organization exempt from taxation under the provisions of § 501(c)(3) of the Internal Revenue Code, with such

pharmaceutical services performed at the direction of an approved neighborhood organization, shall be eligible for neighborhood assistance tax credits.

02/07/11 House: Read first time  
02/07/11 House: Referred to Committee on Finance  
02/08/11 House: Assigned Finance sub: #3  
02/10/11 Senate: Impact statement from TAX (SB742E)  
02/11/11 House: Subcommittee recommends reporting (5-Y 0-N)

**SB 774 Remedies; increases cap on recovery in certain medical malpractice actions.**

*Chief patrons:* Saslaw, Norment

*Summary as introduced:*

**Medical malpractice cap.** Sets the maximum amount recoverable in a medical malpractice action arising from an act or acts of malpractice occurring on or after July 1, 2012, at \$2.05 million. Currently the limit is \$2 million. The \$2.05 million limit will increase by \$50,000 annually each July 1 thereafter until July 1, 2031, which shall be the final annual increase.

02/02/11 Senate: Read third time and passed Senate (40-Y 0-N)  
02/07/11 House: Placed on Calendar  
02/07/11 House: Read first time  
02/07/11 House: Referred to Committee for Courts of Justice  
02/07/11 House: Assigned Courts sub: #2 Civil

**SB 1014 Dental hygienists; extension of educational and preventive care protocol.**

*Chief patron:* Puckett

*Summary as introduced:*

**Dental hygienists; extension of educational and preventive care protocol.** Extends for one year the protocol allowing dental hygienists to provide educational and preventive dental care in the Lenowisco, Cumberland Plateau, and Southside Health Districts, which are designated as Virginia Dental Health Professional Shortage Areas by the Department of Health. The bill also delays the report required until January 1, 2012.

02/02/11 Senate: Read third time and passed Senate (40-Y 0-N)  
02/07/11 House: Placed on Calendar  
02/07/11 House: Read first time  
02/07/11 House: Referred to Committee on Health, Welfare and Institutions  
02/08/11 House: Assigned HWI sub: #1

**SB 1078 Child care; administration of certain medicines of those regulated by local government.**

*Chief patron:* Barker

*Summary as introduced:*

**Local government run child care; administration of certain medicines.** Allows the employees of a

child care regulated by a local government to administer medication to a child if such employee (i) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (ii) has obtained written authorization from a parent or guardian; (iii) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (iv) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be administered by a parent or guardian to the child.

02/07/11 House: Placed on Calendar

02/07/11 House: Read first time

02/07/11 House: Referred to Committee on Health, Welfare and Institutions

02/08/11 House: Assigned HWI sub: #3

02/10/11 House: Subcommittee recommends reporting (8-Y 0-N)

**SB 1093 Assisted living facilities; may continue to operate with an acting administrator.**

*Chief patron:* Hanger

*Summary as passed Senate:*

**Administration of assisted living facilities.** Provides that in cases in which a licensed assisted living facility administrator dies, becomes ill, resigns, or is discharged, an assisted living facility may continue to operate for up to 150 days with an acting administrator who has applied to an approved administrator-in-training program or has completed such program and is awaiting licensure, or for up to 90 days with an acting administrator who has not applied for licensure. The bill allows for a single 30-day extension for facilities operating with an acting administrator who has applied for licensure, completed the administrator-in-training program, and is awaiting the results of the national examination, and provides that no assisted living facility shall operate under the supervision of an acting administrator for more than one time during any two-year period unless authorized to do so by the Department of Social Services.

02/09/11 House: Placed on Calendar

02/09/11 House: Read first time

02/09/11 House: Referred to Committee on Health, Welfare and Institutions

02/11/11 Senate: Impact statement from DPB (SB1093S1)

02/11/11 House: Assigned HWI sub: #4

**SB 1096 Pharmacies; shall have access to Prescription Monitoring Program.**

*Chief patron:* Hanger

*Summary as passed Senate:*

**Pharmacies; access to Prescription Monitoring Program.** Provides that the Board of Pharmacy shall include in its regulations that nothing shall prevent a pharmacist who is eligible to receive information from the Prescription Monitoring Program from requesting and receiving such information.

02/02/11 Senate: Impact statement from DPB (SB1096E)

02/07/11 House: Placed on Calendar



02/07/11 House: Read first time  
02/07/11 House: Referred to Committee on Health, Welfare and Institutions  
02/08/11 House: Assigned HWI sub: #1

**SB 1117 Death certificates; allows supervised nurse practitioners and physician assistants to sign.**

*Chief patron:* Northam

*Summary as introduced:*

**Death certificates; who may sign.** Allows supervised nurse practitioners and physician assistants to determine cause of death and sign death certificates, provided they have access to the decedent's medical history and the death is due to natural causes. In addition, the bill expands the description of which physicians may determine cause of death and sign a death certificate and provides civil immunity to physicians, physician assistants and nurse practitioners who sign death certificates and determine cause of death, in the absence of gross negligence or willful misconduct.

02/02/11 Senate: Read third time and passed Senate (40-Y 0-N)  
02/07/11 House: Placed on Calendar  
02/07/11 House: Read first time  
02/07/11 House: Referred to Committee on Health, Welfare and Institutions  
02/08/11 House: Assigned HWI sub: #1

**SB 1146 Dentists; sedation and anesthesia permits.**

*Chief patron:* Quayle

*Summary as passed Senate:*

**Dentists; sedation and anesthesia permits.** Requires dentists, with certain exceptions, who use sedation or anesthesia in a dental office to obtain either a conscious/moderate sedation permit or a deep sedation/general anesthesia permit issued by the Board of Dentistry. Also requires the Board of Dentistry to promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

02/08/11 Senate: Read third time and passed Senate (40-Y 0-N)  
02/09/11 House: Placed on Calendar  
02/09/11 House: Read first time  
02/09/11 House: Referred to Committee on Health, Welfare and Institutions  
02/11/11 House: Assigned HWI sub: #4

**SB 1147 Health professions; social security numbers for investigations.**

*Chief patron:* Quayle

*Summary as introduced:*

**Health professions; social security numbers for investigations.** Allows the investigative personnel of the Department of Health Professions to request and receive social security numbers from practitioners or federal employee identification numbers from facilities.

02/07/11 House: Referred to Committee on Health, Welfare and Institutions  
02/10/11 House: Reported from Health, Welfare and Institutions (22-Y 0-N)  
02/11/11 House: Read second time  
02/14/11 House: Read third time  
02/14/11 House: Passed House BLOCK VOTE (98-Y 0-N)

**SB 1151 Surgical assistants; required to be licensed by Board of Medicine, Advisory Board created.**

*Chief patron:* Quayle

*Summary as introduced:*

**Health professions; licensure of surgical assistants.** Requires surgical assistants to be licensed by the Board of Medicine and creates an Advisory Board on Surgical Assistants to assist with such licensure and regulation. A surgical assistant is an individual other than a licensed physician assistant, podiatrist assistant, nurse practitioner, clinical nurse specialist, dental hygienist, or registered nurse who, under the direct supervision of a qualified surgeon, directly performs significant surgical tasks including manipulating tissues or organs, manipulating or inserting subcutaneous sutures, placing hemostatic agents, injecting local anesthetic, harvesting veins, and implanting devices.

01/12/11 Senate: Prefiled and ordered printed; offered 01/12/11 11100428D  
01/12/11 Senate: Referred to Committee on Education and Health  
01/18/11 Senate: Assigned Education sub: Health Licensing  
01/26/11 Senate: Impact statement from DPB (SB1151)  
02/08/11 Senate: Left in Education and Health

**SB 1245 Registered nurses; provisional licensure for applicant.**

*Chief patron:* Vogel

*Summary as introduced:*

**Registered nurses; provisional licensure.** Allows the Board of Nursing to issue a provisional license to an applicant for licensure as a registered nurse who has met the educational and examination requirements for licensure, in order to allow the applicant to obtain clinical experience. A person practicing under a provisional license shall only practice under the supervision of a licensed registered nurse, in accordance with regulations established by the Board.

02/02/11 Senate: Read third time and passed Senate (40-Y 0-N)  
02/07/11 House: Placed on Calendar  
02/07/11 House: Read first time  
02/07/11 House: Referred to Committee on Health, Welfare and Institutions  
02/08/11 House: Assigned HWI sub: #1

**SB 1463 Kinesiotherapists; requires Board of Medicine to license and regulate.**

*Chief patron:* Ticer

*Summary as introduced:*

**Kinesiotherapists; licensure required.** Requires the Board of Medicine to license and regulate kinesiotherapists.

01/28/11 Senate: Impact statement from DPB (SB1463)

01/31/11 Senate: Constitutional reading dispensed (39-Y 0-N)

02/01/11 Senate: Read second time and engrossed

02/02/11 Senate: Passed by for the day

02/03/11 Senate: Read third time and defeated by Senate (14-Y 26-N)