

**VIRGINIA BOARD OF HEALTH PROFESSIONS
DEPARTMENT OF HEALTH PROFESSIONS
FULL BOARD MEETING
JANUARY 17, 2006**

TIME AND PLACE: The meeting was called to order at 12:30 p.m. on Tuesday, January 17, 2006, at the Department of Health Professions, 6603 W. Broad St., 5th Floor, Room 1, Richmond, VA.

PRESIDING OFFICER: Alan Mayer, Chair

MEMBERS PRESENT: Toni A. Aust, R.Ph.
David R. Boehm, L.C.S.W.
David H. Hettler, O.D.
Damien Howell, P.T.
Michael W. Ridenhour, Au.D.
Mary M. Smith, N.H.A.
Demis L. Stewart, Citizen Member
Joanne Taylor, Citizen Member
Lucia Anna Trigiani, Esq., Citizen Member
Natale A. Ward, L.P.C.
John T. Wise, D.V.M.

MEMBERS NOT PRESENT: Lynne M. Cooper, Citizen Member, Nursing
Mary Gregerson, Ph.D.
Joseph Jenkins, Jr., F.S.L.
Juan M. Montero, II, M.D.
Janet Payne, Citizen Member
Harry S. Seigel, D.D.S.

STAFF PRESENT: Emily Wingfield, Assistant Attorney General
Elizabeth A. Carter, Ph.D., Executive Director for the Board
Elaine Yeatts, Senior Regulatory Analyst
Susan Stanbach, Senior Management Analyst
Betty Jolly, Assistant Director for Policy Education
Carol Stamey, Administrative Assistant

OTHERS PRESENT: There were no others present.

QUORUM: With twelve (12) members present, a quorum was established.

WELCOME NEWEST BOARD MEMBER:

Mr. Mayer welcomed a new board member, Ms. Aust representing the Board of Pharmacy.

PUBLIC COMMENT:

No public comment was presented.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Hettler, the Board voted unanimously to adopt the minutes of the September 8, 2005 meeting.

DEPARTMENT DIRECTOR'S REPORT:

Mr. Nebiker had to attend the General Assembly Session and asked that the report be deferred to the next meeting.

EXECUTIVE DIRECTOR'S REPORT:

Workplan

Dr. Carter presented the draft 2006 workplan and it is incorporated into the minutes as attachment 1.

Budget

Dr. Carter advised that the Board remained within its budget and could accommodate the workplan's activities.

REVIEW OF LEGISLATION AND REGULATORY PROPOSALS:

Ms. Yeatts updated the Board on the 2006 legislation that may impact the Department. The documents are incorporated into the minutes as Attachment 2.

BOARD REPORTS:

Board of Audiology and Speech Language Pathology

Dr. Ridenhour presented the Board's report and it is incorporated into the minutes as Attachment 3.

Board of Counseling

Ms. Ward reported that plans were underway to celebrate the Board's 30th anniversary. Further, that Virginia was the first state to license counselors. The Board received training from Howard Casway on conducting informal conferences. Additionally, the Board was considering alternative disciplinary action for CE non-compliance.

Long Term Care Administrators

Ms. Smith reported that the Board was continuing its task force study for assisted living administrators and was going forward with regulations for licensing this profession.

Board of Optometry

Dr. Hettler presented the Board's report, and it is incorporated into the minutes as Attachment 4.

Board of Pharmacy

Ms. Aust presented the Board's report, and it is incorporated into the minutes as Attachment 5.

Board of Physical Therapy

Mr. Howell presented the Board's report, and it is incorporated into the minutes at Attachment 6.

Board of Social Work

Mr. Boehm reported that the Board had recently conducted a CE audit and the percentage of licensees with incomplete CE's was high. Additionally, the Board had proposed three (3) regulatory items relating to examination requirements, amendments to standards of practice and change in the returned check fee.

Regarding standards of practice issues, Mr. Boehm indicated that there is a consensus among the three behavioral science boards (Social Work, Counseling and Psychology) that the regulations pertaining to standards of practice for all these should be similar, with similar ethics and practice setting considerations.

Board of Veterinary Medicine

Dr. Wise presented the Board's report, and it is incorporated into the minutes as Attachment 7.

The following Boards forwarded written reports, and they are incorporated into the minutes as Attachment 8:
Board of Funeral Directors and Embalmers,
Board of Medicine,
Board of Nursing,
Board of Psychology.

COMMITTEE REPORTS:

Practitioner Self-Referral

Dr. Hettler reported that the Committee had met on December 16, 2005 to review draft recommendations for an advisory opinion from Vascular & Transplant Specialists. Dr. Hettler stated that it was the opinion of the Committee that Vascular did not fall within the Practitioner Self-Referral Act and presented the advisory opinion as follows:

1. If a physician refers a patient to Vascular and then provides the patient services at Vascular, there is no violation of the Act;
2. Vascular does not qualify as part of the referring

physician's practice group, from which he is referring patients;

3. Vascular qualifies as part of the referring physician's office practice if he provides or supervises the provision of health care services to patients on an ongoing basis at the Vascular facility.

On properly seconded motion by Dr. Hettler, the Board voted unanimously to accept the recommendations of the Committee.

Regulatory Research Committee

Dr. Hettler reported that the Committee had reviewed the issue of expunging minor disciplinary action that did not involve patient care against licensees. It was noted that if these same minor infractions occurred today, the licensee would be afforded a Confidential Consent Agreement. Additionally, a request was made to include the expungement of public information against a licensee that resulted from an informal conference but was closed with a no violation.

On properly seconded motion by Dr. Hettler, the Board voted unanimously to accept the recommendation of the Committee to develop a workplan regarding expungement of minor disciplinary action against licensees.

Enforcement Committee

Dr. Hettler reported that the Committee had received updates on the Sanction Reference Study and Agency Performance. He stated that it appeared that the agency's standards could be improved. The Committee also discussed and recommended a fall retreat be held to focus on the Board's mission, exchange of Board information, common goals and specific training in the subjects of impaired practitioners and sanctions.

On properly seconded motion by Dr. Hettler, the Board voted unanimously to accept the recommendations of the Committee.

UPDATE ON ISSUES FORUM AND EDUCATIONAL BROCHURES:

Educational Brochures

Ms. Jolly presented the draft Informal Conference brochure. The brochure will be made available to the public, placed in all disciplinary case mail outs and on

the agency webpage.

Ms. Jolly reported that she will be drafting individual board pamphlets for review and will start with the Board of Medicine's licensure application requirements by profession.

Issues Forum

Ms. Jolly reported that the date for the Issues Forum had not been set; however, the goals and agenda remained the same. Ms. Jolly presented the proposed Issues Forum agenda and it is incorporated into the minutes as Attachment 9.

It was suggested that the Issues Forum be held in conjunction with the Board's Fall 2006 retreat.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

The meeting adjourned at 2:05 p.m.

~~Alan E. Mayer, Chair~~
Michael W. Ridenhour, Au.D.
Vice-Chair

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

**VIRGINIA BOARD OF HEALTH PROFESSIONS
DRAFT WORKPLAN
2006**

I. CHAIR—Mr. Mayer (Also serves as Ex Officio Member of All Committees)

Staff: Dr. Carter, Ms. Yeatts, & Mr. Nebiker

A. Set agenda - (30 days in advance of meeting) **Status: Ongoing**

B. Appoint Members to Committees - (as new members are oriented to the Board and for ad hoc committees)
Status: Ongoing

II. EXECUTIVE COMMITTEE—Mr. Mayer (Chair), Dr. Ridenhour (Vice-Chair)

MEMBERS: Dr. Hettler, Ms. Smith, Dr. Seigel & Ms. Trigiani

Staff: Dr. Carter, Ms. Yeatts, Mr. Monson, Charles Giles & Mr. Nebiker

Mission: To review matters of interest to the Board and make recommendations to the Board. To evaluate the need for coordination among the boards and their staffs and report findings and recommendations to the Director and the boards. To monitor policies and activities of the Department, to serve as a forum for resolving conflicts among the boards and Between the boards and the Department. To review and comment on the budget for the Department.

A. Orient new appointees – Orient new members within 30 days of appointment, individually and at Board Member Training conducted annually. **Status: Ongoing.**

B. Review and comment on budgetary proposal for the agency. **Status: Ongoing**

C. Develop a committed membership by working with current and future board members for a clearer understanding of the role of BHP .Provide minutes for members of health regulatory boards after each meeting for their use in respective health regulatory board's meetings and discussions of the citizen members as they deem appropriate (*Draft distributed within ten (10) days after board meeting and final minutes within three (3) days of approval*). **Status: Ongoing.**

III. REGULATORY RESEARCH COMMITTEE—Dr. Hettler (Chair), Dr. Ridenhour (Vice-Chair) MEMBERS: Dr. Boehm, Mr. Howell, Ms. Payne

Staff: Dr. Carter, Ms. Yeatts & Ms. Stamey

To evaluate regulated and unregulated health care professions to consider whether the professions should be regulated and the degree of regulation to be imposed. To examine scope of practice conflicts involving regulated and unregulated professions and advise the boards and the General Assembly regarding the nature and extent of these conflicts.

- A. Monitor the introduction of all legislation substantially affecting regulation of health providers and provide comment to the Secretary, Governor, and relevant General Assembly Members through the Director. **Status: Pending development of legislation in 2006 General Assembly Session.**
- B. Respond to requests for regulatory studies. **Status: Ongoing.**

IV. EDUCATION COMMITTEE – Ms. Smith (Chair), Ms. Taylor (Vice-Chair)

MEMBERS: Ms. Cooper, Dr. Gregerson, Ms. Trigiani & Dr. Wise

Staff: Dr. Carter, Ms. Jolly, Ms. Yeatts & Ms. Stamey

To provide a means of citizen access to the Department. To provide a means of publicizing the policies and programs of the Department to educate the public and elicit public support. To promote the development of standards to evaluate the competency of professions represented on the Board.

- A. Assist the public and licensees in better understanding licensure and disciplinary procedures by developing informational brochures in a "user-friendly," executive summary format. **Status: Ms. Jolly's final draft of brochure for Informal Conference and report on progress on other brochures development.**
- B. Hold an issues exchange for policy makers and other invited guests. (Dr. Carter, Ms. Jolly) **Status: Ms. Jolly to report on progress.**

V. ENFORCEMENT COMMITTEE – Dr. Seigel (Chair), Ms. Cooper (Vice-Chair)

MEMBERS: Ms. Aust, Dr. Hettler, Dr. Montero, Ms. Stewart & Ms. Ward

Staff: Ms. Lemon, Dr. Carter, Ms. Stanbach Ms. Lemon & Mr. Nebiker

To review periodically the investigatory, disciplinary, and enforcement processes of the Department and the boards to Ensure the protection of the public and the fair and equitable treatment of health professions.

A. Continue work on Sanction Reference Study. **Status: Ongoing; Progress reports each meeting.**

- Finalize Pharmacy's implementation plan (pending).
- Board of Dentistry's begins implementation in January, 2006.
- Continue analysis for Board of Nursing for implementation within the next 12 months.
- Continue work for the smaller boards, beginning with the Board of Veterinary Medicine. Board of Veterinary Medicine data collection nearing completion report to that Board on February 3.
- Explore sanctioning of "non-clinical" (Priority D) cases across boards. **Status: Pending upcoming discussion.**

B. Monitor agency DHP enforcement processes and performance **Status: Ongoing.**

- Continue to remain abreast of agency performance in meeting investigative and case resolution standards through periodic reports at Board meetings.
- Receive reports on strategies being used by the individual boards as well as the agency staff to more effectively address discipline caseloads.
- Continue to evaluate use of the new prioritizing system and review reports on revising case standards modified to encompass the new priorities system.

C. Consider Ongoing Board Member Training in Disciplinary Process. **Status: Pending upcoming discussion.**

D. Respond to Legislative Requests by 2006 General Assembly relating to discipline.
Status: Pending upcoming discussion.

VI. NOMINATING COMMITTEE - Ms. Trigiani (Chair) MEMBERS: Dr. Gregerson & Mr. Jenkins

Staff: Mr. Nebiker & Dr. Carter

Develop a slate of officers for annual elections of offices and a listing of members for consideration as acting officer, should the need arise.

2006 General Assembly

HB 151 Resident trainee; name changed to funeral service interns.

Summary as introduced:

Professions and occupations; funeral service interns. Changes the term "resident trainee" to "funeral service intern." Also allows the Board of Funeral Directors and Embalmers to adopt a more flexible reporting schedule for funeral service interns.

Patron: Alexander

12/28/05 House: Prefiled and ordered printed; offered 01/11/06 060469208

12/28/05 House: Referred to Committee on Health, Welfare and Institutions

01/12/06 House: Reported from Health, Welfare and Institutions (20-Y 1-N)

01/16/06 House: Read second time and engrossed

HB 173 Medical and health services to minors; notification to parents.

Summary as introduced:

Notification to parents of certain health services to minors. Requires any state or local government agency employee who provides services to a minor relating to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, or the contemplation of suicide to attempt notification, within two business days of delivery of such services, to a custodial parent, legal guardian, or other person standing in loco parentis of any service and any reason, condition, or diagnosis requiring such service.

Patron: Lingamfelter

12/29/05 House: Prefiled and ordered printed; offered 01/11/06 066068380

12/29/05 House: Referred to Committee on Health, Welfare and Institutions

HB 187 Unmarried women; prohibition on provision of certain intervening medical technology.

Summary as introduced:

Prohibition on the provision of certain intervening medical technology to unmarried women. No individual licensed by a health regulatory board shall assist with or perform any intervening medical technology, whether in vivo or in vitro, for or on an unmarried woman that completely or partially replaces sexual intercourse as the means of conception, including, but not limited to, artificial insemination by donor, cryopreservation of gametes and embryos, invitro fertilization, embryo transfer, gamete intrafallopian tube transfer, and low tubal ovum transfer.

Patron: Marshall, R.G.

01/02/06 House: Prefiled and ordered printed; offered 01/11/06 066044396
01/02/06 House: Referred to Committee on Health, Welfare and Institutions

HB 237 Abortion services; requires physicians to reside and practice in State.

Summary as introduced:

Certain requirements for physicians performing abortions. Requires any physician performing abortions in the Commonwealth to reside and practice in Virginia and have practice privileges in a Virginia hospital. The Board of Medicine must monitor and verify that each such physician is a resident of and practices in Virginia and has practice privileges in a Virginia hospital.

Patron: Marshall, R.G.

01/03/06 House: Prefiled and ordered printed; offered 01/11/06 062008396
01/03/06 House: Referred to Committee on Health, Welfare and Institutions

HB 290 Pharmacy, Board of; specific powers and duties.

Summary as introduced:

Board of Pharmacy; specific powers and duties. Directs the Board of Pharmacy to limit the implementation of their pedigree system to those drugs that have left the normal distribution channel. "Normal distribution channel" is defined as a chain of custody for a prescription drug from initial sale by a pharmaceutical manufacturer, through acquisition and sale by one wholesale distributor, until final sale to a pharmacy or other person dispensing or administering the controlled substance.

Patron: Jones, S.C.

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 066593366
01/04/06 House: Referred to Committee on Health, Welfare and Institutions
01/12/06 House: Fiscal impact statement from DPB (HB290)

HB 299 Registered pharmacy tech.; authorized to accept oral prescriptions for certain radiopharmaceuticals.

Summary as introduced:

Registered pharmacy technicians. Authorizes registered pharmacy technicians to accept oral prescriptions for diagnostic, non-patient specific radiopharmaceuticals if working under the direct supervision of a qualified nuclear pharmacist.

Patron: Jones, S.C.

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 063434366
01/04/06 House: Referred to Committee on Health, Welfare and Institutions

HB 300 Physician assistants; provides that they may sign various forms and certificates, etc.

Summary as introduced:

Physician assistants; forms and certificates. Provides that physician assistants may sign various forms and certificates, and provide medical information or treatment in certain situations, including situations involving the immunization of children, examination of persons suspected of having tuberculosis, required examinations of school bus drivers, prenatal tests, nursing home residents, release of certain privileged information, release of certain veterinary records, competency for driver's licenses, and assisted living facility residents. The bill also provides that whenever any law or regulation requires a signature, certification, stamp, verification, affidavit, or endorsement by a physician, it will be deemed to include a signature, certification, stamp, verification, affidavit, or endorsement by a physician assistant.

Patron: Jones, S.C.

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 062005366

01/04/06 House: Referred to Committee on Health, Welfare and Institutions

01/12/06 House: Fiscal impact statement from DPB (HB300)

HB 302 Nonresident pharmacies; inspections for those seeking registrations to conduct business.

Summary as introduced:

Inspections of nonresident pharmacies seeking registration to conduct business in the Commonwealth. Deems an inspection report submitted by a nonresident pharmacy to be current if the inspection was conducted within the past five years. However, if the nonresident pharmacy has not been inspected by the regulatory or licensing agency of the jurisdiction in which it is licensed within the past five years, the Board may accept an inspection report or other documentation from another entity that is satisfactory to the Board or the Board may cause an inspection to be conducted by its duly authorized agent and may charge an inspection fee in an amount sufficient to cover the costs of the inspection. Technical amendments clarify that the nonresident pharmacy must disclose that it maintains a current unrestricted license in its home jurisdiction.

Patron: Jones, S.C.

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 066577366

01/04/06 House: Referred to Committee on Health, Welfare and Institutions

01/12/06 House: Fiscal impact statement from DPB (HB302)

HB 332 Nursing education programs; to report to Board of Nursing annually their enrollment, etc.

Summary as introduced:

Health professions; nursing education programs. Requires all nursing education programs to report to the Board of Nursing annually their enrollment, graduation rate, attrition rate, and number of qualified applicants that are denied admission, according to the Board's guidelines.

Patron: Toscano

01/05/06 House: Prefiled and ordered printed; offered 01/11/06 066528525
01/05/06 House: Referred to Committee on Health, Welfare and Institutions
01/12/06 House: Fiscal impact statement from DPB (HB332)

HB 351 Health regulatory boards; prohibition of certain transfers of moneys collected on behalf thereof.

Summary as introduced:

Prohibition of certain transfers of moneys collected on behalf of health regulatory boards. Requires that all nongeneral funds generated by fees collected on behalf of the health regulatory boards and accounted for and deposited into a special fund by the Director of the Department of Health Professions must be held exclusively to cover the expenses of the health regulatory boards, the Health Practitioners' Intervention Program, and the Department and Board of Health Professions and cannot be transferred to any agency other than the Department of Health Professions.

Patron: Hamilton

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 063538316
01/06/06 House: Referred to Committee on Health, Welfare and Institutions

HB 354 Audiology; Board to issue provisional license.

Summary as introduced:

Provisional license in audiology; authorized. Authorizes the Board of Audiology and Speech-Pathology to issue a provisional license to an applicant who has met educational and exam requirements for licensure. The provisional license allows for clinical experience while under supervision in accordance with the Board's regulations.

Patron: Hamilton

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 060914316
01/06/06 House: Referred to Committee on Health, Welfare and Institutions
01/12/06 House: Fiscal impact statement from DPB (HB354)
01/12/06 House: Reported from Health, Welfare and Institutions (21-Y 0-N)
01/16/06 House: Read second time and engrossed

HB 355 Pharmacy, Board of; specific powers and duties.

Summary as introduced:

Board of Pharmacy; specific powers and duties. Directs the Board of Pharmacy to limit the implementation of their pedigree system to those drugs that have left the normal distribution channel. "Normal distribution channel" is defined as a chain of custody for a prescription drug from initial sale by a pharmaceutical manufacturer, through acquisition and sale by one wholesale distributor, until final sale to a pharmacy or other person dispensing or administering the controlled substance.

Patron: Hamilton

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 066022316
01/06/06 House: Referred to Committee on Health, Welfare and Institutions
01/12/06 House: Fiscal impact statement from DPB (HB355)

HB 373 I-SaveRx prescription drug program; Sec. of Health/Human Resources to discuss w/participating state.

Summary as introduced:

I-SaveRX Prescription Drug Program. Requires the Secretary of Health and Human Resources to enter into discussions with the states that are participating in the I-SaveRx prescription drug program implemented by the State of Illinois in October 2004. The memorandum of understanding shall be executed by January 1, 2007, and requires various assessments of the program and reports to the Governor and the relevant standing committees of the General Assembly.

Patron: Carrico

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 063545264
01/06/06 House: Referred to Committee on Rules

HB 388 I-SaveRX prescription drug program; Sec. of Health/Human Resources to discuss w/participating state.

Summary as introduced:

I-SaveRX Prescription Drug Program. Requires the Secretary of Health and Human Resources to enter into discussions with the states that are participating in the I-SaveRx prescription drug program implemented by the State of Illinois in October 2004. The memorandum of understanding shall be executed by January 1, 2007, and requires various assessments of the program and reports to the Governor and the relevant standing committees of the General Assembly.

Patron: Englin

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 066163299
01/06/06 House: Referred to Committee on Rules

HB 412 Gamete donors; anonymous donations thereof prohibited in medical procedures.

Summary as introduced:

Identification of gamete donors. Prohibits the use of unrelated anonymous donor oocyte or sperm in the performance of intervening medical technology that completely or partially replaces sexual intercourse as a means of conception and requires, notwithstanding any traditional practice, agreement, regulation, or law to the contrary, the identity of any unrelated oocyte or sperm donor to be noted in the health record of any woman patient whenever any healthcare practitioner licensed by a health regulatory board uses any unrelated donor gametes in the performance of or while assisting in the performance of such intervening medical technology, such as artificial insemination by donor, cryopreservation of gametes and embryos, in vitro fertilization, embryo transfer, gamete intrafallopian tube transfer, and low tubal ovum transfer.

Patron: Marshall, R.G.

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 066043396
01/06/06 House: Referred to Committee on Health, Welfare and Institutions

HB 443 Health care provider; definition includes marriage and family therapists.

Summary as introduced:

Marriage and family therapists; professional counselors. Adds marriage and family therapists to the definition of "health care provider" under medical malpractice provisions, specifies that such therapists be licensed to receive immunity as a member of a substance abuse intervention team for health professionals and to give treatment under substance abuse insurance coverage provisions, and adds licensed marriage and family therapists and licensed professional counselors to the definition of "medical professional" for insurance information and privacy protection provisions.

Patron: Shuler

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 061197508
01/09/06 House: Referred to Committee for Courts of Justice

HB 505 Methamphetamine precursor drugs; sale of ephedrine and pseudoephedrine with restrictions, penalty.

Summary as introduced:

Sale of methamphetamine precursor drugs ephedrine and pseudoephedrine; penalty. Provides that no person shall offer methamphetamine precursor drugs (ephedrine and pseudoephedrine) for retail sale except from behind the counter or with other comparable restrictions. No more than three packages may be sold. No more than nine grams may be sold. The seller is also required to record the purchaser's name and the date of purchase. The purchaser must sign the purchase log. The log may not be revealed except to law enforcement. A violation of this provision is a Class 1 misdemeanor.

Patron: Armstrong

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 066621216
01/09/06 House: Referred to Committee for Courts of Justice

HB 571 Preneed funeral contracts; clarifies deposits in trust accounts thereof.

Summary as introduced:

Board of Funeral Directors and Embalmers; preneed funeral contracts. Clarifies that deposits in a preneed funeral trust account may be commingled for the purposes of the management of the trust account or investment of funds in the trust account.

Patron: Nixon

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 065303432
01/10/06 House: Referred to Committee on Health, Welfare and Institutions

HB 618 Dialysis patient care technician; definition thereof.

Summary as introduced:

Dialysis patient care technician; definition. Authorizes a person who has completed a training program in dialysis patient care to practice provisionally, under direct and immediate supervision of a licensed registered nurse, in order to obtain practical experience. The bill provides authorization for up to 24 months, or until such person has taken and received the results of any examination required by a certifying organization approved by the Board, whichever occurs sooner. The bill contains an emergency clause.

Patron: O'Bannon

01/10/06 House: Prefiled and ordered printed with emergency clause; offered 01/11/06 066524252
01/10/06 House: Referred to Committee on Health, Welfare and Institutions

HB 620 Physicians; definition of office practice.

Summary as introduced:

Physician self-referrals; definitions. Amends the definition of "office practice" as it relates to supervision of health care services. The bill also adds a definition for "same building," relating to such supervision.

Patron: O'Bannon

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 064742440
01/10/06 House: Referred to Committee on Health, Welfare and Institutions

HB 622 Prescriptions; provides an excep. to requirement for patients in certain correctional institutions.

Summary as introduced:

Prescriptions written for patients residing in certain institutions. Provides an exception to the requirement that prescription order forms must be for only one prescription to allow for submission of a single document containing multiple prescriptions written for patients residing in adult and juvenile detention centers, local or regional jails, or work release centers operated by the Department of Corrections. Exceptions are already provided for charts orders in hospitals and long-term care facilities, for home infusion patients, and hospice patients and for the orders through pharmacies operated by various state agencies, including the Department of Juvenile Justice and the Department of Corrections.

Patron: O'Bannon

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062032440
01/10/06 House: Referred to Committee on Health, Welfare and Institutions

HB 637 Health records; destruction.

Summary as introduced:

Health records; destruction. Requires facilities holding health records to notify individuals and allow

them to obtain their records before such records are destroyed. This bill also makes technical corrections to outdated references in the Code.

Patron: Phillips

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 064204460
01/10/06 House: Referred to Committee on Health, Welfare and Institutions

HB 644 Equine dentistry; provides exception from practice of veterinary medicine for practice thereof.

Summary as introduced:

Equine dentistry. Provides an exception from the practice of veterinary medicine for the practice of equine dentistry, including the floating or filing of the points of a horse's molars and the routine extraction of single rooted teeth by trained equine dental technicians while engaged to so practice by the owner of the animal regardless of whether employed by a veterinarian.

Patrons: Scott, E.T.; Senator: Houck

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063481498
01/10/06 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

HB 757 Medical assistance services; certain reform initiatives.

Summary as introduced:

Medical assistance services; certain reform initiatives. Requires the Board of Medical Assistance Services to implement and authorizes contracting for the delivery of effective disease management for individuals with chronic mental or physical disorders. Further, the Board must implement an online electronic and appropriately encrypted system, including electronic funds transfer technology and electronic benefits cards, e-prescribing, prospective electronic real-time utilization review of services and claims, point-of-sale and point-of-contact submission of claims and payments prior to dispensing of prescription drugs or delivery of other health services (except emergency services), and online recipient eligibility review and eligibility verification. Health records will be required to be maintained, stored, and transmitted electronically, regardless of the venue of services. Enactment clauses authorize the Director of the Department of Medical Assistance Services to design fail-safe mechanisms to ensure that no recipient is denied necessary medical or healthcare services because of technology deficiencies during the implementation of the online system and require the Boards of Pharmacy and Medical Assistance Services to collaborate in developing an e-prescription system, properly encrypted and protected after considering various issues relating to electronic signatures, interception of e-mailed prescriptions, issuance of more than one prescription on a document, any required form for e-prescriptions, staff transmission of e-mails for prescribers, application, if any, of the Uniform Electronic Transactions Act, Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1, and any other issues the Boards may deem relevant .

Patron: Hamilton

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 067913316
01/10/06 House: Referred to Committee on Health, Welfare and Institutions

HB 760 Health care data reporting; safety and quality of care.

Summary as introduced:

Health care data reporting; safety and quality of care. Requires nonprofits under agreements with the Commissioner of Health under this chapter to determine, along with the Board of Medicine, any data concerning safety and quality health care services rendered by physicians that should be identified, collected, and disseminated. Also requires sufficient funding to be identified to cover the costs to physicians of this additional reporting requirement.

Patron: Hamilton

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 060832316

01/10/06 House: Referred to Committee on Health, Welfare and Institutions

HB 768 Health care providers; use of reprocessed single-use medical devices; civil penalty.

Summary as introduced:

Health care providers; use of reprocessed single-use medical devices; civil penalty. Prescribes requirements for the use of reprocessed single-use medical devices, other than needles and syringes, by health care providers. The requirements include notice to patients and the patient's ability to refuse the use of reprocessed single-use devices, liability for the safety and effectiveness of such devices, and remedies in the event of a violation of the section. Health care providers include institutions licensed under Title 32.1 as well as individuals licensed under Title 54.1 of the Code of Virginia.

Patron: Sickles

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 066141510

01/10/06 House: Referred to Committee on Health, Welfare and Institutions

HB 851 Vaccines; authorizes hospitals to provide for administration of influenza and pneumococcal.

Summary as introduced:

Hospital standing orders or protocols for certain vaccinations. Authorizes hospitals to provide or arrange for the administration of influenza and pneumococcal vaccinations to their patients when standing orders or protocols for the immunizations have been approved by a member or committee of the hospital's medical staff. The standing order or protocol will waive the requirement for specific written physician orders for influenza and pneumococcal immunizations; however, the standing order or protocol will not supersede a physician's authority to issue specific written orders relating to immunizations. The standing order or protocol for administration of the vaccines must be in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention; medical contraindications must be ascertained; the patient's wishes and any religious objections must be determined; and informed consent must be obtained from the patient or his legal representative. The vaccinations must be documented in the patient's health record. Approval of a standing order or protocol for the administration of the vaccines will be deemed to satisfy the requirement for a bona fide practitioner-patient relationship.

Patron: O'Bannon

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062028440
01/10/06 House: Referred to Committee on Health, Welfare and Institutions

HB 853 Health records privacy.

Summary as introduced:

Health records privacy. Clarifies that, pursuant to the patient privacy regulations promulgated under the federal Health Insurance Portability and Accountability Act (HIPAA), a minor is deemed to be an adult for the purpose of access to and disclosure of his health records when he has been deemed to be an adult for the purpose of consenting to the relevant medical or health services or surgical or medical treatment in state law. The bill also clarifies that health records may be disclosed by health care entities in connection with the health care entity's own health care operations, as specified in federal regulation (45 C.F.R. §164.501), or in the normal course of business.

Patron: O'Bannon

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062039440
01/10/06 House: Referred to Committee on Health, Welfare and Institutions

HB 868 Morning-after pill; parental consent for minors required; penalty.

Summary as introduced:

Morning-after pill; parental consent for minors required; penalty. The bill requires a prescriber to obtain parental consent prior to prescribing Plan B, or any other form of the morning-after pill, to an unemancipated minor. Prescribing without consent is a Class 1 misdemeanor.

Patron: Byron

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 066085256
01/10/06 House: Referred to Committee on Health, Welfare and Institutions

HB 937 Anabolic steroids; electronic ordering of Schedule II drugs and additions to Schedules IV and V.

Summary as introduced:

Anabolic steroids; electronic ordering of Schedule II drugs; additions to Schedules IV and V. Adds to the definition of anabolic steroids. Also, the bill reflects the changes made in federal regulations regarding electronic ordering of Schedule II drugs and substances listed on Schedules IV and V.

Patron: Morgan

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 061014116
01/10/06 House: Referred to Committee on Health, Welfare and Institutions

HB 945 Pharmacy benefits managers.

Summary as introduced:

Pharmacy benefits managers. Establishes requirements for the regulation and registration of pharmacy benefits managers, which are entities that administer or manage prescription drug benefits and whose

services include the procurement of prescription drugs at a negotiated rate for dispensation within the Commonwealth, processing prescription drug claims, administering payments related to prescription drug claims, and negotiating contractual arrangements with pharmacy providers. The measure also establishes requirements for disclosures and other contractual provisions in agreements between pharmacy benefits managers and pharmacy providers. The measure also prohibits health insurers, corporations providing preferred provider subscription contracts, and health maintenance organizations from imposing upon any person receiving pharmaceutical benefits furnished under a policy, plan, or contract a different copayment, fee, or condition for persons that have prescriptions filled at a participating pharmacy other than a mail order pharmacy, regardless of the number of months for which the prescription is written.

Patron: Morgan

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 064267300

01/10/06 House: Referred to Committee on Commerce and Labor

HB 996 Dental hygienists; can administer certain Schedule VI analgesia and anesthesia under Dentist's dire.

Summary as introduced:

Dental hygienists administering certain Schedule VI analgesia and anesthesia. Allows a dentist to authorize dental hygienists to administer, under his direction, Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia. The Board of Dentistry must adopt regulations establishing the education and training requirements for dental hygienists to administer the Schedule VI analgesia and anesthesia.

Patron: Brink

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 066580248

01/11/06 House: Referred to Committee on Health, Welfare and Institutions

HB 1040 Pseudoephedrine; licensed pharmacist only to dispense, etc.

Summary as introduced:

Sale of pseudoephedrine by pharmacist; limits on purchase of pseudoephedrine; penalty. Provides that only a licensed pharmacist shall dispense, sell, or distribute any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, and that any person who acquires it shall produce a valid government-issued photo identification showing the date of birth of the person and shall sign a written log or receipt showing the date of the transaction, the name of the person, and the amount acquired. The bill also provides that no person shall acquire more than nine grams of pseudoephedrine within any 30-day period. The penalty for violation of these provisions is a Class 6 felony.

Patron: Kilgore

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 060778372

01/11/06 House: Referred to Committee on Militia, Police and Public Safety

01/12/06 House: Fiscal impact statement from VCSC (HB1040)

HB 1056 Dietitians and nutritionists; requirements for licensure by Board of Health Professions.

Summary as introduced:

Health professions; licensure of dietitians and nutritionists. Requires dietitians and nutritionists to be licensed by the Board of Health Professions. The bill establishes criteria for licensure that includes (i) a four-year bachelor of science degree, or master's degree when the bachelor's degree was not nutrition related, in human nutrition, dietetics, nutrition education, public health nutrition, nutrition research, nutritional biochemistry, foods and nutrition with a concentration in dietetics, or kinesiology/exercise science where the primary concentration of studies involves biochemistry, nutrition, or physiology; (ii) a completed board-approved work experience or program; and (iii) a successfully passed board-approved examination.

The Board of Health Professions must (i) review applications for licensure, (ii) require the submission of an official college transcript; (iii) establish a Code of Ethics; and (iv) require 30 hours of continuing education credit every two years as a condition of renewal of licenses.

Additionally, the bill establishes an Advisory Board on Dietitians and Nutritionists to assist the Board of Health Professions regarding the qualifications, examination, and regulation of licensed dietitians and nutritionists. The Advisory Board expires on July 1, 2009.

Patron: Reid

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 060973488

01/11/06 House: Referred to Committee on Health, Welfare and Institutions

HB 1110 Physicians; immunity thereof for failing to review or act on any laboratory tests, etc., exception.

Summary as introduced:

Immunity of physicians for laboratory results and examinations. Moves to a new Code section a provision that a physician is not liable for failing to review or act on any laboratory tests or examinations that he did not authorize or request unless the report of the test results is provided directly to the physician by the patient with a request for consultation. The provision is slightly modified to exclude test results sent by the Department of Health. The bill provides that the liability exemption does not apply if three conditions exist; these conditions include managing active treatment, actual knowledge that the test results are pending or awaiting action by the physician, and the physician is reasonably qualified to interpret and manage the results of the test or examination.

Patron: Athey

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 061347204

01/11/06 House: Committee Referral Pending

HB 1111 Physical therapy; prohibits anyone not licensed from advertising services thereas.

Summary as introduced:

Health Professions; advertising physical therapy services. Prohibits anyone not licensed as a physical therapist from advertising services as "physical therapy."

Patron: Athey

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 069314220

01/11/06 House: Committee Referral Pending

HB 1112 Physical therapy; removes referral and supervision requir. for practice thereof except in specific.

Summary as introduced:

Health professions; physical therapy. Removes the referral and supervision requirements for the practice of physical therapy except in specific instances, such as during invasive procedures. The bill also restricts advertising of "physical therapy" to those licensed by the Board of Physical Therapy.

Patron: Athey

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 069315220

01/11/06 House: Committee Referral Pending

HB 1145 Dead human bodies; emerg. med. services agencies exempt from transportation & removal registration.

Summary as introduced:

Exemptions from surface transportation and removal services. Exempts emergency medical services agencies holding a permit issued by the Commissioner of Health from registration as surface transportation and removal services to remove and transport dead human bodies. The requirement that a licensed funeral service establishment receive the registration as a part of its license has been removed. However, funeral service establishments must continue to comply with Board regulations governing transportation and removal services.

Currently, emergency medical services agencies must apply for and receive a registration from the Board of Funeral Directors and Embalmers to remove and transport dead human bodies. Emergency medical services agencies are assessed a fee for this registration. Licensed funeral service establishments receive this registration as a part of their funeral service establishment license, without an additional charge for the registration.

Patron: Orrock

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 062341448

01/11/06 House: Committee Referral Pending

HB 1146 Practice of social work.

Summary as introduced:

Practice of social work. Provides that, effective July 1, 2009, no person may use the title "social worker" or be designated as a "social worker" unless he holds a license issued by the Board of Social Work. This bill increases the membership of the Board of Social Work from seven to nine members, authorizes the Board to establish specialties within the profession and to issue licenses accordingly to qualified persons, permits the Board to issue licenses without examination to a person who has been

continuously employed as a social worker for at least 10 years, and directs the Board to promulgate emergency regulations to conform its existing regulations to the new law.

Patron: Orrock

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 062347448

01/11/06 House: Committee Referral Pending

HB 1147 Prescription drugs; training and regulations for administering to child in child day program.

Summary as introduced:

Prescription medications; child day programs. Allows a person to administer prescription medication to a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or the Child Day Care Council, provided the person (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.

Patron: Orrock

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 060478116

01/11/06 House: Committee Referral Pending

HB 1149 Pseudoephedrine; licensed pharmacist only to dispense, etc.

Summary as introduced:

Sale of pseudoephedrine by pharmacist; limits on purchase of pseudoephedrine; penalty. Provides that only a licensed pharmacist shall dispense, sell, or distribute any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, and that any person who acquires it shall produce a valid government-issued photo identification showing the date of birth of the person and shall sign a written log or receipt showing the date of the transaction, the name of the person, and the amount acquired. The bill also provides that no person shall acquire more than nine grams of pseudoephedrine within any 30-day period. The penalty for violation of these provisions is a Class 6 felony.

Patron: Lingamfelter

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 063882380

01/11/06 House: Committee Referral Pending

01/12/06 House: Fiscal impact statement from VCSC (HB1149)

HB 1199 Oral contraceptives; requirements for prescribing for minors.

Summary as introduced:

Requirements for prescribing oral contraceptives for minors; penalty. Requires any practitioner having prescriptive authority who prescribes an oral contraceptive to a minor without consent of a parent or legal guardian to review the minor's drug profile and health record, including any drugs and conditions being treated by other practitioners, to determine that such drug profile and health record do not include any current prescriptions for or indicate the likelihood of the issuance of prescriptions for controlled substances to the minor that are known to interact with oral contraceptives, such as, but not limited to, antibiotics. If the minor receiving a prescription for an oral contraceptive without a parent's or legal guardian's consent suffers an interaction, including, but not limited to, pregnancy, as a result of taking a prescription drug that the physician knew or should have known would be prescribed for her, the practitioner issuing the prescription for the oral contraceptive to the minor without a parent's or legal guardian's consent will be guilty, upon conviction, of a Class 6 felony.

Patron: Marshall, R.G.

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 066013396

01/11/06 House: Committee Referral Pending

01/12/06 House: Fiscal impact statement from VCSC (HB1199)

HB 1274 Health professions; abortion complications reporting; penalties.

Summary as introduced:

Health professions; abortion complications reporting; penalties. Requires physicians to report medical treatment for complications arising as a primary, secondary, or tertiary result of an induced abortion. The Department of Health shall compile an annual report containing aggregate data from the physicians' reports. Patient identifiers are not included in the information reported, and disclosure of confidential identifying information is punished as a felony with a maximum imprisonment of three years, a fine of \$5,000, or both.

Patron: Janis

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 064746348

01/11/06 House: Committee Referral Pending

01/12/06 House: Fiscal impact statement from VCSC (HB1274)

HB 1299 Preneed Funeral Contract Recovery Fund; created.

Summary as introduced:

Preneed funeral contract recovery fund. Establishes a recovery fund from which persons with an unsatisfied final judgment against the seller of a preneed funeral contract for damages resulting from the seller's malfeasance, misfeasance, default, failure, or insolvency in connection with the sale of a preneed funeral contract, or the seller's performance of the duties imposed on the seller by law with respect to the contract, may recover the amount of the court's judgment. The recovery fund is financed with a fee of \$2 on every preneed funeral contract sold and an initial assessment of \$100 on every licensed practitioner of funeral service.

Patron: Alexander

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 062607208
01/11/06 House: Committee Referral Pending

HB 1300 Funeral services licensees, funeral directors, and embalmers; continuing education requirements.

Summary as introduced:

Continuing competency for funeral services licensees, funeral directors, and embalmers. Revises the existing requirements for five hours of annual continuing education for all funeral services licensees, funeral directors, and embalmers to authorize the Board to prescribe continued competence requirements. The Board must annually determine whether there have been any significant revisions in the practice of or the laws and regulations governing funeral services and, if revisions have occurred that will require that licensees obtain additional education in their relevant practices, the Board must prescribe continuing education accordingly and must notify relevant licensees of the requirement at the time renewal notices are next sent. The notice to licensees must specify the content and number of hours, not to exceed five hours, which must be obtained within one year from approved providers and attested to on the next renewal application. The Board may approve persons who provide or accredit continuing education in order to accomplish the purposes of this section and shall provide for the reporting of satisfactory completion and record retention of any required continuing education courses.

Patron: Alexander

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 062038208
01/11/06 House: Committee Referral Pending

HB 1330 Optometrists; allowed to locate practice within commercial or mercantile establishments.

Summary as introduced:

Optometry; practice as a lessee of commercial establishment. Allows optometrists to locate their practice within commercial or mercantile establishments under defined, limited circumstances. The limitations include ownership by the optometrist of the practice and its records, as well as defined space and access requirements. The bill prohibits lessors from terminating or threatening to terminate a lease as a means of controlling or attempting to control a licensed optometrist, and requires optometrists to report a suspected violation of this prohibition. The bill also contains a technical amendment.

Patrons: O'Bannon, Moran and Nutter

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 064743440
01/11/06 House: Committee Referral Pending

HB 1352 Physician; adds podiatry to definition thereof.

Summary as introduced:

Laboratory results; physician immunity. Adds podiatry to the definition of physician under this section.

Patron: Bell

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 061309232

01/11/06 House: Committee Referral Pending

HB 1378 Abortion; provides that informed consent shall include determination by physician.

Summary as introduced:

Informed consent to an abortion. Provides that informed consent to an abortion shall include a determination by a physician, who shall neither perform the abortion nor gain financially by the performance of the abortion, of the viability of the pregnancy as indicated by the presence of a fetal sac within the uterus and of fetal cardiac activity.

Patrons: Cole and Lingamfelter

01/11/06 House: Presented and ordered printed 067090272

01/11/06 House: Committee Referral Pending

HB 1389 Practice of naturopathy.

Summary as introduced:

Practice of naturopathy. Establishes licensure requirements for the practice of naturopathy. This bill establishes criteria for the practice naturopathy, including educational requirements, examinations, scope of practice, requirements for the promulgation of regulations governing the profession, and an advisory board to the Board of Medicine.

Patron: Phillips

01/12/06 House: Presented and ordered printed 063868460

01/12/06 House: Committee Referral Pending

HB 1399 Board for Barbers and Cosmetology; regulation of laser or light therapy technicians.

Summary as introduced:

Board for Barbers and Cosmetology; regulation of laser or light therapy technicians. Requires, effective July 1, 2008, the licensure of laser or light therapy technicians by the Board for Barbers and Cosmetology. The bill defines laser or light therapy as the nonabrasive photo-rejuvenation of the skin or the removal of hair by selective photothermolysis, using laser or light therapy devices. The bill also increases the membership of the Board for Barbers and Cosmetology by adding a laser or light therapy technician. The bill also limits the current exemption from licensure for nurses by requiring them to be performing activities as part of their official duties in a medical facility under the responsibility of persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic.

Patron: Hargrove

01/13/06 House: Presented and ordered printed 063802320

01/13/06 House: Committee Referral Pending

HJ 50 Multi-jurisdictional pilot health court; JLARC to study feasibility of establishing within State.

Summary as introduced:

Study; health courts; report. Directs the Joint Legislative Audit and Review Commission to study the feasibility of establishing a system of health courts to hear medical malpractice claims in the Commonwealth.

Patron: Hamilton

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 061202316

01/09/06 House: Committee Referral Pending

HJ 71 Health regulatory boards; Department of Health Professions, et al to study hearing process.

Summary as introduced:

Study; Department of Health Professions; report. Requests the Department of Health Professions, in cooperation with the Virginia Bar Association, to study ways to increase the efficiency of the investigative and hearing process of the Department of Health Professions and the health regulatory boards. The Department must review all laws and regulations related to investigations and hearings with respect to the licenses of health care professionals and shall consider the need for amendments to relevant Virginia laws and regulations and recommend appropriate changes. A report must be submitted to the Governor and General Assembly no later than the first day of the 2007 Regular Session.

Patron: O'Bannon

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062017440

01/10/06 House: Committee Referral Pending

SB 144 Health care services billing information.

Summary as introduced:

Health care services billing information. Requires providers of healthcare services to give patients, upon request, statements that identify each service provided, the charge for the service, and the amount of each charge that is not reimbursed and will be billed to the patient.

Patron: Deeds

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 064346724

01/10/06 Senate: Referred to Committee on Commerce and Labor

SB 146 Methamphetamine precursor drugs; sale of ephedrine and pseudoephedrine with restrictions, penalty.

Summary as introduced:

Sale of methamphetamine precursor drugs ephedrine and pseudoephedrine; penalty. Provides that no person shall offer methamphetamine precursor drugs (ephedrine and pseudoephedrine) for retail sale except from behind the counter or with other comparable restrictions. No more than three packages may be sold. No more than nine grams may be sold. The seller is also required to record the purchaser's name and the date of purchase. The purchaser must sign the purchase log. The log may not be revealed except to law enforcement. A violation of this provision is a Class 1 misdemeanor.

Patrons: Deeds; Delegate: Toscano

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 064349724

01/10/06 Senate: Referred to Committee for Courts of Justice

SB 187 Prescription Monitoring Program; modifies reporting requirements.

Summary as introduced:

Prescription Monitoring Program. Modifies the reporting requirements under the Prescription Monitoring Program to reflect recent changes in federal law and to ensure that the Commonwealth is eligible to receive federal funds. This bill contains an emergency clause.

Patron: Wampler

01/10/06 Senate: Prefiled and ordered printed with emergency clause; offered 01/11/06 060926116

01/10/06 Senate: Referred to Committee on Education and Health

SB 214 Health professions; reinstatement hearing for mandatory suspension or revocation of license.

Summary as introduced:

Health professions; mandatory suspension or revocation of license, certificate, or registration; reinstatement hearing. Increases the time between receipt of an application for reinstatement and the relevant health regulatory board's reinstatement hearing after a mandatory suspension or revocation of a health professional's license, certificate, or registration from 30 days to 60 days.

Patron: Edwards

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 062433728

01/10/06 Senate: Referred to Committee on Education and Health

SB 281 Dentists & Dental Hygienists; not required to display licenses when volunteering for charitable org.

Summary as introduced:

Dentists and Dental Hygienists; display of licenses. Provides that the display requirements for dentists and dental hygienists do not apply to those dentists and dental hygienists volunteering for a Virginia charitable organization that provides dental services to the indigent and uninsured.

Patron: Rerras

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 063669804
01/10/06 Senate: Referred to Committee on Education and Health

SB 314 Methamphetamine precursor drugs; sale of ephedrine and pseudoephedrine with restrictions, penalty.

Summary as introduced:

Sale of methamphetamine precursor drugs ephedrine and pseudoephedrine; penalty. Provides that no person shall offer methamphetamine precursor drugs (ephedrine and pseudoephedrine) for retail sale except from behind the counter or with other comparable restrictions. No more than three packages may be sold. No more than nine grams may be sold. The seller is also required to record the purchaser's name and the date of purchase. The purchaser must sign the purchase log. The log may not be revealed except to law enforcement. A violation of this provision is a Class 1 misdemeanor.

Patron: Cuccinelli

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 061326720
01/10/06 Senate: Referred to Committee for Courts of Justice

SB 315 Abortion; preservation of fetal tissue when performed on child under age 15.

Summary as introduced:

Abortion performed on child under age 15; penalty. Requires the preservation and testing of fetal tissue for the purpose of determining whether the pregnancy is the result of criminal behavior. Failure of a physician to comply the requirements is unprofessional conduct and a Class 4 misdemeanor.

Patron: Cuccinelli

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 061343720
01/10/06 Senate: Referred to Committee for Courts of Justice

SB 416 Health professions; temporary permits for certain clinicians.

Summary as introduced:

Health professions; temporary permits for certain clinicians. Expands the authority of the Board of Dentistry to issue temporary licenses to dentists meeting certain criteria who will serve as clinicians in dental clinics operated by the Virginia Department of Corrections.

Patron: Hanger

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 068022120
01/11/06 Senate: Referred to Committee on Education and Health

SB 422 Exceptions and exemptions to licensure requirements by health regulatory boards.

Summary as introduced:

Exceptions and exemptions to licensure requirements by health regulatory boards. Exempts practitioners of natural foods, dietary supplements, healing therapies, homeopathic remedies and products, and natural therapies from licensure requirements of the Board of Medicine and other health regulatory boards of the Department of Health Professions. This bill also requires such practitioners to post in the interior premises of their facilities prominent signs disclosing that the practitioner does not have a medical education or other recognized health care training, and that he is not a licensed, certified, or registered health care provider by the Board of Medicine or any other health regulatory board within the Department of Health Professions. The disclosure must also provide the practitioner's name and contact information, and the types of health care services he is authorized to provide. The practitioner must provide a copy of the disclosure to consumers, and before providing care for the first time, obtain written acknowledgment from the consumer that he has been so informed and has received a copy of the statement of disclosure.

Patron: Lucas

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 062351752

01/11/06 Senate: Referred to Committee on Education and Health

SB 456 Nurse practitioners; prescriptive authority.

Summary as introduced:

Nurse practitioners; prescriptive authority. Expands the prescriptive authority of nurse practitioners to include Schedule II controlled substances. Nurse practitioners currently have the authority to prescribe Schedule III through VI controlled substances.

Patron: Devolites Davis

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 067861726

01/11/06 Senate: Referred to Committee on Education and Health

SB 488 Certified nurse midwives.

Summary as introduced:

Certified nurse midwives. Clarifies the relationship between licensed physicians and nurse practitioners, categorized as certified nurse midwives, as one of collaboration and consultation, rather than as one of supervision. The bill also directs the Board of Medicine and the Board of Nursing to jointly promulgate regulations specifying collaboration and consultation to include (i) participation in the development of a written protocol, (ii) development of guidelines for availability and ongoing communications which provide for and define consultation among the collaborating parties and the patient, and (iii) periodic joint evaluation of services delivered.

Patrons: Quayle and Mims

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 066523772

01/11/06 Senate: Referred to Committee on Education and Health

SB 517 Practice of naturopathy.

Summary as introduced:

Practice of naturopathy. Establishes licensure requirements for the practice of naturopathy. This bill establishes criteria for the practice naturopathy, including educational requirements, examinations, scope of practice, requirements for the promulgation of regulations governing the profession, and an advisory board to the Board of Medicine.

Patron: Puckett

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 063449792

01/11/06 Senate: Referred to Committee on Education and Health

SB 554 Sale of methamphetamine precursor drugs ephedrine and pseudoephedrine; penalty.

Summary as introduced:

Sale of methamphetamine precursor drugs ephedrine and pseudoephedrine; penalty. Provides that no person shall offer methamphetamine precursor drugs (ephedrine and pseudoephedrine) for retail sale except from behind the counter or with other comparable restrictions. No more than three packages may be sold. No more than nine grams may be sold. The seller is also required to record the purchaser's name and the date of purchase. The purchaser must sign the purchase log. The log may not be revealed except to law enforcement. A violation of this provision is a Class 1 misdemeanor.

Patron: Stolle

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 065679127

01/11/06 Senate: Referred to Committee for Courts of Justice

SB 580 Type of licensure required of physicians who perform abortions.

Summary as introduced:

Type of licensure required of physicians who perform abortions. Provides that, for the purposes of the provisions of the Code regulating abortions, "physician," "licensed physician," and "physician licensed by the Board of Medicine to practice medicine and surgery," when in reference to a physician who performs or who is to perform an abortion, shall mean a physician who is board certified to practice surgery or obstetrics/gynecology or both.

Patron: Cuccinelli

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 060019720

01/11/06 Senate: Referred to Committee on Education and Health

SB 584 Child abuse or neglect; mandated reporting of certain teenage pregnancies.

Summary as introduced:

Child abuse or neglect; mandated reporting of certain teenage pregnancies. Requires an attending physician or other health professional to report teenage pregnancies as child abuse or neglect upon finding that (i) a child under the age of 15 is pregnant.

Patron: Cuccinelli

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 066002720

01/11/06 Senate: Referred to Committee on Rehabilitation and Social Service

Attachment 3

For BHP meeting of January 17, 2006

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

- The Board of Audiology and Speech-Language Pathology submitted its 2006 legislative proposal to the Department. The legislation has been introduced and by Delegate Hamilton. The proposal establishes a provisional license in audiology. Due the changing degree requirements in the field of audiology, there is a need for a clinical internship after completing the Master's degree requirements.
- The Board of Audiology and Speech-Language Pathology completed a renewal cycle ending December 31, 2005. For the 2006 renewal period, evidence of continuing competency will be required.

Board of Optometry Report to the Board of Health Professions

January 17, 2006

- The Board of Audiology and Speech-Language Pathology completed a renewal cycle ending December 31, 2005. For the 2006 renewal period, evidence of continuing competency will be required.

**Board of Pharmacy
Report to the Board of Health Professions
January 17, 2006**

Legislation:

The Board of Pharmacy this year has sought the introduction of two bills. The first, HB 302 is related to registration of non-resident pharmacies. The Board has had difficulty in registering pharmacies in North Carolina that want to do business in Virginia as well as several other states because the resident state boards of pharmacy do not conduct opening and/or routine inspections in a timely manner. The bill establishes that the inspection must be done within the past 5 years in order to be "current" and will allow the Board to accept an inspection done by another entity acceptable to the Board other than the resident state board. It will also allow the Virginia Board to have its own agent conduct the inspection and make a reasonable charge to cover the cost of the inspection. HB 937 is the annual rescheduling bill where state drug schedules as well as other sections of the Drug Control Act are conformed to changes made in federal regulation by the U.S. Drug Enforcement Administration (DEA). This year's changes relate to changes to allow for electronic ordering of Schedule II drugs by practitioners and pharmacies, the addition of two new drugs to Schedule IV and V and some changes in the definition and scheduling of anabolic steroids.

There are a number of other bills that have been introduced related to the practice of pharmacy or the Drug Control Act. Several bills have been introduced to modify previous legislation related to the establishment of a pedigree system to ensure the integrity of prescription drugs through the distribution system. The bills all seek to remove the pedigree requirement for the "normal" distribution chain, but differ in how they define normal. The Board has essentially put its rulemaking process for a pedigree system on hold until the outcome of this legislative session.

Regulations:

New regulations just went into effect January 11, 2006 which change the default time that a Schedule VI prescription may be refilled when the prescriber indicates prn refills, from two years to one year. A prescriber may extend this time for a period not to exceed two years by so indicating on the prescription.

New regulations, as a result of a comprehensive review, relating to physicians dispensing will go into effect on February 22, 2006. Numerous changes were made to these regulations, some to accommodate electronic prescribing, and some related to the recent change that required minimum competency and registration of pharmacy technicians.

The Board has also published a notice of periodic review of its main set of regulations. It will begin a comprehensive review in approximately March 2006.

New Board member:

Michele Easton has resigned from the Board of Pharmacy effective December 31, 2005 as a result of a relocation to West Virginia. She has been replaced by Michael Stredler of Virginia Beach.

For BHP meeting of January 17, 2006
BOARD OF PHYSICAL THERAPY

- **There are currently two house bills in the General Assembly which amend the statute governing physical therapy: direct access to physical therapist by the public excluding invasive procedures and an advertising restriction for other professions that may provide physical therapy services.**
- **The Board of Physical Therapy adopted amended regulations allowing the acceptance of other foreign credentialing firms for licensure. Currently the Board of Physical Therapy only accepts foreign credentialing evaluations by the Foreign Commission on Credentialing of Physical Therapy.**
- **The Board of Physical Therapy voted to reduce fees and change its renewal dates from the licensee's birthday month to December 31st of each even year. New licenses with the December 31, 2006 expiration date were issue to all licensees.**

**Board of Veterinary Medicine Report to the Board of Health Professions
January 16, 2006**

- Since the last BHP meeting in September, the Board of Veterinary Medicine has continued to note an increase in the number of complaints and facility inspection problems related to drug diversion and potential drug diversion (i.e., poor drug recordkeeping). At the November 2005 full Board meeting, the Board held a Questions and Answers Session on Drug Issues with Enforcement and HPIP staff to better help coordinate efforts in dealing with these cases.

- Because education and communication is a key to help resolve the problem, the Board will be holding a Panel Discussion at the annual conference of the Virginia Veterinary Medical Association in early February to help educate licensees about this important concern and others such as the Board's periodic review of regulations which is scheduled to begin this year.

- Among the "other issues" on the horizon discussed previously with BHP is the practice of human health care professions (i.e., massage therapy, physical therapy, chiropractic) on animals. Veterinary medicine's scope of practice is extremely broad, and basically entails all diagnosis, treatment, remediation, relief, etc. pertaining to animals. But, more and more, other groups, including non-human health care practitioners such as equine dentists, are becoming involved in animal health care.

- Finally, as discussed at the last BHP meeting, the Board of Veterinary Medicine's staffing is anticipated to change, beginning July 1, if the agency's budget is approved. A new Executive Director position is being created to oversee the Board of Long-Term Care Administrators and the Boards of Audiology & Speech-Language Pathology and Physical Therapy (currently managed by Sandy Reen (who also has Dentistry) and Elizabeth Young, who also has the Board of Funeral Directors & Embalmers). Ms. Young will then receive the Board of Veterinary Medicine from Dr. Carter, who now manages the Boards of Optometry, Health Professions, as well as Veterinary Medicine.

For BHP meeting of January 17, 2006
FUNERAL DIRECTORS AND EMBALMERS

- **There are currently five funeral service bills introduced in the 2006 Virginia General Assembly: revising the occupational title of “resident trainee” to “funeral service intern”, requiring only violators of the law to obtain continuing education units, creation of a preneed recovery fund, allowing the commingling of trust funds, and raising the Medicaid exception from \$2500 to \$5000.**
- **The Board of Funeral Directors and Embalmers continues its periodic review of its three regulations: general and preneed funeral planning.**
- **The Board of Funeral Directors and Embalmers continues its study of the preneed funding laws of other states in an effort to amend its current preneed laws.**

BOARD OF MEDICINE REPORT

to the

BOARD OF HEALTH PROFESSIONS

January 17, 2006

1. The Board of Medicine's Standards of Professional conduct for all its licensees became effective October 19, 2005. They have been included in the Board's newsletter which is now, or will shortly be, in the mail to 46,000+ licensees.
2. The Board licensed its first Certified Professional Midwife in December. Befittingly, the first licensee was Leslie Payne, chair of the Advisory Board on Midwifery.
3. At its November 2005 meeting, the Board voted to accept the recommendations of the Ad Hoc Committee on Laser (Light-based) Hair Removal. The committee will reconvene to draft a guidance document on this matter.
4. The Board's regulations on Mixing, Diluting and Reconstituting of Drugs for administration in physicians' practices became effective in December 2005. A special newsletter is being drafted to inform the approximately 33,000 licensees that will be affected by these regs.
5. The Board of Medicine has a new citizen member, replacing Carol Comstock of the 7th Congressional District. The new member is Ann Burks of the 4th Congressional District.

Board of Nursing Report to Board of Health Professions

January 17, 2006

Executive Order 97 - nine temporary registered nurse licenses, four nurse practitioner licenses, one authorization to prescribe license and one clinical nurse specialist license have been issued. In addition, an increase in the number of licenses issued by the regular endorsement process has been noted with the initial state of licensure being Louisiana and Mississippi.

Regulatory Activity – At its November meeting, the Board of Nursing adopted the following regulations:

- Final regulations to increase nurse aide fees from \$45 to \$50 per biennium. These fees will be effective January 26, 2006.
- Nurse Licensure Compact – two additional states have passed legislation to join the NLC. New Hampshire entered the compact effective January 1, 2006 and South Carolina will enter the compact February 1, 2006. They join the following eighteen states; Arizona, Arkansas, Delaware, Idaho, Iowa, Maine, Maryland, Mississippi, Nebraska, New Mexico, North Carolina, North Dakota, South Dakota, Tennessee, Texas, Utah, Virginia and Wisconsin. Five other states are planning to introduce legislation this year for a registered nurse or licensed practical nurse to hold a license in her primary compact state of residence and practice under a multi state privilege in the other compact states.
- Regulations governing the practice of nursing (Chapter 20) and regulations governing the practice of nurse aides (Chapter 25).
- Regulations governing the practice of nurse practitioners (18 VAC 90-30-80) and to promulgate the amendments under a fast track action. These regulations address provisional licensure.
- Regulation of medication aides – The Board approved the interim progress report to the Committees of the General Assembly.

Sanction Reference Study – The Board of Nursing continues to participate in sanction reference study development phase. Neal Kauder and staff have met with the Board of Nursing and the Discipline Committee reviewing factor analysis and the development of worksheets.

Guidance Document – The Board of Nursing at its September meeting adopted a joint guidance document with the Department of Health “The Impact of Criminal Convictions on Nursing Licensure and Employment in Virginia”. Positive feedback has been received from employers and nursing education programs who frequently have concerns and questions about these issues.

Board of Psychology
January 17, 2006

At the January 10, 2006 meeting, the Board reported that renewal fees will *probably* be cut at the next annual renewal, that is, June 30, 2006.

The one time 50% fee reduction for psychologists, the fee will change from \$70 to \$35.

At the 2007 renewal, *probably* the renewal fee will return to \$70.

Report to the Board of Health Professions by Betty Jolly, DHP Policy Education

January 17, 2006

Spring Issues Forum

Goal and Background: The goal of an issue forum is to further an understanding of the public interest being performed by the healthcare professional and DHP in professional regulations. Healthcare providers are willing to keep themselves professionally fit in behalf of patients and they are accountable for so doing. Professional competence begins with a firm educational grounding, followed by a period of formal training to acquire the relevant knowledge and skills in the workplace. Continuing competence is the business of the Virginia Department of Health Professions. To be effective in the service of patients, professional regulation should be understood as encapsulating all of the systems which combine to assure the competence of healthcare professionals:

Suggested Agenda: “Up to the job: the Interface of Regulation and Professional Competence.” Performance Measurement or how do healthcare professionals determine, measure, and assure the public concerning the healthcare professional’s competence over the career of the professional.

- 9:00 - 9:30** **Registration**
- 9:30 - 10:00** **Welcome by Director of DHP; Overview of Agency
Remarks by BHP Chair: Overview of Boards**
- 10:00 - 12** **Panel One: forging a Link between Regulation and
Professional Competence**
- 12:00 – 1:00** **Lunch and Key Note Speaker: Disclosing Quality to the
Consumer Harry P. Hatry: Urban Institute and author,
Performance Measurement**
- 1:00 – 2:30** **Panel Two: Leading Edge Initiatives in Virginia’s DHP:**

Sanction Reference & other innovations

**2:30 – 4:00 Mega Trends Impacting the Next Decade
Rosemary Gibson of the Robert Wood Foundation**

Audience targeted: Healthcare practitioners, associations, legislative and executive finance staff, General Assembly members, and press, certification and accreditation organizations.