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SENATE BILL NO. 1015

Offered January 8, 2025

Prefiled January 7, 2025

A BILL to amend and reenact §§ 54.1-2900 and 54.1-2963 of the Code of Virginia, relating to vitamins, minerals, and food supplements; practice of chiropractic; definition.

Patron—VanValkenburg

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2900 and 54.1-2963 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2900. Definitions.

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

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

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

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear.

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

"Board" means the Board of Medicine.

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

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

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

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

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

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

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

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

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

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal

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59 injuries or wrongful death, based on health care or professional services rendered, or that should have been
60 rendered, by a health care provider, to a patient.

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

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

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

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

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

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

79 "Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the
80 insertion of needles to prevent or modify the perception of pain or to normalize physiological functions,
81 including pain control, for the treatment of certain ailments or conditions of the body and includes the
82 techniques of electroacupuncture, cupping, and moxibustion. The practice of acupuncture does not include
83 the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of
84 any drugs, medications, serums or vaccines; or the procedure of the five needle auricular acupuncture
85 protocol (5NP) as exempted in § 54.1-2901.

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

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

97 "Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column, and
98 assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use
99 of surgery, obstetrics, osteopathy, or the administration or prescribing of any drugs, medicines, serums, or
100 vaccines. "Practice of chiropractic" includes (i) requesting, receiving, and reviewing a patient's medical and
101 physical history, including information related to past surgical and nonsurgical treatment of the patient and
102 controlled substances prescribed to the patient, and (ii) documenting in a patient's record information related
103 to the condition and symptoms of the patient, the examination and evaluation of the patient made by the
104 doctor of chiropractic, and treatment provided to the patient by the doctor of chiropractic. *"Practice of*
105 *chiropractic" further includes recommending or directing patients on the use of vitamins, minerals, or food*
106 *supplements.* "Practice of chiropractic" also includes performing the physical examination of an applicant for
107 a commercial driver's license or commercial learner's permit pursuant to § 46.2-341.12 if the practitioner has
108 (a) applied for and received certification as a medical examiner pursuant to 49 C.F.R. Part 390, Subpart D
109 and (b) registered with the National Registry of Certified Medical Examiners.

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

120 "Practice of licensed certified midwifery" means the provision of primary health care for preadolescents,

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

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

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

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

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

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

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

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

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

182 "Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist,

183 dental hygienist, or person who is otherwise authorized by the Board of Dentistry under Chapter 27 (§
184 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic procedures
185 employing equipment that emits ionizing radiation that is limited to specific areas of the human body.

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

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

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

202 **§ 54.1-2963. Selling vitamins or food supplements in connection with a practice of the healing arts;**
203 **chiropractor recommending vitamins, minerals, or food supplements.**

204 A. The Board shall have authority to promulgate regulations regulating the sale of vitamins or food
205 supplements by any practitioner of the healing arts from the office in which he practices.

206 *B. A chiropractor may recommend or direct patients on the use of vitamins, minerals, or food*
207 *supplements, provided the rationale for such recommendation is (i) documented in a patient's record and (ii)*
208 *based on a reasonable expectation that the use of such vitamins, minerals, or food supplements will result in*
209 *a favorable patient outcome, including preventive practices, and that a greater benefit will be achieved than*
210 *that which can be expected without such use. Such chiropractor shall not sell, dispense, or recommend*
211 *vitamins, minerals, or food supplements for use if such use will negatively impact any of the patient's existing*
212 *medical conditions.*