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HOUSE BILL NO. 523

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health and Human Services
on _____)

(Patron Prior to Substitute—Delegate Willett)

A *BILL to amend and reenact §§ 2.2-2001.4, 54.1-2901, and 54.1-3001 of the Code of Virginia, relating to Department of Veterans Services; Department of Health Professions; military medical personnel; program; work group; report.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2001.4, 54.1-2901, and 54.1-3001 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2001.4. Military medical personnel; program.

A. For the purposes of this section; ~~"military:~~

"Licensed practitioner" means a medical professional licensed by the Board of Medicine, Board of Nursing, or Board of Counseling.

"Military medical personnel" means an individual who has recently served as a medic in the United States Army, medical technician in the United States Air Force, medical personnel in the United States Space Force, or corpsman in the United States Navy or the United States Coast Guard and any other enlisted service member who successfully completed appropriate technical training and any required certifications and who was discharged or released from such service under conditions other than dishonorable.

B. The Department, in collaboration with the Department of Health Professions, shall establish a program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine or nursing in accordance with subsection B of § 54.1-2901 or subsection B of § 54.1-3001. Such activities shall reflect the level of training and experience of the military medical personnel *and shall be supervised by a licensed practitioner. Such supervision shall be limited to the licensed practitioner's existing scope of practice.* The supervising ~~physician or podiatrist~~ *licensed practitioner* shall retain responsibility for the care of the patient.

C. Any licensed ~~physician or podiatrist~~ *practitioner*, professional corporation, or partnership of any licensee, hospital, commercial enterprise having medical facilities for its employees that are supervised by one or more ~~physicians or podiatrists~~ *licensed practitioners*, or facility that offers medical services to the public and that is supervised by one or more ~~physicians or podiatrists~~ *licensed practitioners* may participate in such program.

D. The Department shall establish general requirements for military medical personnel, licensees, and employers participating in the military medical personnel program established pursuant to subsection B.

E. The Department shall assist veterans and other service members who are preparing for discharge or release and who have recently served in health care-related specialties but who do not meet the definition of "military medical personnel" in finding employment in the health care sector.

§ 54.1-2901. Exceptions and exemptions generally.

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

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

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

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

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

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

6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment

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60 for their performance and which are usually or customarily delegated to such persons by practitioners of the
61 healing arts, if such activities or functions are authorized by and performed for such practitioners of the
62 healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing
63 arts;

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

67 8. The domestic administration of family remedies;

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

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

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

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

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

81 14. The practice of the religious tenets of any church in the ministrations to the sick and suffering by
82 mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for
83 compensation;

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

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

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

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

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

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

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

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

110 23. Any person from engaging in the five needle auricular acupuncture protocol (5NP), a standardized
111 five needle protocol wherein up to five needles are inserted into the external human ear to provide relief from
112 the effects of behavioral health conditions, provided such person (i) has appropriate training in the 5NP,
113 including training established by the National Acupuncture Detoxification Association or equivalent
114 certifying body; (ii) does not use any letters, words, or insignia indicating or implying that the person is an
115 acupuncturist; and (iii) makes no statements implying that his practice of the 5NP is licensed, certified, or
116 otherwise overseen by the Commonwealth. Treatment utilizing the 5NP pursuant to this subdivision shall be
117 strictly limited to the insertion of disposable, sterile acupuncture needles into the ear and only in compliance
118 with the 5NP. The application or insertion of needles anywhere else on the body of another person by a
119 person acting under the provisions of this subdivision shall be considered engaging in the practice of
120 acupuncture without a license;

121 24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR)

122 acting in compliance with the patient's individualized service plan and with the written order of the attending
 123 physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

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

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

132 27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free
 133 health care to an underserved population of Virginia who (i) does not regularly practice his profession in
 134 Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory,
 135 district or possession of the United States, (iii) volunteers to provide free health care to an underserved area
 136 of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that
 137 sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or
 138 certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days
 139 prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges,
 140 in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations,
 141 during the limited period that such free health care is made available through the volunteer, nonprofit
 142 organization on the dates and at the location filed with the Board. The Board may deny the right to practice in
 143 Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or
 144 revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws
 145 or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria
 146 to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit
 147 organization verifies that the practitioner has a valid, unrestricted license in another state;

148 28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of
 149 sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in
 150 § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated
 151 Laboratories or other public health laboratories, designated by the State Health Commissioner, for the
 152 purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

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

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

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

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

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

183 34. Any employee of a program licensed by the Department of Behavioral Health and Developmental

184 Services who is certified in cardiopulmonary resuscitation from acting in compliance with a program
185 participant's valid written order not to resuscitate issued in accordance with § 54.1-2987.1 if such valid
186 written order not to resuscitate is included in the program participant's individualized service plan; or

187 35. Any doctor of medicine or osteopathy, physician assistant, respiratory therapist, occupational
188 therapist, or advanced practice registered nurse who would otherwise be subject to licensure by the Board
189 who holds an active, unrestricted license in another state or the District of Columbia and who is in good
190 standing with the applicable regulatory agency in that state or the District of Columbia from engaging in the
191 practice of that profession in the Commonwealth with a patient located in the Commonwealth when (i) such
192 practice is for the purpose of providing continuity of care through the use of telemedicine services as defined
193 in § 38.2-3418.16 and (ii) the patient is a current patient of the practitioner with whom the practitioner has
194 previously established a practitioner-patient relationship and the practitioner has performed an in-person
195 examination of the patient within the previous 12 months.

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

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

210 B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as
211 defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans Services
212 pursuant to § 2.2-2001.4, may practice under the supervision of a licensed ~~physician or podiatrist~~
213 *practitioner, as that term is defined in § 2.2-2001.4*, or the chief medical officer of an organization
214 participating in such program, or his designee who is a licensee of the Board and supervising within his scope
215 of practice.

216 **§ 54.1-3001. Exemptions.**

217 A. This chapter shall not apply to the following:

218 1. The furnishing of nursing assistance in an emergency;

219 2. The practice of nursing, which is prescribed as part of a study program, by nursing students enrolled in
220 nursing education programs approved by the Board or by graduates of approved nursing education programs
221 for a period not to exceed ninety days following successful completion of the nursing education program
222 pending the results of the licensing examination, provided proper application and fee for licensure have been
223 submitted to the Board and unless the graduate fails the licensing examination within the 90-day period;

224 3. The practice of any legally qualified nurse of another state who is employed by the United States
225 government while in the discharge of his official duties;

226 4. The practice of nursing by a nurse who holds a current unrestricted license in another state, the District
227 of Columbia, a United States possession or territory, or who holds a current unrestricted license in Canada
228 and whose training was obtained in a nursing school in Canada where English was the primary language, for
229 a period of 30 days pending licensure in Virginia, if the nurse, upon employment, has furnished the employer
230 satisfactory evidence of current licensure and submits proper application and fees to the Board for licensure
231 before, or within 10 days after, employment. At the discretion of the Board, additional time may be allowed
232 for nurses currently licensed in another state, the District of Columbia, a United States possession or territory,
233 or Canada who are in the process of attaining the qualification for licensure in this Commonwealth;

234 5. The practice of nursing by any registered nurse who holds a current unrestricted license in another state,
235 the District of Columbia, or a United States possession or territory, or a nurse who holds an equivalent
236 credential in a foreign country, while enrolled in an advanced professional nursing program requiring clinical
237 practice. This exemption extends only to clinical practice required by the curriculum;

238 6. The practice of nursing by any nurse who holds a current unrestricted license in another state, the
239 District of Columbia, or a United States possession or territory and is employed to provide care to any private
240 individual while such private individual is traveling through or temporarily staying, as defined in the Board's
241 regulations, in the Commonwealth;

242 7. General care of the sick by nursing assistants, companions or domestic servants that does not constitute
243 the practice of nursing as defined in this chapter;

244 8. The care of the sick when done solely in connection with the practice of religious beliefs by the
245 adherents and which is not held out to the public to be licensed practical or professional nursing;

246 9. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin
 247 and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in
 248 § 22.1-1, assisting with the administration of insulin or administrating glucagon to a student diagnosed as
 249 having diabetes and who requires insulin injections during the school day or for whom glucagon has been
 250 prescribed for the emergency treatment of hypoglycemia;

251 10. The practice of nursing by any nurse who is a graduate of a foreign nursing school and has met the
 252 credential, language, and academic testing requirements of the Commission on Graduates of Foreign Nursing
 253 Schools for a period not to exceed ninety days from the date of approval of an application submitted to the
 254 Board when such nurse is working as a nonsupervisory staff nurse in a licensed nursing home or certified
 255 nursing facility. During such ninety-day period, such nurse shall take and pass the licensing examination to
 256 remain eligible to practice nursing in Virginia; no exemption granted under this subdivision shall be
 257 extended;

258 11. The practice of nursing by any nurse rendering free health care to an underserved population in
 259 Virginia who (i) does not regularly practice nursing in Virginia, (ii) holds a current valid license or
 260 certification to practice nursing in another state, territory, district or possession of the United States, (iii)
 261 volunteers to provide free health care to an underserved area of this Commonwealth under the auspices of a
 262 publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to
 263 populations of underserved people, (iv) files a copy of the license or certification issued in such other
 264 jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision
 265 of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure
 266 exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such
 267 free health care is made available through the volunteer, nonprofit organization on the dates and at the
 268 location filed with the Board. The Board may deny the right to practice in Virginia to any nurse whose
 269 license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is
 270 otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a nurse
 271 who meets the above criteria to provide volunteer services without prior notice for a period of up to three
 272 days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in
 273 another state;

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

277 13. The practice of nursing by any nurse who holds a current unrestricted license from another state, the
 278 District of Columbia or a United States possession or territory, while such nurse is in the Commonwealth
 279 temporarily and is practicing nursing in a summer camp or in conjunction with clients who are participating
 280 in specified recreational or educational activities;

281 14. The practice of massage therapy that is an integral part of a program of study by a student enrolled in a
 282 massage therapy educational program under the direction of a licensed massage therapist. Any student
 283 enrolled in a massage therapy educational program shall be identified as a "Student Massage Therapist" and
 284 shall deliver massage therapy under the supervision of an appropriate clinical instructor recognized by the
 285 educational program;

286 15. The practice of massage therapy by a massage therapist licensed or certified in good standing in
 287 another state, the District of Columbia, or another country, while such massage therapist is volunteering at a
 288 sporting or recreational event or activity, is responding to a disaster or emergency declared by the appropriate
 289 authority, is travelling with an out-of-state athletic team or an athlete for the duration of the athletic
 290 tournament, game, or event in which the team or athlete is competing, or is engaged in educational seminars;

291 16. Any person providing services related to the domestic care of any family member or household
 292 member so long as that person does not offer, hold out, or claim to be a massage therapist;

293 17. Any health care professional licensed or certified under this title for which massage therapy is a
 294 component of his practice; or

295 18. Any individual who provides stroking of the hands, feet, or ears or the use of touch, words, and
 296 directed movement, including healing touch, therapeutic touch, mind-body centering, orthobionomy, traeger
 297 therapy, reflexology, polarity therapy, reiki, qigong, muscle activation techniques, or practices with the
 298 primary purpose of affecting energy systems of the human body.

299 B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as
 300 defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans Services
 301 pursuant to § 2.2-2001.4, may practice under the supervision of a licensed ~~physician or podiatrist~~
 302 *practitioner, as that term is defined in § 2.2-2001.4*, or the chief medical officer of an organization
 303 participating in such program. The chief medical officer of an organization participating in a program
 304 established pursuant to § 2.2-2001.4 may, in consultation with the chief nursing officer of such organization,
 305 designate a registered nurse licensed by the Board or practicing with a multistate licensure privilege to
 306 supervise military *medical* personnel participating in a program established pursuant to § 2.2-2001.4 in the
 307 practice of nursing.

308 2. That the Department of Veterans Services and the Department of Health Professions shall convene a
309 stakeholder work group to provide guidance on the implementation and further development of the
310 Military Medics and Corpsmen (MMAC) program. The work group shall include representatives from
311 MMAC partner health care systems, the Department of Health, the Department of Professional and
312 Occupational Regulation, the Virginia Community College System, the Virginia Health Workforce
313 Development Authority, the Medical Society of Virginia, the Virginia College of Emergency Physicians,
314 the Virginia Nurses Association, the Virginia Association of EMS Practitioners, the Virginia Hospital
315 and Healthcare Association, and any other relevant stakeholders as deemed necessary by the
316 Department of Veterans Services and the Department of Health Professions. Such work group shall
317 study and make recommendations (i) for recognizing and applying military medical training and
318 experience toward civilian health care education and licensure in the Commonwealth and (ii) related to
319 the implementation and further development of the MMAC program and the career development of
320 MMAC participants, including (a) the establishment of licensure, registration, or certification
321 pathways for military medical personnel entering health care professions and (b) the granting of
322 academic credit through the Virginia Community College System to military medical personnel who
323 are not enrolled in a degree program for the purpose of meeting educational requirements for certain
324 employment, credentials, or licenses. The work group shall report its findings to the Chairs of the
325 House Committee on Health and Human Services and the Senate Committee on Education and Health
326 by November 1, 2026.