

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to direct the Board of Medicine and Board of Nursing to require certain licensees to complete bias*
 3 *reduction training as part of their continuing education and continuing competency requirements for*
 4 *licensure and to amend and reenact § 54.1-3011 of the Code of Virginia, relating to Board of Nursing*
 5 *continuing education requirements.*

6 [H 1147]

7 Approved

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

9 **1. § 1.** *That the Board of Medicine, pursuant to its authority under § 54.1-2928.3 of the Code of Virginia,*
 10 *and the Board of Nursing, pursuant to its authority under § 54.1-3011 of the Code of Virginia, as amended*
 11 *by this act, shall require persons licensed by the Board of Medicine and the Board of Nursing (the Boards)*
 12 *to complete continuing learning activities on the topics that mitigate implicit and explicit bias in health care*
 13 *(bias reduction training). The Boards shall promulgate regulations requiring that the continuing education*
 14 *requirements for renewal of an active license shall include completion of such bias reduction training. The*
 15 *Boards shall designate organizations that identify and facilitate evidence-based curricula to comply with*
 16 *this act. Such bias reduction training shall be required for every license renewal period for licensees of the*
 17 *Boards but not more often than every two years.*

18 § 2. *That the first bias reduction training topic required pursuant to § 1 of this act shall be comprehensive*
 19 *and include how unconscious and conscious racial bias affects care during pregnancy, labor and delivery,*
 20 *and the postpartum period. Subsequent bias reduction training shall provide relevant practice-related*
 21 *content as determined by the Boards and shall include training on diseases and conditions, including sickle*
 22 *cell disease, that are often racialized in clinical practice. This training shall address how the inappropriate*
 23 *substitution of race-based assumptions for individualized clinical assessment, combined with implicit bias,*
 24 *leads to delayed diagnosis, inadequate treatment, and disparate health outcomes. The Boards shall update*
 25 *the list of available trainings as they identify additional needs.*

26 § 3. *That the Boards shall report the number and type of licensees who have successfully completed such*
 27 *training to the Department of Health and the Virginia Neonatal Perinatal Collaborative to be included in*
 28 *their annual reports. The Virginia Neonatal Perinatal Collaborative shall, for licensees who provide fertility*
 29 *care, prenatal care, birth care, and postpartum care, evaluate the impact of such training, develop a method*
 30 *for assessment of its effectiveness, and make recommendations for training improvements.*

31 § 4. *As used in this section:*

32 *"Explicit bias" means attitudes and beliefs about a person or group on a conscious level.*

33 *"Implicit bias" means a bias in judgment or behavior that results from subtle cognitive processes,*
 34 *including implicit prejudice and implicit stereotypes, that often operate at a level below conscious awareness*
 35 *and without intentional control.*

36 **2. That § 54.1-3011 of the Code of Virginia is amended and reenacted as follows:**

37 **§ 54.1-3011. Renewal of licenses; continuing education; lapsed licenses; reinstatement; penalties.**

38 A. Every license issued under the provisions of this chapter shall be renewed biennially by such time as
 39 the Board may prescribe by regulation. The Board shall mail or send electronically a notice for renewal to
 40 every licensee, but the failure to receive such notice shall not excuse any licensee from the requirements for
 41 renewal. The person receiving such notice shall furnish the requested information and return the form to the
 42 Board with the renewal fee.

43 B. *Of the hours of continuing education required for biennial renewal of licensure, any licensee of the*
 44 *Board may be required by the Board to complete up to two hours of continuing learning activities or courses*
 45 *in a specific subject area. If the Board designates a subject area for continuing learning activities or courses,*
 46 *it shall publish such requirement no later than January 1 of the first year of the term of the license for which*
 47 *the specific learning activity or course is required.*

48 C. Any licensee who allows his license to lapse by failing to renew the license may be reinstated by the
 49 Board upon submission of satisfactory evidence that he is prepared to resume practice in a competent manner
 50 and upon payment of the fee.

51 ~~E~~. D. Any person practicing nursing during the time his license has lapsed shall be considered an illegal
 52 practitioner and shall be subject to the penalties provided for violations of this chapter.

53 ~~D~~. E. When the Board of Health has issued an emergency order pursuant to § 32.1-13, the Board may
 54 waive (i) the requirement for submission of a fee for renewal of a license or (ii) the requirement for
 55 submission of evidence satisfactory to the Board that a licensee whose license was allowed to lapse by failing
 56 to renew his license is prepared to resume practice in a competent manner for any person who held a valid,

57 unrestricted, active license to practice nursing within the four-year period immediately prior to the application
58 for renewal of such license.