



Virginia Department of
Health Professions
Board of Medicine

BOARD BRIEFS #90
APRIL 2020

+ Governor Northam Directs Postponement of Elective Surgeries

Governor Ralph Northam and State Health Commissioner M. Norman Oliver, MD, MA have directed all hospitals to stop performing elective surgeries or procedures to help conserve supplies of personal protective equipment (PPE).

Licensed inpatient and outpatient surgical hospitals, free-standing endoscopy centers, physicians' offices, and dental, orthodontic, and endodontic offices may perform any procedure or surgery that if delayed or canceled would result in the patient's condition worsening. Outpatient surgical hospitals are encouraged to work with local inpatient hospitals to assist with surge capacity needs. The full text of [Order of Public Health Emergency Two is available here](#).

+ Health Commissioner's Letter Regarding Drugs and COVID-19

On March 25th, Norman Oliver, MD sent a message to all prescribers in the Commonwealth regarding chloroquine, hydroxychloroquine, mefloquine and azithromycin. Dr. Oliver's message provides guidelines for their use at this time. Overprescribing of these drugs could lead to a shortage for patients that take these drugs for chronic conditions. Read his entire message here. <http://www.vdh.virginia.gov/clinicians/treatment-of-covid-19/>

+ Temporary waiver to reinstate or reactivate

[Temporary waiver to reinstate or reactivate a license for a doctor of medicine or osteopathic medicine, podiatry, a physician assistant, or a respiratory therapist](#) - Issued March 23, 2020

During the period in which the Governor's Declaration of Emergency is in effect, the Board of Medicine will waive the regulations relating to fees and continuing education for reinstatement or reactivation of licensure for doctors of medicine, osteopathic medicine, podiatry, physician assistants, and respiratory therapists who held an unencumbered, active license within the past four years.*

Please submit an email to medbd@dhp.virginia.gov or call 804-367-4600 (Option 2) to request reinstatement/reactivation.

**All applicants are reminded to check with their malpractice carriers on the status of liability coverage, when opting to return to active practice.*

Application for Reactivation/Reinstatement during COVID-19 Emergency

The Board of Medicine has made accommodations to the licensing process during the COVID-19 emergency. For those who held an unencumbered license within the last 4 years, the fees and continuing education requirements will be waived. [Here is the link to the required application.](#)

COVID-19 - Expedited Licensure

During the declared coronavirus emergency in Virginia, the board of medicine is streamlining **its licensing process for the following professions: medicine and surgery, osteopathic medicine and surgery, physician assistant, podiatry, and respiratory therapy.** The following are not required in the application process:

- Transcripts of professional education
- Form B employment verifications
- State verifications of licensure

In addition, the Board already has an expedited **licensure by endorsement** process for medicine and osteopathy applicants who:

- Have practiced in another state for 5 years
 - Are board certified
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Telemedicine Services for Virginia Residents during COVID-19 Emergency

During the COVID-19 emergency, and in the interest of continuity of care, professionals licensed in other states and the District of Columbia are authorized to provide telemedicine services to Virginia residents with whom they have an established practitioner-patient relationship. Establishing a new relationship with a Virginia resident requires a license from the Virginia Board of Medicine.

+ Relaxation of HIPAA Enforcement for Telehealth

The Office of Civil Rights (OCR) in the US Department of Health and Human Services is relaxing its enforcement of HIPAA regulations governing telehealth during the COVID-19 National Emergency. [Please read the notice here.](#)

The OCR statement applies to the Board's guidance document on telehealth, which you can access [here](#).

+ Out of State Licensure Exception for Practitioners Assisting in Hospitals, Licensed Nursing Facilities, or Dialysis Facilities:

In response to Governor Northam's declared state of emergency regarding COVID-19, and as authorized by Executive Order 42, **a license issued to a health care practitioner by another state, and in good standing with such state, shall be deemed to be an active license issued by the Commonwealth** to provide health care or professional services as a health care practitioner of the same type for which such license is issued in another state, **provided such health care practitioner is engaged by a hospital, licensed nursing facility, or dialysis facility in the Commonwealth for the purpose of assisting that facility with public health and medical disaster response operations.** Hospitals, licensed nursing facilities, and dialysis facilities must submit to the applicable licensing authority each out-of-state health care practitioner's name, license type, state of license, and license identification number within a reasonable time of such healthcare practitioner arriving at the applicable health care facility in the Commonwealth. The full text of EO-42 and EO-51 can be [viewed here](#).

+ Temporary Waivers for Nurse Practitioner Licensing

On March 19th, David Brown, DC, Director of the Department of Health Professions, announced waivers to the licensing processes for nurse practitioners during the time of the COVID-19 emergency. The waivers make accommodations to initial licensure, endorsement, and renewal. Here is Dr. Brown's letter regarding these temporary waivers to the regulations.

<https://www.dhp.virginia.gov/media/dhpweb/docs/nursing/leg/RegulationsWaiverNursePractitioner03192020.pdf>

Coronavirus Disease 2019 (COVID-19) Updates

The Virginia Department of Health (VDH) is monitoring an outbreak of respiratory illness, called coronavirus disease 2019 (COVID-19). VDH has information on the Coronavirus Disease for both healthcare professionals and the general public which is updated regularly, as new information becomes available. [Read more here.](#)

Prescribing Controlled Substances During the COVID-19 Emergency

In response to the COVID-19 public health emergency declared by the Secretary of Health and Human Services, the Drug Enforcement Administration (DEA) has adopted policies to allow DEA-registered practitioners to prescribe controlled substances without having to interact in-person with their patients. This chart only addresses prescribing controlled substances and does not address administering or direct dispensing of controlled substances, including by narcotic treatment programs (OTPs) or hospitals. These policies are effective beginning March 31, 2020, and will remain in effect for the duration of the public health emergency, unless DEA specifies an earlier date. This decision tree merely summarizes the policies for quick reference and does not provide a complete description of all requirements. Full details are on DEA's COVID-19 website and codified in relevant law and regulations. <https://www.deadiversion.usdoj.gov/coronavirus.html>

“Paperless Licenses” We’ve Gone Green

In the summer of 2019, the Department of Health Professions began implementing an agency-wide initiative referred to as “paperless” licensing. For our licensees it means that at your next renewal you will receive one last paper copy by mail. Those of you who have already renewed this year may have noticed the security enhancements and that the new formal does not bear an expiration date. A few of the benefits to this change is that the licensee won’t have to wait for an updated copy to be mailed to them after they renew, and it reduces the risk of fraud. Our online primary source license verification program is in real time and available to anyone who needs to verify the current status of your license 24 hours a day. At your leisure, please go out and test it [here](#).

Electronic Prescribing of Opioids--July 1, 2020

Initially passed in 2018, opioid prescriptions must be transmitted to the pharmacy electronically. There are exceptions in the law, which include:

1. The prescriber dispenses the controlled substance that contains an opioid directly to the patient or the patient's agent;
2. The prescription is for an individual who is residing in a hospital, assisted living facility, nursing home, or residential health care facility or is receiving services from a hospice provider or outpatient dialysis facility;
3. The prescriber experiences temporary technological or electrical failure or other temporary extenuating circumstance that prevents the prescription from being transmitted electronically, provided that the prescriber documents the reason for this exception in the patient's medical record;
4. The prescriber issues a prescription to be dispensed by a pharmacy located on federal property, provided that the prescriber documents the reason for this exception in the patient's medical record;
5. The prescription is issued by a licensed veterinarian for the treatment of an animal;
6. The FDA requires the prescription to contain elements that are not able to be included in an electronic prescription;
7. The prescription is for an opioid under a research protocol;
8. The prescription is issued in accordance with an executive order of the Governor of a declared emergency;
9. The prescription cannot be issued electronically in a timely manner and the patient's condition is at risk, provided that the prescriber documents the reason for this exception in the patient's medical record; or
10. The prescriber has been issued a waiver pursuant to subsection D.

D. The licensing health regulatory board of a prescriber may grant such prescriber, in accordance with regulations adopted by such board, a waiver of the requirements of subsection B, for a period not to exceed one year, due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the prescriber, or other exceptional circumstances demonstrated by the prescriber.

IF YOU WISH TO APPLY FOR A ONE-YEAR WAIVER, YOU MUST SUBMIT YOUR REQUEST TO THE BOARD OF MEDICINE.

DO NOT SEND PAPER OR EMAIL REQUESTS. BY APRIL 13TH, A LINK WILL BE ON THE BOARD'S WEBSITE FOR YOU TO SUBMIT YOUR REQUEST AND THE REQUIRED INFORMATION. AGAIN, DO NOT SEND PAPER OR EMAIL REQUESTS. USE THE LINK TO SUBMIT YOUR REQUEST.

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