VIRGINIA BOARD OF HEALTH PROFESSIONS
DEPARTMENT OF HEALTH PROFESSIONS
FULL BOARD MEETING
MAY 12, 2009

TIME AND PLACE:	The meeting was called to order at 1:10 p.m. on Tuesday, May 12, 2009, at the Department of Health Professions, The Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 2, Henrico, VA.
PRESIDING OFFICER:	David R. Boehm, President
MEMBERS PRESENT:	Mary Lou Argow, L.P.C. Paula H. Boone, O.D. Susan G. Chadwick, Au.D. Lynn M. Cooper, Citizen Member, Nursing Jennifer H. Edwards, Pharm.D Damien Howell, P.T. Billie W. Hughes, F.S.L. Fernando (Marty) Martinez, Citizen Member Sandra Price-Stroble, Citizen Member Vilma Seymour, Citizen Member Demis L. Stewart, Citizen Member Michael Stutts, Ph.D. John T. Wise, D.V.M.
MEMBERS NOT PRESENT:	Meera A. Gokli, D.D.S. Juan M. Montero, II, M.D. Mary M. Smith, N.H.A.
STAFF PRESENT:	Elizabeth A. Carter, Ph.D., Executive Director for the Board Elaine Yeatts, Senior Regulatory Analyst Justin Crow, Research Assistant Carol Stamey, Operations Manager
OTHERS PRESENT:	No others were present.
QUORUM:	With fourteen (14) members present, a quorum was established.
AGENDA:	Mr. Boehm requested that the agenda be revised to reflect that Dr. Carter would be presenting the Director's report and Mr. Howell would be presenting the Regulatory Committee report. The motion was seconded and carried unanimously.
PUBLIC COMMENT:	No public comment was presented.

APPROVAL OF MINUTES:

Mr. Howell moved to approve the full board's February 3, 2009 meeting. The motion was seconded and carried unanimously.

Mr. Howell moved to approve the New Board Member Training minutes of the December 17, 2008 meeting. The motion was seconded and carried unanimously.

DEPARTMENT DIRECTOR'S REPORT:

Dr. Carter provided the Board members with copies of Ms. Ryals' May 6, 2009 press release and Frequently Asked Questions. Ms. Cooper expressed concern regarding the issue of the security breach and information being available in the news media prior to disclosure to the Board members. Mr. Boehm suggested that the Education Committee review the issue of how best to inform Board members and licensees about urgent matters in the future.

VA Performs - Dr. Carter reported that Ms. Ryals would be providing a formal report soon. She noted, however, that the news on the agency's performance would be good.

Workforce Center – Dr. Carter apprised the Board on the progress of the Healthcare Workforce Center which is headed by Ms. Beverly Beck. She noted that they had been making significant progress toward determining core survey questions to enable an ongoing, and most importantly, validated database of information pertaining specifically to Virginia's health profession workforce. A formal report on the Center's progress, to date, will be published this summer.

LEGISLATIVE/REGULATORY UPDATE:

Ms. Yeatts presented an overview of the 2009 legislation that may impact the agency and/or the respective boards. Specifically, she noted Dentistry's emergency regulations requiring the registration of mobile dental clinics and the licensure of radiological technologists. A copy of the proposed 2009 legislation summary is incorporated into the minutes as Attachment 1.

Ms. Yeatts also informed the Board of the required due dates for the 2010 proposed legislation.

EXECUTIVE DIRECTOR'S REPORT:

Dr. Carter apprised the Board that its budget remains solvent. She also reported that Justin Crow will remain as the Board's Research Assistant through December 2009. Further, she reported that Neal Kauder, of Visual Research, Inc., is completing the Sanctions Reference point systems research for the Boards of Audiology and

Speech-Language Pathology, Long-Term Care, and Physical Therapy. A formal report on the evaluation of the Sanctions Reference efficacy is planned for the Fall. Additionally, Mr. Kauder has been conducting research for the agency into how patient care versus non-patient care cases should be optimally classified and tracked.

REGULATORY REVIEW COMMITTEE REPORT:

Mr. Howell presented a report of the Committee's actions on the study of Emerging Professions. The Committee's recommendations are listed as follows:

Orthotists and Prosthetists – The Committee recommended that the professions not be regulated and the motion of the Committee was seconded by Ms. Hughes and carried unanimously.

Medical Interpreters – The Committee requested that staff contact the Department of Health and the Department of Medical Assistance Services to seek their input regarding the state's oversight of the profession.

Polysomnographers – The Committee requested that Mr. Crow present his presentation to the Respiratory Therapy Advisory Committee for their review and recommendation back to the Board.

Surgical Assistants and Surgical Technologists – The Committee requested a public hearing for additional public comment prior to rendering a recommendation to the full Board.

BOARD REPORTS:

Mr. Howell reported that the Board of Physical Therapy had requested a guidance document regarding licensees who hold dual licenses or certification resulting in the overlapping of scope of practice. He stated that the Board was seeking guidance and solutions in regards to crossover of scope of practice and regulations. Dr. Chadwick shared some of the experiences of the Board of Audiology and Speech-Language Pathology. Dr. Argow, Mr. Boehm and Dr. Stuts also spoke to the issue of multiple certifications within and across the behavioral science boards. Additionally, Dr. Carter indicated that when complaints are lodged against multiple license/certificate holders of differing boards, the case is referred to each board under which the a respondent holds a license/certificate. Depending upon the particulars of the case, if founded, one or each board may take action, depending upon the applicable regulation.

Mr. Boehm apprised the Board of the Board of Social Work's study relating to the exempt status of persons working as social workers in state settings pursuant to HB1146 (2006). Further, he requested the Board's approval to assign the matter to the Regulatory Research Committee for its input and recommendations. Mr. Howell moved to approve the request. The motion was seconded and carried with Mr. Boehm abstaining.

NEW BUSINESS: No new business was presented.

ADJOURNMENT: Mr. Howell moved to adjourn the meeting at 2:05 p.m. The motion was seconded and carried unanimously.

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David R. Boehm, L.C.S.W.
Board President

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

Report of 2009 General Assembly

HB 1601 Administration of prescription drugs; expands authority of persons allowed to administer.

Summary as introduced:
Administration of prescription drugs. Expands authority of persons who have completed a training course approved by the Board of Nursing, and who do so in compliance with the prescriber's instructions and in accordance with regulations promulgated by the Board of Pharmacy, to allow administration of prescription drugs where the drugs would normally be self-administer by an individual receiving services in a program licensed by the Department of Mental Health, Mental Retardation, and Substance Abuse Services. Such authority was previously limited to administration of drugs that would normally be self-administered by a resident of a facility licensed or certified by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Patron: Hamilton

01/19/09 House: Read second time and engrossed
01/20/09 House: Read third time and passed House BLOCK VOTE (89-Y 0-N)
01/20/09 House: VOTE: BLOCK VOTE PASSAGE (89-Y 0-N)
01/21/09 Senate: Constitutional reading dispensed
01/21/09 Senate: Referred to Committee on Education and Health

HB 1744 Natural health care providers; not licensed may provide care to consumer for use of natural foods.

Summary as introduced:
Health professions; natural health care providers. Clarifies that an individual who is not licensed, registered, certified, or permitted by a health regulatory board may provide health care services, therapies, and methods by assessing, evaluating, advising, educating, counseling, informing, or rendering care to consumers regarding the use of natural foods, dietary supplements, homeopathic remedies and products, and healing and natural therapies for the prevention, remedy, or treatment of various health or physical conditions as long as he discloses to consumers his qualifications and does not violate existing provisions governing the health professions.

Patron: Pogge

01/07/09 House: Referred to Committee on Health, Welfare and Institutions
01/15/09 House: Impact statement from DPB (HB1744)
01/16/09 House: Assigned HWI sub: Health
01/26/09 House: Subcommittee recommends laying on the table by voice vote
01/27/09 House: Tabled in Health, Welfare and Institutions

HB 1812 Questioning employees about criminal convictions; prohibits employer from asking about certain.

Summary as introduced:
Questioning employees about criminal convictions; penalty. Prohibits a state agency employer from asking an existing or prospective employee about the individual's record of arrests or convictions, unless the question refers to an arrest or conviction that occurred within the preceding eight years or was for a violent felony. An employer may not take negative employment actions against an individual based on a response to a prohibited question. A violation is punishable by a $500

civil penalty.

Patron: Morrissey

01/12/09 House: Prefiled and ordered printed; offered 01/14/09 090846653
01/12/09 House: Referred to Committee for Courts of Justice
01/16/09 House: Impact statement from DPB (HB1812)
01/16/09 House: Assigned Courts sub: Criminal
01/19/09 House: Subcommittee recommends passing by indefinitely by voice vote

HB 1820 Naturopathy; establishes licensure requirements for practice thereof.

Summary as introduced:
Practice of naturopathy. Establishes licensure requirements for the practice of naturopathy. This bill establishes criteria for the practice of 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: Kilgore

01/12/09 House: Prefiled and ordered printed; offered 01/14/09 098156588
01/12/09 House: Referred to Committee on Health, Welfare and Institutions
01/15/09 House: Impact statement from DPB (HB1820)
01/16/09 House: Assigned HWI sub: Health
02/02/09 House: Subcommittee recommends passing by indefinitely by voice vote

HB 1852 Health Professions, Department of; confidentiality of investigations.

Summary as introduced:
Department of Health Professions; investigations. Clarifies that confidentiality provisions do not prevent Department of Health Professions' investigators from (i) providing the subject of a complaint with a copy of the complaint and supporting documentation or (ii) interviewing witnesses and disclosing to them information necessary to conduct the investigation.

Patrons: Morrissey, BaCote, Eisenberg, Hall and Ward

02/02/09 House: Read second time
02/02/09 House; Committee amendments agreed to
02/02/09 House: Engrossed by House as amended HB1852E
02/02/09 House: Printed as engrossed 094019820-E
02/03/09 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

HB 1909 Funerals and burials; designation of persons authorized to make decisions.

Summary as introduced:
Designation of persons authorized to make funeral and burial decisions. Designates the persons in order of priority who have the ability to make all necessary arrangements for a decedent's funeral and the disposition of his remains. This bill is in response to recent cases in Virginia concerning who had the right to make such decisions. Current law allows any next of kin to make arrangements, without specifying an order of priority. This bill grants funeral services providers civil immunity for decisions made if there is a dispute among members of the same class, in the absence of bad faith. The bill contains technical

amendments.

Patron: Armstrong

01/13/09 House: Prefiled and ordered printed; offered 01/14/09 096713416
01/13/09 House: Referred to Committee for Courts of Justice
02/02/09 House: Assigned Courts sub: Civil
02/02/09 House: Subcommittee recommends laying on the table by voice vote

HB 1939 Radiologist assistants; licensure.

Summary as introduced:
Radiologist assistants; licensure. Provides for the licensure of radiologist assistants as individuals who have met the requirements of the Board of Medicine for licensure as advanced-level radiologic technologists and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, are authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

Patrons: Peace, Nutter and O'Bannon

01/26/09 House: Read second time and engrossed
01/27/09 House: Read third time and passed House BLOCK VOTE (96-Y 0-N)
01/27/09 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N)
01/28/09 Senate: Constitutional reading dispensed
01/28/09 Senate: Referred to Committee on Education and Health

HB 1943 Optometrists; those licensed may sell contact lenses & allowed to dispense ophthalmic devices.

Summary as introduced:
Optometrists; contact lenses and ophthalmic devices. Specifies that only licensed optometrists and ophthalmologists, or licensed opticians with a contact lens endorsement may sell contact lenses, and allows licensed optometrists and ophthalmologists to dispense ophthalmic devices that contain medication.

Patrons: Peace, Amundson, Armstrong, Caputo, Crockett-Stark, Hall, Hamilton, Hargrove, Hugo, Janis, Loupassi, Mathieson, Merricks, Nutter, Phillips, Pogge, Rust, Shannon, Shuler, Sickles, Spruill and Vanderhye

01/28/09 House: Printed as engrossed 093264676-EH1
01/29/09 House: Read third time and passed House (99-Y 0-N)
01/29/09 House: VOTE: --- PASSAGE (99-Y 0-N)
01/30/09 Senate: Constitutional reading dispensed
01/30/09 Senate: Referred to Committee on Education and Health

HB 1984 Physicians and patients; eliminates limiting patient's health information introduced at trial .

Summary as introduced:
Communication between physicians and patients. Eliminates requirement limiting patient's health information that may be

discovered or introduced at trial to information obtained or formulated during treatment and contemporaneously recorded by the treating health practitioner.

Patron: O'Bannon

01/13/09 House: Prefiled and ordered printed; offered 01/14/09 093213664
01/13/09 House: Referred to Committee for Courts of Justice
01/16/09 House: Assigned Courts sub: Civil

HB 1986 Medication aide training programs; requirements therefor.

Summary as introduced:
Medication aide training programs; required registration delayed. Sets forth requirements for Board of Nursing approved education and training programs for medication aides. This bill also delays enforcement of the requirement for medication aides to be registered until July 1, 2009, and is effective retroactively to January 1, 2009.

Patrons: O'Bannon and Hamilton

01/26/09 House: Printed as engrossed 093255664-EH1
01/27/09 House: Read third time and passed House (97-Y 0-N 1-A)
01/27/09 House: VOTE: --- PASSAGE EMERGENCY (97-Y 0-N 1-A)
01/28/09 Senate: Constitutional reading dispensed
01/28/09 Senate: Referred to Committee on Education and Health

HB 2058 Dentistry, Board of; recovering monitoring costs.

Summary as introduced:
Board of Dentistry; recovering monitoring costs. Allows the Board of Dentistry to recover from any licensee against whom disciplinary action has been imposed reasonable administrative costs associated with investigating and monitoring such licensee and confirming compliance with any terms and conditions imposed upon the licensee as set forth in the order imposing disciplinary action. Such recovery shall not exceed a total of $5,000.

Patron: Hamilton

01/23/09 House: Read third time and passed House BLOCK VOTE (97-Y 0-N)
01/23/09 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)
01/26/09 House: Impact statement from DPB (HB2058)
01/26/09 Senate: Constitutional reading dispensed
01/26/09 Senate: Referred to Committee on Education and Health

HB 2097 Animal shelter and pounds; allowed to purchase, etc., certain controlled substances for euthanizing.

Summary as introduced:
Animal shelters and pounds; administration of certain medications. Allows the Board of Pharmacy to register an animal shelter or pound to purchase, possess, and administer certain Schedule II-VI controlled substances approved by the State Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and animals; and to purchase, possess, and administer certain Schedule VI controlled substances for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter or

pound.

Patrons: Orrock and Cosgrove

01/22/09 House: Read second time and engrossed
01/23/09 House: Read third time and passed House BLOCK VOTE (97-Y 0-N)
01/23/09 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)
01/26/09 Senate: Constitutional reading dispensed
01/26/09 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

HB 2163 Midwifery; regulations governing practice thereof.

Summary as introduced:
Regulation of the practice of midwifery. Provides that regulations governing the practice of midwifery shall require midwives to disclose to their patients information on health risks associated with home deliveries including but not limited to special risks associated with vaginal birth after a prior C-section, breach births, births by women experiencing high-risk pregnancies, and births of twins or multiples.

Patron: Lohr

02/02/09 House: Amendments by Delegate Hamilton agreed to
02/02/09 House: Engrossed by House as amended HB2163E
02/02/09 House: Printed as engrossed 093187604-E
02/03/09 House: Impact statement from DPB (HB2163E)
02/03/09 House: Read third time and passed House (95-Y 3-N)

HB 2167 Midwives, professional; reimbursement of services of those certified.

Summary as introduced:
Reimbursement of services of certified professional midwives. Provides that the Board of Medicine and the Department of Medical Assistance Services shall review all regulations, policies, and guidelines to ensure that no reimbursement is made to certified professional midwives providing services in high-risk situations including high-risk home births.

Patron: Lohr

01/14/09 House: Prefiled and ordered printed; offered 01/14/09 093233604
01/14/09 House: Referred to Committee on Health, Welfare and Institutions
01/29/09 House: Tabled in Health, Welfare and Institutions

HB 2180 Dental hygienists; if holds license, etc., by Board of Dentistry, may provide preventative care.

Summary as introduced:
Practice of dental hygienists. Provides that a dental hygienist who holds a license or permit issued by the Board of Dentistry may provide educational and preventive dental care in the Lenowisco, Cumberland Plateau, and Southside Health Districts, which are designated as Virginia Dental Health Professional Shortage Areas by the Department of Health, and that any dental hygienist providing such services shall practice pursuant to a protocol developed by the Department of Health.

Patron: Phillips

01/29/09 House: Read second time and engrossed
01/30/09 House: Read third time and passed House BLOCK VOTE (97-Y 0-N)
01/30/09 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)
02/02/09 Senate: Constitutional reading dispensed
02/02/09 Senate: Referred to Committee on Education and Health

HB 2211 Prescription Monitoring Program; disclosure of information.

Summary as introduced:
Prescription Monitoring Program; disclosure of information. Removes requirement that a prescriber obtain written consent from the recipient of a prescription before requesting information on that recipient for the purpose of establishing his treatment history. However, requires that notice be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

Patron: Jones

01/14/09 House: Prefiled and ordered printed; offered 01/14/09 094056820
01/14/09 House: Referred to Committee on Health, Welfare and Institutions
01/21/09 House: Impact statement from DPB (HB2211)

HB 2212 Automated drug dispensing systems; allows drugs in multi-dose packaging to be placed therein.

Summary as introduced:
Automated drug dispensing systems; multi-dose packaging. Allows drugs in multi-dose packaging, other than those administered orally, to be placed in an automated drug dispensing device if approved by the pharmacist-in-charge in consultation with a standing hospital committee comprised of pharmacy, medical, and nursing staff.

Patron: Jones

01/14/09 House: Referred to Committee on Health, Welfare and Institutions
01/29/09 House: Reported from Health, Welfare and Institutions (21-Y 0-N)
01/30/09 House: Read first time
02/02/09 House: Read second time and engrossed
02/03/09 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

HB 2214 Bulk donation programs; pharmacy may charge reasonable dispensing or administrative fee.

Summary as introduced:
Pharmacies; bulk donation programs. Provides that a pharmacy participating in bulk donation programs may charge a reasonable dispensing or administrative fee to offset the cost of dispensing donated medications, not to exceed the actual costs of such dispensing.

Patron: Jones

01/14/09 House: Prefiled and ordered printed; offered 01/14/09 098624584
01/14/09 House: Referred to Committee on Health, Welfare and Institutions
01/29/09 House: Reported from Health, Welfare and Institutions (20-Y 1-N)
01/30/09 House: Read first time

02/02/09 House: Read second time and engrossed

HB 2338 Birth control; definition.

Summary as introduced:
Birth control; definition. Adds definition of birth control. "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.

Patrons: Amundson and Englin

01/14/09 House: Prefiled and ordered printed; offered 01/14/09 097710412
01/14/09 House: Referred to Committee for Courts of Justice

HB 2352 Donation of prescription medication; clarifies liability of pharmaceutical manufacturers.

Summary as introduced:
Donation of prescription medication; liability of pharmaceutical manufacturers. Clarifies the liability of pharmaceutical manufacturers relating to storage, donation, acceptance, or dispensing of any drug in accordance with the Prescription Drug Donation Program.

Patron: Landes

01/29/09 House: Engrossed by House - committee substitute HB2352H1
01/30/09 House: Read third time and passed House BLOCK VOTE (97-Y 0-N)
01/30/09 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)
02/02/09 Senate: Constitutional reading dispensed
02/02/09 Senate: Referred to Committee on Education and Health

HB 2359 Ephedrine and pseudoephedrine; pilot program for tracking distribution thereof.

Summary as introduced:
Tracking of ephedrine and pseudoephedrine; pilot program. Requires the Board of Pharmacy, in conjunction with local law-enforcement officials, to establish a mandatory pilot program in the Counties of Page, Clarke, Frederick, Rockingham, Shenandoah, and Warren to implement an electronic recordkeeping system of the transactions involving the distribution of ephedrine and pseudoephedrine as required by state law. This bill is contingent upon funds being provided by a third party or agency, such that there will be no cost to participating pharmacies.

Patron: Gilbert

01/14/09 House: Prefiled and ordered printed; offered 01/14/09 094101516
01/14/09 House: Referred to Committee on Militia, Police and Public Safety
01/27/09 House: Assigned MPPS sub: #2

HB 2396 Advance medical directives; revises Health Care Decisions Act to clarify process.

Summary as introduced:
Advance medical directives. Revises the Health Care Decisions Act to (i) clarify the process for determining a patient to be incapable of making an informed decision regarding health care; (ii) require that determinations of incapacity be made by two physicians, or one physician and one licensed clinical psychologist, one of whom is not otherwise involved in the care of the

patient; (iii) allow any one physician to declare that a patient is again capable of making an informed decision; (iv) clarify the authority of an agent named in an advance directive, or a person otherwise given authority to make medical decisions for an incompetent patient; and (v) determine when a physician may treat a patient over his protests.

Patron: Bell

01/14/09 House: Referred to Committee on Health, Welfare and Institutions
01/29/09 House: Reported from Health, Welfare and Institutions with substitute (21-Y 0-N)
01/29/09 House: Committee substitute printed 094137432-H1
01/30/09 House: Read first time
02/02/09 House: Passed by for the day

HB 2405 Health Professions, Department of; may release information for determining shortage designations.

Summary as introduced:
Department of Health Professions; submission of information. Expands the requirement to submit certain information to the Department of Health Professions to anyone licensed, certified, registered, or holding a multistate licensure privilege issued by a health regulatory board. Also allows the Department, and the Board of Nursing, to release any information for the purpose of bona fide research or education to qualified personnel, provided data elements that could reasonably identify a specific individual shall be deleted or redacted from such information prior to disclosure. Further, the release of such information shall only be made pursuant to a written agreement.

Patrons: Tyler and Amundson

01/29/09 House: Engrossed by House - committee substitute HB2405H1
01/30/09 House: Read third time and passed House BLOCK VOTE (97-Y 0-N)
01/30/09 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)
02/02/09 Senate: Constitutional reading dispensed
02/02/09 Senate: Referred to Committee on Education and Health

HB 2407 Health Practitioners' Intervention Program; revisions, changes name.

Summary as introduced:
Health Practitioners' Intervention Program; revisions. Changes the name of the Health Practitioners' Intervention Program to the Health Practitioners' Monitoring Program. Also, clarifies that the purpose of the Program is to monitor impaired health professionals, rather than to intervene or treat them. The bill also ensures that the Director of the Department of Health Professions has primary responsibility for establishing the requirements for the Program, and that the Health Practitioners' Monitoring Program Committee (currently the Intervention Program Committee) will only assist the Director in implementing the Program.

Patron: Hall

01/14/09 House: Prefiled and ordered printed; offered 01/14/09 094108820
01/14/09 House: Referred to Committee on Health, Welfare and Institutions
01/22/09 House: Impact statement from DPB (HB2407)
02/02/09 House: Assigned HWI sub: Health
02/02/09 House: Subcommittee recommends reporting with amendment(s)

HB 2452 Prescription information; confidentiality.

Summary as introduced:
Prescription information; confidentiality. Prohibits any health insurer, self-insured employer, electronic transmission intermediary, pharmacy or other similar entity from licensing, transferring, using, or selling records that include prescription information containing patient-identifiable or prescriber-identifiable data for any commercial purpose.

Patron: Sickles

01/14/09 House: Prefiled and ordered printed; offered 01/14/09 090087736
01/14/09 House: Referred to Committee on Health, Welfare and Institutions

HB 2453 Electronic prescribing; Secretary of Health and Human Services, etc. to establish a website.

Summary as introduced:
Electronic prescribing. Requires the Secretary of Health and Human Services, in consultation with the Secretary of Technology, to establish a website to disseminate information about electronic prescribing to health practitioners, including information about low-cost and no-cost electronic prescribing products, and information about federal, state, and private sector electronic prescribing initiatives. The bill also would require the Department of Health Professions to collect information regarding electronic prescribing from practitioners. Beginning in 2010, any health practitioner who contracts with the Commonwealth for the provision of health services would be required to utilize electronic prescribing, and the Department of Medical Assistance Services is directed to develop programs and incentives to encourage the adoption of electronic prescribing by Medicaid providers.

Patron: Sickles

01/29/09 House: Reported from Health, Welfare and Institutions with substitute (20-Y 1-N)
01/29/09 House: Committee substitute printed 096005736-H1
01/29/09 House: Referred to Committee on Appropriations
01/30/09 House: Assigned App. sub: Health & Human Resources (Hamilton)
02/02/09 House: Subcommittee recommends laying on the table by voice vote

HB 2467 Life insurance; funding preneed funeral contracts.

Summary as introduced:
Funding preneed funeral contracts with life insurance. Requires that life insurance policies, annuity contracts, and certificates issued in connection with group life insurance policies or group annuity contracts specify the means by which face amount adjustments will be made, and benefits payable upon death will be adjusted, when they will be used to fund preneed funeral contracts. The measure also requires insurers proposing to issue life insurance policies or annuity contracts for purposes of funding preneed funeral contracts to disclose clearly their intended purpose and market when the forms are submitted for State Corporation Commission approval.

Patron: Morgan

01/14/09 House: Prefiled and ordered printed; offered 01/14/09 090038652
01/14/09 House: Referred to Committee on Commerce and Labor
01/21/09 House: Assigned C & L sub: 2
01/26/09 House: Impact statement from SCC (HB2467)

01/29/09 House: Subcommittee recommends reporting

HB 2482 Prescription donation; clarifies hospital and clinic may redispense donation medication to indigent.

Summary as introduced:
Prescription donation; hospitals to dispense. Clarifies that hospitals, as well as clinics organized in whole or in part for the delivery of health care services to the indigent, may redispense donation medications to the indigent.

Patrons: Eisenberg, Bowling, Brink, Bulova, Englin, Howell, A.T., Hull, Johnson, Lewis, McClellan, Morrissey, Plum, Pollard, Spruill, Toscano and Watts

01/14/09 House: Presented and ordered printed 097305496
01/14/09 House: Referred to Committee on Health, Welfare and Institutions
01/29/09 House: Reported from Health, Welfare and Institutions (21-Y 0-N)
01/30/09 House: Read first time
02/02/09 House: Passed by for the day

SB 843 Medical malpractice limit; raises total amount recoverable in certain.

Summary as introduced:
Medical malpractice limit. Raises the total amount recoverable in certain medical malpractice actions to $2,750,000 on July 1, 2009. Such amount recoverable increases on July 1 each year by the annual percent change in the medical care component of the most recent publication of the Consumer Price Index for All Urban Consumers published by the United States Department of Labor, Bureau of Labor Statistics, or by any replacement index adopted by the Department of Labor for medical costs.

Patron: Marsh

12/22/08 Senate: Prefiled and ordered printed; offered 01/14/09 091412264
12/22/08 Senate: Referred to Committee for Courts of Justice
01/13/09 Senate: Assigned Courts sub: Civil

SB 878 Massage Therapy, Advisory Board on; created.

Summary as introduced:
Advisory Board on Massage Therapy; created. Creates the Advisory Board on Massage Therapy to assist the Board of Nursing in carrying out the provisions regarding the qualifications, examination, registration, regulation, and standards of professional conduct of massage therapists.

Patron: Martin

02/02/09 Senate: Reading of substitute waived
02/02/09 Senate: Committee substitute agreed to 094136268-S1
02/02/09 Senate: Engrossed by Senate - committee substitute SB878S1
02/03/09 Senate: Impact statement from DPB (SB878S1)
02/03/09 Senate: Read third time and passed Senate (40-Y 0-N)

SB 965 Preventive medications for sexual assault victims; may authorize registered nurses to administer.

Summary as introduced:

Prescribing authority; preventive medications for sexual assault victims. Provides that pursuant to an oral or written order or standing protocol issued by a prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses trained as sexual assault nurse examiners under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

Patron: Blevins

01/22/09 Senate: Printed as engrossed 094049204-E
01/23/09 Senate: Read third time and passed Senate (40-Y 0-N)
02/02/09 House: Placed on Calendar
02/02/09 House: Read first time
02/02/09 House: Referred to Committee on Health, Welfare and Institutions

SB 1085 Durable Do Not Resuscitate Orders; revocation.

Summary as introduced:
Durable Do Not Resuscitate Orders; revocation. Clarifies that (i) the expression by the patient of the desire to be resuscitated in the event of cardiac or respiratory arrest shall constitute revocation of the Durable Do Not Resuscitate Order; (ii) Do Not Resuscitate Orders may be revoked only by the patient or the person authorized to consent for the patient if he is a minor; and (iii) Do Not Resuscitate Orders may be rescinded in accordance with accepted medical practice, by the provider who issued the order.

Patron: Houck

01/26/09 Senate: Reading of substitute waived
01/26/09 Senate: Committee substitute agreed to 094131244-S1
01/26/09 Senate: Engrossed by Senate - committee substitute SB1085S1
01/27/09 Senate: Read third time and passed Senate (40-Y 0-N)
01/28/09 Senate: Impact statement from DPB (SB1085S1)

SB 1154 Copies of medical bills and charges; no cost.

Summary as introduced:
Copies of medical bills and charges; no cost. Provides that a patient, patient's attorney, or insurance provider may obtain a list of charges or an account balance pertaining to that patient at no cost.

Patron: McDougle

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09 091415272
01/13/09 Senate: Referred to Committee for Courts of Justice
01/14/09 Senate: Assigned Courts sub: Civil
01/20/09 Senate: Impact statement from DPB (SB1154)
02/02/09 Senate: Reported from Courts of Justice with amendments (15-Y 0-N)

SB 1158 Workers' Compensation; pharmacist filling a prescription to dispense therapeutically equivalent.

Summary as introduced:
Workers' Compensation; use of therapeutically equivalent drug products. Requires a pharmacist filling a prescription for

medication for a workers' compensation claim to dispense a therapeutically equivalent drug product for a prescribed name-brand drug product. However, the pharmacist shall fill the prescription with the name-brand drug product prescribed if (i) a therapeutically equivalent drug product does not exist or costs more than the prescribed name-brand drug product or (ii) the prescriber specifies on the prescription "brand medically necessary" based on a medical reason why the claimant should not have the prescription filled with a therapeutically equivalent drug product.

Patron: Saslaw

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09 090050324
01/13/09 Senate: Referred to Committee on Commerce and Labor
01/15/09 Senate: Impact statement from DPB (SB1158)
02/02/09 Senate: Reported from Commerce and Labor with amendments (15-Y 0-N)

SB 1195 Prescription Monitoring Program; disclosure of information.

Summary as introduced:
Prescription Monitoring Program; disclosure of information. Removes requirement that a prescriber obtain written consent from the recipient of a prescription before requesting information on that recipient for the purpose of establishing his treatment history, and allows prescribers to delegate authority to access information in the Program to up to two licensed health care professionals. Also allows the Director of the Department of Health Professions to enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions.

Patrons: Puckett; Delegate: Bowling

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09 098452300
01/13/09 Senate: Referred to Committee on Education and Health
01/19/09 Senate: Assigned Education sub: Health Licensing
01/22/09 Senate: Impact statement from DPB (SB1195)

SB 1202 Dental hygienists; those holding a license may provide educational & preventive dental care.

Summary as introduced:
Practice of dental hygienists. Provides that a dental hygienist who holds a license or permit issued by the Board of Dentistry may provide educational and preventive dental care in the Lenowisco, Cumberland Plateau, and Southside Health Districts, which are designated as Virginia Dental Health Professional Shortage Areas by the Department of Health, and that any dental hygienist providing such services shall practice pursuant to a protocol developed by the Department of Health.

Patron: Puckett

01/23/09 Senate: Impact statement from DPB (SB1202)
01/29/09 Senate: Reported from Education and Health (14-Y 0-N)
01/30/09 Senate: Constitutional reading dispensed (39-Y 0-N)
02/02/09 Senate: Read second time and engrossed
02/03/09 Senate: Read third time and passed Senate (40-Y 0-N)

SB 1207 Unused Pharmaceutical Disposal Program; created.

Summary as introduced:

Disposal of unused pharmaceuticals. Establishes a program for the disposal of unused pharmaceuticals.

Patron: Puckett

01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09 098474300
01/13/09 Senate: Referred to Committee on Education and Health
01/15/09 Senate: Assigned Education sub: Health Licensing
01/23/09 Senate: Impact statement from DPB (SB1207)

SB 1275 Privileged communications; provides communications between physicians and patients thereof.

Summary as introduced:
Privileged communications. Provides that communications between physicians and their patients are privileged and cannot be disclosed, except at the request or with the consent of the patient. Currently, physicians cannot be required to disclose such communications, but may voluntarily disclose such communications.

Patrons: Obenshain; Delegate: Albo

01/15/09 Senate: Assigned Courts sub: Civil
01/26/09 Senate: Reported from Courts of Justice (14-Y 0-N)
01/27/09 Senate: Constitutional reading dispensed (39-Y 0-N)
01/28/09 Senate: Read second time and engrossed
01/29/09 Senate: Read third time and passed Senate (40-Y 0-N)

SB 1282 Health Professions, Department of; prohibited from providing personal information of those licensed.

Summary as introduced:
Department of Health Professions; information concerning health professionals. Prohibits the Department of Health Professions from providing a list of home addresses and other personal information of individuals licensed as health professionals to any private entity for resale to another private entity or the public. The bill also directs the Enterprise Application Public-Private Partnership Office to take appropriate action to prevent the sale of any list of home addresses and other personal information of individuals licensed as health professionals by Virginia Interactive or any other private entity.

Patron: Newman

01/14/09 Senate: Prefiled and ordered printed; offered 01/14/09 096933280
01/14/09 Senate: Referred to Committee on Education and Health
01/19/09 Senate: Assigned Education sub: Health Licensing
01/28/09 Senate: Impact statement from DPB (SB1282)

SB 1389 Medical malpractice; judgement in excess of $2 million to be paid from Patient's Compensation Fund.

Summary as introduced:
Medical malpractice; Patients' Compensation Fund. Provides that on and after July 1, 2009, a health care provider's personal liability is limited to $2 million for any injury to, or death of, a patient, and any amount due from a judgment or verdict in excess of $2 million shall be paid from the Patient's Compensation Fund. The bill provides that the Fund is financed through fees levied upon health care providers and collected by the health regulatory boards. The assets of the fund shall be used solely to pay that portion of the amount due from a malpractice judgment, settlement, or verdict in excess of $2 million and to administer the Patients' Compensation Program, which is governed by a board of directors whose appointments are

prescribed in the bill and who manage and operate the Fund.

Patron: Stolle

01/22/09 Senate: Assigned Courts sub: Civil
01/22/09 Senate: Reported from Education and Health (14-Y 0-N)
01/22/09 Senate: Rereferred to Courts of Justice
01/26/09 Senate: Impact statement from DPB (SB1389)
01/27/09 Senate: Assigned Courts sub: Civil

SB 1543 Assisted living facility staff; requirement of work experience for administrators, etc.

Summary as introduced:
Assisted living facility staff; administrators and medication aides. Requires the Board of Nursing to accept five years of work experience as a medication aide, as of December 31, 2008, as an alternative to fulfillment of the approved education program required for registration, and requires the Board of Long-Term Care Administrators to accept five years continuous employment as an administrator of an assisted living facility, as of December 31, 2008, as successful completion of any educational and experience requirements for initial licensure. This bill is also effective retroactively to January 1, 2009, and delays enforcement of this licensure requirement until July 1, 2009. This bill also contains an emergency clause.

Patrons: McEachin, Puckett and Wampler

01/26/09 Senate: Unanimous consent to introduce
01/26/09 Senate: Presented and ordered printed with emergency clause 094124273
01/26/09 Senate: Referred to Committee on Education and Health
01/27/09 Senate: Impact statement from DPB (SB1543)

SJ 276 Medicine, Board of; JLARC to review effectiveness thereof in regulating practice of medicine.

Summary as introduced:
Study; JLARC to study Board of Medicine; report. Directs the Joint Legislative Audit and Review Commission to conduct a follow-up review of the effectiveness of the Board of Medicine in regulating the practice of medicine.

Patron: Puller

10/28/08 Senate: Prefiled and ordered printed; offered 01/14/09 094011304
10/28/08 Senate: Referred to Committee on Rules
01/26/09 Senate: Assigned Rules sub: Studies
01/30/09 Senate: Reported from Rules with amendment
02/02/09 Senate: Reading waived (39-Y 0-N)