

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 54.1-2900 and 54.1-2956.13 of the Code of Virginia and to amend the*  
3 *Code of Virginia by adding a section numbered 54.1-2956.14, relating to surgical assistants;*  
4 *licensure.*

5 [H 1084]  
6 Approved

7 **Be it enacted by the General Assembly of Virginia:**  
8 **1. That §§ 54.1-2900 and 54.1-2956.13 of the Code of Virginia are amended and reenacted and**  
9 **that the Code of Virginia is amended by adding a section numbered 54.1-2956.14 as follows:**

10 **§ 54.1-2900. Definitions.**

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

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

16 "Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles  
17 in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the  
18 context of a chemical dependency treatment program.

19 "Board" means the Board of Medicine.

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

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

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

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

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

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

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

46 "Medical malpractice settlement" means any written agreement and release entered into by or on  
47 behalf of a licensee of the Board in response to a written claim for money damages that arises out of  
48 any personal injuries or wrongful death, based on health care or professional services rendered, or that  
49 should have been rendered, by a health care provider, to a patient.

50 "Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the  
51 Boards of Medicine and Nursing pursuant to § 54.1-2957.

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

55 "Patient care team" means a multidisciplinary team of health care providers actively functioning as a  
56 unit with the management and leadership of one or more patient care team physicians for the purpose of

57 providing and delivering health care to a patient or group of patients.

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

61 "Patient care team podiatrist" means a podiatrist who is actively licensed to practice podiatry in the  
62 Commonwealth, who regularly practices podiatry in the Commonwealth, and who provides management  
63 and leadership to physician assistants in the care of patients as part of a patient care team.

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

66 "Practice of acupuncture" means the stimulation of certain points on or near the surface of the body  
67 by the insertion of needles to prevent or modify the perception of pain or to normalize physiological  
68 functions, including pain control, for the treatment of certain ailments or conditions of the body and  
69 includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture  
70 does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the  
71 use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular  
72 acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment  
73 program for patients eligible for federal, state or local public funds by an employee of the program who  
74 is trained and approved by the National Acupuncture Detoxification Association or an equivalent  
75 certifying body.

76 "Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries  
77 or conditions related to athletic or recreational activity that requires physical skill and utilizes strength,  
78 power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or  
79 condition resulting from occupational activity immediately upon the onset of such injury or condition;  
80 and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the  
81 patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or  
82 dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

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

87 "Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column,  
88 and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not  
89 include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs,  
90 medicines, serums or vaccines. "Practice of chiropractic" shall include performing the physical  
91 examination of an applicant for a commercial driver's license or commercial learner's permit pursuant to  
92 § 46.2-341.12 if the practitioner has (i) applied for and received certification as a medical examiner  
93 pursuant to 49 C.F.R. Part 390, Subpart D and (ii) registered with the National Registry of Certified  
94 Medical Examiners.

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

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

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

115 "Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of physical  
116 conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical  
117 and surgical treatment of the ailments of the human foot and ankle, but does not include amputation of

118 the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations proximal to the  
 119 metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery facility  
 120 accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and treatment of  
 121 lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and  
 122 ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital  
 123 or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939. The  
 124 Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within  
 125 the scope of practice of podiatry.

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

128 "Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and  
 129 therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease  
 130 prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or  
 131 osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a  
 132 practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii)  
 133 observation and monitoring of signs and symptoms, general behavior, general physical response to  
 134 respiratory care treatment and diagnostic testing, including determination of whether such signs,  
 135 symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv)  
 136 implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting,  
 137 referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a  
 138 licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures,  
 139 pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care  
 140 may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed  
 141 appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or  
 142 osteopathic medicine, and shall be performed under qualified medical direction.

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

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

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

162 "Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist,  
 163 dental hygienist, or person who is otherwise authorized by the Board of Dentistry under Chapter 27  
 164 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic  
 165 procedures employing equipment that emits ionizing radiation that is limited to specific areas of the  
 166 human body.

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

176 "Respiratory care" means the practice of the allied health profession responsible for the direct and  
 177 indirect services, including inhalation therapy and respiratory therapy, in the treatment, management,  
 178 diagnostic testing, control, and care of patients with deficiencies and abnormalities associated with the

179 cardiopulmonary system under qualified medical direction.

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

183 **§ 54.1-2956.13. Licensure of surgical assistant; practice of surgical assisting; use of title.**

184 A. No person shall *engage in the practice of surgical assisting* or use or assume the title "~~registered~~  
 185 surgical assistant" unless such person is ~~registered with~~ holds a license as a surgical assistant issued by  
 186 the Board. *Nothing in this section shall be construed as prohibiting any professional licensed, certified,*  
 187 *or registered by a health regulatory board from acting within the scope of his practice.*

188 B. The Board shall ~~register as a registered~~ establish criteria for licensure as a surgical assistant ~~any~~  
 189 ~~applicant who presents satisfactory evidence that he (i) holds,~~ which shall include evidence that the  
 190 applicant:

191 1. *Holds a current credential as a surgical assistant or surgical first assistant issued by the National*  
 192 *Board of Surgical Technology and Surgical Assisting, the National Surgical Assistant Association, or the*  
 193 *National Commission for Certification of Surgical Assistants or their successors; (ii) has;*

194 2. *Has successfully completed a surgical assistant training program during the person's service as a*  
 195 *member of any branch of the armed forces of the United States; or (iii) has*

196 3. *Has practiced as a surgical assistant in the Commonwealth at any time in the six months*  
 197 *immediately prior to July 1, 2014, provided he registers with the Board by December 31, 2016 July 1,*  
 198 *2020.*

199 C. For renewal of a ~~registration~~ license, a surgical assistant who was ~~registered~~ licensed based on a  
 200 credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical  
 201 Technology and Surgical Assisting, ~~the National Surgical Assistant Association,~~ or the National  
 202 Commission for the Certification of Surgical Assistants or their successors shall attest that the credential  
 203 is current at the time of renewal.

204 **§ 54.1-2956.14. Advisory Board on Surgical Assisting; appointments; terms; duties.**

205 A. *The Advisory Board on Surgical Assisting (Advisory Board) shall assist the Board in carrying out*  
 206 *the provisions of this chapter regarding the qualifications and regulation of licensed surgical assistants.*

207 B. *The Advisory Board shall consist of five members appointed by the Governor for four-year terms.*  
 208 *Three members of the Board shall be, at the time of appointment, surgical assistants who have practiced*  
 209 *in the Commonwealth for not less than three years; one member shall be a doctor of medicine,*  
 210 *osteopathy, or podiatry whose practice shall include surgery; and one member shall be a citizen*  
 211 *member appointed from the Commonwealth at large. Vacancies occurring other than by expiration of a*  
 212 *term shall be filled for the unexpired term. No person shall be eligible to serve on the Advisory Board*  
 213 *for more than two consecutive terms.*

214 C. *The Advisory Board shall, under the authority of the Board, recommend to the Board for its*  
 215 *enactment into regulations (i) standards for continued licensure of surgical assistants, including*  
 216 *continuing education requirements, and (ii) standards relating to the professional conduct, termination*  
 217 *and reinstatement and renewal of licenses of surgical assistants.*

218 **2. That initial appointments to the Advisory Board on Surgical Assisting established pursuant to**  
 219 **this act shall be made for the following terms: one member shall be appointed for a term of one**  
 220 **year, one member shall be appointed for a term of two years, one member shall be appointed for**  
 221 **a term of three years, and two members shall be appointed for a term of four years.**