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HOUSE BILL NO. 134

Offered January 8, 2014

Prefiled December 18, 2013

A BILL to amend and reenact §§ 8.01-225, 22.1-274, and 54.1-3408 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-274.01:1, relating to the care of students who have been diagnosed with diabetes.

Patrons—Cole (By Request) and Farrell; Senator: Stuart

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225, 22.1-274, and 54.1-3408 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-274.01:1 as follows:

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services technician certified by the Board of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, rescue or emergency squad, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as

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59 an ordinary, reasonably prudent person would have acted under the same or similar circumstances,
60 unless such personal injury results from gross negligence or willful or wanton misconduct of the person
61 rendering such emergency care.

62 8. Maintains an AED located on real property owned or controlled by such person shall be immune
63 from civil liability for any personal injury that results from any act or omission in the use in an
64 emergency of an AED located on such property unless such personal injury results from gross
65 negligence or willful or wanton misconduct of the person who maintains the AED or his agent or
66 employee.

67 9. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol
68 System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any
69 injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other
70 place or while transporting such injured or ill person to a place accessible for transfer to any available
71 emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by
72 him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable
73 for any civil damages for acts or omissions resulting from the rendering of such emergency care,
74 treatment, or assistance, including but not limited to acts or omissions which involve violations of any
75 state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such
76 emergency care or assistance, unless such act or omission was the result of gross negligence or willful
77 misconduct.

78 10. Is an employee of a school board, *or an employee of a local health department approved by the*
79 *local governing body to provide health services pursuant to subsection A of § 22.1-274*, authorized by a
80 prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the
81 parents as defined in § 22.1-1, assists with the administration of insulin or administers glucagon to a
82 student diagnosed as having diabetes who requires insulin injections during the school day or for whom
83 glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any
84 civil damages for ordinary negligence in acts or omissions resulting from the rendering of such
85 treatment if the insulin is administered according to the child's medication schedule or such employee
86 has reason to believe that the individual receiving the glucagon is suffering or is about to suffer
87 life-threatening hypoglycemia. Whenever any employee of a school board *or a local health department*
88 *is covered by the immunity granted herein in this subdivision*, the school board *or local health*
89 *department* employing him shall not be liable for any civil damages for ordinary negligence in acts or
90 omissions resulting from the rendering of such insulin or glucagon treatment.

91 11. Is a school nurse, an employee of a school board, an employee of a local governing body, or an
92 employee of a local health department who is authorized by a prescriber and trained in the
93 administration of epinephrine and who provides, administers, or assists in the administration of
94 epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber
95 of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions
96 resulting from the rendering of such treatment.

97 12. Is an employee of a provider licensed by the Department of Behavioral Health and
98 Developmental Services, or provides services pursuant to a contract with a provider licensed by the
99 Department of Behavioral Health and Developmental Services, who has been trained in the
100 administration of insulin and glucagon and who administers or assists with the administration of insulin
101 or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for
102 whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with
103 § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions
104 resulting from the rendering of such treatment if the insulin is administered in accordance with the
105 prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is
106 suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider
107 licensed by the Department of Behavioral Health and Developmental Services or a person who provides
108 services pursuant to a contract with a provider licensed by the Department of Behavioral Health and
109 Developmental Services is covered by the immunity granted herein, the provider shall not be liable for
110 any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such
111 insulin or glucagon treatment.

112 13. Is an employee of a provider licensed by the Department of Behavioral Health and
113 Developmental Services, or provides services pursuant to a contract with a provider licensed by the
114 Department of Behavioral Health and Developmental Services, who has been trained in the
115 administration of epinephrine and who administers or assists in the administration of epinephrine to a
116 person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's
117 instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions
118 resulting from the rendering of such treatment.

119 14. In good faith and without compensation, administers naloxone in an emergency to an individual
120 who is experiencing or is about to experience a life-threatening opiate overdose shall not be liable for

any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such administering person is a participant in a pilot program conducted by the Department of Behavioral Health and Developmental Services on the administration of naloxone for the purpose of counteracting the effects of opiate overdose.

B. Any licensed physician serving without compensation as the operational medical director for a licensed emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services technician shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, the term "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. [Expired.]

F. For the purposes of this section, the term "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance, (ii) the salaries or wages of employees of a coal producer engaging in emergency medical technician service or first aid service pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263, (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency, (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies,

182 (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an
183 emergency, or (v) expenses reimbursed to any person providing care or assistance pursuant to this
184 section.

185 For the purposes of this section, an emergency medical care attendant or technician shall be deemed
186 to include a person licensed or certified as such or its equivalent by any other state when he is
187 performing services which he is licensed or certified to perform by such other state in caring for a
188 patient in transit in the Commonwealth, which care originated in such other state.

189 Further, the public shall be urged to receive training on how to use CPR and an AED in order to
190 acquire the skills and confidence to respond to emergencies using both CPR and an AED.

191 **§ 22.1-274. School health services.**

192 A. A school board shall provide pupil personnel and support services in compliance with
193 § 22.1-253.13:2. A school board may employ school nurses, physicians, physical therapists, occupational
194 therapists, and speech therapists. No such personnel shall be employed unless they meet such standards
195 as may be determined by the Board of Education. Subject to the approval of the appropriate local
196 governing body, a local health department may provide personnel for health services for the school
197 division.

198 B. In implementing subsection O of § 22.1-253.13:2, relating to providing support services that are
199 necessary for the efficient and cost-effective operation and maintenance of its public schools, each
200 school board may strive to employ, or contract with local health departments for, nursing services
201 consistent with a ratio of at least one nurse (i) per 2,500 students by July 1, 1996; (ii) per 2,000
202 students by July 1, 1997; (iii) per 1,500 students by July 1, 1998; and (iv) per 1,000 students by July 1,
203 1999. In those school divisions in which there are more than 1,000 students in average daily
204 membership in school buildings, this section shall not be construed to encourage the employment of
205 more than one nurse per school building. Further, this section shall not be construed to mandate the
206 aspired-to ratios.

207 C. The Board of Education shall monitor the progress in achieving the ratios set forth in subsection
208 B and any subsequent increase in prevailing statewide costs, and the mechanism for funding health
209 services, pursuant to subsection O of § 22.1-253.13:2 and the appropriation act. The Board shall also
210 determine how school health funds are used and school health services are delivered in each locality and
211 shall provide, by December 1, 1994, a detailed analysis of school health expenditures to the House
212 Committee on Education, the House Committee on Appropriations, the Senate Committee on Education
213 and Health, and the Senate Committee on Finance.

214 D. With the exception of school administrative personnel and persons employed by school boards
215 who have the specific duty to deliver health-related services, no licensed instructional employee,
216 instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the
217 basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii)
218 obtain training in the administration of insulin and glucagon, *but nothing in this subsection shall be*
219 *construed to limit the requirement described in subsection E that at least two employees have been*
220 *trained in the administration of insulin and glucagon.* However, instructional aides and clerical
221 employees may not refuse to dispense oral medications.

222 For the purposes of this subsection, "health-related services" means those activities that, when
223 performed in a health care facility, must be delivered by or under the supervision of a licensed or
224 certified professional.

225 E. Each school board shall ensure that in school buildings with an instructional and administrative
226 staff of 10 or more (i) at least three employees have current certification or training in emergency first
227 aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator and (ii) if one or
228 more students diagnosed as having diabetes attend such school, at least two employees have been trained
229 in the administration of insulin and glucagon. In school buildings with an instructional and
230 administrative staff of fewer than 10, school boards shall ensure that (a) at least two employees have
231 current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an
232 automated external defibrillator and (b) if one or more students diagnosed as having diabetes attend such
233 school, at least ~~one employee~~ *two employees* have been trained in the administration of insulin and
234 glucagon. "Employee" includes any person employed by a local health department who is assigned to
235 the public school pursuant to an agreement between the local health department and the school board.
236 When a registered nurse, nurse practitioner, physician, or physician assistant is present, no employee
237 who is not a registered nurse, nurse practitioner, physician, or physician assistant shall assist with the
238 administration of insulin or administer glucagon. Prescriber authorization and parental consent shall be
239 obtained for any employee who is not a registered nurse, nurse practitioner, physician, or physician
240 assistant to assist with the administration of insulin and administer glucagon.

241 **§ 22.1-274.01:1. Care of students who have been diagnosed with diabetes.**

242 A. For the purposes of this section:

243 "Delegated care aide" means any employee of a school board, except for a school nurse or any

employee of a local health department approved by the local governing body to provide health services pursuant to subsection A of § 22.1-274, who has entered into an agreement with the parents of a student diagnosed with diabetes in which the employee has agreed to assist the student to manage his diabetes when a school nurse or physician is not present in the school or at a school-sponsored activity and who receives training in diabetes care, including the administration of insulin and glucagon.

"Diabetes care plan" means an agreement between parents and a delegated care aide that sets forth the care that a student diagnosed with diabetes requires and that the delegated care aide may provide in the event that a school nurse or physician is not present in the school or at a school-sponsored activity.

"Parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Physician" means a person licensed to practice medicine or osteopathy in the Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1.

"School nurse" means any nurse practitioner, registered nurse, licensed practical nurse, or certified nurse aide who is an employee of a school board, who has been trained in the administration of insulin and glucagon, and who has been authorized by a physician, in a written order or standing protocol, to provide diabetes care, including the administration of insulin and glucagon.

B. The parents of each student who has been diagnosed with any form of diabetes and who attends a public elementary or secondary school may develop, sign, and submit in advance of each school year, or as soon as is practicable after the student has been diagnosed with diabetes, a diabetes care plan to a school nurse. The provisions of the diabetes care plan shall be reasonable and shall include (i) instructions from the student's physician regarding proper management of the student's diabetes during the school day or at a school-sponsored activity; (ii) copies of any prescriptions signed by the student's physician; (iii) any special instructions from the student's physician regarding the administration of insulin or glucagon; (iv) any special requirements regarding the student's diet or monitoring of the student's blood glucose levels; (v) a written order or standing protocol from the student's physician authorizing the delegated care aide to possess and administer insulin or glucagon to the student when a school nurse or physician is not present in the school or at a school-sponsored activity; (vi) procedures to be followed by the delegated care aide regarding contacting the parents, the physician, or a school nurse to confirm that a certain insulin dosage is appropriate; (vii) a blank space where the delegated care aide shall record all glucometer readings performed and insulin or glucagon administered during any school day; (viii) procedures to be followed by the delegated care aide in emergency situations; and (ix) emergency contact information.

C. The parents of each student who has been diagnosed with diabetes who have submitted a diabetes care plan shall notify a school nurse and the delegated care aide when the student's needs change during the school year and shall update the diabetes care plan accordingly. Parents shall also be responsible for informing the school in a timely manner of any changes to their emergency contact information.

D. Each delegated care aide shall be trained, as soon as is practicable after he has been delegated, by a physician with expertise in diabetes, a representative of the Board of Nursing, or a certified diabetes educator to perform the tasks necessary to assist the student who has been diagnosed with diabetes in accordance with the diabetes care plan, including:

1. Checking blood glucose levels and recording the results;
2. Recognizing and responding to the symptoms of hyperglycemia according to the diabetes care plan;
3. Administering insulin according to the student's diabetes care plan and keeping a record of the amount administered;
4. Recognizing and responding to the symptoms of hypoglycemia according to the diabetes care plan;
5. Administering glucagon according to the student's diabetes care plan and keeping a record of the amount administered;
6. Estimating the number of carbohydrates in a snack or lunch; and
7. Responding in situations involving the student who has been diagnosed with diabetes that require emergency medical attention.

E. No student shall be prohibited from wearing or using an insulin pump. Each delegated care aide for a student wearing or using an insulin pump shall be trained, as soon as is practicable after he has been delegated, by a pump trainer in: (i) administering a bolus of insulin via the pump, (ii) entering a blood sugar reading to the pump, (iii) entering a carbohydrate count to the pump, (iv) removing or stopping the flow of insulin from the pump, and (v) changing the battery in the pump.

F. Each delegated care aide shall perform the duties necessary to assist a student diagnosed with diabetes in accordance with the student's diabetes care plan, employing the training that the delegated care aide received pursuant to subsection D or subsection E, if applicable. Each delegated care aide

305 shall possess insulin or glucagon only for the purpose of administering it to a student diagnosed with
306 diabetes when a school nurse or physician is not present in the school or at a school-sponsored activity.
307 Delegated care aides may consult with and receive technical assistance from a school nurse and the
308 student's physician when necessary. When an unexpected snack or meal requires a dose of insulin that is
309 not anticipated by a student's diabetes care plan, the delegated care aide shall consult with the parents,
310 the physician, or a school nurse to confirm that the insulin dosage is appropriate based on the contents
311 of the snack or meal that the student may consume and the student's blood glucose level, as determined
312 by a glucometer reading.

313 G. Provided that a student who has been diagnosed with diabetes is of suitable age and discretion,
314 in accordance with guidelines developed by the Board, the student's parents may authorize the student,
315 in the diabetes care plan, to possess at all times the supplies and equipment necessary to monitor and
316 treat his diabetes, to check and record his own blood glucose levels, to administer his own glucagon for
317 the nonemergency treatment of hypoglycemia, or to administer his own insulin in lieu of having it
318 administered by a delegated care aide, school nurse, or physician.

319 H. In any school at which a student diagnosed with diabetes is in attendance, all school employees
320 shall receive basic training, coordinated by the school board, in diabetes care, including identification
321 of situations involving a student diagnosed with diabetes that require emergency medical attention and
322 the proper entities or individuals to contact in such situations. Such training shall be provided by a
323 physician with expertise in diabetes, the Board of Nursing, or a certified diabetes educator.

324 I. Each delegated care aide shall provide an information sheet to any school board employee who
325 transports a student to or from a school-sponsored activity. The information sheet shall identify the
326 student diagnosed with diabetes, identify emergencies that may occur as a result of the student's
327 diabetes, identify the appropriate responses to such emergencies, and provide emergency contact
328 information.

329 J. No school board shall prohibit a student from attending a school within the local school division
330 or from attending a school-sponsored activity on the basis that the student has been diagnosed with
331 diabetes.

332 K. Nothing in this section shall limit any rights available under federal law.

333 **§ 54.1-3408. Professional use by practitioners.**

334 A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed
335 nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1,
336 or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only
337 prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic
338 purposes within the course of his professional practice.

339 B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral
340 prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may
341 cause drugs or devices to be administered by:

342 1. A nurse, physician assistant, or intern under his direction and supervision;

343 2. Persons trained to administer drugs and devices to patients in state-owned or state-operated
344 hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by
345 the Department of Behavioral Health and Developmental Services who administer drugs under the
346 control and supervision of the prescriber or a pharmacist;

347 3. Emergency medical services personnel certified and authorized to administer drugs and devices
348 pursuant to regulations of the Board of Health who act within the scope of such certification and
349 pursuant to an oral or written order or standing protocol; or

350 4. A licensed respiratory care practitioner as defined in § 54.1-2954 who administers by inhalation
351 controlled substances used in inhalation or respiratory therapy.

352 C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by
353 state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may
354 authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used
355 in the diagnosis or treatment of disease.

356 D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the
357 course of his professional practice, such prescriber may authorize registered nurses and licensed practical
358 nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical
359 conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access
360 lines.

361 Pursuant to the regulations of the Board of Health, certain emergency medical services technicians
362 may possess and administer epinephrine in emergency cases of anaphylactic shock.

363 Pursuant to an order or standing protocol issued by the prescriber within the course of his
364 professional practice, any school nurse, school board employee, employee of a local governing body, or
365 employee of a local health department who is authorized by a prescriber and trained in the
366 administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs, or to possess and administer epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board or an employee of a local health department approved by the local governing body to provide health services pursuant to subsection A of § 22.1-274 who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic under the direction of an operational medical director when the prescriber is not physically present. Emergency medical services personnel shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral

428 anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions,
429 as well as any other Schedule VI topical drug approved by the Board of Dentistry.

430 In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI
431 nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI
432 local anesthesia.

433 K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the
434 course of his professional practice, such prescriber may authorize registered professional nurses certified
435 as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically
436 present to possess and administer preventive medications for victims of sexual assault as recommended
437 by the Centers for Disease Control and Prevention.

438 L. This section shall not prevent the administration of drugs by a person who has satisfactorily
439 completed a training program for this purpose approved by the Board of Nursing and who administers
440 such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of
441 administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to
442 security and record keeping, when the drugs administered would be normally self-administered by (i) an
443 individual receiving services in a program licensed by the Department of Behavioral Health and
444 Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision
445 Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the
446 placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program
447 participant of an adult ~~day-care~~ *day care* center licensed by the Department of Social Services; (v) a
448 resident of any facility authorized or operated by a state or local government whose primary purpose is
449 not to provide health care services; (vi) a resident of a private children's residential facility, as defined in
450 § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department
451 of Behavioral Health and Developmental Services; or (vii) a student in a school for students with
452 disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

453 In addition, this section shall not prevent a person who has successfully completed a training
454 program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of
455 Nursing and been evaluated by a registered nurse as having demonstrated competency in administration
456 of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from
457 a program licensed by the Department of Behavioral Health and Developmental Services to such person
458 via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via
459 percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

460 M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.)
461 of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any
462 assisted living facility licensed by the Department of Social Services. A registered medication aide shall
463 administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to
464 dosage, frequency, and manner of administration; in accordance with regulations promulgated by the
465 Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living
466 facility's Medication Management Plan; and in accordance with such other regulations governing their
467 practice promulgated by the Board of Nursing.

468 N. In addition, this section shall not prevent the administration of drugs by a person who administers
469 such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of
470 administration and with written authorization of a parent, and in accordance with school board
471 regulations relating to training, security and record keeping, when the drugs administered would be
472 normally self-administered by a student of a Virginia public school. Training for such persons shall be
473 accomplished through a program approved by the local school boards, in consultation with the local
474 departments of health.

475 O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in
476 a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a
477 local government pursuant to § 15.2-914, or (ii) a student at a private school that complies with the
478 accreditation requirements set forth in § 22.1-19 and is accredited by the Virginia Council for Private
479 Education, provided such person (a) has satisfactorily completed a training program for this purpose
480 approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of
481 medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or
482 guardian; (c) administers drugs only to the child identified on the prescription label in accordance with
483 the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d)
484 administers only those drugs that were dispensed from a pharmacy and maintained in the original,
485 labeled container that would normally be self-administered by the child or student, or administered by a
486 parent or guardian to the child or student.

487 P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by
488 persons if they are authorized by the State Health Commissioner in accordance with protocols
489 established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has

declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Virginia Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303 and only for the purpose of participation in pilot programs conducted by the Department of Behavioral Health and Developmental Services, a person may obtain a prescription for a family member or a friend and may possess and administer naloxone for the purpose of counteracting the effects of opiate overdose.