



# Take a **STAND!**<sup>TM</sup>

Use Standing Orders to Vaccinate Adults

## Session 3

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**Session 3**

# **State Law & Standing Orders: VIRGINIA**

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# Overview

## Purpose

- State Law and Practice Acts
- State Law Review:
  - Terms equivalent to Standing Orders
  - Terms equivalent to Vaccination
  - Elements of Immunization Practice
- Immunization Practice in Virginia
- Supervision Requirements
- Practice Settings
- Notable Provisions in Virginia Law
- Summary

# Purpose

## Ensure supervising physicians understand:

- Immunization practice = medical practice
- All states have laws governing how physicians delegate medical tasks to health professionals
- Laws may address:
  - The medical practice eligible for delegation
  - Which professionals may participate
  - Level of required supervision
  - Where the practice may occur
- Broad variability among states – No state authorizes all NPHPs to assess, prescribe and administer vaccines

# State Law Review

**Reviewed all relevant legal references governing:**

- Medical Assistants
- Midwives
- Nurses
  - **Advanced Practice Nurse** **\*\*Note: Virginia does not recognize APNs**
  - Clinical Nurse Specialist
  - Nurse Practitioner
  - Practical Nurse
  - Registered Nurse
  - Vocational Nurse
- Pharmacists
- Physician Assistants

# State Law Review

## Terms equivalent to “standing orders”:

### Collaboration:

- With collaboration
- Collaborative practice
- Collaborative practice agreement
- Collaborative authority
- Collaborating provider

### Delegation

- Delegated authority
- Delegation order, agreement

### Protocol

- Prescriber-approved protocols

# The term “standing orders” is not in Virginia law

Professional	Equivalent Terms
<ul style="list-style-type: none"> <li>• Midwife</li> <li>• Clinical Nurse Specialist</li> <li>• Nurse Practitioner</li> </ul>	<ul style="list-style-type: none"> <li>• In collaboration and consultation</li> <li>• Written or electronic practice agreement</li> <li>• Supervision agreement Collaborative agreement</li> </ul>
<p><b>Medical Assistant</b></p>	<p>SILENT</p>
<p><b>Practical Nurse</b></p>	<p>Protocol</p>
<p><b>Registered Nurse</b></p>	<ul style="list-style-type: none"> <li>• May act as prescribed by any person authorized by law to prescribe medications</li> <li>• Protocol</li> </ul>
<p><b>Vocational Nurse</b></p>	<p>SILENT</p>
<p><b>Pharmacist</b></p>	<p>Protocol</p>
<p><b>Physician Assistant</b></p>	<ul style="list-style-type: none"> <li>• Written protocol</li> <li>• Delegate certain acts which constitute the practice of medicine to the extent and in the manner authorized by the Board</li> </ul>



# State Law Review

## Terms equivalent to “vaccination”:

- Immunization
- Diagnostic or therapeutic regimens/measures
- Drug or device by injection
- Nonscheduled legend drug/substance\*
- Medication\*\*
- Pharmacological agents
- Prescription drugs or devices
- Schedule VI controlled substances

\* **LEGEND DRUGS** are approved by the FDA and must be dispensed to the public only when a licensed physician or other licensed provider prescribes them. Legend drugs may be a controlled substance or a non-narcotic.

**SOURCE** “Legend Drug Law and Legal Definition.” USLegal.com. Available at: <http://definitions.uslegal.com/l/legend-drug/>.

\*\* **MEDICATION** includes drugs and pharmaceuticals and may be administered by injection or other methods.

# Defining “Vaccination” in VIRGINIA Law

Professional	Term
<ul style="list-style-type: none"><li>• Midwife</li><li>• Clinical Nurse Specialist</li><li>• Nurse Practitioner</li></ul>	SILENT
Medical Assistant	SILENT
Practical Nurse	Adult immunization
Registered Nurse	<ul style="list-style-type: none"><li>• Adult Immunization</li><li>• Medications</li><li>• Vaccines</li></ul>
Vocational Nurse	SILENT
Pharmacist	<ul style="list-style-type: none"><li>• Adult Immunization</li><li>• Drugs</li></ul>
Physician Assistant	<ul style="list-style-type: none"><li>• Drugs</li><li>• Controlled Substances</li></ul>

# State Law Review

## Immunization Practice includes:

**Assessment:** Screening, examining, diagnosing, treating

- **EXCLUDES:** merely collecting or reporting data, interviewing or taking patient history

**Prescription:** Oral, written or electronic

- **EXCLUDES:** simply transmitting a prescription issued by another provider

**Administration:** Injection, oral, nasal

- **EXCLUDES:** Dispensing medication

# Immunization Practice in VIRGINIA Law

Health Professional	Assessment	Prescription	Administration
<ul style="list-style-type: none"> <li>• Midwife</li> <li>• Clinical Nurse Specialist</li> <li>• Nurse Practitioner</li> </ul>	OWN AUTHORITY	<b>DELEGATED</b> <i>Midwife Nurse Practitioner only</i>	<b>DELEGATED</b>
Medical Assistant	SILENT	SILENT	SILENT
Practical Nurse	SILENT	SILENT	<b>DELEGATED</b>
Registered Nurse	OWN AUTHORITY	SILENT	<b>DELEGATED</b>
Vocational Nurse	SILENT	SILENT	SILENT
Pharmacist	SILENT	SILENT	<b>DELEGATED</b>
Physician Assistant	<b>DELEGATED</b>	<b>DELEGATED</b>	<b>DELEGATED</b>

# State Law Review

## Supervision Requirements include:

### Medical Assistant

Direct, within close proximity of supervisor, undefined supervision, at physician's discretion

### Midwife

Collaborative agreements with supervising physicians if midwife is an Advanced Practice Nurse

### Nurses in Advanced Practice

Collaborative agreement with supervising physician/system governs entire practice

# State Law Review (cont.)

## Supervision Requirements include:

### **Practical Nurse**

Direct, on-site supervision from physician, dentist, podiatrist, nurse in advanced practice, registered nurse, physician assistant

### **Registered Nurse**

In collaboration with physician, dentist, podiatrist

### **Vocational Nurse**

None listed

### **Pharmacist**

Under own license or under delegated authority, protocol

### **Physician Assistant**

With adequate physician supervision

# Supervision Requirements in VIRGINIA Law

Professional	Provision
<ul style="list-style-type: none"> <li>• Midwife</li> <li>• Clinical Nurse Specialist</li> <li>• Nurse Practitioner</li> </ul>	May provide care under a written or electronic collaboration and consultation with a physician
<b>Medical Assistant</b>	SILENT
<b>Practical Nurse</b>	<ul style="list-style-type: none"> <li>• Administer adult vaccines under the immediate and direct supervision of an RN</li> <li>• Under the direction or supervision of a licensed medical practitioner, nurse, RN or other licensed health professional</li> <li>• Protocol</li> </ul>
<b>Registered Nurse</b>	May administer medications as prescribed by any person authorized by law to prescribe
<b>Vocational Nurse</b>	SILENT
<b>Pharmacist</b>	May act if under a protocol
<b>Physician Assistant</b>	<ul style="list-style-type: none"> <li>• Written protocol; practice supervision agreement</li> <li>• Delegated acts only under direction, supervision, control of supervising physician</li> </ul>

# State Law Review

## Permissible Practice Settings include:

### Medical Assistant

- Public, private ambulatory care setting, delegating physician's office, licensed clinics

### Midwife

- Public/private clinical settings, physician's offices

### Nurses in Advanced Practice (APN; CNS; NP)

- Public/private clinical settings, patient's home, schools, occupational health, community health settings

### Practical Nurse

- Public/private clinical settings, patient's home, schools, occupational health, community health settings



# State Law Review (cont.)

## Permissible Practice Settings include:

### Registered Nurse

- Public/private clinical settings, patient's home, schools, occupational health, community health settings

### Vocational Nurse

- Public/private clinical settings, patient's home, schools, occupational health, community health settings

### Pharmacist

- Hospitals, pharmacies, other health care facilities, jails

### Physician Assistant

- Clinical and community locations

# Practice Settings in VIRGINIA Law

Professional	Setting
Nurse Practitioner	<ul style="list-style-type: none"><li>• Hospital</li><li>• Health care system</li></ul>
Medical Assistant	SILENT
Practical Nurse	SILENT
Registered Nurse	All settings
Vocational Nurse	SILENT
Pharmacist	SILENT
Physician Assistant	Hospital, including emergency department

# Notable Provision in VIRGINIA Law

## A PRACTITIONER SHALL NOT:

### Knowingly allow subordinates to:

- Jeopardize patient safety or
- Provide patient care outside of the subordinate's scope of practice or area of responsibility.

## A PRACTITIONER SHALL:

### Delegate patient care:

- Only to subordinates who are properly trained and supervised.

# Summary

## Delegation of Immunizations in VIRGINIA:

### 1. **ADVANCED PRACTICE NURSE** (Midwife, Clinical Nurse Specialist, Nurse Practitioner):

- May assess patient status under own authority
- May prescribe and administer under delegation

### 2. **PRACTICAL NURSE:**

- May administer adult immunizations under supervision


### 3. **REGISTERED NURSE:**

- May assess patient status under own authority
- May administer adult immunizations as prescribed

### 4. **PHARMACIST:** May administer immunizations under protocols

### 5. **PHYSICIAN ASSISTANT:** May assess patient status, issue prescriptions, administer drugs and controlled substances under protocols

### 6. **MEDICAL ASSISTANTS and VOCATIONAL NURSES:** Not addressed



**Comments????**

# Citations

1. 18 Va. Admin. Code 90-30-120, amended by 2013 Va. Reg. Text 327171 (2015) Practice of licensed nurse practitioners other than certified registered nurse anesthetists
2. 18 Va. Admin. Code 90-30-122, (2015) Practice agreements
3. Code of Va. § 54.1-2957.01 (2015) Prescription of certain controlled substances and devices by licensed nurse practitioners
4. 18 Va. Admin. Code 90-40-90 (2015) Practice agreement
5. Code of Va. § 54.1-3000 (2015) Definitions
6. 18 Va. Admin. Code 90-20-460 (2015) Nursing tasks that shall not be delegated
7. Code of Va. § 54.1-3300 (2015) Definitions

# Citations

8. 18 Va. Admin. Code 85-50-101 (2015) Requirements for a practice agreement
9. 18 Va. Admin. Code 85-50-115 (2015) Responsibilities of the physician assistant
10. Code of Va. § 54.1-2952 (2015) Supervision of assistants by licensed physician, or podiatrist; services that may be performed by assistants; responsibility of licensee; employment of assistants
11. Code of Va. § 54.1-2952.1 (2015) Prescription of certain controlled substances and devices by licensed physician assistants
12. 18 Va. Admin. Code 85-50-110 (2015) Responsibilities of the supervisor
13. 18 Va. Admin. Code 85-50-140 (2015) Approved drugs and devices
14. Code of Va. § 54.1-3408 (2015) Professional use by practitioners

# Citations

15. 18 Va. Admin. Code 85-20-29. Practitioner responsibility (2015)  
(Governing practice of medicine, osteopathic medicine, podiatry,  
and chiropractic)