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

<table>
<thead>
<tr>
<th>Professional</th>
<th>Equivalent Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Midwife</td>
<td>• In collaboration and consultation</td>
</tr>
<tr>
<td>• Clinical Nurse Specialist</td>
<td>• Written or electronic practice agreement</td>
</tr>
<tr>
<td>• Nurse Practitioner</td>
<td>• Supervision agreement Collaborative agreement</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>SILENT</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>Protocol</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>• May act as prescribed by any person authorized by law to prescribe medications</td>
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<td></td>
<td>• Protocol</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Protocol</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>• Written protocol</td>
</tr>
<tr>
<td></td>
<td>• Delegate certain acts which constitute the practice of medicine to the extent and in the manner authorized by the Board</td>
</tr>
</tbody>
</table>
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.


** MEDICATION includes drugs and pharmaceuticals and may be administered by injection or other methods.
## Defining “Vaccination” in VIRGINIA Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Midwife</td>
<td>SILENT</td>
</tr>
<tr>
<td>• Clinical Nurse Specialist</td>
<td>SILENT</td>
</tr>
<tr>
<td>• Nurse Practitioner</td>
<td></td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>SILENT</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>Adult immunization</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>• Adult Immunization</td>
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<td></td>
<td>• Medications</td>
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<td></td>
<td>• Vaccines</td>
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<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>• Adult Immunization</td>
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<tr>
<td></td>
<td>• Drugs</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>• Drugs</td>
</tr>
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<td></td>
<td>• Controlled Substances</td>
</tr>
</tbody>
</table>
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
<table>
<thead>
<tr>
<th>Health Professional</th>
<th>Assessment</th>
<th>Prescription</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Midwife</td>
<td>OWN AUTHORITY</td>
<td>DELEGATED Midwife Nurse Practitioner only</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>Clinical Nurse Specialist</td>
<td>SILENT</td>
<td>SILENT</td>
<td>SILENT</td>
</tr>
<tr>
<td>Nurse Practitioner</td>
<td>SILENT</td>
<td>SILENT</td>
<td>DELEGATED</td>
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<tr>
<td>Medical Assistant</td>
<td>SILENT</td>
<td>SILENT</td>
<td>SILENT</td>
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<tr>
<td>Practical Nurse</td>
<td>SILENT</td>
<td>SILENT</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>OWN AUTHORITY</td>
<td>SILENT</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
<td>SILENT</td>
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<tr>
<td>Pharmacist</td>
<td>SILENT</td>
<td>SILENT</td>
<td>DELEGATED</td>
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<tr>
<td>Physician Assistant</td>
<td>DELEGATED</td>
<td>DELEGATED</td>
<td>DELEGATED</td>
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</tbody>
</table>
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
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
<table>
<thead>
<tr>
<th>Professional</th>
<th>Provision</th>
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</thead>
<tbody>
<tr>
<td>Midwife</td>
<td>May provide care under a written or electronic collaboration and consultation with a physician</td>
</tr>
<tr>
<td>Clinical Nurse Specialist</td>
<td></td>
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<tr>
<td>Nurse Practitioner</td>
<td></td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>SILENT</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>• Administer adult vaccines under the immediate and direct supervision of an RN</td>
</tr>
<tr>
<td></td>
<td>• Under the direction or supervision of a licensed medical practitioner, nurse, RN or other licensed health professional</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>May administer medications as prescribed by any person authorized by law to prescribe</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>May act if under a protocol</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>• Written protocol; practice supervision agreement</td>
</tr>
<tr>
<td></td>
<td>• Delegated acts only under direction, supervision, control of supervising physician</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>Professional</th>
<th>Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nurse Practitioner</td>
<td>• Hospital</td>
</tr>
<tr>
<td></td>
<td>• Health care system</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>SILENT</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>All settings</td>
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<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>SILENT</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Hospital, including emergency department</td>
</tr>
</tbody>
</table>
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.
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

Citations

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