



Take a **STAND!**TM

Use Standing Orders to Vaccinate Adults

Session 3

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Session 3

State Law & Standing Orders: VIRGINIA

Alexandra Stewart, JD

Associate Professor

Milken Institute School of Public Health

George Washington University



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

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

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"> • Midwife • Clinical Nurse Specialist • Nurse Practitioner 	OWN AUTHORITY	DELEGATED <i>Midwife Nurse Practitioner only</i>	DELEGATED
Medical Assistant	SILENT	SILENT	SILENT
Practical Nurse	SILENT	SILENT	DELEGATED
Registered Nurse	OWN AUTHORITY	SILENT	DELEGATED
Vocational Nurse	SILENT	SILENT	SILENT
Pharmacist	SILENT	SILENT	DELEGATED
Physician Assistant	DELEGATED	DELEGATED	DELEGATED

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

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"> • Hospital • Health care system
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)