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# 2023 VIRGINIA GENERAL ASSEMBLY OVERVIEW

# 2023 Legislation of Interest

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## **HB 1426 - Tata - Human trafficking; continuing education.**

- Requires that, of the hours of continuing education required for renewal of licensure, any licensee of the Board of Medicine may be required by the Board of Medicine to complete up to two hours of continuing learning activities or courses in a specific subject area.
- Under the bill, if the Board of Medicine designates a subject area for continuing learning activities or courses, the first subject area shall be on the topic of human trafficking.
- Signed by the Governor.

# 2023 Legislation of Interest

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## **HB 1511 - Adams, D.M. - **Midwifery; administration of medication.****

- Allows licensed midwives to obtain, possess, and administer drugs and devices within the scope of their practice.
- The bill requires the Board of Medicine to develop and publish best practice and standards of care guidance for all such drugs.
- The bill limits the liability of entities that provide or dispense drugs or devices to a licensed midwife and that rely in good faith upon the license information provided by the licensed midwife.
- Under the bill, completing all Alliance for Innovation on Maternal Health patient safety bundles advanced by the Virginia Neonatal Perinatal Collaborative is required of any licensed midwife who obtains, possesses, and administers drugs and devices within the scope of his practice.
- Signed by the Governor.

# 2023 Legislation of Interest

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## **HB 1573 - Walker - Mental health conditions & impairment; health regulatory board w/in DHP to amend its applications**

- Directs each health regulatory board within the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment and to include the following questions:
  - (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients? and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation?
- The bill contains an emergency clause (Effective 03/16/23).
- Signed by the Governor.

# 2023 Legislation of Interest

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## **HB 1602 - Robinson - State plan for medical assistance services; telemedicine, in-state presence.**

- Establishes that health care providers are not required to maintain a physical presence in the Commonwealth to maintain eligibility to enroll as a Medicaid provider.
- Additionally, the bill establishes that telemedicine services provider groups with health care providers duly licensed by the Commonwealth are not required to maintain an in-state service address to maintain eligibility to enroll as a Medicaid vendor or Medicaid provider group.
- Signed by the Governor.

# 2023 Legislation of Interest

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## **HB 1739 - Head - Health carrier fair business standards; SCC's Bureau of Insurance to evaluate.**

- Directs the State Corporation Commission's Bureau of Insurance to convene a work group to develop recommendations for regulatory and legislative changes necessary to improve the process for determining if an insurance carrier has failed to implement minimum fair business standards in the performance of its provider contracts for the prompt payment of claims.
- The Bureau shall submit a report of the findings and recommendations of the work group by December 1, 2023.
- Signed by the Governor.

# 2023 Legislation of Interest

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## **HB 1754 - Head - Telemedicine; practitioner-patient relationship, continuity of care.**

- Allows for continuity of care through telemedicine when a practitioner with whom a patient has previously established a practitioner-patient relationship is unavailable at the time in which the patient seeks continuity of care.
- The bill allows another practitioner of the same subspecialty at the same practice group with access to the patient's treatment history to provide continuity of care using telemedicine services until the practitioner with whom the patient has a previously established practitioner-patient relationship becomes available.
- Signed by the Governor.

# 2023 Legislation of Interest

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## **HB 1764 - Head - Physician assistants; practice agreement exemption, elimination of practice ratio.**

- Allows physician assistants practicing in hospitals, certain facilities operated by the Department of Behavioral Health and Developmental Services, or federally qualified health centers designated by the Centers for Medicare and Medicaid Services to practice without a practice agreement if the credentialing and privileging requirements of the applicable facility include a practice arrangement, as described in the bill.
- The bill also eliminates the practice ratio for physicians and physician assistants; under current law, patient care team physicians and patient care team podiatrists are not allowed to collaborate or consult with more than six physician assistants at any one time.
- Failed to pass.



# 2023 Legislation of Interest

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## **HB 1815 - Simonds - Health insurance; coverage for breast examinations.**

- Requires health insurance carriers to provide coverage for diagnostic breast examinations and supplemental breast examinations, as those terms are defined in the bill.
- The bill provides that such examinations include examinations using diagnostic mammography, breast magnetic resonance imaging, or breast ultrasound.
- The bill prohibits such examinations from being subject to cost-sharing requirements, including annual deductibles, coinsurance, copayments, or similar out-of-pocket expenses, or any maximum limitation on the application of such a deductible, coinsurance, copayment, or similar out-of-pocket expense.
- Referred to the Health Insurance Reform Commission.

# 2023 Legislation of Interest

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## **HB 1835 - Bell - Health care providers; threats made against providers, penalty.**

- Removes the location element that specifies a health care provider must be in a hospital or in an emergency room on the premises of a clinic or other facility rendering emergency medical care from the crime of making an oral threat to kill or to do bodily injury to a health care provider.
- Penalty is a Class 1 misdemeanor.
- Signed by the Governor.

# 2023 Legislation of Interest

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## **HB 2183 - Robinson - Nurse practitioners; practice authority upon licensure.**

- Removes the requirement that nurse practitioners, other than a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist, who meet certain conditions may practice without a practice agreement only if they have completed the equivalent of at least five years of full-time clinical experience as a licensed nurse practitioner.
- The bill also removes patient care team requirements for nurse practitioners.
- The bill removes the existing provision allowing a physician to serve as a patient care team physician on a patient care team with up to 10 nurse practitioners licensed in the category of psychiatric-mental health nurse practitioner, thus limiting any patient care team physician to a patient care team with no more than six nurse practitioners.
- Failed to pass.

# 2023 Legislation of Interest

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## **SB 948 - Suetterlein - Pharmacist scope of practice; initiation of treatment for certain diseases and conditions.**

- Allows pharmacists to initiate treatment with, dispense, or administer controlled substances or devices for the initiation of treatment of group A Streptococcus bacteria infection, influenza virus infection, COVID-19 virus infection, and urinary tract infection to persons 18 years of age or older with whom the pharmacist has a bona fide pharmacist-patient relationship in accordance with regulations set forth by the Board of Pharmacy.
- The bill directs the Board of Pharmacy to adopt a statewide protocol for the initiation of treatment with and dispensing and administering of drugs and devices by pharmacists in accordance with the provisions of the bill by November 1, 2023.
- The bill provides that such protocol shall be developed by a work group consisting of representatives from the Board of Pharmacy, the Board of Medicine, and the Department of Health and directs the Board of Pharmacy to adopt emergency regulations to implement the provisions of the bill.
- Signed by the Governor

# 2023 House and Senate Elections

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- All 140 seats in the General Assembly are up for election.
  - This is the first election cycle under Virginia's non-partisan redistricting system.
  - Because of this we have seen unprecedented turnover even before the November elections.
- House of Delegates
  - 32% of current members of the House will not be returning in 2024
    - 17 Delegates opted to retire
    - 14 Delegates sought another Office (Senate).
    - 1 lost their primary.
- Senate of Virginia
  - 40% of current members will not be returning in 2024.
    - 10 Senators opted to retire.
    - 5 Senators lost their primaries.
    - 1 Senator elected to another Office (Congress).

# Questions?

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