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SENATE BILL NO. 317

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend the Code of Virginia by adding a section numbered 54.1-2408.4 and by adding in Article 3 of Chapter 29 of Title 54.1 a section numbered 54.1-2941.1, relating to out-of-state health care practitioners; temporary authorization to practice pending licensure; licensure by reciprocity for physicians; emergency.

Patrons—Favola and Dunnavant

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-2408.4 and by adding in Article 3 of Chapter 29 of Title 54.1 a section numbered 54.1-2941.1 as follows:

§ 54.1-2408.4. Temporary authorization to practice.

A. A health care practitioner licensed, certified, or registered in another state or the District of Columbia may temporarily practice for one 90-day period, provided that the following conditions are met:

1. The practitioner has received an offer of employment in the Commonwealth from a licensed hospital, nursing home, dialysis facility, the Department of Health, or a local health department;

2. The employer verifies the out-of-state health care provider possesses an active and unencumbered license, certification, or registration for the profession in which he will be employed in another state or the District of Columbia;

3. The employer obtains a report from the National Practitioner data bank if the applicant is subject to reporting; and

4. Prior to the out-of-state health care practitioner practicing, the employer notifies the appropriate health regulatory board that the out-of-state health care practitioner is employed and will practice under the temporary authorization. This notice shall include the out-of-state health care practitioner's out-of-state license, certification, or registration number and a statement that such practitioner meets all of the requirements set forth in this section.

B. If the health care practitioner practicing with a temporary authorization has submitted an application for licensure, certification, or registration, the applicable health regulatory board shall expedite such applications for out-of-state health care practitioners practicing pursuant to this section. If licensure, certification, or registration remains pending after the initial 90-day temporary authorization, the authorization may be extended for an additional 60 days, provided that the employer submits notice to the applicable health regulatory board.

C. Out-of-state health care practitioners practicing pursuant to this section shall be subject to the laws and regulations of the Commonwealth and shall be subject to disciplinary action by the applicable health regulatory board.

§ 54.1-2941.1. Reciprocal licensure of physicians.

A. The Department of Health Professions shall pursue reciprocity agreements with jurisdictions that surround the Commonwealth to streamline the application process in order to facilitate the practice of medicine.

B. Such agreements with surrounding jurisdictions shall include as a requirement for reciprocal licensure that there are no initiated disciplinary actions against the applicant in the reciprocal jurisdiction.

C. Physicians who meet these requirements shall be granted reciprocal licensure within 20 days from receipt of an application that complies with the criteria established in the applicable reciprocity agreement and in an expedited manner consistent with Virginia's reciprocal agreements with each surrounding jurisdiction.

2. That the Department of Health Professions shall, beginning July 1, 2023, annually report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions the number of out-of-state health care practitioners who have utilized the temporary authorization to practice pending licensure and have not subsequently been issued full licensure.

3. That an emergency exists and this act is in force from its passage.

INTRODUCED

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