



**Virginia General Assembly 2020 Special Session Report
Acupuncture Society of Virginia (ASVA)**

After nearly two months of a Special Session filled with many starts and stops, the Virginia General Assembly finally completed their work on legislation and on the state budget, adopting a conference committee report that reconciled the differences in the House and Senate versions of the budget. There were many proposals for a session that was intended to have a narrow focus on the COVID-19 crisis and the budget. Of the 488 introduced bills, some of the issues did not receive adequate hearing, but hopefully, will be revisited in the coming session when there will be more time and more amendable environment for adequate review. We await the signature of the Governor to bring the budget and legislation to fruition, as well as any possible additions or changes that may occur until they close the session sine die.

Measures to make telemedicine more accessible and practical were introduced. A bill to require that DMAS reimburse practitioners for covered services without a requirement to use proprietary technology passed, paving the way for broader usage of telehealth. Additional transparency measures regarding outbreaks of communicable diseases passed as well (HB5048, SB5081, & SB5090). Measures to give health care workers priority in rapid testing did not pass (SB5095).

Please review the following list of bills which passed, and a few key bills that did not, that tangentially relate to the practice of acupuncture and the members of your association. If you have any questions, please do not hesitate to reach out.

Best regards,

Julianne S. Condrey
Vice President, Government and Association Relations
Aegis Associates, LLC



HB 5006 Tax refunds; waiver of penalties and interest, refunds to taxpayers suffering a job loss, etc.

Chief patron: Cole, M.L.

Summary as introduced:

Waiver of penalties and interest; refunds; taxpayers suffering job loss or business closure due to the COVID-19 pandemic. Waives penalties and interest for six months for taxpayers who suffered a job loss, business closure, or reduction in business operations because of the COVID-19 pandemic. The waivers apply to (i) sales and use taxes and all local taxes that were due during a period in which the job loss, closure, or reduction in operations occurred and (ii) income taxes for such taxpayers for taxable year 2019. For a taxpayer who made penalty and interest payments prior to the effective date of the act, the Department of Taxation or his locality shall refund such payments to the taxpayer.

08/10/20 House: Prefiled and ordered printed; offered 08/18/20 20200252D

08/10/20 House: Referred to Committee on Finance

08/17/20 House: Impact statement from DHCD/CLG (HB5006)

08/21/20 House: Impact statement from TAX (HB5006)

HB 5041 Nursing homes, certified nursing facilities, and hospice facilities; public health emergency, etc.

Chief patron: Head

Summary as passed:

Nursing homes, certified nursing facilities, and hospices; visitation; public health emergency. Requires the Board of Health to amend regulations governing nursing homes, certified nursing facilities, and hospices to require that, during a public health emergency related to COVID-19, each nursing home, certified nursing facility, and hospice establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board of Health. The bill contains an emergency clause and requires the Department of Health to promulgate regulations to implement the provisions of the act to be effective within 280 days of its enactment. This bill is identical to SB 5042.

EMERGENCY

10/07/20 Senate: Signed by President

10/14/20 House: Enrolled Bill communicated to Governor on October 14, 2020

10/14/20 Governor: Governor's Action Deadline 11:59 p.m., October 21, 2020

10/21/20 Governor: Approved by Governor-Chapter 10 (effective 10/21/20)

10/21/20 Governor: Acts of Assembly Chapter text (CHAP0010)



HB 5046 Telemedicine services; originating site.

Chief patron: Adams, D.M.

Summary as passed:

Telemedicine services; originating site. Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to provide for payment of medical assistance for medically necessary health care services provided through telemedicine services, regardless of the originating site or whether the patient is accompanied by a health care provider at the time such services are provided. "Originating site" is defined in the bill as any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom services are provided is located. The bill also requires each (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; (ii) corporation providing individual or group accident and sickness subscription contracts; and (iii) health maintenance organization providing a health care plan for health care services to provide coverage for telemedicine services regardless of the originating site and whether the patient is accompanied by a health care provider at the time such services are provided. The bill also provides that no health care provider who provides health care services via telemedicine services shall be required to use proprietary technology or applications to be reimbursed for providing telemedicine services, and requires the Department of Medical Assistance Services to continue to reimburse health care providers for Medicaid-covered services delivered via audio-only equipment and by telemedicine services until July 1, 2021. This bill is identical to SB 5080.

10/07/20 House: Signed by Speaker

10/07/20 Senate: Signed by President

10/14/20 House: Enrolled Bill communicated to Governor on October 14, 2020

10/14/20 Governor: Governor's Action Deadline 11:59 p.m., October 21, 2020

10/21/20 House: Governor's recommendation received by House

HB 5048 Outbreaks of communicable disease of public health threat; posting of information about cases.

Chief patron: Sickles

Summary as passed:

Outbreaks of communicable disease of public health threat; posting of information; emergency. Requires the Department of Health to make information about outbreaks of communicable diseases of public health threat at any medical care facility, residential or day program, service or facility licensed or operated by any agency of the Commonwealth, school, or summer camp currently required to report an outbreak of a communicable disease to the



Department available to the public on a website maintained by the Department. Such information shall include the name of the place at which the outbreak has occurred and the number of confirmed cases of and deaths resulting from such communicable disease reported by each such place. This bill contains an emergency clause.

EMERGENCY

10/07/20 Senate: Signed by President

10/14/20 House: Enrolled Bill communicated to Governor on October 14, 2020

10/14/20 Governor: Governor's Action Deadline 11:59 p.m., October 21, 2020

10/21/20 Governor: Approved by Governor-Chapter 12 (effective 10/21/20)

10/21/20 Governor: Acts of Assembly Chapter text (CHAP0012)

[HB 5050](#) Emergency Services and Disaster Law; powers and duties of Governor, purchase of PPE.

Chief patron: Helmer

Summary as passed:

Emergency Services and Disaster Law; powers and duties of Governor; purchase of personal protective equipment during a disaster caused by a communicable disease of public health threat. Grants the Governor authority during a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared to establish a program through which the Governor may purchase personal protective equipment (PPE) for private, nongovernmental entities and distribute the PPE to such private, nongovernmental entities. The bill exempts the Governor's procurement of such PPE from the provisions of the Virginia Public Procurement Act, but requires the Governor to provide for competition where practicable and include a written statement regarding the basis for awarding any contract. The bill also requires the Department of Emergency Management to consult with and survey private, nongovernmental entities prior to implementing any such program in order to assess demand for participation in the program, as well as the quantity and types of personal protective equipment such entities would like to procure. This bill is identical to SB 5039.

10/19/20 House: Impact statement from DPB (HB5050ER)

10/21/20 House: Enrolled Bill communicated to Governor on October 21, 2020

10/21/20 Governor: Governor's Action Deadline 11:59 p.m., October 28, 2020

10/28/20 Governor: Approved by Governor-Chapter 38 (effective

10/28/20 House: 1st day of the 4th month following the month of adjournment, sine die, of this special session)



HB 5057 Health care providers, certain; licensure or certification by endorsement.

Chief patron: Freitas

Summary as introduced:

Certain health care providers; licensure or certification by endorsement. Requires the Board of Health to issue a certification by endorsement to any applicant for certification as an emergency medical services provider who holds a valid, unrestricted licensure or certification as an emergency medical services provider under the laws of another state, the District of Columbia, or a United States possession or territory and, in the opinion of the Board of Health, meets the qualifications necessary for certification as an emergency medical services provider in the Commonwealth. The bill also requires the Board of Medicine to issue a license or certificate by endorsement to an applicant who holds a valid, unrestricted license or certificate under the laws of another state, the District of Columbia, or a United States territory or possession with which the Commonwealth has not established a reciprocal relationship upon endorsement by the appropriate board or other appropriate authority of such other states, the District of Columbia, or United States territory or possession and a determination by the Board of Medicine that the applicant's credentials are satisfactory to the Board of Medicine and the examinations and passing grades required by such other board or authority are fully equal to those required by the Board of Medicine.

08/18/20 House: Prefiled and ordered printed; offered 08/18/20 20200270D

08/18/20 House: Referred to Committee on Health, Welfare and Institutions

08/25/20 House: Impact statement from DPB (HB5057)

HB 5105 Rapid diagnostic testing; availability to all essential workers.

Chief patron: Robinson

Summary as introduced:

Rapid diagnostic testing; essential workers; emergency. Requires that when the Commissioner of Health determines that a communicable disease of public health significance exists in the Commonwealth, he shall ensure that any available rapid diagnostic testing indicating the existence of such communicable disease is readily available to all essential workers in the Commonwealth. Priority for access to such testing shall go to (i) health care providers, (ii) law-enforcement officers, (iii) emergency medical services personnel and emergency medical services providers, (iv) patients in nursing homes who are determined by the nursing home to be high-risk patients, (v) public and private elementary and secondary schools in the Commonwealth, and (vi) public institutions of higher education and private institutions of higher education in the Commonwealth. The bill contains an emergency clause.

EMERGENCY

08/21/20 House: Presented and ordered printed with emergency clause 20200878D

08/21/20 House: Referred to Committee on Health, Welfare and Institutions

08/21/20 House: Impact statement from DPB (HB5105)



08/25/20 House: House committee, floor amendments and substitutes offered

08/25/20 House: Tabled in Health, Welfare and Institutions (11-Y 10-N)

SB 5042 Nursing homes, certified nursing facilities, and hospice facilities; public health emergency, etc.

Chief patron: Kiggans

Summary as passed:

Nursing homes, certified nursing facilities, and hospices; visitation; public health emergency. Requires the Board of Health to amend regulations governing nursing homes, certified nursing facilities, and hospices to require that, during a public health emergency related to COVID-19, each nursing home, certified nursing facility, and hospice establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board of Health. The bill contains an emergency clause and requires the Department of Health to promulgate regulations to implement the provisions of the act to be effective within 280 days of its enactment. This bill is identical to HB 5041.

EMERGENCY

10/07/20 House: Signed by Speaker

10/14/20 Senate: Enrolled Bill Communicated to Governor on October 14, 2020

10/14/20 Governor: Governor's Action Deadline 11:59 p.m., October 21, 2020

10/21/20 Governor: Approved by Governor-Chapter 11 (effective 10/21/20)

10/21/20 Governor: Acts of Assembly Chapter text (CHAP0011)

SB 5080 Telemedicine services; originating site.

Chief patron: Barker

Summary as passed:

Telemedicine services; originating site. Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to provide for payment of medical assistance for medically necessary health care services provided through telemedicine services, regardless of the originating site or whether the patient is accompanied by a health care provider at the time such services are provided. "Originating site" is defined in the bill as any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom services are provided is located. The bill also requires each (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; (ii) corporation providing individual or group accident and sickness subscription contracts; and (iii) health maintenance organization providing a health care plan for health care services to



provide coverage for telemedicine services regardless of the originating site and whether the patient is accompanied by a health care provider at the time such services are provided. The bill also provides that no health care provider who provides health care services via telemedicine services shall be required to use proprietary technology or applications to be reimbursed for providing telemedicine services, and requires the Department of Medical Assistance Services to continue to reimburse health care providers for Medicaid-covered services delivered via audio-only equipment and by telemedicine services until July 1, 2021. This bill incorporates SB 5087 and is identical to HB 5046.

10/07/20 Senate: Signed by President

10/07/20 House: Signed by Speaker

10/14/20 Senate: Enrolled Bill Communicated to Governor on October 14, 2020

10/14/20 Governor: Governor's Action Deadline 11:59 p.m., October 21, 2020

10/21/20 Senate: Governor's recommendation received by Senate

SB 5081 Outbreaks of communicable disease of public health threat; posting of information about cases.

Chief patron: Barker

Summary as passed:

Outbreaks of communicable disease of public health threat; posting of information; emergency. Requires the Department of Health to make information about outbreaks of communicable diseases of public health threat at any medical care facility, residential or day program, service or facility licensed or operated by any agency of the Commonwealth, school, or summer camp currently required to report an outbreak of a communicable disease to the Department available to the public on a website maintained by the Department. Such information shall include the name of the place at which the outbreak has occurred and the number of confirmed cases of and deaths resulting from such communicable disease reported by each such place. This bill contains an emergency clause. This bill incorporates SB 5026 and SB 5105 and is identical to HB 5048.

EMERGENCY

10/16/20 Senate: Signed by President

10/16/20 House: Signed by Speaker

10/21/20 Senate: Enrolled Bill Communicated to Governor on October 21, 2020

10/21/20 Governor: Governor's Action Deadline 11:59 p.m., October 28, 2020

10/28/20 Governor: Approved by Governor-Chapter 24 (effective 10/28/20)



SB 5090 COVID-19 virus; Commissioner of Health shall make information available to public on a website.

Chief patron: Dunnavant

Summary as passed:

Commissioner of Health; publication of information related to COVID-19; COVID-19 indicators. Requires that for the duration of the emergency declared by the Governor in response to COVID-19, the Commissioner of Health shall make available to the public on a website maintained by the Department of Health information about confirmed cases of COVID-19 in the Commonwealth, by week and by health district, including (i) the total number of confirmed cases of COVID-19; (ii) the number of confirmed cases by age group and by race and ethnicity; and (iii) the percentage of cases that are known to be associated with a nursing home, assisted living facility, or correctional facility. The bill also requires the Commissioner to make available to the public on a website maintained by the Department of Health information about and analyses of such data and to develop and publish COVID-19 indicators with thresholds to include case incidence rate, percentage of polymerase chain reaction (PCR) tests that are positive, rate of COVID-like illness visits to emergency departments, rate of current confirmed COVID-19 intensive care unit hospitalizations, and percentage of hospital beds that are currently occupied.

10/14/20 Senate: Enrolled Bill Communicated to Governor on October 14, 2020

10/14/20 Governor: Governor's Action Deadline 11:59 p.m., October 21, 2020

10/21/20 Governor: Approved by Governor-Chapter 13 (Per Article IV, Section 13, this bill will be effective on the

10/21/20 Senate: 1st day of the 4th month following the month of adjournment, sine die, of this special session)

10/21/20 Governor: Acts of Assembly Chapter text (CHAP0013)

SB 5095 Rapid diagnostic testing; availability to all essential workers.

Chief patron: Dunnavant

Summary as passed Senate:

Rapid diagnostic testing; essential workers; emergency. Requires the Commissioner to ensure that priority for access to any rapid diagnostic testing indicating the existence of the COVID-19 virus that is already available in the Commonwealth go to essential workers in the Commonwealth. Priority for access to such testing shall include the following groups: (i) health care providers; (ii) law-enforcement officers; (iii) emergency medical services personnel and emergency medical services providers; (iv) firefighters; (v) employees of nursing homes and adult day care centers and assisted living facilities; (vi) public and private elementary and secondary schools in the Commonwealth; (vii) public institutions of higher education and private institutions of higher education; (viii) private providers licensed by the Department of Behavioral Health and Developmental Services; and (ix) employees at child day centers, family



day homes, and early childhood care and education entities. The bill contains an emergency clause.

EMERGENCY

08/28/20 Senate: Read third time and passed Senate (35-Y 0-N)

09/17/20 House: Placed on Calendar

09/17/20 House: Read first time

09/17/20 House: Referred to Committee on Health, Welfare and Institutions

09/17/20 House: Tabled in Health, Welfare and Institutions (13-Y 9-N)

SB 5115 Broadband services; appropriates funds to DHCD to expand access in underserved and unserved areas.

Chief patron: McDougle

Summary as introduced:

Broadband funding. Appropriates to the Department of Housing and Community Development a sum sufficient to expand access to broadband services in underserved and unserved areas of the Commonwealth.

08/18/20 Senate: Referred to Committee on Commerce and Labor

08/26/20 Senate: Rereferred from Commerce and Labor (14-Y 0-N)

08/26/20 Senate: Rereferred to Finance and Appropriations

09/02/20 Senate: Impact statement from DPB (SB5115)

09/02/20 Senate: Passed by indefinitely in Finance and Appropriations (13-Y 1-N 1-A)

Counts: HB: 10 SB: 10