

**YEAR-END REPORT - 2023**

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Health Policy Tracking Service - Issue Briefs  
Healthcare Providers & Facilities  
Healthcare Workforce

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12/18/2023

**Healthcare Workforce****General Healthcare Worker Oversight****Recent Legislation and Regulation****Alaska**

2023 AK REG TEXT 624038 (NS), published February 1, 2023, effective March 1, 2023, amends [12 AK ADC 02.940](#) (Effective date of renewed licenses) adding that if an application and payment for renewal of a license is submitted but the division is unable to complete its review of the application before the expiration of the license, the license may be automatically extended for three months or until the division completes its review and either approves or denies the application, whichever occurs earlier.

**Arkansas**

· 2023 AR S.B. 199 (NS), enacted March 13, 2022, effective July 31, 2023, adopts [AR ST § 16-114-402](#) (Right of action) authorizing an individual who received a gender transition procedure as a minor to bring a civil action against the healthcare professional who performed the procedure for up to 15 years after the individual turns 18 years of age. Adopts [AR ST § 16-114-403](#) (Safe harbor) establishing limited defenses to a civil action brought under [AR ST § 16-114-402](#) (Right of action). Requires consent to a gender transition procedure to be obtained via the provided written notice.

· 2023 AR H.B. 1562 (NS), enacted and effective April 11, 2023, amends [AR ST § 20-13-1804](#) (Opioid antagonist - Immunity) to update the list of persons that a healthcare professional acting in good faith may directly or by standing order prescribe, and dispense, and supply an opioid antagonist to, and adds additional requirements for the individual that has been prescribed, dispensed, or supplied with an opioid antagonist. Provides that if an individual in the list of persons does not have access to a healthcare practitioner to issue a standing order for a prescription for an opioid antagonist, then the Secretary of the Department of Health, or his or her designee who is otherwise authorized to prescribe an opioid antagonist, may issue a standing order for an individual to act.

**Arizona**

2023 AZ H.B. 2564 (NS), enacted April 12, 2023, effective July 22, 2023, adopts [AZ ST § 32-3248.03](#) (Health professionals; hospitals; dispensing controlled substances; opioids; definition) allowing hospitals or health professionals working in a hospital that is not within 50 miles of a 24-hour pharmacy to dispense a 12-hour supply of a schedule II-controlled substance that is an opioid to a discharged patient with an acute illness or injury after regular pharmacy hours.

**California**

· 2023 CA S.B. 143 (NS), enacted September 13, 2023, effective January 1, 2024, adopts [CA BUS & PROF § 115](#) establishing requirements for the portability of professional licenses for servicemembers and spouses if stated requirements are met. Provides that a person registered pursuant to this section is a licensee of the registering authority for purposes of standards of practice, discipline, and continuing education for the duration of the military orders and provides that the registration expires when those military orders expire. Allows a registering authority to take appropriate enforcement action against a person registered pursuant to this section and prohibits a fee for registration.

· 2023 CA S.B. 372 (NS), enacted September 23, 2023, effective January 1, 2024, adopts [CA BUS & PROF § 27.5](#) requiring a licensing entity within the Department of Consumer Affairs (DCA) to update licensee or registrant records, upon request by the licensee or



registrant, if it receives government-issued documentation demonstrating that the individual's legal name or gender has changed. Prohibits a board from charging a higher fee for reissuing a license with an updated legal name or gender than the fee it charges for reissuing a license with other updated information. Also provides that all records related to a request by a licensee or registrant for a board to update the individual's license or registration, are confidential and not subject to public inspection or disclosure.

· 2023 CA A.B. 1707 (NS), enacted September 27, 2023, effective January 1, 2024, adopts [CA BUS & PROF § 805.9](#) prohibiting a health facility from denying staff privileges to, removing from medical staff, or restricting the staff privileges of a licensed health professional on the basis of a civil judgment, criminal conviction, or disciplinary action in another state that is based on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful in California. Adopts [CA BUS & PROF § 850.1](#) prohibiting a healing arts board from denying an application for a license or imposing discipline upon a licensee or health care practitioner on the basis of a civil judgment, criminal conviction, or disciplinary action in another state that is based on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful in California, regardless of the patient's location. Adopts [CA HLTH & S § 1220.1](#) and [CA HLTH & S § 1265.11](#) prohibiting the denial, suspension, revocation, or limitation of a clinic or health facility license on the basis of a civil judgment, criminal conviction, or disciplinary action in another state that is based on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful in California.

· 2023 CA A.B. 883 (NS), enacted October 7, 2023, effective January 1, 2024, amends [CA BUS & PROF § 115.4](#) (Expedited licensure process for applicant who has served as an active duty member of the Armed Forces of the United States and was honorably discharged) requiring licensing boards, on and after July 1, 2024, to expedite the initial licensure process of an applicant who is an active duty member of the United States armed forces enrolled in the United States Department of Defense SkillBridge program.

### Colorado

· 2023 CO S.B. 188 (NS), enacted and effective April 21, 2023 adopts [CO ST § 12-30-121](#) (Legally protected health-care activity - prohibit adverse action against regulated professionals and applicants - definitions) to protect an individual applying for licensure, certification, or registration in a health-care-related profession or occupation in Colorado, as well as a health-care professional currently licensed, certified, or registered in Colorado, from having the license, certification, or registration denied or discipline imposed against the licensee based solely on the provision of, or assistance in the provision of certain legally protected health-care activities in this state or another state if certain conditions are met. Also protects a health-care professional's own personal legally protected health-care activity. Adopts [CO ST § 13-21-133](#) (Out-of-state civil action against a person or entity prohibited - legally protected health-care activity - out-of-state civil judgment) providing that it is against the public policy of this state for the law of another state to authorize a person to bring a civil action against another person or entity for engaging or attempting or intending to engage in a legally protected health-care activity, or for providing insurance coverage for gender-affirming health-care services or reproductive health care. Also prohibits the state from applying another state's law to a case or controversy heard in Colorado state court or giving any force or effect to any judgment issued without personal jurisdiction or due process or to any judgment that is penal in nature pursuant to another state's law if the other state's law authorizes a person to bring a civil action against another person or entity for engaging or attempting to engage in a legally protected health-care activity. Adopts [CO ST § 18-13-133](#) (Prohibition on prosecuting health-care providers - patient ingests abortifacient in another state) prohibiting the prosecution or investigation of a licensed health-care provider if the health-care provider prescribes an abortifacient to a patient and the patient ingests the abortifacient in another state so long as the abortifacient is prescribed or administered consistent with accepted standards of practice under Colorado law and does not violate Colorado law. Adopts [CO ST § 24-116-101](#) (Prohibition on providing information or expending government resources - legally protected health-care activity) and [CO ST § 24-116-102](#) (Prohibition on assisting another state - legally protected health-care activity) prohibiting a state agency from providing any information, including patient medical records, patient-level data, or related billing information, or from using any government resources in furtherance of any out-of-state investigation or proceeding seeking to impose civil or criminal liability or professional sanction upon a person or entity for engaging in a legally protected health-care activity.

· 2023 CO S.B. 190 (NS), enacted and effective April 21, 2023, amends [CO ST § 12-30-120](#) (Unprofessional conduct - grounds for discipline - offering medication abortion reversal - definitions) providing that a health-care provider engages in unprofessional conduct or is subject to discipline in Colorado if the health-care provider provides, prescribes, administers, or attempts medication abortion reversal in Colorado, unless the Colorado medical board, the state board of pharmacy, and the state board of nursing, in consultation with each other, each have in effect rules finding that it is a generally accepted standard of practice to engage in medication abortion reversal. Requires the specified boards to promulgate applicable rules no later than October 1, 2023, concerning whether engaging in medication abortion reversal is a generally accepted standard of practice.

### Delaware

2023 DE S.B. 80 (NS), enacted and effective August 31, 2023, adopts [DE ST TI 29 § 610](#) (Prohibiting the denial of an application for a license solely on immigration or citizenship status) providing that the state may not deny an application for a professional license because of the applicant's immigration or citizenship status. Requires an applicant who does not have a social security number to provide an alternative personally identifying number if a social security number is required on the application. Provides that the state may not disclose the social security number or alternative personally identifying number except for the stated purposes.

### District of Columbia



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2021 DC L.B. 830 (NS), enacted and effective January 10, 2023, the Protecting Health Professionals Providing Reproductive Health Care Amendment Act of 2022, adopts [DC CODE § 3-1205.01a](#) (Expedited licensure, registration, or certification) requiring the Mayor to expedite the review of licensure, certification or registration for health professionals seeking to practice in the District whose certification, license or registration has been suspended or revoked due to providing, facilitating, or attempting to provide or facilitate certain conduct that is illegal or restricted in another state or jurisdiction but permitted in the District. Amends [DC CODE § 3-1205.14](#) (Revocation, suspension, or denial of license or privilege; civil penalty; reprimand) prohibiting the board from taking reciprocal disciplinary measures against certified, licensed, or registered health professionals solely for providing abortion and reproductive health care services, gender-affirming care, or prescriptions to patients who live in states where these services are illegal or restricted but are permitted in the District.

## Florida

- 2023 FL S.B. 300 (NS), enacted and effective April 13, 2023, amends [FL ST § 456.47](#) (Use of telehealth to provide services) prohibiting telehealth providers from using telehealth to provide abortions, including, but not limited to, medical abortions.
- 2023 FL S.B. 1580 (NS), enacted May 11, 2023, effective July 1, 2023, adopts [FL ST § 381.00321](#) (The right of medical conscience of health care providers and health care payors) establishing requirements that allow a health care provider or health care payor the right to opt out of participation in or payment for any health care service on the basis of a conscience-based objection. Provides definitions. Prohibits discrimination or adverse action against health care providers who decline to participate in a health care service on the basis of conscience-based objection and provides whistle-blower protections for health care providers and health care payors that take certain actions or disclose certain information relating to the reporting of certain violations. Provides that a health care provider or health care payor may not be held civilly liable solely for declining to participate in or pay for a health care service on the basis of a conscience-based objection. Adopts [FL ST § 456.61](#) (Use of free speech by a health care practitioner; prohibition) prohibiting boards, or the Department of Health if there is no board, from taking disciplinary action against or denying a license to an individual solely because the individual has spoken or written publicly about a health care service or public policy. Authorizes boards within the department's jurisdiction to revoke their approval of a specialty board or other recognizing agency under certain circumstances.

## Georgia

- 2023 GA S.B. 140 (NS), enacted March 23, 2023, effective July 1, 2023, adopts [GA ST § 31-7-3.5](#) to prohibit certain surgical procedures and hormone replacement therapies for the treatment of gender dysphoria in minors from being performed in hospitals and other licensed healthcare facilities. Requires the department to establish sanctions for violations of this section up to and including the revocation of an institution's permit. Adopts [GA ST § 43-34-15](#) to prohibit certain surgical procedures and hormone replacement therapies for the treatment of gender dysphoria in minors. Provides certain exceptions and requires that a licensed physician who violates this Code section be held administratively accountable to the board for such violation.
- 2023 GA S.B. 197 (NS), enacted May 2, 2023, effective July 1, 2023, amends [GA ST § 43-1-33](#) (Consumer Information and Awareness) to clarify that an advertisement by a health care practitioner shall include the practitioner's name and disclose only the type of license under which the health care practitioner is authorized to provide services. Prohibits the use of deceptive or misleading terms or the misappropriation of medical titles by health care practitioners in advertisements and in the identification of health care practitioners. Adds requirements for advanced practice registered nurses and physician assistants and makes clarifying and conforming changes.

## Hawaii

2023 HI S.B. 1 (NS), enacted and effective March 22, 2023, adopts new uncodified chapter titled, Reproductive Health Care Services. New sections prohibit a covered entity from disclosing information relating to reproductive health care services; prohibit the issuance of a subpoena in connection with an out-of-state or interstate proceeding relating to reproductive health care services legally performed in the State; prohibit agencies from providing information or expending resources in the furtherance of out-of-state or interstate investigations or proceedings relating to reproductive health care services; and prohibit the State from taking adverse action based on pregnancy outcomes or for aiding or assisting a pregnant individual with accessing reproductive health care services. New sections also require the Governor to deny certain demands for surrender of a person charged with a crime involving reproductive health care and enumerates laws contrary to public policy and prohibits their application.

## Idaho

- 2023 ID H.B. 71 (NS), enacted April 4, 2023, effective January 1, 2024, amends [ID ST § 18-1506B](#) (Genital Mutilation of a Child -- Exclusions -- Penal Ties -- Definition) to clarify that whoever knowingly authorizes or commits any procedure that circumcises, excises, or infibulates the whole or any part of the labia majora, labia minora, or clitoris of a child must be guilty of a felony. Provides that medical practitioners who knowingly engage in practices that alter the appearance of or affirm the child's perception of the child's sex if that perception is inconsistent with the child's biological sex is guilty of a felony.
- 2023 IL S.B. 855 (NS), enacted and effective June 9, 2023, amends [IL ST CH 225 § 46/25](#) (Hiring of people with criminal records by health care employers and long-term care facilities) clarifying that a health care employer must not hire, employ, or retain, whether paid or on a volunteer basis, any individual in a position with duties involving direct care of clients, patients, or residents who has a finding



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by the Department of Human Services denoted on the Health Care Worker Registry of physical or sexual abuse, financial exploitation, egregious neglect, or material obstruction of an investigation.

## Illinois

· 2021 IL H.B. 4664 (NS), enacted and effective January 13, 2023, amends [IL ST CH 225 § 85/30](#) (Refusal, revocation, suspension, or other discipline) prohibiting disciplinary action being taken based solely upon the licensee providing, authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service, so long as the care was not unlawful under the laws of Illinois, regardless of whether the patient was a resident of Illinois or another state or based upon the licensee's license being revoked or suspended, or the individual being otherwise disciplined by any other state, if that revocation, suspension, or other form of discipline was based solely on the licensee violating another state's laws prohibiting the provision of, authorization of, recommendation of, aiding or assisting in, referring for, or participation in any health care service if that health care service as provided would not have been unlawful under the laws of Illinois and is consistent with the standards of conduct for the licensee if it occurred in Illinois. Amends [IL ST CH 225 § 60/49.5](#) (Telemedicine) clarifying that a person who engages in the practice of telemedicine without a license or permit must be subject to penalties in [IL ST CH 225 § 60/59](#) (Violations; penalties). Authorizes a person with a temporary permit for health care to treat a patient located in this State through telehealth services in a manner consistent with the person's scope of practice and agreement with a sponsoring entity.

· 2023 IL H.B. 2550 (NS), engrossed March 24, 2023, provides that an out-of-state health care professional may treat a patient located in Illinois through telehealth if the patient is a student attending an institution of higher education in Illinois, but is otherwise not a resident of Illinois when not attending the institution of higher education.

· 2023 IL H.B. 2450 (NS), enacted August 11, 2023, effective January 1, 2025, adopts IL ST CH 20 § 2105/2105-370 (Continuing education; cultural competency) requiring health care professional to complete at least a 1-hour course in training on cultural competency. Adopts [IL ST CH 20 § 2105/2105-375](#) (Limitation on specific statutorily mandated training requirements) establishing the requirements for statutorily mandated topics for health care professional license or registration renewals. Defines "health care professional" and "statutorily mandated topics" and requires the Department to maintain a list of current requirements for the specific statutorily mandated topics and notify each license or permit application or renewal with the current specific statutorily mandated topics.

## Indiana

2023 IN S.B. 480 (NS), enacted April 5, 2023, effective July 1, 2023, adopts new Chapter, IN ST 25-1-22, Gender Transition Procedures for Minors, prohibiting a physician or other practitioner from knowingly providing gender transition procedures to an individual who is less than 18 years of age (minor) or from aiding or abetting another physician or practitioner in the provision of gender transition procedures to a minor. Provides definitions, specifies certain medical exceptions, and establishes civil enforcement actions.

2023 IN REG TEXT 634276 (NS), published and effective November 22, 2023, adopts 840 IN ADC 1-4 (Convictions of concern) providing a list of crimes which may disqualify an individual from licensure. Affected professions include dietitians, physicians, and respiratory care practitioners.

## Iowa

2023 IA S.F. 538 (NS), enacted and effective March 22, 2023, adopts IA ST § 147.164 (Gender transition procedure-related activities -- minors -- prohibitions) prohibiting a health care professional from engaging in or performing certain gender transition procedures on a minor or engaging in conduct that aids or abets these practices. Provides that violations are considered unprofessional conduct and subject to discipline by the appropriate licensing board or entity.

## Kansas

2023 KS S.B. 66 (NS), enacted April 20, 2023, effective July 1, 2023, amends [KS ST 48-3406](#) (Expedited state licensure procedure if licensed, registered or certified in another state for military service members, military spouses or individuals who have established or intend to establish residency in this state; temporary emergency licenses; electronic credentials; reports by licensing bodies) requiring licensing bodies to issue paper-based and verified electronic licenses, registrations, certifications, and permits, and requiring by January 1, 2025, licensing bodies to provide paper-based and verified electronic credentials. Establishes requirements for a license verification portal.

## Kentucky

· 2023 KY H.B. 176 (NS), enacted March 29, 2023, effective June 29, 2023, adopts new sections in KY ST T. XVIII, Ch. 216 (Health Facilities and Services) requiring health facilities to create a workplace safety assessment and a workplace safety plan; provide trainings on the workplace safety assessment and plan; and develop internal reporting requirements for incidents of workplace violence. Defines "health facility," "health care worker," "workplace," "workplace safety," and "workplace violence."

· 2023 KY S.B. 150 (NS), enacted March 29, 2023, effective June 29, 2023, adopts new section in KY ST T. XXVI, Ch. 311 (Physicians, Osteopaths, Podiatrists, and Related Medical Practitioners) defining "minor" and "sex." Prohibits a health care provider from providing gender affirming care, with limited exceptions. Provides penalties and civil action to recover damages for violations. Provides for de-transition timeline for minors currently undergoing treatment.



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· 2023 KY H.B. 311 (NS), enacted April 6, 2023, effective June 29, 2023, amends [KY ST § 205.559](#) (Requirements for Medicaid reimbursement to participating providers for telehealth consultations; reimbursement for rural health clinics, federally qualified health centers, and federally qualified health center look-alikes; audio-only encounters) prohibiting the Department from requiring a health professional or medical group to maintain a physical location or address in Kentucky to be eligible for enrollment as a Medicaid provider if the provider or group exclusively offers services via telehealth.

### **Louisiana**

2023 LA H.B. 648 (NS), enacted July 19, 2023, effective January 1, 2024, adopts LA R.S. T. 40, Ch. 5-A, Pt. IX (The Stop Harming Our Kids Act) to prevent healthcare professionals from providing services, treatments, and procedures that alter the sex characteristics of a minor. Allows services, treatments, and procedures initiated prior to January 1, 2024, to continue if the healthcare professional determines that immediately terminating the minor's use of the drug or hormone would cause harm to the minor. Provides definitions. Establishes disciplinary procedures and legal remedies for violations by healthcare professionals.

### **Maryland**

2023 MD H.B. 808 (NS), enacted May 3, 2023, effective June 1, 2023, adopts [MD HEALTH OCCUP § 1-227](#), prohibiting a health occupations board from disciplining a health care practitioner because of the provision or support of the provision of legally protected health care if the legally protected health care was provided in accordance with the standard of care as determined by the relevant health occupations board and in accordance with the laws of Maryland; or because the health care practitioner is disciplined by a licensure board in another state because of the provision or support of the provision of legally protected health care if the legally protected health care was provided in accordance with the standard of care as determined by the relevant health occupations board and in accordance with the laws of Maryland. Defines 'health care practitioner' and 'legally protected health care'.

### **Massachusetts**

2023 MA REG TEXT 633284 (NS), published January 6, 2023, effective December 19, 2022, adopts [105 MA ADC 130.313](#) (Licensed Mental Health Professionals in Emergency Departments or Satellite Emergency Facilities) requiring hospitals to ensure that a sufficient number of licensed mental health professionals are available in an emergency department or satellite emergency facility to assess, evaluate, and stabilize a person presenting with a primary mental health concern.

### **Minnesota**

· 2023 MN H.F. 16 (NS), enacted April 27, 2023, effective April 28, 2023, adopts [MN ST § 214.078](#) (Protection from conversion therapy) defining 'client' and 'conversion therapy' and prohibiting a mental health practitioner or mental health professional from engaging in conversion therapy with a client younger than age 18 or a vulnerable adult. Provides that a violation shall be considered unprofessional conduct that may subject the mental health practitioner or mental health professional to disciplinary action by the appropriate licensing board.

· 2023 MN H.F. 366 (NS), enacted April 27, 2023, effective April 28, 2023, amends [MN ST § 147.091](#) (Grounds for disciplinary action), [MN ST § 148.261](#) (Grounds for disciplinary action), and [MN ST § 151.071](#) (Disciplinary action) prohibiting the Board of Medical Practice, the Board of Nursing, and the Board of Pharmacy from taking adverse actions against applicants and licensees who have been disciplined or criminally convicted for providing or assisting in providing reproductive health care services in other jurisdictions in a manner that would not be unlawful in Minnesota. Defines 'reproductive health care services'.

### **Mississippi**

2023 MS H.B. 1125 (NS), enacted and effective February 28, 2023, adopts the Regulate Experimental Adolescent Procedures (REAP) Act, providing that a person shall not knowingly provide gender transition procedures to any person under age 18 or engage in conduct that aids or abets the performance or inducement of such procedures. Provides that health care services provided by or in a health care facility owned by the state or a county or local government or by a physician or other health care professional employed by the state or a county or local government shall not include gender transition procedures for a person under age 18. Provides that violations of the REAP Act shall be considered outside the applicable standard of care and unprofessional conduct, and a physician or other health care professional shall have their license to practice in Mississippi revoked for violations of the Act.

### **Montana**

· 2023 MT H.B. 303 (NS), enacted May 3, 2023, effective October 1, adopts new section (Right of conscience for medical practitioners -- affirmative consent for abortion services -- immunity -- exceptions) in MT ST T. 50, Ch. 4 (Health Care Policy) establishing a medical practitioner's right not to participate in a health care service that violates the medical practitioner's conscience. Provides immunity for health care institutions and the practitioner upon a practitioner's exercise of conscience. Provides that a medical practitioner may not be scheduled for, assigned, or requested to directly or indirectly perform, facilitate, refer for, or participate in an abortion unless the medical practitioner first affirmatively consents in writing.

· 2023 MT H.B. 706 (NS), enacted May 18, 2023, effective October 1, 2023, adopts a new section in MT ST T. 37, Ch. 2 (General Provisions Relating to Health Care Practitioners), entitled 'Health care provider right to advise of lawful health services', authorizing a health care provider to advise about and provide or make available to a patient lawful health services, including the use of off-label use of health care services. Prohibits punishing a health care provider for actions taken under this section and specifies that 'punishment'



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includes an adverse licensure action. Provides that this section does not prohibit a health professional licensing board from taking action if a health care provider commits unprofessional conduct or provides health care services outside of the provider's scope of practice and provides other exceptions.

· 2023 MT H.B. 590 (NS), enacted May 18, 2023, effective October 1, 2023, an act creating laws related to violence against health care workers and workers employed by health care providers; providing for reporting of violence against a health care worker; and requiring a report to the department of justice of violence against health care workers. Provides that if a health care employee suffers an act of violence while on duty, the health care employer shall ensure that the health care employee and any employees who witnessed the act of violence provide oral reports to the health care employer.

· 2023 MT REG TEXT 650510 (NS), published October 20, 2023, effective October 21, 2023, adopts [MT ADC 24.156.406](#) (Administrative Suspension) authorizing the department to administratively suspend licenses for deficiencies in [MT ST 37-1-321](#) (Authority to administratively suspend license); or file a complaint pertaining to these deficiencies that are based on repeated or egregious conduct, or that have co-occurring misconduct allegations that directly implicate public safety and may warrant formal disciplinary action. Provides that an administrative suspension is not a negative, adverse, or disciplinary action under MT ST Title 37 (Professions and Occupations) and is not reportable under federal law and regulations implementing the Healthcare Practitioner Databank or the department's licensee lookup and license verification databank.

### **Nebraska**

· 2023 NE L.B. 574 (NS), enacted and effective May 22, 2023, adopts uncodified section providing that except as provided in the Let Them Grow Act and the rules and regulations adopted and promulgated pursuant to the act, a health care practitioner shall not perform gender-altering procedures for an individual younger than 19; and the intentional and knowing performance of gender-altering procedures shall be considered unprofessional conduct. Also provides certain exceptions to these provisions.

· 2023 NE REG TEXT 653318 (NS), published October 4, 2023, effective October 1, 2023, adopts [181 NE ADC Ch. 8, § 003](#) (Puberty Blocking Drugs) establishing certain requirements for practitioners prior to prescribing, dispensing, or administering puberty blocking drugs for the treatment of gender nonconformity or gender dysphoria to a patient who has not reached the age of majority. Requires a prescribing practitioner to obtain 3 hours of Category 1 Continuing Competency Education for prescribing drugs for the purpose of treating gender nonconformity or gender dysphoria within the most recent biennial renewal period. Also specifies items that the practitioner must determine or document and discuss with the patient and parent or legal guardian or an emancipated patient.

### **Nevada**

2023 NV S.B. 131 (NS), enacted and effective May 30, 2023, adopts a new section in Chapter 629 (Healing Arts Generally), prohibiting health care licensing boards from disqualifying from licensure or disciplining a person for providing or assisting in the provision of reproductive health care services or because the person was subject to judgment, discipline or other sanction in another state for providing or assisting in the provision of reproductive health care services if the reproductive health care services as provided would have been lawful and consistent with standards for the practice of the relevant profession in Nevada. Defines 'Health care licensing board' and 'Reproductive health care services'. Adopts a new section in Chapter 179 (Special Proceedings of a Criminal Nature; Sealing Records of Criminal Proceedings; Rewards; Forms), prohibiting the Governor from surrendering, or issuing an arrest warrant for, a person who is charged in another state with a criminal violation related to the provision or receipt of reproductive health care services. Defines 'Reproductive health care services'. Adopts a new section in Chapter 232 (State Departments), prohibiting state agencies from assisting in certain investigations and proceedings initiated in other states related to the provision or receipt of reproductive health care services. Defines 'Reproductive health care services' and 'State agency'. Instructs health care licensing boards to examine the feasibility of reciprocal licensure for health care providers who provide reproductive health care services in other states.

### **New Jersey**

· 2022 NJ A.B. 3199 (NS), enacted and effective May 8, 2023, establishes 'Health Care Heroes Violence Prevention Act' provides that a person commits a disorderly persons offense if the individual person orally or in writing: (1) knowingly and willfully makes a threat against any person employed by a health care facility, health care professional, volunteer working for a health care professional or working at a health care facility, supportive services staff member working for a health care professional or working at a health care facility, or employee of a health care professional or health care facility, with the intent to intimidate, interfere with, or impede the persons performance of official duties; or (2) knowingly sends, delivers, or makes for the purpose of sending or delivering a threat prohibited pursuant to (1).

· 2023 NJ REG TEXT 609112 (NS), published and effective March 20, 2023, adopts NJ ADC 13:45C-4, Uniform Rules on Discrimination in Licensed Professions, providing that prohibited discrimination, harassment, and retaliatory conduct by holders of professional and occupational licenses and certificates (licensees) constitutes professional or occupational misconduct, subject to discipline by the relevant licensing boards and committees.

### **New Mexico**

· 2023 NM S.B. 13 (NS), enacted April 5, 2023, effective June 16, 2023, enacts the 'Reproductive and Gender-Affirming Health Care Protection Act', protecting the privacy of providers, recipients and others engaging in reproductive and gender-affirming health care.



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Protects providers, recipients and others engaging in reproductive and gender-affirming health care from certain civil or criminal liability or professional disciplinary action.

· 2023 NM S.B. 471 (NS), enacted and effective April 4, 2023, amending the end-of-life options act to clarify that health care providers are able to refuse to participate in medical aid in dying for reasons of conscience.

#### **North Carolina**

· 2023 NC H.B. 808 (NS), enacted August 1, 2023, effective August 16, 2023, adopts [NC ST § 90-21.151](#) (Limitations on gender transition procedure) providing that it shall be unlawful for a medical professional to perform a surgical gender transition procedure on a minor or to prescribe, provide, or dispense puberty-blocking drugs or cross-sex hormones to a minor. Adopts [NC ST § 90-21.152](#) (When certain procedures are permitted) specifying certain procedures that a medical professional may provide notwithstanding [NC ST § 90-21.151](#) (Limitations on gender transition procedure) if the minor's parents or guardians give informed consent. Provides that no medical professional, or an entity that employs or contracts with a medical professional, shall be required to perform a surgical gender transition procedure or prescribe, provide, or dispense puberty-blocking drugs or cross-sex hormones, and no hospital or other healthcare institution shall be required to participate in, or allow the use of, its facilities by a medical professional performing a surgical gender transition procedure or prescribing, providing, or dispensing puberty-blocking drugs or cross-sex hormones, regardless of whether the medical professional is employed by, under contract with, or has admitting privileges at the hospital or other healthcare institution. Also provides that no medical professional, entity, hospital, or other healthcare institution shall be civilly, criminally, or administratively liable for exercising his, her, or its rights under this subsection. Adopts [NC ST § 90-21.153](#) (Penalties) providing that a violation of any of the provisions of this Article by a medical professional shall be considered unprofessional conduct and shall result in the revocation of the medical professional's license to practice.

· 2023 NC H.B. 125 (NS), enacted and effective September 29, 2023, adopts, effective October 1, 2024, [NC ST § 131E-88](#) (Law enforcement officers required in emergency departments) to establish requirements for hospitals to have at least one law enforcement officer present at all times in the emergency department. Adopts, effective October 1, 2024, [NC ST § 131E-88.2](#) (Reports) to establish requirements for hospitals to report: (i) the number of assaults occurring in the hospital or on hospital grounds that required the involvement of law enforcement, whether the assaults involved hospital personnel, and how those assaults were pursued by the hospital and processed by the judicial system, (ii) the number and impact of incidences where patient behavioral health and substance use issues resulted in violence in the hospital and the number that occurred specifically in the emergency department, and (iii) the number of workplace violence incidences occurring at the hospital that were reported as required by accrediting agencies, the Occupational Safety and Health Administration, and other entities.

· 2023 NC H.B. 415 (NS) enacted October 20, 2023, effective January 1, 2024, adopts [NC ST § 90-113.152](#) (Patient brokering and kickbacks) as part of the Stop Addiction Fraud Ethics Act. Provides that is unlawful for any person or entity, including a treatment provider, treatment facility, recovery residence, or third party providing services to any of these persons or entities, to do any of the following: (1) Knowingly offer or pay anything of value, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of a patient or patronage to or from a treatment provider or laboratory. (2) Knowingly solicit or receive anything of value, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for referring a patient or patronage to or from a treatment provider or laboratory. (3) Knowingly solicit or receive anything of value, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for the acceptance or acknowledgment of treatment from a health care provider or health care facility. (4) Knowingly aid or abet any conduct that violates subdivisions (1) through (3) of this subsection. Provides that a person who violates this section shall be guilty of a Class G felony and specifies certain exceptions.

#### **North Dakota**

2023 ND H.B. 1221 (NS), enacted April 11, 2023, effective August 1, 2023, enacts a new chapter to title 43 of the North Dakota Century Code, relating to professional transparency for health care practitioners. Provides that an advertisement for health care services which names a health care practitioner must identify the type of license. The advertisement may not contain deceptive or misleading information. A health care practitioner providing health care services in this North Dakota shall post conspicuously and communicate affirmatively the practitioner's specific licensure as defined under this chapter. A health care practitioner shall wear a photo identification name tag during all patient encounters which must include a recent photograph of the practitioner, the practitioner's name, and the type of license.

#### **Ohio**

· 2021 OH S.B. 131 (NS), enacted January 2, 2023, effective December 29, 2023, adopts a new chapter OH ST § 4796 to require an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances. Universal recognition allows a licensed professional to apply for and be quickly granted a license to work based on the training or testing they have already completed. If an applicant has held a valid out-of-state license in good standing for at least one year and does not have any disqualifying criminal history or open complaints, they are eligible to receive a similar license under recognition.



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· 2023 OH REG TEXT 629958 (NS), published February 8, 2023, effective February 28, 2023, Adopts [OH ADC 4731-37-01 \(Telehealth\)](#) to establish the requirements for a health care professional to provide telehealth services to a patient located in Ohio. A 'health care professional' includes physicians, dietitians, and respiratory care professionals.

· 2023 OH REG TEXT 651142 (NS), published November 14, 2023, effective November 30, 2023, Repeals, reenacts and amends multiple sections in OH ADC 4731 (Medical Board) to update the requirements regarding the mandatory reporting of violations for impaired practitioners and procedures for impairment cases.

### Oklahoma

2023 OK S.B. 613 (NS), enacted and effective May 1, 2023, adopts [OK ST T. 63 § 2607.1](#) providing that a health care provider shall not knowingly provide gender transition procedures to any child. A health care provider found violating this provision shall, upon an adverse ruling by the provider's respective licensing board, be guilty of unprofessional conduct; and shall, upon conviction, be guilty of a felony. Provides that the parent, legal guardian, or next friend of a child to whom a health care provider has provided one or more gender transition procedures in violation may bring a civil action against the health care provider. Provides definitions and provides that the Attorney General may bring an action to enforce compliance with this act. Amends [OK ST T. 59 § 509](#) (Unprofessional conduct--Definition) to update the list of unprofessional conduct for physicians to include knowingly providing gender transition procedures to a child. Amends [OK ST T. 59 § 567.8](#) (Denial, revocation or suspension of license or certification--Administrative penalties) to update the list of items requiring disciplinary action by the Board of Nursing to include knowingly provided gender transition procedures to a child.

Amends [OK ST T. 59 § 637](#) (Refusal to issue or reinstate, suspension or revocation of license--Hearing, witnesses and evidence--Judicial review) to update the list of items for which the State Board of Osteopathic Examiners may take action to include knowingly provided gender transition procedures to a child.

### Pennsylvania

2023 PA REG TEXT 586542 (NS), published and effective January 14, 2023, amends [55 PA ADC § 1101.51](#) (Ongoing responsibilities of providers) striking language which prohibited providers from leasing or renting space, shelves or equipment within a provider's office to another provider or from allowing the paid or unpaid staff of a provider to be placed in another provider's office.

### Tennessee

2023 TN S.B. 1 (NS) enacted March 2, 2023, effective July 1, 2023, adopts TN ST § 68-33 to establish the requirements to prohibit medical procedures from being administered to or performed on minors when the purpose of the medical procedure is to enable a minor to identify with, or live as, a purported identity inconsistent with the minor's sex; or treat purported discomfort or distress from a discordance between the minor's sex and asserted identity. 'Healthcare provider' is defined as a healthcare professional licensed, registered, certified, or permitted pursuant to Title 68 or 63 and includes physicians and nurses. Also provides for attorney general and reporter actions against a healthcare provider and healthcare provider licensing sanctions for violating this chapter.

### Texas

· 2023 TX H.B. 2189 (NS), introduced February 10, 2023, an act relating to increasing the criminal penalty for assault of certain hospital personnel. 'Hospital personnel' includes nurses, physicians, physician assistants, maintenance or janitorial staff, receptionists, and other individuals who are employed by or work in a facility that is licensed as a general hospital or special hospital.

· 2023 TX [S.B. 240](#) (NS), enacted May 15, 2023, effective September 1, 2023, adopts Subtitle H (Health Facility Employees), Chapter 331 (Workplace Violence Prevention) in Title 4 (Health Facilities) of the Health and Safety Code to establish the requirements for a facility to adopt, implement, and enforce a written workplace violence prevention policy to protect health care providers and employees from violent behavior and threats of violent behavior occurring at the facility. Provides that not later than September 1, 2024, a facility subject to Chapter 331 shall adopt a workplace violence prevention policy and adopt and implement a workplace violence prevention plan in accordance with TX HEALTH & S § 332.03 (Workplace Violence Prevention Policy) and TX HEALTH & S § 332.04 (Workplace Violence Prevention Plan).

· 2023 TX [S.B. 840](#) (NS), enacted May 24, 2023, effective September 1, 2023, increases the criminal penalty for assault of certain hospital personnel. 'Hospital personnel' includes nurses, physicians, physician assistants, maintenance or janitorial staff, receptionists, and other individuals who are employed by or work in a facility that is licensed as a general hospital or special hospital, including a hospital maintained or operated by the state.

· 2023 TX H.B. 3058 (NS), enacted June 17, 2023, effective September 1, 2023, Adopts [TX CIV PRAC & REM §74.552](#) (Affirmative Defense in Certain Actions Arising From Certain Pregnancy Complications) providing that it is an affirmative defense to liability in a civil action brought against a physician or health care provider for a violation of [TX HEALTH & S § 170A.002](#) (Prohibited Abortion; Exceptions), including an action to recover a civil penalty under [TX HEALTH & S § 170A.005](#) (Civil Penalty), that the physician or health care provider exercised reasonable medical judgment in providing medical treatment to a pregnant woman in response to an ectopic pregnancy or a previable premature rupture of membranes. Provides that a pharmacist or pharmacy that receives, processes, or dispenses a prescription drug or medication order written by a physician or health care provider is also entitled to the affirmative defense. Amends [TX OCC § 164.055](#) (Prohibited Acts Regarding Abortion) providing that the board may not take disciplinary action



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against a physician who exercised reasonable medical judgment in providing medical treatment to a pregnant woman as described by [TX CIV PRAC & REM § 74.552](#) (Affirmative Defense In Certain Actions Arising From Certain Pregnancy Complications).

**Utah**

- 2023 UT H.B. 159 (NS) enacted March 15, 2023, effective May 3, 2023, adopts [UT ST § 58-1-302.1](#) (Temporary license for telemedicine) to allow an individual who holds a health care license from a different state to provide telemedicine services to individuals located in Utah under certain circumstances.

- 2023 UT H.B. 228 (NS), enacted March 22, 2023, effective May 3, 2023, Adopts [UT ST § 58-1-511](#) (Prohibition on providing conversion therapy to a minor) to enact requirements relating to the provision of conversion therapy to minors. Defines terms and provides that a health care professional who is acting in their professional capacity may not provide conversion therapy to a minor client. Specifies what is considered professional and lawful conduct and provides a violation of this section is unprofessional conduct.

**Virginia**

2022 VA H.B. 1754 (NS) and 2022 VA [S.B. 1119](#) (NS), enacted and effective March 22, 2023, amends [VA ST § 54.1-2901](#) (Exceptions and exemptions generally) to allow 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. 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. Specifies that 'any doctor of medicine or osteopathy, physician assistant, respiratory therapist, occupational therapist, or nurse practitioner who would otherwise be subject to licensure by the Board' are not prohibited from engaging in practice in Virginia for the purpose of providing continuity of care, instead of the previous language that stated, 'any practitioner of a profession regulated by the Board of medicine.' Also, provides a definition for 'practitioner of the same subspecialty.'

**Washington**

- 2023 WA S.B. 5453 (NS), enacted and effective April 20, 2023, adopts uncodified section in WA ST 18.130 (Regulation of Health Professions-Uniform Disciplinary Act) defining 'Female genital mutilation' and 'Minor' and providing that a licensed health care provider shall not perform any procedure constituting female genital mutilation on a minor. Amends [WA ST 18.130.180](#) (Unprofessional conduct) to update the list of items considered unprofessional conduct to include the new uncodified section regarding female genital mutilation on a minor.

- 2023 WA H.B. 1340 (NS), enacted and effective April 27, 2023, adopts an uncodified section in WA ST 18.130 (Regulation of Health Professions-Uniform Disciplinary Act) establishing the requirements for certain reproductive health care services and gender affirming treatments to not constitute unprofessional conduct or the basis for a denial of an application for licensure, licensure renewal, or temporary practice permit, or for any other disciplinary action by a disciplining authority against an applicant or license holder.

- 2023 WA H.B. 1452 (NS), enacted and effective May 1, 2023, establishes a state emergency medical reserve corps to serve at the direction and control of the secretary in times of declared emergency and in times where no declared emergency exists but the protection of public health requires the state mobilization of resources to protect the health of the public. The secretary may order the deployment of the state emergency medical reserve corps under any of the following circumstances: (a) When the secretary determines that there exists a threat to the public health including, but not limited to, outbreaks of diseases, food poisoning, contaminated water supplies, and all other matters injurious to the public health; (b) While an emergency declaration is in effect; or (c) For training or exercises, or both.

**West Virginia**

- 2023 WV [S.B. 517](#) (NS), introduced January 30, 2023, creating the Medical Ethics Defense Act to protect medical practitioners, healthcare institutions, and healthcare payers from discrimination, punishment, or retaliation as a result of any instance of conscientious medical objection; providing for definitions, legislative findings, and purpose; providing for rights of conscience of medical practitioners, healthcare Institutions, and healthcare payers; providing whistleblower protection; and setting forth civil remedies.

- 2023 WV H.B. 2967 (NS), enacted March 28, 2023, effective June 9, 2023, amends [WV ST § 30-1B-2](#) (Licensure for individuals with military training and experience), [WV ST § 30-1B-3](#) (Licensure for military spouses) and [WV ST § 30-1B-4](#) (Temporary licensure) and repeals [WV ST § 30-1B-5](#) (Temporary licensure, certification or registration of spouses of persons on military active duty; waiver of certain license, certification or registration fees) to update the requirements for expediting license applications for active military members and veterans and their spouses.

## Dentist and Allied Personnel

### Recent Legislation and Regulation

#### Alabama

- 2023 AL REG TEXT 635316 (NS), published April 28, 2023, effective June 12, 2023, amends [AL ADC 270-X-4-.04](#) (Mandatory Continuing Education For Dentists And Dental Hygienists) requiring, beginning with the Continuing Education cycle that begins on October 1, 2023, dentists and dental hygienists to achieve a minimum of 1 hour of Continuing Education in the subject of ethical



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consideration in the practice of dentistry and dental hygiene, respectively, each year. Establishes the requirements for Continuing Education course for ethical considerations in the practice of dentistry and/or dental hygiene.

· 2023 AL REG TEXT 643710 (NS), published July 31, 2023, effective September 14, 2023, adopts [AL ADC 270-X-4-.11](#) (Licenses for Qualified Military Servicemembers and their Spouses) implementing the requirements of 'The Military Spouse Licensing Relief Act' by establishing the conditions and procedures for a Service-Connected Practitioner who holds a license to practice dentistry or dental hygiene in a state other than Alabama to be granted a license to practice dentistry or dental hygiene in Alabama.

· 2023 AL REG TEXT 648954 (NS), published September 29, 2023, effective November 13, 2023, adopts AL ADC 270-X-4-.12 (Waiver of Annual Registration Fees When Retired Due to Age or Physical Disability) requiring the board to waive the annual registration fees for any dentist or dental hygienist who has retired from professional practice due to age or physical disability. Provides that the waiver does not apply to annual renewal fees for the Alabama Controlled Substances Certificate, anesthesia permits, or any other applicable license, permit, fee, tax, or assessment. Allows the licensee to also apply for a separate deferral of continuing education requirements and provides related definitions.

## Alaska

· 2023 AK REG TEXT 628658 (NS), published February 6, 2023, effective March 5, 2023, amends [12 AK ADC 28.925](#) (Lapsed licenses) clarifying a requirement for reinstatement to provide that a dental license or a dental hygiene license that has been lapsed at least one year but no more than two years will be reinstated if the applicant arranges for verification of licensure to be sent directly to the division from each state where the applicant holds or has held a license as a dentist or dental hygienist during the period the license issued under this chapter was lapsed. Adopts [12 AK ADC 28.936](#) (Advanced practice permits) establishing the requirements for the issuance of advanced practice permits for dental hygienists.

· 2023 AK REG TEXT 638710 (NS), published June 27, 2023, effective June 23, 2023, adopts 12 AK ADC 28.959 (Dental specialist license) establishing the requirements for a dental specialist license. Provides that a dentist with a dental specialist license is limited to practice in the branch of dentistry in which the dentist holds a dental specialist license. Defines 'dental specialty'. Provides that a dentist may only advertise as a specialist in a branch of dentistry that is recognized by the board, and provides a list of the included specialties. Specifies how a general dentist may advertise.

## Arizona

· 2023 AZ S.B. 1602 (NS), enacted and effective June 20, 2023, adopts [AZ ST § 32-1272](#) (Dental anesthesia; requirements) establishing standards and reporting procedures for qualified anesthesia providers administering general anesthesia and sedation in dental offices and clinics. Adopts [AZ ST § 32-1459](#) (Duty to report) providing that if a death or an incident requiring emergency medical response occurs in a dental office or dental clinic during the administration of or recovery from general anesthesia or sedation by a doctor of medicine, the doctor of medicine shall, and any other person may, report the death or incident to the board within seven business days after the occurrence. Amends [AZ ST § 32-1664](#) (Investigation; hearing; notice) providing that if a death or an incident requiring emergency medical response occurs in a dental office or dental clinic during the administration of or recovery from general anesthesia or sedation by a certified registered nurse anesthetist, the certified registered nurse anesthetist shall, and any other person may, report the death or incident to the board within seven business days after the occurrence.

· 2023 AZ REG TEXT 616021 (NS), published June 9, 2023, effective June 10, 2023, adopts [AZ ADC R4-11-206](#) (Dental Therapist Licensure by Credential; Application) establishing the requirements for an applicant for dental therapist licensure by credential. Amends [AZ ADC R4-11-301 \(Application\)](#) updating the requirements for licensure or certification to include dental therapy. Amends AZ ADC R4-11-403 (Licensing Fees) adding fees for dental therapists and specifying that fees are to be paid by a method authorized by law. Amends [AZ ADC R4-11-701](#) (Procedures and Functions Performed by a Dental Assistant under Supervision) authorizing a dental assistant to perform certain procedures and functions under the Direct Supervision of a licensed dental therapist. Updates list of procedures and functions a dental assistant may perform under direct supervision to include taking final digital impressions for any activating orthodontic appliance, fixed, or removable prosthesis. Amends [AZ ADC R4-11-702](#) (Limitations on Procedures or Functions Performed by a Dental Assistant under Supervision) prohibiting a dental assistant from performing procedures or functions only licensed dental therapists can perform. Also clarifies that digital impressions are authorized procedures for a dental assistant. Adopts [AZ ADC R4-11-1210](#) (Dental Therapists) requiring Dental therapists to complete 54 hours of Recognized Continuing Dental Education in each renewal period and specifies required areas of education. Adopts [AZ ADC R4-11-1601](#) (Duties and Qualifications) setting forth the procedures that a dental therapist may perform when specified conditions are satisfied. Adopts [AZ ADC R4-11-1602](#) (Limitation on Number Supervised) limiting to three the number of dental therapists that can be supervised at one time by a dentist. Adopts [AZ ADC R4-11-1603](#) (Dental Therapy Consultants) authorizing dental therapy consultants to participate in Board-related procedures and participate in onsite office evaluations for infection control, after submission of a current curriculum vitae or resume and approval by the Board.

## Arkansas

2023 AR REG TEXT 626114 (NS), published January 15, 2023, effective January 13, 2023, renumbers and amends AR ADC 007.08.1-IX (Credentials Required in Issuing Dental or Dental Hygiene License) as [AR ADC 007.33.1-IX](#) (Credentials Required in Issuing Dental or Dental Hygiene License) updating requirements for temporary and expedited licensure for eligible military members and their spouses. Provides that a temporary license shall be effective for 90 days or until the Board determines whether the application



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meets the applicable requirements. Extends the date that a license expires for a deployed service member or spouse and grants a full exemption from continuing education requirements for 180 days following the date of the service member's return from deployment. Also updates terminology used to describe eligible uniformed service members/veterans.

## California

- 2023 CA A.B. 936 (NS), enacted and effective October 8, 2023, amends [CA BUS & PROF § 1626.6](#) (Practice of dentistry by student without compensation under supervision at sponsored event; exemption from chapter) updating the requirements for the volunteer practice of dentistry by students. Provides that for any clinical procedures, supervising faculty must assess each patient treated by a dental student at a sponsored event and determine if the assigned student has the skill level necessary to provide that patient care.
- 2023 CA A.B. 1257 (NS), enacted October 10, 2023, effective January 1, 2024, amends [CA BUS & PROF § 1917](#) (Registered dental hygienists; licensing requirements) adding graduation from a California accredited dental hygiene college approved by the dental hygiene board within the preceding three years to the pathway for registered dental hygienist (RDH) licensure. Also adds certification in basic life support to the requirements for RDH licensure. Amends [CA BUS & PROF § 1936.1](#) (Licensee continuing education; dental hygiene board approval of course providers) increasing the mandatory continuing education hours to specify that coursework prescribed by the dental hygiene board shall not exceed 10 hours, instead of 7.5 hours, per renewal period. Amends [CA HLTH & S § 1315](#) (Dental services; dental hygiene services) clarifying that a registered dental hygienist, rather than a registered dental hygienist in alternative practice, can provide oral health in-service training to staff in a long-term health care facility.

## Florida

- 2023 FL REG TEXT 638063 (NS), published May 2, 2023, effective May 18, 2023, amends 64 [FL ADC 64B5-16.0051](#) (Delegation of Remediable Restorative Functions to Dental Assistants; Supervision Level; and Training and Experience Requirements) updating the qualifications for dental assistants to perform remediable restorative functions and the requirements of the delegating dentist. Provides that all students must have a delegating dentist to enroll in the program. Provides that the commitment of the delegating dentist is to supervise and evaluate a portion of their clinical requirements and submit a report to the CE provider. Also requires the delegating dentist to attend a two-hour online interactive video conference mandatory training on the Laws and Rules of Remediable Restorative Functions, and calibration of the clinical requirements and procedures. Also removes the requirement for live patients for the lab case-based clinical scenario session for stainless steel crowns.
- 2023 FL REG TEXT 638062 (NS), published May 2, 2023, effective May 18, 2023, amends 4 [FL ADC 64B5-2.013](#) (Dental Examination) and 64 [FL ADC 64B5-2.0135](#) (Dental Hygiene Examination) updating the time frames in which to complete the ADEX examination. Allows the applicant to complete the ADEX within eighteen (18) months from the initial start of any portion of the examination or after eighteen (18) months from July 1st of the applicant's last year of dental or dental hygiene school. A failure to complete all parts of the examination within the time frame will require the applicant to retake the entire examination.

## Georgia

- 2023 GA REG TEXT 630743 (NS), published February 14, 2023, effective February 20, 2023, amends [GA ADC 150-5-.02](#) (Qualifications for Dental Hygienists) updating requirements for the clinical examination to provide that all applicants must show passage of all sections with a score of 75 or higher on a psychomotor, patient-based or simulated patient-based clinical examination. Adds specific evaluation areas that must be included on regional examinations. Expands the number and types of examinations accepted by the Board for the purposes of licensure by examination.
- 2023 GA REG TEXT 630744 (NS), published May 22, 2023, effective June 1, 2023, amends [GA ADC 150-5-.05](#) (Requirements for Continuing Education for Dental Hygienists) requiring, on and after January 1, 2022, one hour of the minimum continuing education requirement to include legal ethics and professionalism in the practice of dental hygiene. Clarifies requirements for the CPR course providing that it must be an in-person course and may be satisfied by successful completion of an in-person Basic Life Support (BLS) or Advanced Cardiovascular Life Support (ACLS) course. Further clarifies that credit for providing uncompensated dental care may be obtained at a charitable dental event as defined [GA ST § 43-11-53](#) (Charitable dental events; temporary, limited licenses).
- 2023 GA REG TEXT 630745 (NS), published May 22, 2023, effective June 1, 2023, adopts [GA ADC 150-5-.07](#) (Administration of Local Anesthetic by Dental Hygienist) authorizing a dental hygienist, under the direct supervision of a Georgia licensed dentist, to administer local anesthesia for hygiene purposes. Establishes educational and practical experience pre-requisites and continuing education requirements.
- 2023 GA REG TEXT 615256 (NS), published June 27, 2023, effective July 3, 2023, amends [GA ADC 150-11-.01](#) (Specialties) providing that the Georgia Board of Dentistry recognizes 12 specialties of dental practice and adding dental anesthesiology, oral medicine, and orofacial pain to the list of recognized specialties.
- 2023 GA REG TEXT 615258 (NS), published June 27, 2023, effective July 3, 2023, amends [GA ADC 150-13-.02](#) (Deep Sedation/General Anesthesia Permits) requiring any dental hygienist or dental assistant, expanded or general, performing phlebotomy or venipuncture procedures must be in compliance with [GA ST § 43-11-23](#) (Dental assistant or licensed dental hygienist; phlebotomy and venipuncture procedures; sedation and anesthesia; board approved training). Also prohibits a dentist from delegating to a dental assistant or a dental hygienist the administration of any medication or drugs given to a patient through phlebotomy and venipuncture procedures.



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## Hawaii

2023 HI S.B. 162 (NS), enacted and effective June 22, 2023, amends [HI ST § 447-1.5](#) (Community service license) adding community health centers, rural health clinics, and mobile dental outreach programs to the list of eligible organizations at which persons with community service licenses may practice dental hygiene. Allows dental hygiene college graduates from educational programs that have a reciprocal agreement with the American Dental Association Commission on Dental Accreditation to apply for community service licenses. Amends [HI ST § 448-12](#) (Temporary license) allowing dental college graduates who have graduated from educational programs accredited by or that have a reciprocal agreement with the American Dental Association Commission on Dental Accreditation to apply for temporary licenses.

## Illinois

· 2023 IL H.B. 2267 (NS), enacted August 4, 2023, effective January 1, 2024, amends [IL ST CH 225 § 25/18](#) (Acts constituting the practice of dental hygiene; limitations) allowing a dental hygienist to perform dental health education functions, without the supervision of a dentist, at a health fair. Updates terminology to use 'case histories' instead of 'care histories.' Amends [IL ST CH 225 § 25/18.1](#) (Public Health dental supervision responsibilities) increasing the number of public health dental hygienists a dentist may supervise to 4 up from 2. Updates reference to the Department of Public Health Oral Health Section. Requires the Department of Public Health Oral Health Section to compile and publicize public health dental hygienist service data annually.

· 2023 IL REG TEXT 609513 (NS), published February 3, 2023, effective January 23, 2023, adopts [68 IL ADC 1220.157](#) (Temporary Permit for Free Dental Care) establishing the requirements for a temporary permit for free dental care. Amends multiple sections providing that a licensee who has been granted restoration, whose license has not been active for less than 5 years due to discipline, and whose license expired during the period of discipline, must comply with the requirements of restoration of an inactive license. Provides that if the licensee has not had an active license for 5 years or more due to discipline, the licensee must pass an examination or must be required to complete additional testing, training, or remedial education as the Board may deem necessary in order to establish the licensee's present capacity to practice dentistry with reasonable judgment, skill, and safety. Updates terminology and makes technical changes.

## Indiana

2023 IN REG TEXT 634274 (NS), published and effective November 15, 2023, adopts 828 IN ADC 7-1 (Convictions of Concern) to provide a list of crimes that may disqualify an individual from licensure as a dental hygienist or dentist.

## Kentucky

2023 KY REG TEXT 630441 (NS), published April 1, 2023, effective March 9, 2023, amends [201 KY ADC 8:571](#) (Registration of dental assistants) clarifying the supervision requirements for a dental assistant. Updates the general registration and documentation requirements, updates the requirements for a registered dental assistant to perform coronal polishing, updates the requirements for a registered dental assistant to take x-rays, and updates the requirements for a registered dental assistant to start intravenous (IV) access lines. Updates the "Delegated Duties List", January 2023, which is incorporated by reference.

## Louisiana

· 2023 LA REG TEXT 626952 (NS), published and effective January 20, 2023, amends [46 LA ADC Pt XXXIII, § 103](#) (Evidence of Graduation) allowing the Board to waive the requirement that an applicant for a dental license who did not attend an accredited dental school or dental college complete a post-graduate CODA-approved program if the applicant meets with the Board and is determined by the Board to be qualified by other means to practice dentistry in Louisiana. Amends [46 LA ADC Pt XXXIII, § 306](#) (Requirements of Applicants for Dental Licensure by Credentials) and [46 LA ADC Pt XXXIII, § 706](#) (Requirements of Applicants for Licensure by Credentials (Hygienists)) requiring the applicant to have successfully completed an initial clinical licensure examination in a United States jurisdiction that included a hand skills assessment.

· 2023 LA REG TEXT 642913 (NS), published and effective August 20, 2023, amends [46 LA ADC Pt XXXIII, § 122](#) (Scopes of Practice) replacing the list of specialties the board approves with a catch all category that provides that any specialty of dentistry for which a dentist has completed a post-doctoral program consisting of at least two full-time years and which program is accredited by a dental accreditation agency that is recognized by the United States Department of Education will be recognized as a specialty field. Also makes non-substantive clarifying changes. Amends [46 LA ADC Pt XXXIII, § 301](#) (Advertising and Soliciting by Dentists) replacing the list of specialties the board approves with a catch all category that provides that any specialty of dentistry for which a dentist has completed a post-doctoral program consisting of at least two full-time years and which program is accredited by a dental accreditation agency that is recognized by the United States Department of Education will be recognized as a specialty field.

## Maine

2023 ME H.P. 257 (NS), enacted March 31, 2023, effective June 29, 2023, transitions the Board of Dental Practice from an affiliated board into a licensure program within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation. Also adopts [ME ST T. 32 § 18347-A](#) (Temporary license; applicants authorized to work in another jurisdiction) providing that the Board of Dental Practice may issue a temporary license for a period of 6 months and waive all licensing requirements, except for fees, to any applicant who holds a valid license issued by another state.



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## Maryland

2023 MD H.B. 290 (NS), enacted May 3, 2023, effective July 1, 2023, amends [MD HEALTH OCCUP § 4-205](#) (Additional powers and duties of Board) requiring the Board to require applicants for an initial license or renewal to report whether they provide or intend to provide mobile dental services or portable dental services. Also requires the Board to publish on its website a searchable list of licensed dentists and licensed dental hygienists who provide mobile dental services or portable dental services in Maryland.

## Michigan

2023 MI REG TEXT 621739 (NS), published November 1, 2023, effective October 2, 2023, Revises Board of Dentistry - General Rules, [MI ADC R 338.11101 et seq.](#) Adds, amends, and rescinds rules throughout the following Parts: Part 1, General Provisions, Part 2, Licensure, Part 3, Education, Part 4A, Delegation, Supervision, Assignment of UDAs, RDAs, AND RDHs, Part 4B, Supervision of Dental Therapists, Part 5, Specialties, Part 6A, General Anesthesia and Sedation, Part 6B, Telehealth, Part 7, Continuing Education, and Part 8, Dental Amalgam. Amendments include: updating definitions; clarifying licensing requirements; requiring an applicant to who fails either the clinical or written portion of the examination 3 successive times, to retake both the written and clinical portions of the examination; requiring certification in BSL or ACLS; adding licensure by endorsement requirements for Canadian applicants; updating delegation requirements; updating and adds dental specialties recognized by the board; updating general anesthesia and sedation requirements including clarifying when a dentist must have additional training regarding moderate and minimal sedation; adding telehealth requirements, including informed consent for services; requiring a dental specialist license to be renewed at the same time as the dentistry license; modifying references from CDCA-WREB to CDCA-WREB-CITA and making other clarifying and conforming changes.

## Mississippi

2023 MS REG TEXT 616392 (NS), published June 19, 2023, effective June 15, 2023, Amends [30 MS ADC Pt. 2301, R. 1.13](#) (Board Regulation Number 13--Supervision and Delegation of Duties to Dental Auxiliary Personnel) establishing the requirements for a Mississippi licensed dental hygienist to administer local anesthetics under the supervision of a Mississippi licensed dentist physically on the premises. Clarifies that the authorization of the dental hygienist to administer local anesthesia must not be interpreted to expand and/or amend the dental hygienist's scope of practice. Amends [30 MS ADC Pt. 2301, R. 1.37](#) (Board Regulation Number 37--License Renewal and Fee Schedule) adding a \$50 application fee for dental hygienist certification to administer local anesthesia. Adds a \$12.50 annual renewal fee for dental hygienist certification to administer local anesthesia.

## Missouri

· 2023 MO REG TEXT 634406 (NS), published February 1, 2023, effective January 12, 2023, adopts [20 MO ADC 2110-2.133](#) (Telehealth Dental Pilot Project in Medically Underserved Populations) to implement [MO ST 332.325](#) (Medically underserved populations, pilot project--requirements--rulemaking authority-- expiration date) and create temporary waivers of provisions of Chapter 332 (Dentists) and current rules to facilitate the delivery of dental care to residents in assisted living facilities, intermediate care facilities, residential care facilities, skilled nursing facilities, and homebound special needs patients through telehealth technology. Waives the specified provisions to allow a dentist to supervise a dental assistant, certified dental assistant, or expanded functions dental assistant using telehealth technology and delegate to an expanded functions dental assistant any expanded function duties for which the dental assistant has a board issued permit; allow a licensed dental hygienist to administer local anesthetic under the supervision of a dentist using telehealth technology; allow temporary restorations or caries arresting fluoride under the supervision of a dentist using telehealth technology subsequent to an examination and diagnosis by the supervising dentist; and allow a licensed dental hygienist to provide scaling and polishing, root planning, and nonsurgical periodontal procedures prior to the supervising dentist performing an examination pursuant to standing orders written by the supervising dentist. Provides that this rule only applies to dental healthcare workers providing services pursuant to a pilot project created through a collaboration between the Office of Dental Health and the dental board and shall expire on August 28, 2026.

· 2023 MO REG TEXT 634426 (NS), published May 15, 2023, effective June 30, 2023, adopts [20 MO ADC 2110-2.133](#) (Telehealth Dental Pilot Project in Medically Underserved Populations) to implement [MO ST 332.325](#) (Medically underserved populations, pilot project--requirements--rulemaking authority-- expiration date) and create temporary waivers of provisions of Chapter 332 (Dentists) and current rules to facilitate the delivery of dental care to residents in assisted living facilities, intermediate care facilities, residential care facilities, skilled nursing facilities, and homebound special needs patients through telehealth technology. Waives the specified provisions to allow a dentist to supervise a dental assistant, certified dental assistant, or expanded functions dental assistant using telehealth technology and delegate to an expanded functions dental assistant any expanded function duties for which the dental assistant has a board issued permit; allow a licensed dental hygienist to administer local anesthetic under the supervision of a dentist using telehealth technology; allow temporary restorations or caries arresting fluoride under the supervision of a dentist using telehealth technology subsequent to an examination and diagnosis by the supervising dentist; and allow a licensed dental hygienist to provide scaling and polishing, root planning, and nonsurgical periodontal procedures prior to the supervising dentist performing an examination pursuant to standing orders written by the supervising dentist. Provides that this rule only applies to dental healthcare workers providing services pursuant to a pilot project created through a collaboration between the Office of Dental Health and the dental board and shall expire on August 28, 2026.

## New Mexico



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- 2022 NM REG TEXT 628633 (NS), published and effective December 27, 2022, repeals and replaces NM ADC 16.5.5 (Dentists, Fees) and NM ADC 16.5.18 (Dental Hygienists, Fees) to add a new category of fees for expedited licensure. Repeals NM ADC 16.5.59 (Licensure for Military Service Members, Spouses, Dependent Children and Veterans) and replaces with NM ADC 16.5.59 (Expedited Licensure and Expedited Licensure for Military Service Members, Spouses, Dependent Children and Veterans) to update the requirements to address recent statutory changes to the Uniform Licensing Act and the Dental Health Care Act in 2022 NM H.B. 191 (NS). Changes include adding language regarding disapproved licensing jurisdictions and adding requirements for expedited licensure.

- 2023 NM REG TEXT 638186 (NS), published and effective May 31, 2023, amends and repeals and replaces multiple parts in NM ADC 16.5 (Dentistry (Dentists, Dental Hygienists, Etc.)) to update the requirements for licensure and certification for dentists, dental hygienists, dental assistants and dental therapists.

#### **New York**

- 2023 NY REG TEXT 634155 (NS), published January 25, 2023, effective January 100, 2023, amends [8 NY ADC 61.18](#) (Residency program requirement for dental licensure) removing the requirement that the postdoctoral general practice or specialty dental residency program experience required for dental licensure needs to be 50 percent clinically based. Also removes the definition for 'clinical' and removes the requirement that certain statements be notarized.

- 2023 NY REG TEXT 634155 (NS), published and effective September 27, 2023, amends [8 NY ADC 61.18](#) (Residency program requirement for dental licensure) removing the requirement that a postdoctoral program be clinically based. Clarifies that the accredited residency program must include a formal written outcome assessment that includes a written statement by the residency program director attesting that the applicant has successfully completed the accredited residency program and is, in the director's judgment, competent to practice general dentistry or a specialty of dentistry. Removes the definition for clinical, requirements related to the formal written outcome assessment used by the residency program.

#### **Nevada**

- 2023 NV [S.B. 310](#) (NS), enacted June 15, 2023, effective January 1, 2024, adopts uncodified sections in NV ST 631 (Dentistry, Dental Hygiene and Dental Therapy) to establish the requirements for licensure and regulation of expanded function dental assistants and amends multiple sections to modify existing provisions so that expanded function dental assistants are treated in the same manner as similar providers of oral health care in various respects. Adopts uncodified sections in NV ST 631 (Dentistry, Dental Hygiene and Dental Therapy) to authorize a dental hygienist who possesses certain qualifications to prescribe and dispense only certain drugs that are not controlled substances and are used for preventative treatment and devices used for such treatment. Adopts uncodified section in NV ST 639 (Pharmacists and Pharmacy) to require a dental hygienist to obtain a certification from the State Board of Pharmacy to possess, prescribe and dispense dangerous drugs and devices; and authorizes the State Board of Pharmacy to deny a dental hygienist application for such a certificate or grant the certificate but limit the ability of a dental hygienist to possess, prescribe and dispense dangerous drugs and devices.

- 2023 NV A.B. 147 (NS), enacted June 15, 2023, effective January 1, 2024, adopts uncodified sections in NV ST 631 (Dentistry, Dental Hygiene and Dental Therapy) to establish the requirements for providing dental services through teledentistry. Adopts uncodified sections in NV ST 631 (Dentistry, Dental Hygiene and Dental Therapy) to establish the requirements for the issuance of special endorsements for a dentist, dental hygienist or dental therapist to administer immunizations. Adopts uncodified section in NV ST 631 (Dentistry, Dental Hygiene and Dental Therapy) providing that a dentist, dental therapist or dental hygienist that performs an initial dental examination, screening or assessment on a minor shall refer the minor or his or her parent or guardian to a dental home, which may include, without limitation, a virtual dental home, when appropriate.

#### **North Carolina**

- 2023 NC REG TEXT 620983 (NS), published January 3, 2023, effective December 1, 2022, amends [21 NC ADC 16B.0303](#) (Board Approved Examinations) and [21 NC ADC 16C.0303](#) (Board Approved Examinations) to enable the Board of Dental Examiners to accept clinical examinations administered on either human subjects or an approved alternative method that simulates human subjects, including manikins.

- 2023 NC REG TEXT 635886 (NS), published August 1, 2023, effective July 1, 2023, amends [21 NC ADC 16I.0201](#) (Continuing Education Required) to update the continuing education requirements for dental hygienists. Adds exemption requirements for certain semi-retired dental hygienists and retired dental hygienists; and updates the requirements for a dental hygienist who has been exempted from continuing education requirements and wishes to resume practice.

#### **Ohio**

2021 OH H.B. 509 (NS), enacted January 5, 2023, effective April 6, 2023, amends effective January 1, 2025, OH ST § 4715.14 (Registration of dentists; access to drug database; renewal; fee; failure to register; roster) removing language regarding even and odd number year registration. Provides that a license to practice dentistry in Ohio issued under [OH ST § 4715.12](#) (License re-examination) is valid for a two-year period unless revoked or suspended. A license expires on the date that is two years from the date of issuance and may be registered for additional two-year periods. Provides that the license remains valid and in good standing and may be renewed until the date that is the three months after the date by which the dentist was scheduled to renew. Amends effective January



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1, 2025, OH ST § 4715.24 (Annual registration; renewal; fee; revocation; display of license) removing language regarding even and odd number year registration. Provides that a license to practice as a dental hygienist in Ohio issued under OH ST § 4715.21 (Application for license; requirements) is valid for a two-year period unless revoked or suspended. A license expires on the date that is two years from the date of issuance and may be registered for additional two-year periods. Amends OH ST § 4715.141 (Continuing dental education) providing that a dentist shall complete biennially not less than 30 hours of continuing dental education instead of 40 hours. Amends OH ST § 4715.25 (Continuing dental hygiene education) requiring a minimum 20 hours of continuing dental hygiene education instead of 24 hours.

### Oklahoma

2023 OK S.B. 754 (NS), enacted May 5, 2023, effective July 1, 2023, adopts OK ST T. 59 § 328.58 to establish the requirements for a licensed dentist to allow a dental hygienist with an elder care advanced procedure permit to treat patients under general supervision by utilizing teledentistry.

### Oregon

· 2023 OR REG TEXT 638862 (NS), published June 20, 2023, effective July 1, 2023, amends OR ADC 818-012-0005 (Scope of Practice) separating out the requirements for a dentist to use Botulinum Toxin Type A and dermal fillers in the oral and maxillofacial region. Increases the required number of training hours to use these medications and updates the list of approved training providers and accredited programs. Provides that beginning January 1, 2024, instead of July 1, 2022, dentists will be required to complete seven hours of continuing education related to the placement and/or restoration of dental implants each licensure renewal period. Amends OR ADC 818-015-0005 (General Provisions) adding a prohibition against misrepresenting a degree, credential, or distinction in an advertising and requiring dentists to abide by the Doctors' Title Act, OR ST § 676.110 (Practitioner designation of particular business or profession). Amends OR ADC 818-021-0060 (Continuing Education - Dentists) allowing continuing education courses to be provided via correspondence courses, videotapes, distance learning courses or similar self-study courses so long as the course provides a certificate of completion to the dentist. Adopts OR ADC 818-021-0084 (Temporary Voluntary Practice Approval) establishing requirements to allow a dentist, dental therapist, or dental hygienist to practice, without compensation and in connection with a coordinating organization or other entity, for a maximum of 30 days each calendar year without licensure requirement.

· 2023 OR H.B. 3223 (NS), enacted July 27, 2023, effective September 24, 2023, adopts uncodified section to be added to OR ST § 679 (Dentists) providing certification requirements for dental assistants and provides the examination requirements.

### South Dakota

2023 SD REG TEXT 640367 (NS), published July 24, 2023, effective August 8, 2023, amends SD ADC 20:43:03 (Licensing Dentists and Dental Hygienists) and SD ADC 20:43:09 (Anesthesia and Analgesia) to update the requirements for dentistry. Changes includes updating the requirements for clinical examinations to include simulation-based examinations and updating the requirements for specialty practice advertising. Also updates the supervision requirements for the administration of nitrous oxide sedation, analgesia and local anesthesia.

2023 SD REG TEXT 652343 (NS), published November 13, 2023, effective November 29, 2023, amends multiple sections in SD ADC 20:43 (Dentists) to update various licensing, registration and permit fees for dentists, dental hygienists, dental radiographers and registered dental assistants. Also requires a dentist or dental hygienist to display an annual license certificate and makes other clarifying and conforming changes.

### Tennessee

· 2023 TN S.B. 361 (NS), enacted and effective May 17, 2023, adopts TN ST § 63-5-202 (Dentist and Dental Hygienist Compact) establishing a pathway for dentists and dental hygienists licensed in a participating state to obtain a compact privilege that authorizes them to practice in another participating state in which they are not licensed. Includes definitions, compact privilege, active military member or their spouses, and adverse actions.

· 2023 TN REG TEXT 631007 (NS), published June 23, 2023, effective September 19, 2023, amends TN ADC 0460-02-.06 (Specialty Certification) allowing the Board to recognize and issue specialty certification in Oral Medicine and Orofacial Pain. Establishes the required graduate study for specialty certification in Oral Medicine and Orofacial Pain.

### Texas

2023 TX H.B. 3824 (NS), enacted June 13, 2023, effective September 1, 2023, amends TX OCC § 258.001 (Impermissible Delegations) specifying the requirements for a dentist to delegate authority to a dental hygienist to administer a local anesthetic agent. Amends TX OCC § 262.002 (Practice of Dental Hygiene) providing that a person practices dental hygiene if the person administers a local anesthetic agent under the authorization and supervision of a dentist in compliance with TX OCC § 258.001 (Impermissible Delegations).

### Utah

· 2023 UT S.B. 237 (NS), enacted March 15, 2023, effective May 3, 2023, amends UT ST § 58-69-801 (Dental hygienist -- Limitations on practice) authorizing the practice of dental hygiene in a public health setting without general supervision and without a collaborative practice agreement with a dentist under certain conditions.



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· 2023 UT REG TEXT 636096 (NS), published April 1, 2023, effective March 27, 2023, amends UT ADC R156-69 (Dentist and Dental Hygienist Practice Act Rule) to update the licensing and practice requirements for dentists and other allied personnel. The amendments update permit classifications, scopes of practice, qualifications, and standards for the use of anesthesia and sedation in accordance with statutory changes made by 2022 UT H.B. 384 (NS). Also updates the standards regarding the use of unlicensed personnel as dental assistants and clarifies the requirements regarding the practice of teledentistry.

### Virginia

2022 VA S.B. 1539 (NS), enacted March 23, 2023, effective July 1, 2023, adopts VA ST § 54.1-2711.2 (Botulinum toxin injections) providing that in addition to the possession and administration of botulinum toxin injections for dental purposes, a dentist may possess and administer botulinum toxin injections for cosmetic purposes, provided that the dentist has completed training and continuing education in the administration of botulinum toxin injections for cosmetic purposes, as deemed appropriate by the Board.

### Washington

· 2023 WA H.B. 1678 (NS), enacted May 15, 2023, effective January 1, 2024, adopts uncodified sections adding a new chapter to WA ST 18 (Businesses and Professions) establishing and authorizing the profession of dental therapy.

· 2023 WA H.B. 1466 (NS), enacted May 1, 2023, effective July 23, 2023, amends WA ST 18.29.190 (Initial limited license) updating terminology to use 'temporary license' instead of 'limited license'. Strike language requiring an for a temporary license to be currently engaged in active practice in another state or Canadian province. Removes requirement for documentation of AIDS education. Provides that the secretary shall issue an initial temporary license to all dental hygienists with an active limited license as of July 23, 2023. The initial temporary license expires five years after the date the initial limited license was issued.

· 2023 WA REG TEXT 626724 (NS), published April 5, 2023, effective June 1, 2023, amends WA ADC 246-815-990 (Dental hygiene fees and renewal cycle), WA ADC 246-817-990 (Dentist fees and renewal cycle) and WA ADC 246-817-99005 (Dental assistant, dental anesthesia assistant, and expanded function dental auxiliary fees and renewal cycle) to update licensing fees for dentists, hygienists, dental assistants, dental anesthesia assistants and expanded function dental auxiliaries.

### West Virginia

· 2023 WV H.B. 3141 (NS), enacted March 28, 2023, effective June 4, 2023, adopts WV ST § 30-4-25 (Declared public health emergencies) providing that during a declared public health emergency, dentists and dental hygienists with a local anesthesia certificate, may administer vaccines, perform FDA-authorized diagnostic tests to screen patients for infectious diseases, triage medical patients, and perform other ancillary medical procedures and activities as requested by medical personnel. Amends WV ST § 30-4-8a (Dental specialties) to provide that if a licensee lists his or her services in a telephone directory or on the internet, then the licensee shall only list those specialties in which he or she practices in his or her office or offices.

· 2023 WV REG TEXT 617769 (NS), published April 14, 2023, effective April 15, 2023, amends WV ADC § 5-15-3 (Dental Recovery Network Agreements) providing that the licensee or applicant shall present himself or herself to a WVDRN approved evaluator's office within 7 days of initial contact for a complete substance abuse assessment instead of 48 hours. Provides that the evaluator shall conduct an in-person substance abuse evaluation to include among other things, a psychoactive substance use history, administration of a Substance Abuse Subtle Screening inventory (SASSI) or other diagnostic tool the evaluator deems necessary, and urinalysis utilizing a minimum of a 14-panel screen and Ethyl Glucuronide Test (ETG). Amends WV ADC § 5-15-10 (Reports of Cases of Impairment to the Board) to add requirements regarding a voluntary agreement entered into between the WVDRN and a licensee or applicant. Provides that if the board has not instituted a disciplinary proceeding, any information received, maintained or developed by the WVDRN relating to the alcohol or chemical dependency impairment or mental impairment of a licensee or applicant and the voluntary agreement shall be confidential and not available for public information, discovery or court subpoena, nor for introduction into evidence in any medical professional liability action or other action for damages arising out of the provision of or failure to provide health care services. Provides that if the WVDRN becomes aware that the licensee or applicant has diverted controlled substances to a person other than himself or herself, or the individual constitutes an immediate danger to the public or himself or herself, the WVDRN shall report this infraction to the Board. In this case, the licensee or applicant is not protected by the program's confidentiality provisions or from disciplinary action by the Board.

### Wisconsin

· 2023 WI REG TEXT 636739 (NS), published February 27, 2023, effective March 1, 2023, adopts WI ADC § DE 13.045 (Continuing education requirements for expanded function dental auxiliaries), WI ADC § DE 16.02 (Definitions), WI ADC § DE 16.03 (Certification), WI ADC § DE 16.04 (Education Requirements) and WI ADC § DE 16.05 (Supervised Practice) to establish the requirements for certification of expanded function dental auxiliaries.

· 2023 WI REG TEXT 610918 (NS), published October 30, 2023, effective November 1, 2023, Amends WI ADC § DE 11.035 (Board approved education program content) to add additional requirements for the 20 group observation cases and 20 individually managed cases in the board approved education program that provides comprehensive training for a class II permit - enteral and class II permit - parenteral.

### Nursing



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## Recent Legislation and Regulation

### Alabama

- 2023 AL S.B. 57 (NS), enacted June 14, 2023, effective September 1, 2023, adopts [AL ST §34-21-153](#), as part of the Loan Repayment Program for Nursing Education, to provide for the repayment of the nursing education loans and penalties for non-fulfillment of loan contracts. Provides that failure of a participant to honor his or her contract with the board or to pay the amount he or she is liable for shall constitute grounds for the revocation of his or her license to practice nursing.
- 2023 AL REG TEXT 648975 (NS), published September 29, 2023, effective November 13, 2023, amends [AL ADC 610-X-4-.07](#) (Licensure by Endorsement) providing that following a determination by Board staff that the first-time applicant for licensure by endorsement is eligible, the Board shall issue a nonrenewable temporary permit to practice nursing, instead of providing that the first-time applicant for single state licensure by endorsement may request a nonrenewable temporary permit to practice nursing.
- 2023 AL REG TEXT 648976 (NS), published September 29, 2023, effective November 13, 2023, amends [AL ADC 610-X-4-.14 \(Fees\)](#) to increase the fee for a single state licensure by examination or endorsement from \$100 to \$125 and the multistate licensure by examination or endorsement fee from \$200 to \$225. Removes the fee for temporary permits which has been consolidated within the licensure application fee.

### Alaska

2023 AK REG TEXT 631500 (NS), published July 27, 2023, effective August 25, 2023, amends [12 AK ADC 44.290](#) (Application for examination) updating the information required on an application for license by examination. Requires an attestation that the applicant graduated from or is eligible to graduate from a nursing education program approved by the board instead of the name, location, and dates of attendance of the program attended by the applicant. Requires the transcript of the applicant's nursing education and the nursing program verification form to be submitted, rather than mailed, to the department. Amends [12 AK ADC 44.740](#) (Use of alcohol or drugs) authorizing the board to offer a licensee the opportunity to participate in an alternative probation program. Provides that the board will keep a licensee's participation in an alternative probation program confidential. Also provides that nothing in this section shall limit the authority of the board to impose a summary suspension or other discipline if it determines that a licensee poses a risk to public health or safety.

### Arizona

2023 AZ H.B. 2473 (NS), enacted April 11, 2023, effective July 22, 2023, amends [AZ ST § 32-1281](#) (Practicing as dental hygienist; supervision requirements; definitions) expanding the scope of practice for dental hygienists to include dental hygiene assessment and dental hygiene treatment planning as components of a diagnosis and treatment plan developed by a dentist. Adds definitions for 'Dental hygiene assessment' and 'Dental hygiene treatment planning.'

### California

- 2023 CA A.B. 633 (NS), enacted October 8, 2023, effective January 1, 2024, adopts [CA BUS & PROF § 2811.1](#) requiring the board to issue a retired license to a registered nurse who meets prescribed qualifications. Authorizes a retired licensee to provide limited nursing services, as specified, including requirements that nursing services be provided to the public, free of charge, in public health programs, that the retired licensee be supervised by active licensees, and that the services be limited to those services that the retired licensee was permitted to perform under the licensee's active license and that the licensee is competent to perform. Also authorizes a one-time reinstatement of a retired license to active status.
- 2023 CA REG TEXT 636220 (NS), published August 18, 2023, effective October 1, 2023, adopts [16 CA ADC § 1410.5](#) (Coursework Exemptions for Out-of-State Applicants) to allow out-of-state nurses to apply for a California nursing license if they have been practicing in good standing for two or more years even if they have not taken the California required laboratory classwork providing that their application includes proof of successful completion of anatomy, physiology, and microbiology coursework, with or without a laboratory component, as part of their nursing education preparation.

### Colorado

- 2023 CO REG TEXT 652392 (NS), published September 21, 2023, effective October 1, 2023, adopts [3 CO ADC 716-1:1.35](#) (Rules and Regulations Regarding Generally Accepted Standards of Nursing Practice Regarding Pregnancy-Related Services) implementing the requirements of [CO ST § 12-30-120](#) (Unprofessional conduct--grounds for discipline--offering medication abortion reversal--definitions) regarding discipline for providing, prescribing, administering, or attempting medication abortion reversal in this state. Establishes standard of practice considerations and provides that the Board will not treat medication abortion reversal provision, prescription, administration, or attempt at any of the preceding conduct with respect to medication abortion reversal as a per se act subjecting a licensee to discipline. Rather, the Board will investigate all complaints related to medication abortion reversal in the same manner that it investigates other alleged deviations from generally accepted standards of nursing practice. Provides definitions for 'abortion,' 'license,' 'medication abortion,' and 'medication abortion reversal.'
- 2023 CO REG TEXT 649934 (NS), published October 25, 2023, effective November 14, 2023, adopts [3 CO ADC 716-1:1.35](#) (Rules and Regulations Regarding Generally Accepted Standards of Nursing Practice Regarding Pregnancy-Related Services) implementing the requirements of [CO ST § 12-30-120](#) (Unprofessional conduct--grounds for discipline--offering medication abortion reversal--



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definitions) regarding discipline for providing, prescribing, administering, or attempting medication abortion reversal in this state. Establishes standard of practice considerations and provides that the Board will not treat medication abortion reversal provision, prescription, administration, or attempt at any of the preceding conduct with respect to medication abortion reversal as a per se act subjecting a licensee to discipline. Rather, the Board will investigate all complaints related to medication abortion reversal in the same manner that it investigates other alleged deviations from generally accepted standards of nursing practice.

### **Connecticut**

2023 CT H.B. 6535 (NS), introduced January 24, 2023, provides that the general statutes be amended to establish minimum staffing ratios for nurses in health care facilities.

### **Delaware**

2023 DE S.B. 74 (NS), enacted June 30, 2023, effective December 30, 2023, amends [DE ST TI 24 § 1930](#) (Duty to report conduct that constitutes grounds for discipline or inability to practice) clarifying that there is a duty to report when a licensee reasonably believes that any other practitioner is unable to practice with reasonable skill and safety to the public for any of the following reasons: mental illness or mental incompetence; physical illness, including deterioration through the aging process or loss of motor skill; and excessive abuse of drugs, including alcohol.

### **Hawaii**

2023 HI REG TEXT 622756 (NS), published July 17, 2023, effective April 4, 2023, adopts new Subchapter 4, Temporary Permits, in Title 16, Chapter 89, establishing the requirements for out-of-state nurses to temporarily practice in Hawaii. Provides that the temporary permit is valid for 90 days.

### **Florida**

· 2023 FL REG TEXT 642807 (NS), published July 25, 2023, effective August 7, 2023, amends 64 [FL ADC 64B9-8.006](#) (Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances) updating the disciplinary guidelines and penalties for attempting to procure or procuring initial license by bribery or knowing misrepresentations, and for certain criminal violations.

· 2023 FL REG TEXT 651716 (NS), published October 24, 2023, effective November 8, 2023, amends 64 [FL ADC 64B9-3.0025](#) (Remedial Courses for Reexamination) updating curriculum requirements by providing that the clinical non stimulation requirement may only be offered within the geographical boundaries of the state of Florida. Adds that an approved remedial course is subject to certain disciplinary provisions and requires the board to terminate the approval of a remedial course if the program has violated any of the disciplinary provisions of section [FL ST § 456.072](#) (Grounds for discipline; penalties; enforcement), or for violating any provision of this rule. Also adds that if a remedial course has been terminated, any operator, approved program, owner, affiliate, or any party having any financial interest in the terminated remedial program will not be approved to offer a remedial course.

### **Georgia**

· 2023 GA H.B. 493 (NS), enacted May 2, 2023, effective July 1, 2023, amends [GA ST § 43-26-9](#) (Renewal and reissuance of licenses) providing that an applicant for license renewal may meet the continuing competency requirements by verification of competency by a health care facility operated exclusively by the federal government or its agencies.

· 2023 GA REG TEXT 649607 (NS), published August 6, 2023, effective August 16, 2023, amends [GA ADC 410-2-.01](#) (Graduates of Approved Nursing Education Programs (RN)), [GA ADC 410-2-.02](#) (Graduates of Nontraditional Nursing Education Programs (RN)), [GA ADC 410-2-.03](#) (Licensure by Examination - Graduates of International Nursing Education Programs (RN)) and [GA ADC 410-2-.04](#) (Licensure by Reexamination (RN)) removing the provision that provides an application is active until the exam is taken or for one year and instead provides that the requirements for licensure must be complete within the timeframe indicated in the Joint Secretary rules and policies to avoid administrative withdrawal of the application. Any consideration of licensure after that date will require the applicant to submit a new application, new documents, and the appropriate fee. Also provides that the testing requirement is exempt from this timeframe.

### **Illinois**

2023 IL S.B. 2314 (NS), introduced February 10, 2023, creates the Safe Patient Limits Act. Provides the maximum number of patients that may be assigned to a registered nurse in specified situations. Provides that nothing shall preclude a facility from assigning fewer patients to a registered nurse than the limits provided in the Act. Provides that the maximum patient assignments may not be exceeded, regardless of the use and application of any patient acuity system. Requires the Department of Public Health to adopt rules governing the implementation and administration of the Act. Provides that all facilities shall adopt written policies and procedures for the training and orientation of nursing staff and that no registered nurse shall be assigned to a nursing unit or clinical area unless that nurse has, among other things, demonstrated competence in providing care in that area. Provides rights and protections for nurses.

### **Indiana**

2023 IN REG TEXT 610842 (NS), published and effective April 5, 2023, amends [848 IN ADC 7-1-6](#) (Recovery monitoring agreement requirements; additional program requirements) requiring the treatment plan referenced in the recovery monitoring agreement to be evidence based rather than abstinence based.



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## Kansas

2023 KS REG TEXT 634999 (NS), published June 29, 2023, effective July 14, 2023, amends [KS ADC 60-9-106](#) (Continuing nursing education for license renewal) updating the list of items that is considered acceptable continuing nursing education (CNE). Provides that a maximum of 15 contact hours shall be accepted for renewal of certification in advanced cardiac life support (ACLS), pediatric advanced life support (PALS), or similar standardized recertification courses developed by the American Heart Association, Emergency Nurses Association, or Mandt each licensing period.

## Kentucky

- 2023 KY S.B. 110 (NS), enacted March 22, 2023, effective June 29, 2023, amends [KY ST § 314.091](#) (Reprimand, denial, limitation, probation, revocation, or suspension of licenses, privileges, or credentials; hearings; appeals) clarifying that the Board may reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing, discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person has been listed on either the adult caregiver misconduct registry or the nurse aide abuse registry with a substantiated finding of abuse, neglect, or misappropriation of property, or has a substantiated finding or judicial finding of the abuse or neglect of a child.
- 2022 KY REG TEXT 613810 (NS), published December 1, 2022, effective August 25, 2022, amends [201 KY ADC 20:240](#) (Fees for applications and for services) providing that an application for licensure by endorsement will lapse and the fee will be forfeited if the application is not completed within 1 year from the date the application form is filed with the board office. Provides that an application for reinstatement of license will lapse and the fee will be forfeited if the application is not completed within 1 year from the date the application form is filed with the board office.

## Louisiana

- 2023 LA H.B. 319 (NS), enacted and effective May 23, 2023, amends [LA R.S. 37:920](#) (Licensure; qualifications; examination; renewal; temporary permits) eliminating the requirement that an applicant for licensure by endorsement holds a current license issued directly from the jurisdiction of his last employment.
- 2023 LA REG TEXT 633342 (NS), published January 12, 2023, effective January 10, 2023, adopts [50 LA ADC Pt XIII, § 801](#) (Nursing Recruitment and Retention Payments) establishing recruitment and retention payments for nurses that provide extended home health (EHH) services to beneficiaries under the age of 21 who are in a Medicaid waiver program.

## Maryland

2023 MD REG TEXT 653793 (NS), published November 3, 2023, effective October 6, 2023, amends MD ADC 10.27.01.05 (Qualifications of Applicants for Examination) to update the minimum and/or overall passing scores for the Test of English as a Foreign Language Internet Based Test and the International English Language Testing System and add the Michigan English Test, the Pearson Test of English, and the Occupational English Test as accepted English language proficiency examinations.

## Michigan

2023 MI REG TEXT 609661 (NS), published April 15, 2023, effective March 23, 2023, Adopts the rule set for Nurse Aide, Nurse Aide Trainer, and Nurse Aide Training Program, Certificate of Registration and Permit Program, establishing requirements for a registration or permit, competency requirements, and examination requirements for registration; investigations of nurse aides; and enforcement action for noncompliance.

## Minnesota

2023 MN [S.F. 1561](#) (NS), introduced February 13, 2023, enacts The Keeping Nurses at the Bedside Act of 2023, establishing requirements for hospital nurse staffing committees and hospital nurse workload committees; modifying requirements of hospital core staffing plans; requiring the commissioner of health to grade and publicly disclose hospital compliance with core staffing plans; modifying requirements related to hospital preparedness and incident response action plans to acts of violence; modifying eligibility for nursing facility employee scholarships; establishing a hospital nursing education loan forgiveness program; modifying eligibility for the health professional education loan forgiveness program; requiring the commissioner of health to study hospital staffing; and establishing a grant program to improve the mental health of health care workers.

## Mississippi

- 2023 MS REG TEXT 622546 (NS), published April 3, 2023, effective March 29, 2023, adopts 30 MS ADC Pt. 2826 (Mississippi Nurse Voluntary Program ('MnVP')) establishing the framework and processes for implementation of a confidential and non-disciplinary program for eligible nurse applicants designed to promote early identification of substance use/abuse or mental health condition; removal from nursing practice and entry into treatment; and monitoring of compliance upon re-entry into nursing practice.
- 2023 MS S.B. 2371 (NS), enacted April 17, 2023, effective July 1, 2023, enacts the "American Rescue Plan Act (ARPA) Nurse/Allied Health Workforce Development and Retention Act." Under this act, the Legislature creates the "Accelerate Mississippi Nursing/Allied Health Grant Program," the "Accelerate Mississippi Physician Residency and Fellowship Start-Up Grant Program" and the "Mississippi Allied Health College and Career Navigator Grant Program." The act provides funding for new and increased capacity in existing nursing and allied health training programs, including accredited paramedic programs, or to help retain and graduate nursing and allied



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health students, including students in an accredited paramedic program, to include any required equipment or supplies, at community and junior colleges or through other entities facilitating healthcare-focused workforce training programs across the state.

## Montana

- 2023 MT H.B. 568 (NS), introduced February 15, 2023, a bill for an act entitled: "An Act Establishing Safe Nursing Standards For Hospitals"; requiring development of and reporting on implementation of a nurse staffing plan; establishing minimum registered nurse-to-patient ratios; prohibiting the use of mandatory overtime except in certain circumstances; establishing nursing rights regarding staffing standards; providing remedies; and providing penalties.
- 2023 MT REG TEXT 649169 (NS), published November 3, 2023, effective November 4, 2023, adopts [MT ADC 24.159.2305](#) (Administrative Suspension) providing that the board authorizes the department to: administratively suspend licenses for deficiencies set forth in [MT ST 37-1-321](#) (Authority to administratively suspend license)(1)(a) though (e); or file a complaint pertaining to these deficiencies that are based on repeated or egregious conduct, or that have co-occurring misconduct allegations that directly implicate public safety and may warrant formal disciplinary action. Provides that an administrative suspension is not a negative, adverse, or disciplinary action under Title 37 (Professions and Occupations) and is not reportable under federal law and regulations implementing the Healthcare Practitioner Databank or the department's licensee lookup and license verification databank.
- 2023 MT REG TEXT 645419 (NS), published November 17, 2023, effective November 18, 2023, repeals [MT ADC 24.159.2101](#) (Standards for Continuing Education), [MT ADC 24.159.2102](#) (Biennial Continuing Education Requirements), [MT ADC 24.159.2104](#) (Nonaccredited Activities) and [MT ADC 24.159.2106](#) (Auditing of Contact Hours). The board is removing all continuing education requirements for renewal of LPN, RN, and APRN licensure.

## Nevada

2023 NV A.B. 267 (NS), enacted June 5, 2023, effective January 1, 2023, amends [NV ST 632.343](#) (Continuing education: Prerequisite to renewal of license; exemption; review of courses by Board; required and recommended courses) updating the requirement for instruction on cultural competency and diversity, equity and inclusion from 2 hours biennially to 4 hours biennially.

## New Hampshire

- 2023 NH S.B. 87 (NS), enacted and effective June 7, 2023, adopts [NH ST § 326-B:48](#) (Nurses for Youth Camps, Organized Recreation, and Community-Sponsored Recreation) to establish the requirements to allow certain nurses to practice in youth camps, organized recreation, and community sponsored recreation settings.
- 2023 NH REG TEXT 637870 (NS), published July 13, 2023, effective June 23, 2023, amends [NH ADC NUR 501.02](#) (Ethical Conduct Standards) clarifying that the licensee must inform the board within 10 business days in writing of any disciplinary action, civil action, or insurance claim.

## New York

- 2021 NY A.B. 286 (NS), enacted December 30, 2022, effective February 28, 2023, assesses an employer a civil penalty where an employer requires a nurse to work more than such nurse's regularly scheduled work hours; provides that the employee shall receive an additional fifteen percent of the overtime payment from the employer for each violation.
- 2023 NY A.B. 4279 (NS), introduced February 14, 2023, establishes the nurse loan repayment program; authorizes the commissioner to award loan repayment awards to nurses serving in underserved areas or nursing homes.
- 2023 NY REG TEXT 641307 (NS), published May 3, 2023, effective April 18, 2023, amends [8 NY ADC 64.1](#) (Professional study of nursing) to allow the department to reject out-of-state nursing programs approved by the licensing authority of another state if it is determined not to be satisfactory to the department.
- 2023 NY REG TEXT 641307 (NS), published and effective September 27, 2023, amends [8 NY ADC 64.1](#) (Professional study of nursing) to allow the department to reject out-of-state nursing programs approved by the licensing authority of another state if it is determined not to be satisfactory to the department.
- 2023 NY REG TEXT 654973 (NS), published November 1, 2023, effective October 17, 2023, amends [8 NY ADC 64.7](#) (Administration of immunizations, emergency treatment of anaphylaxis, tuberculosis tests, human immunodeficiency virus (HIV) tests, opioid related overdose treatments, hepatitis C tests and screening for syphilis, gonorrhea, COVID-19, influenza and/or chlamydia infections pursuant to non-patient specific orders and protocols) to allow the execution by registered professional nurses of non-patient specific orders to administer Respiratory Syncytial Virus (RSV) immunizing agents.

## Oklahoma

- 2023 OK REG TEXT 631474 (NS), published August 1, 2023, effective August 11, 2023, amends [OK ADC 485:10-11-4](#) (Licensure or certification of individuals with criminal history) to update the list of felony convictions that disqualify an individual from retaining licensure or becoming licensed as a nurse, or retaining certification or becoming certified as an AUA in Oklahoma and add an additional list of disqualifying convictions for which less than five (5) years has elapsed since the date of conviction, plea, or release from incarceration, whichever is later.



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· 2023 OK REG TEXT 633804 (NS), published August 15, 2023, effective September 11, 2023, amends multiple sections in OK ADC 310:677 (Nurse Aide Training and Certification) to update the requirements for the nurse aide registry and certification program for nurse aides who work in nursing facilities, specialized facilities, residential care homes, home health or home care agencies, adult day care centers, and assisted living centers. The amendments include: conformed definitions to statutory definitions; updated legal citations; deleted references to specific form numbers; clarified references to the scope of the rules by referring to those who are subject to the rules as an 'entity'; edited 'Application' and 'Program requirements' provisions to clarify and remove redundancy in the text; added 'immediately' to indicate when notification of closing a training and examination program is due to the Department; changed criminal 'arrest' to criminal 'history background'; clarified and removed redundancy in the administration and content of the competency examination; and added requirement to inform trainee of renewal requirements; edited and removed redundancy in the registry operations of the rules; and edited text to move the text to the most relevant sections in the rules. Affected subchapters include Subchapter 1 (General Provisions), Subchapter 3 (Nurse Aide Training And Competency Examination Program), Subchapter 5 (Nurse Aide Registry), Subchapter 9 (Home Health Aides), Subchapter 11 (Long Term Care Aides), Subchapter 13 (Certified Medication Aides), Subchapter 15 (ICF/IID Care Aides), Subchapter 17 (Residential Care Aides) and Subchapter 19 (Adult Day Care Program Aides).

## Oregon

• 2023 OR S.B. 227 (NS), enacted July 13, 2023, effective September 24, 2023, amends [OR ST § 678.031](#) (Application of ORS 678.010 or 678.410) clarifying that [OR ST § 678.010](#) to [OR ST § 678.410](#) (pertaining to Professional Nurses) do not apply to nonresident nurses licensed in another state and practicing on a single, temporary assignment in Oregon, which is renewable for 90, rather than 30, days. Amends [OR ST § 678.050](#) (Examination of applicants; license issuance; license by indorsement; limited licenses; rules) providing that the board may issue a limited license to practice registered or practical nursing to a nurse licensed in another jurisdiction during an emergency declared by the Governor. Requires the board to adopt rules to establish criteria for issuance of the license. Amends [OR ST § 678.442](#) (Certification of nursing assistants; rules) providing that the board may issue a limited certificate to a nursing assistant authorized in another jurisdiction during an emergency declared by the Governor. Requires the board to adopt rules to establish criteria for issuance of the limited certificate.

· 2023 OR REG TEXT 641167 (NS), published July 6, 2023, effective August 1, 2023, adopts [OR ADC 851-047-0045](#) (Delegation Process - RN Authorization of an Unregulated Assistive Persons Performance of a Nursing Procedure) providing that the RN may only proceed with the delegation process when the client's situation meets certain outcome criteria. Also requires the RN to educate and evaluate the UAP on specified content and to provide a one-on-one education and evaluation experience with the UAP and the client. Adopts [OR ADC 851-047-0050](#) (Delegation Process - Ongoing RN Evaluation of the Safety of the Delegation) requiring a RN to perform continuing evaluations of a UAP and providing the criteria for these evaluations. Adopts [OR ADC 851-047-0055](#) (Delegation Process - Limitations on the RNs Delegation of the Administration of Medication by the Intravenous Route) providing the requirements for an RN who is an employee of a licensed home health agency, a licensed home infusion agency or a licensed hospice agency to allow a UAP to administer IV medications. Adopts [OR ADC 851-047-0060](#) (Delegation Process - Rescinding a UAPs Authorization to Perform a Nursing Procedure on a Client) providing situations where an RN is required to rescind the authorization to perform a nursing task from an UAP and the required steps after rescinding the authorization. Adopts [OR ADC 851-047-0065](#) (Rescinding the delegation for a client and UAP) providing that for the delegation of a procedure performed for the client by a UAP(s) to no longer be considered under the accountability of the RN's license, the delegation must be rescinded. Provides the requirements for ending an UAP authorization and client relationship and the transferring of care to another RN. Adopts [OR ADC 851-047-0070](#) (Requirements of a Synchronous Hand Off by the Accepting RN) providing the responsibilities and requirements of a RN accepting a hand off of nursing services and delegation process responsibilities for a client and a UAP from another RN. Requires the RN who makes the decision to accept the hand off to document certain dates and times and other specified information.

· 2023 OR REG TEXT 657080 (NS), published November 22, 2023, effective January 1, 2024, adopts [OR ADC 851-031-0041](#) (Governor Declared Emergency) allowing the Board to impose limited RN licenses to individuals holding an active and unencumbered nursing license at the same level in another state or U.S. jurisdiction during an emergency declared by the Governor. Provides procedures for requesting this license, expiration for limited licenses, and reactivation of limited licenses.

## South Dakota

2023 SD REG TEXT 648786 (NS), published November 27, 2023, effective December 10, 2023, amends [SD ADC 20:48:04:01](#) (Standards of nursing practice -- Registered nurse and licensed practical nurse) changing the section title from "Scope and standards of nursing practice -- Basic role" and striking the existing language and providing a new list of standards of practice for a registered nurse and a licensed practical nurse. Adopts [SD ADC 20:48:04:01.01](#) (Scope of nursing practice -- Registered nurse) to establish the scope of nursing practice for registered nurses. Adopts [SD ADC 20:48:04:01.03](#) (Supervision of a licensed practical nurse) to establish the requirements for a registered nurse or advanced practice registered nurse who supervises the practice of a licensed practical nurse to consider to determine if direct or minimal supervision is required.

## Utah

2023 UT REG TEXT 631321 (NS) published February 1, 2023, effective January 24, 2023, adopts [UT ADC R156-31b-302c](#) (Registered Nurse Apprentice License - Education, Examination, and Experience Requirements) to establish the requirements for a registered nurse apprentice license.



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## Vermont

2023 VT REG TEXT 628862 (NS), published May 10, 2023, effective May 11, 2023, amends VT ADC 20-4-1100 (Administrative Rules of the Board of Nursing) to update the requirements related to the licensure of nurses and nurse assistants. This strike-and-rewrite update to the Administrative Rules of the Board of Nursing reflects substantial changes in the legal and practice landscape since the last rule update in January, 2015. The rule minimizes administrative burdens, conforms to license uniformity and streamlining legislation in Title 3, and provides for the administration of the Nurse Licensure Compact (NLC), to which Vermont became a party state in February, 2022. The rule articulates clear nursing practice standards, completing a multi-year effort by the Board and its Practice Committee to refine a body of non-rule position statements, retire those that were dated or unnecessary, and incorporate into rule those that were seen to warrant retention. Finally, the rule adds more flexible avenues by which to demonstrate ongoing nursing competency, ending exclusive reliance on practice hours.

## Washington

· 2023 WA REG TEXT 559815 (NS), published February 1, 2023, effective January 6, 2023, amends [WA ADC 246-840-930](#) (Criteria for delegation) requiring a nursing assistant or home care aide to complete the basic caregiver training in accordance with dates established by the department of social and health services. Amends [WA ADC 246-841-405](#) (Nursing assistant delegation) providing that nursing assistants who were working or hired during the COVID-19 public health emergency must complete basic caregiver training by dates established by the department of social and health services.

· 2023 WA REG TEXT 643975 (NS), published June 7, 2023, effective May 5, 2023, amends [WA ADC 246-840-030](#) (Initial licensure for registered nurses and practical nurses-Out-of-state traditional nursing education program approved by another United States nursing board) providing that out-of-state nursing applicants must successfully complete a nursing education program in another U.S. state, which is approved by the nursing board in that state and substantially meets requirements for nursing education approved in Washington state. The commission retains authority to evaluate and determine the sufficiency of academic preparation for all applicants. Amends [WA ADC 246-840-090](#) (Licensure for nurses by interstate endorsement) clarifying that the out-of-state commission or state board approved program preparing candidates for licensure as a nurse must substantially meet requirements for nursing education approved in Washington state, as determined by the commission.

· 2023 WA REG TEXT 643975 (NS), published September 20, 2023, effective September 1, 2023, amends [WA ADC 246-840-030](#) (Initial licensure for registered nurses and practical nurses-Out-of-state traditional nursing education program approved by another United States nursing board) providing that out-of-state applicants must successfully complete a nursing education program in another U.S. state, which is approved by the nursing board in that state and substantially meets requirements for nursing education approved in Washington state. The commission retains authority to evaluate and determine the sufficiency of academic preparation for all applicants. Amends [WA ADC 246-840-090](#) (Licensure for nurses by interstate endorsement) requiring the applicants for interstate endorsement to have graduated and hold a degree from a commission or state board approved program preparing candidates for licensure as a nurse, which substantially meets requirements for nursing education approved in Washington state, as determined by the commission.

· 2023 WA REG TEXT 578191 (NS), published October 18, 2023, effective November 3, 2023, repeals WA ADC 246-841 (Nursing assistants) and WA ADC 246-842 (Nursing assistants - Nursing homes - Nursing assistants training program) and adopts WA ADC 246-841A (Nursing assistants) to update the requirements for nursing assistants. The new chapter represents a collaboration between the Board of Nursing (Board), formerly known as the Nursing Care Quality Assurance Commission, and the Department of Health (Department) to address necessary changes in the nursing assistant rules. The changes include updating the rules overall to reflect the most current standards and practice, clarifying, and updating curriculum and testing requirements for training programs, and standardizing the scope of practice for nursing assistants as allowed by law.

## West Virginia

· 2023 WV REG TEXT 615152 (NS), published April 21, 2023, effective April 24, 2023, amends [WV ADC § 19-11-4](#) (Continuing Education Providers) providing that independent study activities include telecommunication activities and audio events. Providing that the licensee must have documentation that supports completing 12 hours of continuing education credits from an approved provider including Independent Study.

· 2023 WV REG TEXT 615153 (NS), published April 21, 2023, effective April 24, 2023, amends [WV ADC § 19-12-2](#) (Schedule of Fees for Services Rendered by the West Virginia Board of Registered Nurses) updating the list of fees related to RN and APRN licensing.

· 2023 WV REG TEXT 615155 (NS), published April 21, 2023, effective April 24, 2023, amends [WV ADC § 19-16-7](#) (Standard of Care, Delivery of Telehealth Services and Medical Records) providing that nothing in this rule requires a practitioner to use telemedicine technologies to treat a patient if the practitioner, in his or her discretion determines that an in-person encounter is required.

## Wisconsin

2023 WI A.B. 489 (NS), introduced October 12, 2023, provides that registered nurses have the right to refuse a work assignment if the nurse, in good faith and in the nurse's professional judgment, finds that the nurse is unable to fulfill the assignment without compromising patient safety or the nurse's license. Creates a cause of action for a nurse against a hospital that disciplines, discharges, retaliates, discriminates, takes adverse action, or files a complaint with a disciplinary agency against a nurse that refuses to complete



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an assignment under those circumstances. Also, prohibits a hospital from requiring a registered nurse to work overtime with certain exceptions.

2023 WI REG TEXT 629801 (NS), published November 27, 2023, effective December 1, 2023, amends [WI ADC § N 2.105](#) (Application procedure for a multistate license), [WI ADC § N 2.11](#) (Application procedure for a single state license for applicants from board-approved schools) and [WI ADC § N 2.12](#) (Application procedure for a single state license for applicants from comparable schools) to modify the Board review process that allows nurse applicants to take the National Council Licensure Examination (NCLEX). Provides that the board shall make the applicant eligible for admission to the NCLEX as of the date of the applicant's graduation or upon the board receiving a certificate of approval from the school of nursing that allows the applicant to take the NCLEX before graduation. As part of the application process, the applicant shall report the name of the nursing school they are attending along with the anticipated date of graduation or, if applicant is seeking to take the NCLEX before graduation, the school of nursing shall provide a certificate of approval. The applicant shall notify the board if their anticipated date of graduation changes. The applicant may not take or attempt to take the NCLEX before graduation or prior to a school of nursing providing a certificate of approval to the board. The applicant shall contact the examination provider to schedule the NCLEX date and time within one year from the time the applicant was eligible to take the examination. Failure to comply may result in a denial of application for licensure. If a license is issued based on fraud, deceit, or material omission of fact, the board shall take any action it deems necessary pursuant to [WI ST 441.07](#) (Disciplinary proceedings and actions).

## Wyoming

· 2023 WY REG TEXT 631136 (NS), published April 19, 2023, effective April 14, 2023, amends [WY ADC 034.0001.3 § 6](#) (Dental Licensure by Examination) and [WY ADC 034.0001.3 § 8](#) (Dental Hygiene Licensure by Examination) to update the requirements to accept both a patient-based or non-patient-based (manikin) examination. Amends [WY ADC 034.0001.7 § 6](#) (Expanded Duties Permits) to require an examination or competency assessment for all expanded duty training courses.

· 2023 WY REG TEXT 645785 (NS), published June 14, 2023, effective June 21, 2023, amends [WY ADC 054.0002.8 § 3](#) (Grounds for Discipline or Denial of License) to include items related to the prescribing, dispensing, administering, or distributing drugs or medications in the list of items that are grounds for disciplinary actions.

## Pharmacist

### Recent Legislation and Regulation

#### Alaska

· 2023 AK H.B. 112 (NS), enacted July 7, 2023, effective November 26, 2023, amends [AK ST § 08.80.168](#) (Prescription and administration of vaccines and related emergency medications) allowing a pharmacist to independently administer epinephrine to a patient or prescribe epinephrine auto-injectors to a person who has completed a training program. Amends [AK ST § 08.80.420](#) (Certain advertising prohibited) adding the term "apothecary" to the list of those that cannot be used in media or advertising unless the store employs a licensed pharmacist. Amends [AK ST § 12.62.400](#) (National criminal history record checks for employment, licensing, and other noncriminal justice purposes) allowing the department to obtain a national criminal history record check for the purpose of evaluating a person's qualifications for licensure as a pharmacist or pharmacy technician. Amends [AK ST § 08.80.110](#) (Qualifications for licensure by examination) removing subsection that required an applicant to furnish the board with affidavits attesting to the applicant's good moral character.

· 2023 AK REG TEXT 630926 (NS), published April 20, 2023, effective May 19, 2023, amends [12 AK ADC 52.992](#) (Administration of vaccines and related emergency medications) updating requirements relating to administration of vaccines and related emergency medications. Adds requirements for pharmacy technicians who hold a national certification and for pharmacist interns acting under the supervision of a pharmacist. Updates required training and practice requirements.

#### Arizona

· 2023 AZ REG TEXT 643215 (NS), published May 26, 2023, effective May 4, 2023, amends [AZ ADC R4-23-1104](#) (Pharmacy Technicians and Pharmacy Technician Trainees) allowing a pharmacy technician to administer a vaccine when the pharmacy technician has completed specified training and the authority to administer the vaccine is delegated by and under the supervision of the pharmacist on duty. Updates the training documentation requirements for a task delegated to a pharmacy technician when the task is not related to professional judgment.

· 2023 AZ REG TEXT 639852 (NS), published July 28, 2023, effective July 5, 2023, adopts [AZ ADC R4-23-407.2](#) (Dispensing a Self-administered Hormonal Contraceptive) establishing standard procedures for pharmacists to follow when dispensing the self-administered hormonal contraceptives. Amends [AZ ADC R4-23-204](#) (Continuing Education Requirements) requiring a licensee who dispenses self-administered hormonal contraceptives under a standing prescription order to participate in at least three contact hours of continuing education activity related to self-administered hormonal contraceptives as a condition of license renewal.

· 2023 AZ REG TEXT 640673 (NS), published September 22, 2023, effective September 6, 2023, amends [AZ ADC R4-23-1104](#) (Pharmacy Technicians and Pharmacy Technician Trainees) allowing a pharmacy technician to administer a vaccine when the pharmacy technician has completed specified training and the authority to administer the vaccine is delegated by and under the



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supervision of the pharmacist on duty. Updates the training documentation requirements for a task delegated to a pharmacy technician when the task is not related to professional judgment.

## Arkansas

2023 AR H.B. 1007 (NS), enacted March 21, 2023, effective July 31, 2023, amends [AR ST § 17-92-101](#) (Definitions) updating the definition of 'practice of pharmacy' to authorize pharmacists to dispense HIV preexposure and postexposure prophylaxis. Amends [AR ST § 17-92-115](#) (Requirements for administering and dispensing under statewide protocol) establishing the requirements for a pharmacist initiating therapy and administering or dispensing HIV preexposure or postexposure prophylaxis under a statewide protocol.

## California

2023 CA A.B. 1286 (NS), enacted October 8, 2023, effective January 1, 2024, amends [CA BUS & PROF § 4115](#) (Pharmacy technicians; nondiscretionary tasks; direct supervision of pharmacists; ratios; duties in health care facilities) authorizing a pharmacy technician to perform additional tasks under the direct supervision and control of a pharmacist when certain conditions are met. Provides that a pharmacy technician may, under the direct supervision and control of a pharmacist, prepare and administer influenza and COVID-19 vaccines via injection or intranasally, prepare and administer epinephrine, perform specimen collection for tests that are classified as waived under CLIA, receive prescription transfers, and accept clarification on prescriptions under the specified conditions. Amends [CA BUS & PROF § 4301](#) (Unprofessional conduct; license issued by mistake; board action) expanding the list of specified actions that constitute unprofessional conduct to include actions or conduct that would subvert the efforts of a pharmacist to comply with laws and regulations, or exercise professional judgment, including creating or allowing conditions that may interfere with a pharmacist's ability to practice with competency and safety or creating or allowing an environment that may jeopardize patient care; actions or conduct that would subvert the efforts of a pharmacist-in-charge to comply with laws and regulations, exercise professional judgment, or make determinations about adequate staffing levels to safely fill prescriptions of the pharmacy or provide other patient care services in a safe and competent manner; actions or conduct that would subvert the efforts of a pharmacist intern or a pharmacy technician to comply with laws or regulations; or establishing policies and procedures related to time guarantees to fill prescriptions within a specified time unless those guarantees are required by law or to meet contractual requirements.

## Colorado

· 2023 CO H.B. 1195 (NS), enacted May 1, 2023, effective August 7, 2023, amends [CO ST § 12-280-126](#) (Unprofessional conduct - grounds for discipline) adding that the board may take disciplinary or other action upon proof that the licensee, certificant, or registrant has operated an automated pharmacy dispensing system or otherwise dispensed a drug from such system unless the system has been registered with the board by the operating prescription drug outlet.

· 2023 CO REG TEXT 652398 (NS), published and effective September 21, 2023, adopts 3 CO ADC 719-1:33.00.00 (Rules and Regulations Regarding Generally Accepted Standards of Pharmacy Practice Regarding Pregnancy-Related Services) implementing the requirements of [CO ST § 12-30-120](#) (Unprofessional conduct-- grounds for discipline--offering medication abortion reversal--definitions) regarding discipline for providing, prescribing, administering, or attempting medication abortion reversal in this state. Establishes standard of care considerations and provides that the Board will not treat medication abortion reversal as a per se act of unprofessional conduct. Rather, the Board will investigate all complaints related to medication abortion reversal in the same manner that it investigates other alleged deviations from generally accepted standards of pharmacy practice. Provides definitions for 'abortion,' 'medication abortion,' and 'medication abortion reversal.'

## Connecticut

• 2023 CT S.B. 1102 (NS), enacted June 7, 2023, effective July 1, 2023, adopts uncodified section establishing the requirements to allow pharmacists to order and administer tests for COVID-19, HIV, and influenza and to allow pharmacists to prescribe and dispense HIV-related prophylaxis if a patient tests negative after a pharmacist-administered HIV test. Establishes requirements for reporting test results and provides that all information a pharmacist submits to the Department of Consumer Protection shall be confidential.

· 2023 CT H.B. 6768 (NS), enacted and effective June 13, 2023, adopts uncodified section requiring pharmacists to give patients a list of nearby pharmacies that dispense medication to terminate a pregnancy if the pharmacy does not have a supply of the medication. Provides that a pharmacist currently or previously licensed in another state or jurisdiction cannot be subject to automatic reciprocal discipline in Connecticut for any disciplinary action taken in another state or jurisdiction if it was based solely on terminating a pregnancy under conditions that do not violate Connecticut law.

## Delaware

· 2023 DE S.B. 165 (NS), enacted and effective August 17, 2023, amends [DE ST TI 24 § 2502](#) (Definitions) adding definitions for 'Collaborative pharmacy practice' and 'Collaborative pharmacy practice agreement.' Updates the definition of 'Practice of pharmacy' to clarify that the administration of injectable medications, biologicals and immunizations pursuant to a valid prescription from a practitioner or practitioner-approved protocol approved by a physician duly licensed in the State is the practice of pharmacy. Updates related notification and reporting requirements and adds that pharmacists, pharmacy interns, and nationally certified pharmacy technicians who have completed an accredited training program, are currently trained in CPR, and have notified the Delaware Board of Pharmacy, may administer immunizations via a prescriber's order or protocol for patients 3 years of age and older. Also includes collaborative pharmacy practice in accordance with a collaborative pharmacy practice agreement within the definition. Further updates



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the definition of 'Practitioner' or 'prescriber' to include individuals authorized by law to prescribe drugs by collaborative pharmacy practice agreement.

· 2023 DC REG TEXT 646714 (NS), published July 7, 2023, effective June 22, 2023, amends [17 DC ADC § 6512](#) (Administration of Immunizations and Vaccinations by Pharmacists) expanding the patient age that pharmacists certified by the Board can administer immunizations and vaccinations pursuant to a written protocol, from twelve years and older to three years and older with parental consent or valid identification if eighteen or older. Allows pharmacy interns and pharmacy technicians to administer FDA authorized or FDA-licensed COVID-19 vaccines, or seasonal influenza vaccinations, under the pharmacist's direct supervision to an individual who is eighteen years of age or older. Provides that the requirement for a written protocol and prescription or a standing order with a licensed physician shall not apply to FDA-authorized or FDA-licensed COVID-19 vaccines, or seasonal influenza vaccinations, until November 1, 2024, or until Sections V(f) and V(h) of the [Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 \(85 FR 15198, Mar. 17, 2020\)](#), as amended, expire, whichever occurs later.

#### District of Columbia

· 2023 DC REG TEXT 623236 (NS), published and effective January 6, 2022, updates the education and training requirements for qualification for licensure as a pharmacist. Requires an applicant to furnish proof that the applicant has successfully completed an educational program in the practice of pharmacy and holds a Bachelor of Science in Pharmacy or Doctor of Pharmacy degree and has successfully completed the introductory and advanced pharmacy experience hourly requirements in accordance with ACPE standards. Adds requirements regarding independent pre-licensure professional practice that provides experience in community, institutional, and clinical pharmacy practices under the supervision of a licensed pharmacist. Also updates the requirements regarding social security numbers.

· 2023 DC REG TEXT 653490 (NS), published October 6, 2023, effective September 27, 2023, amends [17 DC ADC § 6512](#) (Administration of Immunizations and Vaccinations by Pharmacists) authorizing pharmacists to administer immunizations and vaccinations pursuant to a written protocol to certain minors capable of consenting to the vaccination pursuant to [DC CODE § 7-1653.01](#) (Minor consent to vaccination). Also, authorizes pharmacists to administer any vaccination that ACIP recommends that has been officially adopted by the Director of the Centers for Disease Control and Prevention without having to wait for the vaccination to be added to the ACIP standard immunization schedule.

· 2023 DC REG TEXT 646714 (NS), published and effective October 6, 2023, amends [17 DC ADC § 6512](#) (Administration of Immunizations and Vaccinations by Pharmacists) expanding the patient age that pharmacists certified by the Board can administer immunizations and vaccinations pursuant to a written protocol, from twelve years and older to three years and older with parental consent or valid identification if eighteen or older. Allows pharmacy interns and pharmacy technicians to administer FDA authorized or FDA-licensed COVID-19 vaccines, or seasonal influenza vaccinations, under the pharmacist's direct supervision to an individual who is eighteen years of age or older. Provides that the requirement for a written protocol and prescription or a standing order with a licensed physician shall not apply to FDA-authorized or FDA-licensed COVID-19 vaccines, or seasonal influenza vaccinations, until November 1, 2024, or until Sections V(f) and V(h) of the [Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 \(85 FR 15198, Mar. 17, 2020\)](#), as amended, expire, whichever occurs later.

#### Florida

· 2023 FL REG TEXT 634594 (NS), published March 21, 2023, effective April 5, 2023, amends 64 [FL ADC 64B16-27.831](#) (Standards of Practice for the Filling of Controlled Substance Prescriptions; Electronic Prescribing; Mandatory Continuing Education) removing reference to a website related to federal requirements for electronic prescriptions. Also updates mandatory continuing education requirements by removing outdated language and clarifying that all licensed pharmacists are required to complete the 2-hour continuing education course on the Validation and Counseling of Prescriptions for Controlled Substances and Opioids every biennium.

· 2023 FL REG TEXT 642181 (NS), published July 11, 2023, effective July 25, 2023, adopts 64 [FL ADC 64B16-27.650](#) (Additional Immunizations or Vaccines Which May be Administered) authorizing vaccines or immunizations for COVID-19 and Respiratory Syncytial Virus to be administered by those properly certified, in addition to those vaccines and immunizations authorized under [FL ST § 465.189](#) (Administration of vaccines and epinephrine auto-injection).

· 2023 FL REG TEXT 647731 (NS), published September 12, 2023, effective September 27, 2023, amends 64 [FL ADC 64B16-31.007](#) (Collaborative Practice Certification: Chronic Health Conditions) adding Hepatitis C to the list of chronic health conditions for which a pharmacist certified pursuant to [FL ST § 465.1865](#) (Collaborative pharmacy practice for chronic health conditions) can provide specified patient care services to patients of a collaborating physician pursuant to a pending Collaborative Pharmacy Practice Agreement.

#### Georgia

· 2023 GA H.B. 416 (NS), enacted and effective May 2, 2023, adopts [GA ST § 26-4-52](#) to authorize qualified pharmacy technicians to administer certain vaccines at the discretion of a supervising pharmacist. Provides qualifications for the pharmacy technician and requirements for the supervising pharmacist. Amends [GA ST § 43-34-26.1](#) (Vaccine protocol agreement; vaccination for groups of patients; rules and regulations; liability) authorizing a pharmacist who is a party to a vaccine protocol agreement to delegate the administration of a vaccine to a qualified pharmacy technician so long as the physician with whom the vaccine protocol agreement



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is entered into has approved such authorization; and such authorization is included in the vaccine protocol agreement between the physician and pharmacist.

- 2023 GA REG TEXT 636005 (NS), published February 14, 2023, effective February 28, 2023, amends [GA ADC 480-15-.03](#) (Use of Registered Pharmacy Technicians and Other Pharmacy Personnel) removing the requirement that a pharmacist be “registered” to provide direct supervision of a pharmacy intern and/or extern who is providing professional counseling services or is receiving information in any manner relative to prescriptions or prescription drugs. Also increases the ratio of pharmacist to registered pharmacy technician and updates the related certification requirements.

- 2023 GA REG TEXT 630742 (NS), published February 14, 2023, effective February 20, 2023, amends [GA ADC 150-3-.09](#) (Continuing Education for Dentists) updating continuing education requirements. Clarifies the CPR course requirement and provides that this requirement may be satisfied by successful completion of an in-person Basic Life Support (BLS) or Advanced Cardiovascular Life Support (ACLS) course. Adds a continuing education requirement for legal ethics and professionalism in dentistry course. Clarifies that up to 10 hours of continuing education per biennium may be obtained by providing uncompensated dental care at a charitable dental event as defined by [GA ST § 43-11-53](#) (Charitable dental events; temporary, limited licenses). Also adds an allowance for up to 8 hours of CE credit for assisting the Board with onsite sedation evaluations.

## Hawaii

2023 HI S.B. 602 (NS), enacted and effective June 22, 2023, adopts new section in 2 HI ST T. 25, Chapter 461 (Pharmacists and Pharmacy), titled ‘CLIA-waived tests; authority; permitting and education requirements; reporting,’ authorizing pharmacists to order, perform, and report the results of certain Clinical Laboratory Improvement Amendments of 1988-waived tests.

## Illinois

- 2023 IL REG TEXT 604444 (NS), published June 16, 2023, effective June 2, 2023, amends [68 IL ADC 1330.50](#) (Vaccinations/ Immunizations) updating the qualifications and requirements for a pharmacist, student pharmacist, or pharmacy technician to administer vaccinations/immunizations to persons 7 years of age or older. Requires a pharmacist who administers or oversees the administration of any vaccine to ensure that the report of that administration, is made to the Illinois Comprehensive Automated Immunization Registry Exchange (I-CARE) or to the primary healthcare provider named by the patient within 30 days of administration.

- 2023 IL S.B. 1889 (NS), enacted June 30, 2023, effective January 1, 2024, adopts [IL ST CH 225 § 85/9.7](#) (Student pharmacist) establishing requirements for student pharmacists, including licensure as a pharmacy technician and being under the supervision of a pharmacist.

## Indiana

2022 IN REG TEXT 586317 (NS), published December 14, 2022, effective December 8, 2022, adopts uncodified rules in 856 IN ADC Art. 4, Pharmacist Vaccinations Administered Via Protocol Authority, to establish the requirements applying to a pharmacist intern or pharmacy technician who administers an immunization to an individual or group of individuals. Allows a pharmacy intern to administer any immunizations pursuant to a drug order, under a prescription or according to a protocol approved by a physician.

## Kentucky

- 2023 KY REG TEXT 613797 (NS), published January 1, 2023, effective November 15, 2022, amends [201 KY ADC 2:015](#) (Continuing education) requiring, for licensing years 2023 through 2028, at least 1 contact hour of the 15 contact hours to be on the opioid epidemic or opioid use disorder. Adds the Board’s Web site address where materials incorporated by reference may be obtained.

- 2023 KY REG TEXT 625879 (NS), published April 1, 2023, effective March 9, 2023, amends [201 KY ADC 2:360](#) (Opioid antagonist dispensing) to require a physician-approved protocol authorizing a pharmacist to initiate the dispensing of an opioid antagonist to contain authorization for an opioid antagonist to be supplied to an emergency department for dispensing under the protocol. Establishes requirements for a pharmacist to supply an opioid antagonist to an emergency department to be dispensed per the physician approved protocol. Updates “Application for Pharmacist Certification for Opioid Antagonist Dispensing” Form 1, 12/2022, which is incorporated by reference.

- 2023 KY REG TEXT 623056 (NS), published July 1, 2023, effective June 21, 2023, amends [201 KY ADC 2:380](#) (Board authorized protocols) updating the definition for ‘prescriber’ and adding the definition for ‘fully executed,’ ‘protocol,’ and ‘protocol registry.’ Updates the requirements for a pharmacist or pharmacists utilizing a protocol to initiate the dispensing of noncontrolled medications, over-the-counter medication, or other professional services. Updates the pharmacist education and training requirements. Updates the conditions for which Board-authorized protocols may be established. Establishes a protocol review committee.

## Louisiana

- 2023 LA REG TEXT 620131 (NS), published and effective January 20, 2023, adopts [46 LA ADC Pt LIII, § 508](#) (Preferential Licensing Procedures for Dependents of Healthcare Professionals Relocating to Louisiana) establishing preferential pharmacist licensure for a dependent of a healthcare professional. Adds requirements for a special work permit in the event the applicant intends to practice pharmacy before the issuance of the pharmacist license.



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· 2023 LA REG TEXT 640499 (NS), published and effective September 20, 2023, Amends [46 LA ADC Pt LIII, § 709](#) (Scope of Practice) and [46 LA ADC Pt LIII, § 907](#) (Scope of Practice) clarifying that the ratio of pharmacy interns, certified pharmacy technicians, and pharmacy technician candidates to pharmacists on duty must not exceed 4 to 1 in any variable at any given time, of which the ratio of pharmacy technician candidates to pharmacists must be no more than 2 to 1.

### Maine

· 2023 ME S.P. 478 (NS), enacted and effective June 15, 2023, amends [ME ST T. 32 § 13831](#) (Authority) updating the authority for a pharmacist to administer vaccines. Provides that a pharmacist may administer an influenza vaccine to a person 3 years of age or older without a prescription rather than 7 years of age. Updates the authority to administer other vaccines, removing requirements for a prescription and an existing relationship with a physician or nurse practitioner or authorized practitioner to administer a vaccine to a person 18 years of age or older. Provides that a pharmacist may administer other vaccines to a person 3 years of age or older and under 18 years of age with a valid prescription. Removes the requirement for an existing relationship with a physician or nurse practitioner or authorized practitioner to administer other vaccines that are outside the specified guidelines to a person 18 years of age or older with a valid prescription if the prescription specifically states that the vaccine is medically necessary. Adds requirements for a pharmacist to provide a written immunization record and within 72 hours, notify any primary care provider of administration of the vaccine. Also requires, beginning August 1, 2023, a pharmacist to report the administration of the vaccine to the appropriate state immunization information reporting system within 72 hours of administering the vaccine.

· 2023 ME H.P. 555 (NS), enacted and effective June 22, 2023, amends [ME ST T. 32 § 13831](#) (Authority) establishing the requirements for a pharmacy technician to administer vaccines. Amends [ME ST T. 32 § 13834](#) (Prohibited acts) authorizing a pharmacist to delegate authority to administer vaccines to a pharmacy technician who is under the pharmacist's direct supervision and meets the applicable requirements of [ME ST T. 32 § 13831](#) (Authority). Prohibits a pharmacy technician from administering vaccines unless the pharmacy technician meets the applicable qualifications and requirements of [ME ST T. 32 § 13831](#) (Authority) and has obtained a board-issued certificate of administration.

### Massachusetts

2023 MA REG TEXT 655105 (NS), published October 27, 2023, effective October 13, 2023, amends [105 MA ADC 700.004](#) (Registration Requirements) authorizing registered pharmacists to prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives to any person under specified circumstances.

### Michigan

· 2023 MI S.B. 219 (NS), enacted July 18, 2023, effective July 19, 2023, adopts [MI ST 333.17724](#) establishing the requirements for a pharmacist to order and administer a qualified immunizing agent to an individual who is 3 years of age or older without acting under the direction of a physician. Specifies that this section does not prohibit a pharmacist from ordering or administering an immunizing agent pursuant to federal law or an emergency order. Adopts [MI ST 333.17724a](#) establishing the requirements for a pharmacist to order and administer a qualified laboratory test. Authorizes a pharmacist who orders and administers a qualified laboratory test for purposes of detecting or screening for COVID-19 or influenza to dispense a drug to the individual without a prescription if certain conditions are met. Specifies that this section does not prohibit a pharmacist from performing certain acts.

· 2023 MI REG TEXT 626608 (NS), published July 15, 2023, effective June 26, 2023, adopts [MI ADC R 338.3042](#) (License renewals; continuing education requirements; applicability) providing the requirements for renewal of a pharmacist's license and a special retired volunteer pharmacist's license. Updates the requirements for continuing education, requiring proof of completion of 30 hours of continuing education during the license cycle before the application for renewal. Provides that continuing education that is earned during the 60-day grace period may be included up to the date the renewal application is filed. Requires at least 1 hour in pharmacy ethics and pharmacy law, which may be completed in 1 or more courses. Requires at least 10 hours be live, synchronous courses or programs, in-person or virtual, that provide for the opportunity of direct interaction between faculty and participants, and provides that Accreditation Council for Pharmacy Education (ACPE) courses designated as live meet this requirement. Provides that except for the 1-time training in human trafficking, the 1-time training in opioid and controlled substances awareness, and the implicit bias training, which may be used to comply with both the training requirement and the continuing education requirement in the same renewal period, an applicant for license renewal may not earn continuing education credit for a program or activity that is identical to a program or activity an applicant has already earned credit for during that renewal period.

· 2023 MO REG TEXT 651795 (NS), published September 15, 2023, effective August 28, 2023, amends [20 MO ADC 2220-6.050](#) (Administration of Vaccines) to implement legislative revisions and establish pharmacist immunization procedures. Removes the authority of a pharmacist to administer vaccines pursuant to a written protocol with a Missouri licensed physician and instead allows a pharmacist to order and administer vaccines as authorized by subsection (1) of [MO ST 338.010](#) (Practice of pharmacy--license required-- auxiliary personnel--written protocol required, when--nonprescription drugs-- rulemaking authority--therapeutic plan requirements--veterinarian defined-- additional requirements--ShowMeVax system, notice--public health emergencies), as amended by 2023 MO S.B. 45 (NS). Also provides that except as otherwise authorized by law, for purposes of paragraph (4) of subsection (1) of [MO ST 338.010](#), pharmacists may administer reformulated or updated versions of vaccines authorized by the U.S. Food and Drug Administration (FDA) after January 1, 2023, provided the initial vaccine was approved by the FDA prior to January 1, 2023. Also changes the rule name from 'Administration of Vaccines Per Protocol'.



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## Mississippi

- 2023 MS REG TEXT 626344 (NS), published June 12, 2023, effective July 10, 2023, repeals 30 MS ADC Pt. 3002, Chapter 4, Penalties, and replaces with new [30 MS ADC Pt. 3002, R. 4.1](#) (Uniform Penalty Policy) providing that any penalty imposed by Board pursuant to a violation of any statute, rule or regulation within the jurisdiction of the Board shall be not less than the minimum nor more than the maximum penalty allowed by Mississippi Code.
- 2023 MS REG TEXT 639943 (NS), published November 27, 2023, effective December 21, 2023, adopts 30 MS ADC Pt. 3001, Art. LI (Consulting Pharmacists to Ambulatory Surgery Centers and Multi-Provider Clinics) establishing the duties of consultant pharmacists who advise ambulatory surgery centers or multi-provider clinics. Provides that a consultant pharmacist must report to the appropriate regulatory or licensing agency any serious deficiency or violation noted on his/her consultant report if the deficiency is not corrected or addressed by the permit holder by the date of the next monthly visit by the consultant pharmacist at the permit site.

## Montana

2023 MT H.B. 710 (NS), enacted and effective April 20, 2023, amends [MT ST 37-7-105](#) (Administration of immunizations) revising pharmacist immunization administration requirements. Allows immunization administration by pharmacy interns and technicians under certain circumstances.

## New Hampshire

- 2023 NH [S.B. 35](#) (NS), enacted and effective June 1, 2023, amends [NH ST § 318:16-b](#) (Pharmacist Administration of Vaccines) to add RSV (respiratory syncytial virus) to the list of vaccines that may be administered by a pharmacist, pharmacy intern, or licensed advanced pharmacy technician, under the supervision of an on-site immunizing pharmacist.
- 2023 NH H.B. 426 (NS), enacted July 28, 2023, effective September 26, 2023, amends [NH ST § 318:29](#) (Disciplinary Action) updating what is included in misconduct. Separates misconduct actions into two parts, misconduct by a permit holder sufficient to support disciplinary proceedings and misconduct by a licensee, registrant or certificate holder sufficient to support disciplinary proceedings. Updates when the board may take disciplinary action and provides additional grounds for when the board may, after notice and hearing, suspend, or revoke a license, registration or certificate.
- 2023 NH REG TEXT 620097 (NS), published January 12, 2023, effective February 19, 2023, updates the requirements regarding reinstatement of license. Amends [NH ADC PH 401.06 \(Reinstatement\)](#) providing that the reinstatement fee is due if the license has been suspended, revoked, voluntarily surrendered, or allowed to lapse for longer than 30 days. Updates the minimum continuing education required from 15 hours to 30 hours and requires 10 hours to be earned in a live setting. Provides that all continuing education shall have been earned 24 months immediately preceding the date of application for reinstatement instead of 12 months. Clarifies that if a pharmacist is required to complete a period of pharmacy practice internship prior to reinstatement, it must be no less than 160 hours in duration.
- 2023 NH REG TEXT 618116 (NS), published March 9, 2023, effective April 12, 2023, amends [NH ADC PH 1303.01 \(Qualifications\)](#) adding pharmacy interns and pharmacy technicians to the rule and requiring a pharmacy intern or pharmacy technician administering vaccines to be supervised by an on-sight supervising pharmacist who is licensed with the board to administer vaccines.

## New Jersey

2022 NJ [S.B. 275](#) (NS), enacted January 13, 2023, effective May 1, 2023, adopts uncodified section supplementing [NJ ST 45:14-40](#) (Short title; New Jersey Pharmacy Practice Act) et seq., to establish the requirements to allow pharmacists to furnish self-administered hormonal contraceptives pursuant to a standing order, in accordance with protocols established by Board of Pharmacy and Board of Medical Examiners.

## New Mexico

2023 NM S.B. 92 (NS), enacted April 4, 2023, effective July 1, 2023, adopts uncodified section of the Pharmacy Act, 'Testing, Screening and Treatment of Health Conditions' providing that pursuant to a board-approved protocol approved by the New Mexico medical board, a pharmacist may order, test, screen, treat and provide preventative services for health conditions or situations that include: (1) influenza; (2) group A streptococcus pharyngitis; (3) SARS-COV-2; (4) uncomplicated urinary tract infection; (5) human immunodeficiency virus, limited to the provision of pre-exposure prophylaxis and post-exposure prophylaxis; and (6) other emerging and existing public health threats identified by the board or department of health during civil or public health emergencies. Provides that a pharmacist may use any test that may guide clinical decision making including CLIA waived tests or any established screening procedure that can safely be performed by a pharmacist. Provides that a pharmacist may delegate the administrative and technical tasks of performing a CLIA waived test to a pharmacist intern or pharmacy technician acting under the supervision of the pharmacist.

## North Carolina

2023 NC S.B. 206 (NS), enacted and effective May 19, 2023, amends [NC ST § 90-85.15B](#) (Immunizing pharmacists) to update the requirements for a pharmacist to administer vaccinations or immunizations. Instead of listing the specific vaccinations or immunizations, provides that an immunizing pharmacist may administer vaccines or immunizations recommended by the Advisory Committee on Immunization Practices. Adds a new subsection (f) specifying the requirements for a pharmacy technician or pharmacy intern to meet prior to administering a vaccine or immunization. Provides that when supervised by an immunizing pharmacist, pharmacy interns and



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pharmacy technicians meeting the requirements of subsection (f) may administer the vaccinations or immunizations recommended by the Advisory Committee on Immunization Practices to persons at least 18 years old. Also updates the requirements for administering vaccinations or immunizations to person under 18. Provides that prior to the administration of a vaccine or immunization administered to a person under 18 years of age pursuant to this section, an immunizing pharmacist shall obtain written parental consent from the parent or legal guardian of the patient, and inform the patient or legal guardian accompanying the person of the importance of a well-child visit with a pediatrician, family physician, or other licensed primary-care provider.

## Ohio

2023 OH REG TEXT 637779 (NS), published August 3, 2023, effective September 1, 2023, adopts [OH ADC 4729:3-3-06](#) (Immunization Administration) to establish the requirements to allow a certified or registered pharmacy technician working under the direct supervision of a pharmacist to administer immunizations.

## Oklahoma

2023 OK REG TEXT 631476 (NS), published August 1, 2023, effective September 1, 2023, amends [OK ADC 535:10-3-4](#) (Uniform pharmacy continuing education) clarifying that continuing education will not be granted for anything directly connected with the responsibilities and duties of a pharmacist, e. g., no credit will be given for Continuing Education (CE) while on duty. Amends [OK ADC 535:10-7-10](#) (Pharmacist reinstatement) providing that an applicant who had an immunization permit is required to submit verification of 2 hours of immunization related ACPE Accredited CE with their pharmacist reinstatement application to also reinstate their immunization permit. If not done at reinstatement, a pharmacist may add an immunization permit later by completing a new immunization application. Amends [OK ADC 535:10-11-3](#) (D.Ph. administered immunization, training and CE requirements) clarifying that the required training course must be an approved Accreditation Council for Pharmacy Education (ACPE) training course. Also provides that a D.Ph. with immunization registration must complete 1 hour of immunization related ACPE accredited continuing education annually.

## Oregon

- 2023 OR H.B. 2278 (NS), enacted July 13, 2023, effective September 24, 2023, amends [OR ST § 689.645](#) (Authority to administer and prescribe vaccines, provide patient care services, and submit protocol concepts; certification; adoption of rules; formulary of drugs and devices) authorizing a pharmacist to administer an influenza vaccine to persons age 6 months or older.
- 2023 OR H.B. 2486 (NS), enacted and effective July 18, 2023, amends [OR ST § 689.645](#) (Authority to administer and prescribe vaccines, provide patient care services, and submit protocol concepts; certification; adoption of rules; formulary of drugs and devices) stating that a pharmacy technician under the supervision of a pharmacist may administer vaccines. Specifies that other procedures and actions may only be taken by a pharmacist.
- 2022 OR REG TEXT 627332 (NS), published December 20, 2022, effective February 15, 2023, amends OR ADC 855-019-0300 (Duties of a Pharmacist-in-Charge) clarifying that a pharmacist must not be designated PIC of more than 3 pharmacies without prior written approval by the Board. Provides that Pharmacy Prescription Kiosks in OR ADC 855-141 do not count toward this limit. Clarifies that PIC must not authorize non-Pharmacist employees to have unsupervised access to the pharmacy, except in the case of hospitals that do not have a 24-hour pharmacy where access may be granted as specified OR ADC 855-041-0120. Clarifies that the PIC must submit a plan of correction within the time allowed by the Board.
- 2022 OR REG TEXT 627329 (NS), published December 20, 2022, effective July 1, 2023, repeals OR ADC 855-021 (Continuing Pharmacy Education) and creates new OR ADC 855-135 (Continuing Pharmacy Education) to update the requirements regarding continuing education for pharmacists and related personnel.
- 2022 OR REG TEXT 625645 (NS), published December 27, 2022, effective January 1, 2023, amends [OR ADC 851-031-0006](#) (General Eligibility Requirements for All Initial Applications for License, License Renewal, and License Reactivation) clarifying that English proficiency can be shown with successful completion of the Occupational English Test (OET) taken within 2 years of application submission with Grade C+ for reading, writing, listening (which is at least a score of 300) and Grade B for speaking (which is at least 350).
- 2022 OR REG TEXT 625260 (NS), published December 27, 2022, effective January 1, 2023, amends [OR ADC 851-045-0060](#) (Scope of Practice Standards for Registered Nurses) providing that an RN who has agreed to act as a nurse intern's supervisor must only assign to the nurse intern those plan of care interventions that are identified as nurse intern authorized functions within Chapter 851 Division 041 and provide direct supervision of the nurse intern to whom an assignment has been made. Requires an RN to know the functions the recipient is authorized to perform prior to making an assignment.
- 2023 OR REG TEXT 631693 (NS), published and effective February 14, 2023, amends OR ADC 855-019-0200 (Pharmacist: General Responsibilities) providing that a pharmacist must control each aspect of the practice; ensure that the supervision of non-pharmacist personnel does not exceed their capacity to supervise based on the workload and services being provided; ensure there is sufficient staff to provide services in a safe manner; and conduct themselves in a professional manner at all times and not engage in any form of discrimination, harassment, intimidation, or assault in the workplace. Provides that each pharmacist on duty and the pharmacist-in-charge is responsible for the conduct, operation, management and control of the pharmacy.



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· 2023 OR REG TEXT 650173 (NS), published October 16, 2023, effective October 17, 2023, repeals [OR ADC 855-007-0088](#) (Compliance with the Oregon Health Authority's COVID-19 Requirements) relating to required mask wearing in health care settings.

#### Rhode Island

2023 RI S.B. 563 (NS), enacted June 22, 2023, effective January 1, 2023, adopts [RI ST § 27-18-93](#) (Dispensing and Administration of HIV PrEP or PEP Drugs) and [RI ST § 27-19-85](#) (Dispensing and Administration of HIV PrEP or PEP Drugs) to establish the requirements for a pharmacist to prescribe, dispense and administer HIV PrEP or PEP drugs.

#### Tennessee

2023 TN S.B. 753 (NS), enacted May 17, 2023, effective July 1, 2023, repeals and replaces Tennessee Code Annotated, Title 63 (Professions of the Healing Arts), Chapter 10 (Pharmacy) Part 3 (Board of Pharmacy) to update the requirements for the board of pharmacy. New sections include, [TN ST § 63-10-309](#) (Power of board to suspend, revoke, or refuse to issue licenses - Civil penalties) which specifies the conditions for the board to deny, restrict, or condition any application for licensure, revoke or suspend any license or certification previously issued, or discipline and assess civil penalties against an applicant, licensee, or holder of a certificate; and [TN ST § 63-10-310](#) (License requirements) which includes the requirements to apply for a pharmacist license.

#### Texas

2023 TX REG TEXT 652563 (NS), published November 22, 2023, effective December 4, 2023, amends [22 TX ADC § 283.12](#) (Licenses for Military Service Members, Military Veterans, and Military Spouses) to include military service members in the requirements for an interim license.

#### Utah

· 2023 UT S.B. 207 (NS), enacted March 15, 2023, effective May 3, 2023, amends [UT ST § 58-17b-501](#) (Unlawful conduct) clarifying that unlawful conduct includes dispensing a prescription drug to a person who does not have a prescription from a practitioner, except as permitted under Title 26B, Chapter 4, Part 5, Treatment Access.

· 2023 UT [S.B. 171](#) (NS), enacted March 15, 2023, effective May 3, 2023, amends [UT ST § 58-17b-502](#) (Unprofessional conduct) providing that it is not considered unprofessional conduct if a pharmacist reasonably believes that a prescription drug will have adverse or harmful effects on an individual and warns the individual of the potential effects, filling a prescription prescribed by a health care provider who is operating within the health care provider's scope of practice and is deviating from a medical norm or established practice in accordance with [UT ST § 58-1-501\(2\)\(b\)\(i\)](#) (Unlawful and unprofessional conduct).

#### Virginia

· 2023 VA REG TEXT 638064 (NS), published March 13, 2023, effective February 21, 2023, amends [18 VA ADC 110-21-46](#) (Initiation of treatment by a pharmacist) clarifying that the pharmacist may initiate treatment with, dispense, or administer certain listed drugs and devices to persons 18 years of age or older with whom the pharmacist has a bona fide pharmacist-patient relationship; and updates the list of the certain listed drugs and devices. Provides that a pharmacist may initiate treatment with, dispense, or administer vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention and vaccines and tests for COVID-19 and other coronaviruses to persons 3 years of age or older; provides these provisions become effective upon expiration of the provisions of the federal Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 related to the vaccination and COVID-19 testing of minors; and specifies that pharmacists shall provide written notice to the minor's parent or guardian that the minor should visit a pediatrician annually. Clarifies that 'controlled paraphernalia, or other supplies or equipment' are included in the requirements. Provides that no pharmacist shall limit the ability of notification to be sent to the patient's primary care provider by requiring use of electronic mail that is secure or compliant with the federal Health Insurance Portability and Accountability Act. Provides that a pharmacist shall report the administration of vaccines to the Virginia Immunization Information System in accordance with the requirements of [VA ST § 32.1-46.01](#) (Virginia Immunization Information System). Provides that a pharmacist shall obtain a history from the patient, including questioning the patient for any known allergies, adverse reactions, contraindications, or health diagnoses or conditions that would be adverse to the initiation of treatment, dispensing, or administration. Provides that a pharmacist may initiate treatment with, dispense, or administer drugs, devices, controlled paraphernalia, and other supplies and equipment pursuant to this section through telemedicine services.

· 2022 VA S.B. 948 (NS) and 2022 VA H.B. 2274 (NS), enacted March 22, 2023, effective July 1, 2023, amends [VA ST § 54.1-3303.1](#) (Initiating of treatment with and dispensing and administering of controlled substances by pharmacists) updating the list of items that a pharmacist may initiate treatment with, dispense, or administer to persons 18 years of age or older to include controlled substances or devices for the initiation of treatment of group A Streptococcus bacterial infection, influenza virus infection, COVID-19 virus infection, and urinary tract infection for which clinical decision making can be guided by a clinical test that is classified as waived.

· 2023 VA REG TEXT 604644 (NS), published October 9, 2023, effective November 8, 2023, amends [18 VA ADC 110-21-46](#) (Initiation of treatment by a pharmacist) updating the list of drugs and devices that may be initiated, dispensed, or administered by a pharmacist to a patient older than 18 years of age. Add to the list, vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention or that have a current emergency use authorization from the U.S. Food and Drug Administration; tuberculin purified protein derivative for tuberculosis testing; and controlled substances for the prevention of human immunodeficiency



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virus, including controlled substances prescribed for pre-exposure and post-exposure prophylaxis pursuant to guidelines and recommendations of the Centers for Disease Control and Prevention. Adds reporting requirements if the pharmacist is administering a vaccine pursuant to this section. Also clarifies that these requirements are for drug, device, controlled paraphernalia, or other supplies or equipment.

### Washington

· 2023 WA REG TEXT 577063 (NS), published February 15, 2023, effective January 20, 2023, adopts [WA ADC 246-945-171](#) (Retired active pharmacist license status) to establish the requirements for a retired active pharmacist license and the criteria for returning to active status.

· 2023 WA REG TEXT 582929 (NS), published April 5, 2023, effective April 9, 2023, adopts [WA ADC 246-945-171](#) (Retired active pharmacist license status) to establish the requirements for a retired active pharmacist license and the criteria for returning to active status.

· 2023 WA REG TEXT 636960 (NS), published September 20, 2023, effective September 23, 2023, repeals the continuing education (CE) requirements established in WA ADC 246-861 (Pharmacists-Professional Pharmaceutical Education) as requirements are now found in WA ADC 246-945 (Pharmacy Quality Assurance Commission).

### West Virginia

2023 WV REG TEXT 646224 (NS), published June 30, 2023, effective June 29, 2023, amends [WV ADC § 15-12-5 \(Immunizations\)](#) providing that a licensed pharmacist may order and a licensed pharmacist, pharmacy intern or pharmacy technician may administer immunizations in accordance with this rule. Provides that immunizations authorized by this rule shall be administered in accordance with a prescription order from a healthcare provider for a person aged 3 years and up. Provides immunizations administered to a person aged 3 to 17 years shall be given only with parental written, informed consent; provided there are no contraindications to that person receiving that vaccine; and after informing the patient and the adult caregiver accompanying the patient of the importance of a well-child visit with a pediatrician or other licensed primary-care provider and referral for patients as appropriate. Provides that a pharmacist may not delegate the authority to administer immunizations to any other person, unless administered by a licensed pharmacy intern or registered pharmacy technician under the direct supervision of a pharmacist of whom the pharmacist, the pharmacist technician and intern have successfully completed all required training.

### Wyoming

· 2023 WY REG TEXT 622630 (NS), published January 11, 2023, effective January 4, 2023, amends WY ADC 059.0001.6 (Continuing Professional Education Regulations) to update the continuing education requirements for pharmacists. The changes include centralizing continuing pharmaceutical education requirements for pharmacists and pharmacy technicians; and including requirements related to pharmacists obtaining 1 1/212 hours of continuing education on the responsible prescribing of controlled substances. Also removes old definitions, simplifies, modernizes, and reorganizes the Chapter.

· 2023 WY REG TEXT 640644 (NS), published April 19, 2023, effective April 14, 2023, amends [WY ADC 059.0001.3 § 4](#) (Intern Training) updating the requirements for pharmacy interns to administer immunizations. Provides that interns shall, under the direct supervision of the preceptor pharmacist or academic preceptor, administer immunizations under the supervision of a pharmacist who is licensed by the Board.

· 2023 WY REG TEXT 640644 (NS), published April 19, 2023, effective April 14, 2023, amends [WY ADC 059.0001.16 § 4](#) (Persons who may receive immunizations) to update the requirements for pharmacists administering vaccines. Provides that pharmacists shall utilize the manufacturer's package insert for indications, contraindications, adverse reactions, dosing, route of administration, specifics regarding administration, and storage requirements for immunizations when prescribing, administering, and supervising the administration of vaccines.

· 2023 WY REG TEXT 641650 (NS), published September 6, 2023, effective August 31, 2023, amends [WY ADC 059.0001.6 § 3](#) (Continuing Pharmaceutical Education (CPE) Requirement for Pharmacists) to increase the annual continuing education requirement for pharmacists from 12 to 15 hours. Removes language regarding continuing education from outside of an ACPE-approved program.

### Physician

#### Recent Legislation and Regulation

#### Alabama

· 2023 AL S.B. 155 (NS), enacted May 23, 2023, effective August 1, 2023, amends [AL ST § 34-24-70](#) (Qualifications of applicants) updating the requirements for the issuance of a certificate of qualification for a license to practice medicine. Changes the postgraduate or residency training requirement for graduates from programs not accredited as specified to two years of training, instead of three. Updates criminal history background check requirements. Removes requirement providing that applicants who have not passed certain examinations within the 10-year period immediately preceding the date of application must take a prescribed examination with a passing score to qualify for licensure. Adopts [AL ST § 34-24-75.2](#), authorizing the board to issue permits to an individual who meets certain criteria and qualifications, to practice medicine as a bridge year graduate physician. Provides that a permitted bridge year graduate physician shall practice only under the supervision of a licensed physician approved by the board.



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- 2023 AL REG TEXT 648970 (NS), published October 31, 2023, effective December 15, 2023, amends [AL ADC 540-X-3-.03](#) (Post-Graduate Education Requirement) changing the postgraduate education requirement, from three years to two years, for applicants for a certificate of qualification who graduated from a non-accredited college of medicine or osteopathy.
- 2023 AL REG TEXT 648972 (NS), published October 31, 2023, effective December 15, 2023, amends [AL ADC 540-X-3-.07](#) (Additional Requirements for Examination for Certain Applicants) removing the requirement that an applicant who has not passed a licensing exam within the ten years preceding the application either successfully complete the SPEX exam or be board certified or recertified within the past ten years.

### Arkansas

- 2023 AR S.B. 199 (NS), enacted March 13, 2022, effective July 31, 2023, adopts [AR ST § 16-114-402](#) (Right of action) authorizing an individual who received a gender transition procedure as a minor to bring a civil action against the healthcare professional who performed the procedure for up to 15 years after the individual turns 18 years of age. Adopts [AR ST § 16-114-403](#) (Safe harbor) establishing limited defenses to a civil action brought under [AR ST § 16-114-402](#) (Right of action). Requires consent to a gender transition procedure to be obtained via the provided written notice.
- 2022 AR REG TEXT 626107 (NS), published December 15, 2022, effective November 28, 2022, to provide for the registration of Free or Low-Cost Health Care Clinics, under the Arkansas Volunteer Immunity Act, to provide immunity from civil damages to physicians and licensed health care professionals who are rendering free and voluntary professional health care services.

### California

- 2023 CA A.B. 1395 (NS), enacted and effective September 22, 2023, amends [CA BUS & PROF § 853](#) (Licensed Physicians and Dentists from Mexico Pilot Program) requiring the Medical Board of California to issue a 3-year nonrenewable license to an applicant who has not provided an individual taxpayer identification number or social security number if the applicant meets the stated conditions to apply for a visa and a social security number.
- 2023 CA A.B. 1646 (NS), enacted September 27, 2023, effective January 1, 2024, amends [CA BUS & PROF § 2065](#) (Practice of medicine, receipt of compensation or offer by postgraduate training licensee, intern, resident, postdoctoral fellow or instructor; prohibition; exception; report to board when postgraduate training period is extended or terminated) authorizing out-of-state medical residents who are participating in guest rotations in approved postgraduate training programs in California or at training sites affiliated with Accreditation Council for Graduate Medical Education (ACGME)-accredited programs to practice medicine for up to 90 days and receive compensation without obtaining a postgraduate training license.
- 2023 CA S.B. 815 (NS), enacted September 30, 2023, effective January 1, 2024, amends [CA BUS & PROF § 2065](#) (Practice of medicine, receipt of compensation or offer by postgraduate training licensee, intern, resident, postdoctoral fellow or instructor; prohibition; exception; report to board when postgraduate training period is extended or terminated) authorizing out-of-state medical residents who are participating in guest rotations in approved postgraduate training programs in California or at training sites affiliated with Accreditation Council for Graduate Medical Education (ACGME)-accredited programs to practice medicine for up to 90 days and receive compensation without obtaining a postgraduate training license. Provides that all approved postgraduate training the medical school graduate has successfully completed in the United States or Canada shall count toward the postgraduate training requirement to obtain a physician's and surgeon's license. Provides that the board, may grant an extension beyond 36 months to a postgraduate training licensee who graduated from a medical school approved by the board. Amends [CA BUS & PROF § 2096](#) (Physician's and surgeon's license; postgraduate training) updating the postgraduate training requirements to delete the requirement regarding the inclusion of 4 months of general training and clarifying the required postgraduate training shall be obtained in a postgraduate training program approved by the Accreditation Council for Graduate Medical Education (ACGME) in the United States, the Royal College of Physicians and Surgeons of Canada (RCPSC) in Canada, or the College of Family Physicians of Canada (CFPC) in Canada. Amends [CA BUS & PROF § 2225.5](#) (Refusal to comply with court order or request for medical records; civil penalties) requiring that the statute of limitations relating to the licensee be tolled upon the service of an order to show cause until such time as the subpoenaed records are produced, including any period the licensee is out of compliance with the court order and during any related appeals, or until the court declines to issue an order mandating release of the records to the board. Also requires that the statute of limitations relating to the health care facility be tolled during the period the health care facility is out of compliance with the court order and during any related appeals, or until the court declines to issue an order mandating release of records to the board. Adopts [CA BUS & PROF § 2232.5](#) requiring the MBC to suspend the license of a physician who has been convicted of a specified felony until the time for appeal has elapsed if no appeal has been taken, or until the judgment of conviction has been affirmed on appeal, or has otherwise become final, and until the further order of the MBC, and that the license shall then be automatically revoked. Amends [CA BUS & PROF § 2234](#) (Unprofessional conduct) updating the list of acts considered to be unprofessional conduct. Amends [CA BUS & PROF § 2266](#) (Record maintenance; services to patients) requiring physicians and surgeons to maintain adequate and accurate records relating to the provision of services to their patients for at least seven years after the last date of service to a patient.
- 2023 CA A.B. 470 (NS), enacted October 7, 2023, effective January 1, 2024, amends [CA BUS & PROF § 2190.1](#) (Educational activities; cultural and linguistic competency; understanding of implicit bias) specifying that educational activities that meet continuing education standards include activities that are designed to improve the quality of physician-patient communication. Also authorizes associations that accredit continuing medical education courses to update standards, in conjunction with an advisory group



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that has expertise in cultural and linguistic competency issues and is informed of federal and state statutory threshold language requirements, as specified, and would require the authorized updates to be for the purpose of meeting the needs of California's changing demographics and properly addressing language disparities, as they emerge.

· 2023 CA A.B. 1369 (NS), enacted October 13, 2023, effective January 1, 2024, adopts [CA BUS & PROF § 2052.5](#) authorizing eligible out-of-state physicians and surgeons to practice medicine in the state if the practice is limited to delivering health care via telehealth to an eligible patient. Defines 'eligible patient,' 'eligible out-of-state physician and surgeon,' 'primary physician and surgeon' and 'telehealth.'

· 2023 CA A.B. 1070 (NS), enacted October 13, 2023, effective January 1, 2024, amends [CA BUS & PROF § 3516](#) (Eligibility for employment or supervision) authorizing a physician and surgeon to supervise up to 8 physician assistants at one time if all of the physician assistants are focused solely on performing in-home health evaluations to gather patient information and perform annual wellness visits or health evaluations that do not involve direct patient treatment or prescribing medication. Defines 'in home health evaluation' and 'annual wellness visit.'

### Colorado

2023 CO [S.B. 83](#) (NS), enacted April 26, 2023, effective August 7, 2023, amends [CO ST § 12-240-107](#) (Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants and anesthesiologist assistants - penalties - definitions - rules - repeal) and [CO ST § 12-240-114.5](#) (Physician assistants - collaboration requirements - proof of practice hours from another jurisdiction - liability - definitions) updating the relationship between a physician assistant and a physician by removing the requirement that a physician assistant be supervised by a physician except in certain circumstances. Instead, requires a physician assistant to enter into a collaborative agreement with a physician. Requires the physician to be licensed in good standing in Colorado and be actively practicing with a regular and reliable physical presence in the state. Also sets forth the requirements for the collaborative agreement.

### Florida

· 2023 FL REG TEXT 623120 (NS), published February 28, 2023, effective March 16, 2023, adopts 64 [FL ADC 64B8-9.019](#) (Standards of Practice for the Treatment of Gender Dysphoria in Minors) establishing the practice standards for the treatment of gender dysphoria in minors.

· 2023 FL REG TEXT 623119 (NS), published March 14, 2023, effective March 28, 2023, adopts 64 [FL ADC 64B15-14.014](#) (Standards of Practice for the Treatment of Gender Dysphoria in Minors) prohibiting certain therapies and procedures performed for the treatment of gender dysphoria in minors.

· 2023 FL REG TEXT 648829 (NS), published October 3, 2023, effective October 15, 2023, amends 64 [FL ADC 64B15-13.001](#) (Continuing Education for Biennial Renewal) updating requirements for continuing medical education (CME). Clarifies requirements for obtaining completion of CME in a distance learning format and approves an additional provider for the controlled substance prescribing course.

### Georgia

2023 GA REG TEXT 641313 (NS), published April 28, 2023, effective May 7, 2023, amends [GA ADC 360-15-.01](#) (Requirements for Physicians) requiring, on and after January 1, 2022, all physicians to receive one-time education training, for a minimum of two hours, regarding professional boundaries and physician sexual misconduct. Requires education training to include subject matter relating to how to proceed with basic as well as sensitive or intimate examinations and the communication with patients that is required as a component of such examinations. Provides that the certification of such completion must occur at the first renewal following January 1, 2022 or the first renewal following licensure. Completion of this requirement may count as two hours toward the CME requirement for license renewal.

### Idaho

· 2023 ID H.B. 153 (NS), enacted March 21, 2023, effective July 1, 2023, adopts [ID ST § 54-1867](#) (Limited License for Bridge Year Physicians) requiring the Board to establish a 1-year, nonrenewable limited license under which bridge year physicians may practice medicine. Defines "Board" and "bridge year physician." Establishes criteria for participation in the program, scope of practice under the license, and general requirements for the program.

· 2023 ID S.B. 1094 (NS), enacted March 28, 2023, effective July 1, 2023, amends [ID ST § 54-1813](#) (Temporary License and Registration) allowing the State Board of Medicine to provide for temporary registration of experienced international medical graduates who are forcibly displaced persons. Defines "experienced international medical graduate who is a forcibly displaced person."

### Illinois

· 2021 IL H.B. 4664 (NS), enacted and effective January 13, 2023, amends [IL ST CH 225 § 60/22](#) (Disciplinary action) removing willful failure to provide notice when notice is required under the Parental Notice of Abortion Act of 1995 as grounds for disciplinary action. Prohibits disciplinary action based solely upon the physician providing, authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service, so long as the care was not unlawful under the laws of Illinois, regardless of whether the patient was a resident of Illinois or another state or based upon the physician's license being revoked or suspended, or



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the physician being otherwise disciplined by any other state, if that revocation, suspension, or other form of discipline was based solely on the physician violating another state's laws prohibiting the provision of, authorization of, recommendation of, aiding or assisting in, referring for, or participation in any health care service if that health care service as provided would not have been unlawful under the laws of this State and is consistent with the standards of conduct for the physician if it occurred in Illinois. Amends [IL ST CH 225 § 60/23](#) (Reports relating to professional conduct and capacity) prohibiting a health care institution or insurance company from taking adverse action against a licensee as a result of an adverse action taken by another state or health care institution that results from the person's provision of, authorization of, recommendation of, aiding or assistance with, referral for, or participation in any health care service if the adverse action was based solely on a violation of the other state's law prohibiting the provision of such health care and related services in the state or for a resident of the state if that health care service would not have been unlawful under the laws of Illinois and is consistent with the standards of conduct for physicians practicing in Illinois. Removes provision allowing the State's Attorney of each county to report to the Medical Board through a verified complaint any instance in which the State's Attorney believes that a physician has willfully violated the notice requirements of the Parental Notice of Abortion Act of 1995.

· 2023 IL S.B. 218 (NS), enacted June 9, 2023, effective January 1, 2024, adopts [IL ST CH 225 § 95/7.6](#) (Written collaborative agreement; temporary practice) providing that any physician assistant required to enter into a written collaborative agreement with a collaborating physician is authorized to continue to practice for up to 90 days after the termination of a written collaborative agreement, provided the physician assistant seeks any necessary collaboration at a local hospital and refers patients who require services beyond the training and experience of the physician assistant to a physician or other health care provider. Amends [IL ST CH 225 § 95/7](#) (Collaboration requirements) providing that physicians and physician assistants who work in a federally qualified health center are exempt from the collaborative ratio restriction requirements.

· 2023 IL S.B. 1785 (NS), enacted June 30, 2023, effective January 1, 2023, amends [IL ST CH 225 § 60/54.5](#) (Physician delegation of authority to physician assistants, advanced practice registered nurses without full practice authority, and prescribing psychologists) clarifying that the written collaboration agreement must be for services for which the collaborating physician can provide adequate collaboration.

· 2023 IL [S.B. 1561](#) (NS), enacted and effective August 11, 2023, amends [IL ST CH 225 § 60/18](#) (Visiting professor, physician, or resident permits) allowing a person to participate in visiting rotations in an approved postgraduate training program, not to exceed a total of 90 days for all rotations, if specified information is submitted in writing or electronically to the Department by the patient care clinics or facilities where the person will be performing the training or by an affiliated program

· 2023 IL H.B. 3109 (NS), enacted August 4, 2023, effective January 1, 2024, amends [IL ST CH 225 § 60/9](#) (Application for license) and [IL ST CH 225 § 60/22](#) (Disciplinary action) requiring the Medical Board, in determining mental capacity of an applicant or licensed individual, to consider the latest recommendations of the Federation of State Medical Boards.

## Iowa

2023 IA REG TEXT 645534 (NS), published September 20, 2023, effective October 25, 2023, adopts [IA ADC 653-9.5\(272C\)](#) ([Licensure by verification](#)) establishing requirements for licensure by verification. Amends [IA ADC 653-18.3\(272C\)](#) ([Veteran and spouse reciprocity](#)) updating the requirements and parameters for licensure for veterans and their spouses.

## Kansas

2023 KS REG TEXT 647307 (NS), published October 26, 2023, effective November 10, 2023, amends [KS ADC 100-6-6](#) (Reentry active license; medicine and surgery and osteopathic medicine) removing provision requiring each reentry active license for medicine and surgery and osteopathic medicine to expire on June 30 of each year, if not renewed.

## Kentucky

· 2023 KY S.B. 12 (NS), enacted March 17, 2023, effective June 29, 2023, adopts new sections in Chapter 311 to define 'physician wellness program' and 'career fatigue'; establish protections for physicians who participate in a physician wellness program; and affirm physician obligation to report impaired physicians to the Kentucky Board of Medical Licensure.

· 2023 KY REG TEXT 621127 (NS), published February 1, 2023, effective January 12, 2023, adopts [902 KY ADC 20:365](#) (Kentucky abortion-inducing drug certification program and registration of qualified physicians) to establish the requirements for physicians, manufacturers, distributors, and abortion facilities that prescribe, transport, supply, dispense, or sell abortion-inducing drugs. Requires a physician to apply for registration to provide abortion-inducing drugs. Provides that if the cabinet determines that there has been substantial failure to comply with this regulation, the cabinet shall revoke or suspend registration of a physician, impose fines and report the violation to the Kentucky Board of Medical Licensure and local law enforcement.

## Louisiana

2023 LA REG TEXT 635606 (NS), published February 10, 2023, effective February 1, 2023, adopts 46 LA ADC Pt XLV, § 398 (Bridge Year Graduate Physician Program) providing a pathway for a graduate of an accredited school of medicine or osteopathy who applied to, but was not accepted into, an accredited medical residency training program for the first year following medical school graduation, to apply for a bridge year graduate physician certificate. Establishes requirements for the program.

## Maryland



· 2023 MD S.B. 375 (NS), enacted April 11, 2023, effective October 1, 2023, adopts [MD HEALTH OCCUP § 14-320.1](#) (Emeritus status) establishing the requirements for emeritus status and providing an exemption from continuing education requirements for a licensee on emeritus status. Amends [MD HEALTH OCCUP § 14-601](#) (License required to practice medicine) prohibiting a licensee on inactive status or emeritus status from practicing, attempting to practice, or offering to practice medicine in the state or delegating medical acts. Amends [MD HEALTH OCCUP § 14-602](#) (Representations to public, practice of medicine) authorizing a licensee who is on emeritus status to use certain titles or designations provided that the licensee does not represent to the public that they are authorized to practice medicine in the state.

· 2023 MD REG TEXT 620768 (NS), published July 28, 2023, effective August 7, 2023, amends [MD ADC 10.32.01.03](#) (Licensure - Qualifications for Initial Licensure) updating the requirements for an otherwise qualified applicant who passes an examination after having failed the examination or any of its parts 3 or more times to qualify for licensure.

· 2023 MD REG TEXT 620768 (NS), published July 28, 2023, effective August 7, 2023, amends [MD ADC 10.32.02.10](#) (Sanctioning Guidelines for Physicians) updating the sanctioning guidelines for physicians. Adds a range of sanctions for immoral or unprofessional conduct violations that are not sexual in nature, failure to complete a criminal history records check, violation of any provision of the Health Occupations Article, failure to meet the qualifications for licensure, failure to comply with [MD HEALTH OCCUP § 1-223](#) (Opioid prescription limitations), and failure to comply with the requirements of the Prescription Drug Monitoring Program.

• 2023 MD REG TEXT 653795 (NS), published December 1, 2023, effective December 11, 2023, Amends [MD ADC 10.32.01.05](#) (Inactive and Emeritus Licensure) to add the requirements for renewal of inactive status and application for emeritus status. Updates the rule name and makes other clarifying changes. Amends [MD ADC 10.32.01.11](#) (Reinstatement of Expired, Emeritus, or Inactive Licenses) to include emeritus status in the requirements. Removes the requirement for a physician to provide a written explanation why the license was allowed to expire and why reinstatement is sought. Updates the rule name and makes other clarifying changes. Amends [MD ADC 10.32.01.12 \(Fees\)](#) to remove the examination fee for the United States Medical Licensing Examination, Step 3, and update application, renewal, reinstatement, and other fees.

### Michigan

2023 MI REG TEXT 616907 (NS), published April 15, 2023, effective March 22, 2023, amends [MI ADC R 338.2427](#) (Licensure by endorsement) requiring an applicant for a doctor of medicine license to satisfy the requirements of the code and the rules promulgated under the code and updates and adds requirements that allow licensure by endorsement for individuals licensed in another state or a province of Canada. Requires an applicant to disclose if they have been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country. Requires satisfaction of the requirements in [MI ST 333.16174](#) (License or registration; requirements; criminal history checks; permitted acts by board or task force; sanctions; disclosure), including verification that there are no disciplinary proceedings pending or sanctions in force. Allows sanctions if the license is granted and it is determined that sanctions have been imposed.

### Mississippi

· 2023 MS REG TEXT 640429 (NS), published September 11, 2023, effective October 2, 2023, amends [30 MS ADC Pt. 2601, R. 1.3](#) (Duty to Obtain License) removing the exception for licensees who perform charity work or work in research.

· 2023 MS REG TEXT 640430 (NS), published September 11, 2023, effective October 2, 2023, amends [30 MS ADC Pt. 2601, R. 2.1](#) (Effect of Application) to allow the Mississippi State Board of Medical Licensure to waive the one-year time limit to complete an application.

· 2023 MS REG TEXT 640431 (NS), published September 11, 2023, effective October 2, 2023, amends [30 MS ADC Pt. 2605, R. 3.1](#) (Temporary Licensure) removing provisions related to the issuance of an unrestricted temporary medical license in an exceptional case to an applicant seeking licensure by credentials and provisions related to the issuance of a temporary license to physicians who have been admitted for treatment in a drug and/or alcohol treatment program or who are enrolled in the fellowship of addictionology in the Mississippi State Medical Association Professionals Health Program. Also clarifies that temporary licensees who prescribe controlled substances must have and use their own DEA registration.

### Montana

2023 MT REG TEXT 650511 (NS), published October 20, 2023, effective October 21, 2023, amends [MT ADC 24.156.635](#) (Scope of Practice of Health Corps Participants) striking most of the existing language and providing that a physician who holds an active license to practice medicine in Montana as a health corps volunteer, may practice medicine within the scope of their training and experience by providing outpatient care to eligible individuals. Also provides that health corps physicians shall provide a written disclosure on the limitation on legal liability to patients of the health corps program.

### Nevada

2023 NV A.B. 124 (NS), enacted and effective May 31, 2023, amends [NV ST 633.471](#) (Prerequisites; notice to licensee; content and evidence of continuing medical education; exemption from fee) removing the requirement that the Board annually request the submission of verified evidence of completion of the required number of hours of continuing medical education from at least one-third



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of the renewal applicants and instead requires the Board to determine the percentage of such applicants from whom it will request such evidence.

### **New Jersey**

2023 NJ REG TEXT 625287 (NS), published and effective October 2, 2023, repeals [NJ ADC 13:35-3.2](#) (Endorsement; Physicians) and adopts [NJ ADC 13:35-3.2](#) (Licensure by reciprocity) establishing the requirements for the issuance of a license to a person who holds a valid, current license in good standing issued by another state. Amends [NJ ADC 13:35-3.14](#) (Biennial license renewal) requiring the notice of renewal to explain the option to renew the license as inactive status. Provides that licensees who choose inactive status must not engage in the practice of medicine or surgery or podiatry or hold themselves out as eligible to engage in such practice until such time as the license is returned to active status. Clarifies when monetary penalties or fines shall not apply for failure to renew when the renewal notice is not timely. Also provides that a licensee who fails to submit a renewal application within 30 days of license renewal shall have their license suspended without a hearing. Provides that a licensee who continues to engage in the practice of medicine or surgery or podiatry with a suspended license shall be deemed to be engaging in the unlicensed practice of medicine or surgery or podiatry and shall be subject to action consistent with [NJ ST 45:1-14](#) (Legislative findings and declarations; liberal construction of act) et seq., even if no notice of suspension has been provided to the individual. Also updates the rule name. Adopts [NJ ADC 13:35-3.14A](#) (License reactivation) establishing the requirements to reactivate an inactive license. Adopts [NJ ADC 13:35-3.14B](#) (License reinstatement) establishing the requirements to reinstate a license that was suspended for failure to renew.

### **New Mexico**

2023 NM REG TEXT 647846 (NS), published July 18, 2023, effective July 7, 2023, Repeals and replaces NM ADC 16.10.2 (Physicians: Licensure Requirements), NM ADC 16.10.5 (Disciplinary Power Of The Board) and NM ADC 16.10.6 (Complaint Procedure And Institution Of Disciplinary Action) to update the requirements regarding physician licensing, discipline and complaints. The changes include updating the definitions; adding an expedited license to Categories of Active Licenses; adding requirements for expedited licensing; providing that an applicant for a telemedicine license shall be subject to the same provisions as an applicant seeking an expedited license; providing that the Board shall not exclude an otherwise qualified applicant on the sole basis that the person has been previously arrested or convicted of a crime unless the person has a disqualifying criminal conviction; providing the fine for practicing without a license is \$10,000; and updating the complaint procedures.

### **New York**

2023 NY A.B. 6017 (NS), enacted and effective October 25, 2023, amends [NY PUB HEALTH § 230](#) (State board for professional medical conduct; proceedings) to provide immunity to the Medical Society of the State of New York, the New York State Osteopathic Society, or a county medical society that establishes a physician committee whose purpose is to confront and refer to treatment physicians who are thought to be suffering from alcoholism, drug abuse, or mental illness.

### **North Dakota**

· 2023 ND [S.B. 2098](#) (NS), enacted March 27, 2023, effective August 1, 2023, amends [ND ST 43-17.3-02](#) (Physician health program) to include students in the physician health requirements. A student is an individual studying under a medical doctor program or physician assistant program. Amends [ND ST 43-17.3-03](#) (Physician health program requirements) to require a physician health program to have a policy by which a participant may obtain a second opinion review of recommendations by the program regarding assessment, monitoring, or treatment. Amends [ND ST 43-17.3-07](#) (Confidentiality of records) providing that physician health program records may not be disclosed in any legal or administrative proceeding, unless privilege or disclosure is otherwise required by law, requested by the board for formal disciplinary action, or regarding participant noncompliance with the program. Provides that certain listed persons may not be required to testify as to the content of any findings, committee discussion, or proceedings, unless requested by the board for a disciplinary proceeding or regarding participant noncompliance with the program.

· 2023 ND [S.B. 2115](#) (NS), enacted March 29, 2023, effective August 1, 2023, adopts [ND ST 43-17-02.5](#) (Licensure for resident physicians) providing that resident physicians of medicine or osteopathy who are continuing their training and performing the duties of a resident in a hospital or institution maintained and operated by the state, an agency of the federal government, or a residency program accredited by the accreditation council on graduate medical education will be required to possess an active North Dakota residency license. The board shall adopt rules relating to the licensure, fees, qualifications, activities, scope of practice, and discipline of such individuals. Amends [ND ST 43-17-31](#) (Grounds for disciplinary action) clarifying that disciplinary action may be imposed against a physician for use of alcohol or drugs to such a degree as to interfere with the licensee's ability to safely practice medicine. Amends [ND ST 43-17-27.1](#) (Physician continuing education requirements) updating the requirements for continuing education. Provides that physicians failing to comply with continuing education requirements in the time and manner specified by rule of the board will be assessed a fee up to three times the licensure fee, in addition to such other penalties as are authorized by law. Provides that the board may accept current certification, maintenance of certification, or recertification by a member of the American board of medical specialties, the American osteopathic association, or the royal college of physician and surgeons of Canada in lieu of compliance with continuing education requirements.

· 2023 ND H.B. 1254 (NS), enacted April 19, 2023, effective April 21, 2023, adopts ND ST 12.1-36.1 to enact an Act relating to the prohibition of certain practices against a minor. Defines terms, provides that a health care provider may not engage in certain listed practices for the purpose of changing or affirming the minor's perception of the minor's sex, and provides exceptions.



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## Oklahoma

2023 OK H.B. 2686 (NS), enacted and effective May 15, 2023, amends [OK ST T. 59 § 478.1](#) (Establishment of physician-patient relationship through telemedicine) providing that telemedicine encounters shall not be used to establish a valid physician-patient relationship for the purpose of prescribing opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or carisprodol, unless the encounter is used to prescribe a Schedule III, IV, or V controlled dangerous substance approved by the United States Food and Drug Administration for medication assisted treatment or detoxification treatment for substance use disorder.

## Oregon

2023 OR REG TEXT 647337 (NS), published and effective October 9, 2023, amends [OR ADC 847-020-0130](#) (Basic Requirements for Licensure of an International Medical School Graduate) repealing the requirement for an international medical student to speak English fluently and write English legibly to qualify for licensure.

## Pennsylvania

2022 PA REG TEXT 593991 (NS), published and effective January 7, 2023, amends [49 PA ADC § 17.11](#) (Examination information for license without restriction) to update the requirements regarding the FLEX and USMLE exams. Provides that FLEX I and FLEX II as outlined in § 17.1(a)(1)(ii) (relating to license without restriction) satisfies the examination requirement for a license without restriction. Provides that the licensing examination of Federation from June 1968 through December 1984 is a three-part examination, also called the FLEX, and is the forerunner of the two-component FLEX examination; and a passing score on this three-part examination, as outlined in § 17.1(a)(1)(iii), satisfies the examination requirement for a license without restriction. Provides that USMLE examination is a uniform examination for licensure which replaces the National Boards Parts I, II and III and FLEX I and FLEX II. Steps 1, 2 and 3 of USMLE are given throughout the year at times and places designated by FSMB and NBME. USMLE eligibility requirements for each step or step component of the USMLE are jointly set by FSMB and NBME. A passing score on all three steps of USMLE, as determined by FSMB and NBME and as outlined in § 17.1(a)(1)(i), satisfies the examination requirement for a license without restriction.

## South Carolina

2023 SC REG TEXT 608421 (NS), published and effective May 26, 2023, adopts [SC ADC 81-401](#) (Continued Professional Education for Academic Licenses) to establish the requirements for continued professional competency of a physician holding an academic license that renews annually.

## South Dakota

2023 SD H.B. 1080 (NS), enacted February 13, 2023, effective July 1, 2023, adopts uncodified sections in SD ST § 34-24 (Child Health) to prohibit certain medical and surgical interventions on minor patients. Specifies that if a professional or occupational licensing board finds that a healthcare professional licensed or certified by the board has violated the prohibitions in section 2 of the Act, the board must revoke any professional or occupational license or certificate held by the healthcare professional.

## Texas

· 2023 TX H.B. 1998 (NS), enacted June 13, 2023, effective September 1, 2023, adopts [TX OCC § 153.053](#) (Surcharge to Administer Texas Physician Health Program) and [TX OCC § 153.055](#) (Surcharge for Certain Searches Related to License Status) establishing the requirements for the board to collect an additional surcharge for the Texas Physician Health Program and to cover the cost of administering a continuous query on the National Practitioner Data Bank. Adopts [TX OCC § 156.0015](#) (Criminal Record Check) establishing the requirements for a license holder to submit to the board with the registration permit renewal application a complete set of fingerprints. Amends [TX OCC § 164.051](#) (Grounds for Denial or Disciplinary Action) providing that the board shall refuse to issue or revoke a license under this subtitle if the applicant or license holder held a license to practice medicine in another state that has been revoked by the licensing authority in that state for a reason that would be grounds for the board to revoke a license to practice medicine in Texas.

· 2023 TX S.B. 14 (NS), enacted June 2, 2023, effective September 1, 2023, adopts [TX OCC § 164.0552](#) (Prohibited Acts Regarding Gender Transitioning Or Gender Reassignment Procedures And Treatments On Certain Children) providing that the board shall revoke the license or other authorization to practice medicine of a physician who violates [TX HEALTH & S § 161.702](#) (Prohibited Provision Of Gender Transitioning Or Gender Reassignment Procedures And Treatments To Certain Children); the board shall refuse to admit to examination or refuse to issue a license or renewal license to a person who violates that section; and these sanctions are in addition to any other grounds for revocation of a license or other authorization to practice medicine or for refusal to admit persons to examination under this subtitle or to issue a license or renew a license to practice medicine under this subtitle.

· 2023 TX S.B. 773 (NS), enacted and effective June 18, 2023, adopts TX HEALTH & S CHAPTER 490, Access to Investigational Treatments for Patients with Severe Chronic Diseases, to allow the use of investigational drugs, biological products, and devices for patients with a severe chronic disease who, in consultation with their physician, have considered all other approved treatment options and determined they are unavailable or unlikely to provide relief. Requires an eligible patient, before receiving an investigational drug, biological product, or device, to sign a written informed consent, and authorizes a parent, guardian, or conservator to provide informed consent on the patient's behalf if the patient is a minor or lacks the mental capacity to provide informed consent. Also prohibits the Texas Medical Board from revoking, failing to renew, suspending, or taking any action against a physician's license based solely on the



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physician's recommendations to an eligible patient regarding access to or treatment with such a drug, product, or device, provided that the recommendations meet the medical standard of care and the requirements of this Act.

## Utah

2023 UT S.B. 16 (NS), enacted and effective January 28, 2023, adopts [UT ST § 58-1-603](#) (Hormonal transgender treatment on minors - Requirements) establishing the requirements for health care providers to meet before providing a hormonal transgender treatment. Specifies requirements for a transgender treatment certification and provides that beginning January 1, 2024, providing a hormonal transgender treatment to a minor without a transgender treatment certification is unprofessional conduct. Before providing a hormonal transgender treatment to a minor, requires a health care provider to obtain written consent from the minor and the minor's parent or guardian unless the minor is emancipated. Amends [UT ST § 58-67-502](#) (Unprofessional conduct) and [UT ST § 58-68-502](#) (Unprofessional conduct) updating the list of unprofessional conduct to include performing, or causing to be performed, upon an individual who is less than 18 years old a primary sex characteristic surgical procedure or a secondary sex characteristic surgical procedure.

## Washington

2023 WA REG TEXT 642444 (NS), published December 6, 2023, effective December 14, 2023, adopts WA ADC 246-853-075 (Health equity continuing education training requirements) to require an osteopathic physician to complete two hours of health equity continuing education training every four years. These two hours of health equity continuing education count toward meeting applicable continuing education requirements.

## West Virginia

· 2023 WV REG TEXT 618484 (NS), published May 12, 2023, effective June 1, 2023, adopts WV ADC § 11-16 (Prohibiting Sexual Misconduct by Health Care Practitioners) to establish the definition of sexual misconduct and identify sexual misconduct, for which an application may be denied and a license or other authorization to practice may be subject to disciplinary action for a physician, podiatric physician or physician assistant.

· 2023 WV REG TEXT 618481 (NS), published May 12, 2023, effective June 1, 2023, adopts [WV ADC § 11-1A-5](#) (Qualification and Application for an Administrative Medicine License; Conversion of License Type) to establish the requirements for an administrative medicine license. An administrative medicine license means a medical license restricted to the practice of administrative medicine. A physician with an administrative medicine license may manage the integration of clinical medicine, strategy, operations, and other business activities related to the delivery of health care services, advise organizations, both public and private, on health care matters; authorize and deny financial payments for care; organize and direct research programs; review care provided for quality; and perform other similar duties that do not require or involve direct patient care.

## Wisconsin

2023 WI REG TEXT 576782 (NS), published September 25, 2023, effective October 1, 2023, amends [WI ADC § Med 10.03](#) (Unprofessional conduct) providing that the failure of a physician who practices in a hospital or works for any other employer to comply with the rules established by their hospital or employer regarding chaperones or other observers in patient examinations may be considered in determining whether alleged sexual misconduct occurred. Also requires physicians who are self-employed or in other practice settings that do not involve hospitals or employers to establish and comply with written procedures for the use of chaperones or other observers in patient examinations. Requires a copy or summary of any rules and procedures regarding the physician's use of chaperones or other observers shall be made available and accessible to all patients who are likely to receive a non-emergency examination of the breasts, genitals, or rectal area. Provides that a physician shall not be found in violation of this section because of the failure of a third-party to create a policy regarding chaperones, or to allow posting or notification of any policy regarding chaperones.

## Wyoming

· 2023 WY REG TEXT 627083 (NS), published February 8, 2023, effective January 30, 2023, amends [WY ADC 052.0001.1 § 8](#) (Physician and General Fees) to update the fees related to physician licensing. Make reductions in commonly paid license application and renewal fees ranging from 11% to 60%. Deletes fees for copies of public records and licensee mailing lists and replaces them with the Department of Administration and Information's Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records, which are incorporated by reference.

· 2023 WY REG TEXT 643624 (NS), published October 4, 2023, effective September 25, 2023, amends [WY ADC 052.0001.1 § 7](#) (Exemption from licensure) adding a licensure exemption to allow a physician or physician assistant who has established a provider-patient relationship in another state with a patient who is a resident of Wyoming to provide continued care to the patient via telehealth without a Wyoming physician or physician assistant license. Allows the telehealth care to continue for up to six (6) months, after which an in-person encounter must take place in a jurisdiction where the physician or physician assistant is licensed. Amends [WY ADC 052.0001.1 § 11](#) (Conversion of emeritus and inactive licenses to active, full, unrestricted status) providing a process for conversion of emeritus and inactive physician licenses to full, unrestricted status. Also updates the process for reactivation of physician and physician assistant licenses and adds requirements for application processing, review and interviews.

## Interstate Licensing Compacts



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## Recent Legislation and Regulation

### Hawaii

2023 HI [S.B. 674](#) (NS), enacted June 22, 2023, effective January 1, 2024, adopts uncodified sections to enact the Interstate Medical Licensure Compact to create a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provides a streamlined process that allows physicians to become licensed in multiple states. The Compact creates another pathway for licensure and does not otherwise change a state's existing Medical Practice Act. The Compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the Compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the Compact.

### Iowa

2023 IA H.F. 656 (NS) enacted April 27, 2023, effective July 1, 2023, adopts IA ST § 147G.1 (Dentist and dental hygienist compact) establishing the dentist and dental hygienist compact to provide a streamlined process of licensing dentists and dental hygienists in multiple states. Provides definitions, eligibility and application requirements, fees, and disciplinary actions.

### Massachusetts

2023 MA H.D. 620 (NS) filed in the house, January 14, 2023, an Act relative to Massachusetts joining the nursing licensure compact.

### Minnesota

2023 MN H.F. 1005 (NS), introduced January 30, 2023, creates a Nurse Licensure Compact.

### Mississippi

2023 MS REG TEXT 640428 (NS), published September 11, 2023, effective October 2, 2023, adopts [30 MS ADC Pt. 2605, R. 1.4](#) (Licensure via the Interstate Medical Licensure Compact - Supplemental Information) to require applicants for licensure under the Interstate Medical Licensure Compact to provide any supplemental information that is requested as part of the licensure process.

### Nevada

2023 NV A.B. 158 (NS), enacted June 12, 2023, effective October 1, 2023, adopts uncodified section in NV ST 450B (Emergency Medical Services) to recognize and ratify the Emergency Medical Services Personnel Licensure Interstate Compact. The Compact is intended to facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state.

### North Carolina

2023 NC [S.B. 324](#) (NS), introduced March 20, 2023, to establish an interstate compact for the licensure of the practice of medicine.

### Rhode Island

2023 RI H.B. 5737 (NS), enacted June 24, 2023, effective January 1, 2024, amends the interstate nurse licensure compact to adopt an enhanced and more comprehensive version of the compact. The compact allows nurses to hold a multi-state license allowing them to practice across state lines without having to obtain multiple licenses.

### Virginia

2022 VA H.B. 2073 (NS), prefiled January 10, 2023, creates the Interstate Medical Licensure Compact to create a process for expedited issuance of a license to practice medicine in the Commonwealth for qualifying physicians to enhance the portability of medical licenses while protecting patient safety. The bill establishes requirements for coordination of information systems among member states and procedures for investigation and discipline of physicians alleged to have engaged in unprofessional conduct. The bill creates the Interstate Medical Licensure Compact Commission to administer the compact.

### Washington

· 2023 WA S.B. 5499 (NS), enacted April 20, 2023, effective July 23, 2023, adopts new chapter in WA ST 18 (Businesses and Professions) to enact the interstate nurse licensure compact of 2023. Establishes the requirements for a multistate license to practice registered or licensed practical or vocational nursing issued by a home state to a resident in that state to be recognized by each party state as authorizing a nurse to practice as a registered nurse, or licensed practical or vocational nurse, under a multistate licensure privilege.

· 2023 WA H.B. 1576 (NS), enacted May 4, 2023, effective July 23, 2023, adopts uncodified sections to add a new chapter to WA ST 18 (Businesses and Professions) to enact the dentist and dental hygienist compact.

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