

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 297

An Act to amend and reenact § 54.1-307.1 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; complaint information; time for filing complaints.

[H 716]

Approved March 31, 2004

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-307.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-307.1. Time for filing complaints against regulants.

A. Except as otherwise provided in § 36-96.9 and subsections B and C of this section, any complaint against a regulant for any violation of statutes or regulations pertaining to the regulatory boards within Subtitle II (§ 54.1-200 et seq.) of this title or any of the programs which may be in another title of the Code for which any regulatory board within Subtitle II has enforcement responsibility, in order to be investigated by the Department, shall be made in writing, or otherwise made in accordance with Department procedures, and received by the Department within three years of the act, omission or occurrence giving rise to the violation. *Public information obtained from any source by the Director or agency staff may serve as the basis for a written complaint against a regulant.*

B. However, where a regulant has materially and willfully misrepresented, *concealed or omitted* any information ~~required by statute or regulations to be disclosed to a complainant~~ and the information so misrepresented, *concealed or omitted* is material to the establishment of the violation, the complaint may be made at any time within two years after discovery of the misrepresentation, *concealment or omission*.

C. ~~This section shall not apply to any complaint for which a criminal proceeding may be instituted in a court of competent jurisdiction. Nothing herein shall be construed to preclude the Department from pursuing remedies provided for in this title.~~ *In cases where criminal charges have been filed involving matters that, if found to be true, would also constitute a violation of the regulations or laws of the regulant's profession enforced by the Department, an investigation may be initiated by the Department at any time within two years following the date such criminal charges are filed.*