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## HOUSE BILL NO. 1944

Offered January 10, 2007

Prefiled January 5, 2007

A BILL to amend the Code of Virginia by adding a section numbered 54.1-2905.1, relating to background checks.

Patron—Purkey

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 54.1-2905.1 as follows:**

*§ 54.1-2905.1. Background check required.*

A. Upon application for a license to practice medicine, osteopathic medicine, chiropractic, or podiatry, an applicant shall submit to the Board (i) a written statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth, (ii) personal descriptive information pursuant to regulations promulgated by the Board, (iii) an original set of fingerprints, and (iv) an application fee to be determined pursuant to regulations promulgated by the Board. Within 30 days of receipt of the information, the Board shall forward the personal descriptive information and original set of fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant. The Board shall inform the applicant that he is entitled to obtain a copy of any background check report, to challenge the accuracy and completeness of any such report, and to obtain a prompt resolution before a final determination is made with regards to the applicant's fitness to practice medicine, osteopathic medicine, chiropractic, or podiatry. Further dissemination of the information provided pursuant to this section is prohibited other than to a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

B. The Board may, at its discretion, require an individual seeking to renew a license to practice medicine, osteopathic medicine, chiropractic, or podiatry to submit to a background check as described in subsection A of this section.

C. The Board shall not grant an initial license to practice medicine, osteopathic medicine, chiropractic, or podiatry to or renew a license to practice medicine, osteopathic medicine, chiropractic, or podiatry of any person who is found to have been convicted of murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2, malicious wounding by mob as set out in § 18.2-41, abduction as set out in subsection A of § 18.2-47, abduction for immoral purposes as set out in § 18.2-48, assaults and bodily woundings as set out in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, robbery as set out in § 18.2-58, carjacking as set out in § 18.2-58.1, threats of death or bodily injury as set out in § 18.2-60, felony stalking as set out in § 18.2-60.3, sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, drive by shooting as set out in § 18.2-286.1, use of a machine gun in a crime of violence as set out in § 18.2-289, aggressive use of a machine gun as set out in § 18.2-290, use of a sawed-off shotgun in a crime of violence as set out in subsection A of § 18.2-300, pandering as set out in § 18.2-355, crimes against nature involving children as set out in § 18.2-361, incest as set out in § 18.2-366, taking indecent liberties with children as set out in § 18.2-370 or § 18.2-370.1, abuse and neglect of children as set out in § 18.2-371.1, failure to secure medical attention for an injured child as set out in § 18.2-314, obscenity offenses as set out in § 18.2-374.1, possession of child pornography as set out in § 18.2-374.1:1, electronic facilitation of pornography as set out in § 18.2-374.3, abuse and neglect of incapacitated adults as set out in § 18.2-369, employing or permitting a minor to assist in an act constituting an offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in § 18.2-379, delivery of drugs to prisoners as set out in § 18.2-474.1, escape from jail as set out in § 18.2-477, felonies by prisoners as set out in § 53.1-203, or an equivalent offense in another state.

D. The Board shall promulgate regulations in order to carry out the provisions of this section.

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