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HOUSE BILL NO. 609

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on January 26, 2012)

(Patron Prior to Substitute—Delegate LeMunyon)

A BILL to amend and reenact §§ 54.1-201, 54.1-831, and 54.1-1802.1 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; duties of regulatory boards.

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-201, 54.1-831, and 54.1-1802.1 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-201. Powers and duties of regulatory boards.

A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

2. To examine, or cause to be examined, the qualifications of each applicant for certification or licensure within its particular regulatory system, including when necessary the preparation, administration and grading of examinations.

3. To certify or license qualified applicants as practitioners of the particular profession or occupation regulated by such board.

4. To levy and collect fees for certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department of Professional and Occupational Regulation and the Board for Professional and Occupational Regulation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

6. To ensure that inspections are conducted relating to the practice of each practitioner certified or licensed by the regulatory board to ensure that the practitioner is conducting his practice in a competent manner and within the lawful regulations promulgated by the board.

7. To place a regulant on probation or revoke, suspend or fail to renew a certificate or license for just causes as enumerated in regulations of the board. Conditions of probation may include, but not be limited to the successful completion of remedial education or examination.

8. To receive complaints concerning the conduct of any person whose activities are regulated by the regulatory board and to take appropriate disciplinary action if warranted.

9. To promulgate canons of ethics under which the professional activities of persons regulated shall be conducted.

B. A regulant shall furnish, upon the request of a person to whom the regulant is providing or offering to provide service, satisfactory proof that the regulant (i) is duly licensed, certified, or registered under this subtitle and (ii) has obtained any required bond or insurance to engage in his profession or occupation.

C. As used in this section, "regulant" means any person, firm, corporation, association, partnership, joint venture, or any other legal entity required by this subtitle to be licensed, certified, or registered.

§ 54.1-831. Powers and duties of the Department.

The Department shall administer and enforce the provisions of this chapter. In addition to the powers and duties otherwise conferred by law, the Director shall have the powers and duties of a regulatory board as contained in §§ 54.1-201 and 54.1-202, and shall have the power and duty to:

1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which implement the federal Professional Boxing Safety Act of 1996 (15 U.S.C. § 6301 et seq.) and protect the public against incompetent, unqualified, unscrupulous or unfit persons engaging in the activities regulated by this chapter.

The regulations shall include requirements for (i) initial and renewal licensure, (ii) licensure and conduct of events, (iii) standards of practice for persons arranging, promoting, conducting, supervising and participating in events, (iv) grounds for disciplinary actions against licensees, (v) records to be kept and maintained by licensees, (vi) manner in which fees are to be accounted for and submitted to the Department, and (vii) minimum health coverage for injuries sustained in a boxing match. The Department shall have direct oversight of events to assure the safety and well-being of boxers and

60 wrestlers.

61 2. Charge each applicant for licensure and for renewals of licensure a nonrefundable fee subject to
62 the provisions of § 54.1-113 and subdivision A 4 of § 54.1-201.

63 3. Conduct investigations to determine the suitability of applicants for licensure and to determine the
64 licensee's compliance with applicable statutes and regulations.

65 4. Conduct investigations as to whether monopolies, combinations or other circumstances exist to
66 restrain matches or exhibitions of professional boxing or wrestling anywhere in the Commonwealth. The
67 Attorney General may assist investigations at the request of the Department.

68 5. Exercise jurisdiction over all wrestling and boxing conducted within the Commonwealth by any
69 person, except where otherwise exempted.

70 § 54.1-1802.1. Powers and duties of the Department.

71 The Department shall administer and enforce the provisions of this chapter. In addition to the powers
72 and duties otherwise conferred by the law, the Director shall have the powers and duties of a regulatory
73 board as contained in §§ 54.1-201 and 54.1-202 and shall have the power and duty to:

74 1. Promulgate regulations necessary for the reasonable administration of this chapter in accordance
75 with the Administrative Process Act (§ 2.2-4000 et seq.). Such regulations shall include, but not be
76 limited to, the establishment of minimum qualifications for the operators of polygraphs and other
77 detection devices;

78 2. Charge each applicant for licensure and for renewals of licensure a nonrefundable fee subject to
79 the provisions of § 54.1-113 and subdivision A 4 of § 54.1-201; and

80 3. Conduct investigations to determine the suitability of applicants for licensure and to determine the
81 licensee's compliance with applicable statutes and regulations.