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SENATE BILL NO. 898

Offered January 9, 2013

Prefiled January 4, 2013

A BILL to amend and reenact §§ 54.1-2408.2 and 54.1-2915 of the Code of Virginia, relating to Board of Medicine; revocation of licenses.

Patrons—Reeves and Favola

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2408.2 and 54.1-2915 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2408.2. Minimum period for reinstatement after revocation.

When the certificate, registration or license of any person certified, registered or licensed by one of the health regulatory boards has been revoked, the board may, after three years and upon the payment of a fee prescribed by the Board, consider an application for reinstatement of a certificate, registration or license in the same manner as the original certificates, registrations or licenses are granted; *however, if a license has been revoked pursuant to subsection B of § 54.1-2915, the Board shall not consider an application for reinstatement until five years have passed since revocation.* The reinstatement of a certificate, registration or license shall require the affirmative vote of three-fourths of the members at a meeting. In the discretion of the board, such reinstatement may be granted without further examination.

§ 54.1-2915. Unprofessional conduct; grounds for refusal or disciplinary action.

A. The Board may refuse to admit a candidate to any examination; refuse to issue a certificate or license to any applicant; reprimand any person; place any person on probation for such time as it may designate; suspend any license for a stated period of time or indefinitely; or revoke any license for any of the following acts of unprofessional conduct:

1. False statements or representations or fraud or deceit in obtaining admission to the practice, or fraud or deceit in the practice of any branch of the healing arts;

2. Substance abuse rendering him unfit for the performance of his professional obligations and duties;

3. Intentional or negligent conduct in the practice of any branch of the healing arts that causes or is likely to cause injury to a patient or patients;

4. Mental or physical incapacity or incompetence to practice his profession with safety to his patients and the public;

5. Restriction of a license to practice a branch of the healing arts in another state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction;

6. Undertaking in any manner or by any means whatsoever to procure or perform or aid or abet in procuring or performing a criminal abortion;

7. Engaging in the practice of any of the healing arts under a false or assumed name, or impersonating another practitioner of a like, similar, or different name;

8. Prescribing or dispensing any controlled substance with intent or knowledge that it will be used otherwise than medicinally, or for accepted therapeutic purposes, or with intent to evade any law with respect to the sale, use, or disposition of such drug;

9. Violating provisions of this chapter on division of fees or practicing any branch of the healing arts in violation of the provisions of this chapter;

10. Knowingly and willfully committing an act that is a felony under the laws of the Commonwealth or the United States, or any act that is a misdemeanor under such laws and involves moral turpitude;

11. Aiding or abetting, having professional connection with, or lending his name to any person known to him to be practicing illegally any of the healing arts;

12. Conducting his practice in a manner contrary to the standards of ethics of his branch of the healing arts;

13. Conducting his practice in such a manner as to be a danger to the health and welfare of his patients or to the public;

14. Inability to practice with reasonable skill or safety because of illness or substance abuse;

15. Publishing in any manner an advertisement relating to his professional practice that contains a claim of superiority or violates Board regulations governing advertising;

16. Performing any act likely to deceive, defraud, or harm the public;

17. Violating any provision of statute or regulation, state or federal, relating to the manufacture, distribution, dispensing, or administration of drugs;

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59 18. Violating or cooperating with others in violating any of the provisions of Chapters 1 (§ 54.1-100
60 et seq.), 24 (§ 54.1-2400 et seq.) and this chapter or regulations of the Board;

61 19. ~~Engaging in sexual contact with a patient concurrent with and by virtue of the practitioner and~~
62 ~~patient relationship or otherwise engaging at any time during the course of the practitioner and patient~~
63 ~~relationship in conduct of a sexual nature that a reasonable patient would consider lewd and offensive;~~

64 20. Conviction in any state, territory, or country of any felony or of any crime involving moral
65 turpitude; or

66 ~~21.~~ 20. Adjudication of legal incompetence or incapacity in any state if such adjudication is in effect
67 and the person has not been declared restored to competence or capacity.

68 B. *The Board shall refuse to admit a candidate to any examination, refuse to issue a certificate or*
69 *license to any applicant, or shall revoke any license if a practitioner engages in sexual contact with a*
70 *patient concurrent with and by virtue of the practitioner and patient relationship or otherwise engages*
71 *at any time during the course of the practitioner and patient relationship in conduct of a sexual nature*
72 *that a reasonable patient would consider lewd and offensive.*

73 C. The commission or conviction of an offense in another state, territory, or country, which if
74 committed in Virginia would be a felony, shall be treated as a felony conviction or commission under
75 this section regardless of its designation in the other state, territory, or country.

76 ~~C.~~ D. The Board shall refuse to admit a candidate to any examination and shall refuse to issue a
77 certificate or license to any applicant if the candidate or applicant has had his certificate or license to
78 practice a branch of the healing arts revoked or suspended, and has not had his certificate or license to
79 so practice reinstated, in another state, the District of Columbia, a United States possession or territory,
80 or a foreign jurisdiction.