

VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

CHAPTER 96

An Act to amend and reenact § 54.1-2408.2 of the Code of Virginia, relating to health regulatory boards; burden of proof for reinstatement.

[S 463]

Approved March 3, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2408.2 of the Code of Virginia is 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registration or license of any person certified, registered or licensed by one of the health regulatory boards has been revoked, the board may, after three years and upon the payment of a fee prescribed by the ~~Board~~ board, consider an application for reinstatement of a certificate,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in the same manner as the original certificates, registrations or licenses are granted; however, if a license has been revoked pursuant to subdivision A 19 of § 54.1-2915, the ~~Board~~ board shall not consider an application for reinstatement until five years have passed since revocation. A ~~Board~~ board shall conduct an investigation and review an application for reinstatement after revocation to determine whether there are causes for denial of the application. *The burden of proof shall be on the applicant to show by clear and convincing evidence that he is safe and competent to practice.* The reinstatement of a certificate, registration or license shall require the affirmative vote of three-fourths of the members at a ~~meeting~~ *hearing*. In the discretion of the board, such reinstatement may be granted without further examination.