

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB 829

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Stanley

3. Committee: General Laws and Technology

4. Title: Governor; authority to reinstate professional licenses.

5. Summary: This bill would allow the Governor to reinstate a revoked professional license regulated by an executive branch agency for any person. The bill also requires the Governor to establish an application process for reinstating revoked licenses, and it requires executive branch agencies to assist the Governor in the administration of this application process.

6. Budget Amendment Necessary: Indeterminate – see Item 8.

7. Fiscal Impact Estimates: Indeterminate – see Item 8.

8. Fiscal Implications: The fiscal impact of this bill is indeterminate because the scope of the bill is unclear, in part because the bill does not distinguish between profession and occupation as those terms are used in Title 54.1 and other provisions in the Code of Virginia.

This bill would essentially create a third pathway for reinstating a revoked professional license by granting this authority to the Governor. Presently, one pathway is through the regulating entity; most, if not all, regulating entities have their own rules and processes for reinstating revoked professional licenses. The second pathway is through the appeal process, which is conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

Of the approximately 62 executive branch agencies with authority to promulgate regulations, it appears that at least five regulate professional licenses for persons: the Department of Criminal Justice Services, the Department of Education, the Department of Health Professions, the Department of Professional and Occupational Regulation, and the Office of the State Inspector General. All five stated that the agency could absorb the fiscal impact with existing resources or that the bill would have minimal to no impact. The bill may also impact the Board of Accountancy but the extent of the impact is unknown. Because the bill is limited to executive branch agencies, it does not appear to affect licenses issued by agencies outside of the executive branch, such as the Board of Bar Examiners.

This bill would require the Governor's Office to establish a process for reinstating revoked licenses and to administer the application process. Both of these requirements would increase the use of staff resources, which could result in a fiscal impact. Because the scope of the bill is unclear, the extent of the fiscal impact on the Governor's Office is indeterminate.

In addition, the bill requires “each executive branch agency” to assist the Governor in the administration of this application process. It does not clarify if this is limited to executive branch agencies that regulate professional licenses or if this extends to all executive branch agencies.

9. Specific Agency or Political Subdivisions Affected: The Governor’s Office and all executive branch agencies.

10. Technical Amendment Necessary: None

11. Other Comments: None