

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 581

An Act to amend the Code of Virginia by adding a section numbered 54.1-307.1, relating to the Department of Professional and Occupational Regulation.

[H 1192]

Approved April 9, 1994

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-307.1 as follows:

§ 54.1-307.1. Time for filing complaints against regulants.

A. Except as otherwise provided in § 36-96.9 and subsections B and C of this section, any complaint against a regulant for any violation of statutes or regulations pertaining to the regulatory boards within Subtitle II of this title or any of the programs which may be in another title of the Code for which any regulatory board within Subtitle II has enforcement responsibility, in order to be investigated by the Department, shall be made in writing, or otherwise made in accordance with Department procedures, and received by the Department within three years of the act, omission or occurrence giving rise to the violation.

B. However, where a regulant has materially and willfully misrepresented any information required by statute or regulations to be disclosed to a complainant and the information so misrepresented is material to the establishment of the violation, the complaint may be made at any time within two years after discovery of the misrepresentation.

C. This section shall not apply to any complaint for which a criminal proceeding may be instituted in a court of competent jurisdiction. Nothing herein shall be construed to preclude the Department from pursuing remedies provided for in Title 54.1.