

LD7916813

## HOUSE BILL NO. 990

Offered January 25, 1994

*A BILL to amend and reenact § 54.1-111 of the Code of Virginia, relating to criminal penalties for practicing certain professions and occupations without appropriate license.*

Patrons—Baker, Cantor and Davies

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-111 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-111. Unlawful acts; prosecution; criminal penalties; proceedings in equity.

A. It shall be unlawful for any person, partnership, corporation or other entity to engage in any of the following acts:

1. Practicing a profession or occupation without holding a valid license as required by statute or regulation.

2. Making use of any designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly certified or licensed.

3. Making use of any titles, words, letters or abbreviations which may reasonably be confused with a designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly certified or licensed.

4. Performing any act or function which is restricted by statute or regulation to persons holding a professional or occupational license or certification, without being duly certified or licensed.

5. Failing to register as a practitioner of a profession or occupation as required by statute or regulation.

6. Materially misrepresenting facts in an application for licensure, certification or registration.

7. Willfully refusing to furnish a regulatory board information or records required or requested pursuant to statute or regulation.

8. Violating any statute or regulation governing the practice of any profession or occupation regulated pursuant to this title.

Any person who willfully engages in any unlawful act enumerated in this section shall be guilty of a Class 1 misdemeanor. The third or any subsequent conviction for violating this section during a thirty-six-month period shall constitute a Class 6 felony.

B. In addition to the criminal penalties provided for in subsection A of this section, the Department of Professional and Occupational Regulation or the Department of Health Professions, without compliance with the Administrative Process Act, shall have the authority to enforce the provisions of subsection A of this section and may institute proceedings in equity to enjoin any person, partnership, corporation or any other entity from engaging in any unlawful act enumerated in this section. Such proceedings shall be brought in the name of the Commonwealth by the appropriate Department in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides.

C. Any person who, without holding a current valid license, (i) performs an invasive procedure for which a license is required; (ii) administers, prescribes, sells, distributes, or dispenses a controlled drug; or (iii) practices a profession or occupation after having his license to do so suspended or revoked shall be guilty of a Class 6 felony.

INTRODUCED

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