

# VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

## CHAPTER 519

*An Act to amend and reenact § 54.1-2925 of the Code of Virginia, relating to use of expert witnesses in disciplinary proceedings.*

[H 1444]

Approved April 1, 1996

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2925 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-2925. Use of experts in disciplinary proceedings.

In any disciplinary proceeding conducted pursuant to this chapter, the executive director may contract with an expert or a panel of experts in the various specialties to provide assistance in investigating and evaluating practitioners who may be subject to punitive action. The executive director ~~shall~~ *may* select experts for this purpose from lists of specialists to be provided and regularly updated by the appropriate professional societies. Any contract between the executive director and any consulting expert shall provide that the consulting expert shall: (i) be available to work with an investigator from the beginning of the investigation; (ii) receive appropriate compensation for his services; (iii) review and evaluate a completed investigation report in accordance with guidelines established by the Board and the Office of the Attorney General and return it to the Board for action within a specified period of time; and (iv) be available to testify for the Board in any administrative or court proceeding arising from the investigations in which he has participated.

Any expert assisting in any investigation voluntarily or under the contract arrangements described in this section shall be immune from any civil liability or criminal prosecution resulting therefrom unless he acted in bad faith or with malicious intent.