

1999 SESSION

INTRODUCED

995105487

HOUSE BILL NO. 2052

Offered January 20, 1999

A BILL to amend and reenact § 54.1-2506 of the Code of Virginia, relating to enforcement of laws.

Patrons—Weatherholtz, Blevins, Darner, Davis, Drake, Landes, May and Puller; Senators: Hanger and Ticer

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2506 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2506. Enforcement of laws by Director and investigative personnel; authority of investigative personnel; duty to report; immunity.

The Director and investigative personnel appointed by him shall be sworn to enforce the statutes and regulations pertaining to the Department, the Board, and the health regulatory boards and shall have the authority to investigate any violations of those statutes and regulations and, to the extent otherwise authorized by law, inspect any office or facility operated by, owned by, or employing individuals regulated by any health regulatory board. The Director or his designee shall have the power to subpoena witnesses and issue subpoenas requiring the production of patient records, business records, papers, and physical or other evidence in the course of any investigation.

All investigative personnel shall be vested with the authority to (i) administer oaths or affirmations for the purpose of receiving complaints of violations of this subtitle, (ii) serve and execute any warrant, paper or process issued by any court or magistrate, the Board, the Director or, in his absence, a designated subordinate, or by any regulatory board under the authority of the Director, and (iii) request and receive criminal history information under the provisions of § 19.2-389.

Any person who is licensed or certified to practice any of the health professions regulated by this Department has the duty to report any known or suspected violations of the laws or regulations governing the practice of any health profession. Any person who makes a report pursuant to this section or who participates in a judicial proceeding resulting therefrom shall be immune from any civil or criminal liability in connection therewith, unless it is proven that such person acted in bad faith or with malicious intent.

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