

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-2506 of the Code of Virginia, relating to Department of Health*
3 *Professions; subpoenas.*

4 [S 258]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 54.1-2506 of the Code of Virginia is amended and reenacted as follows:**8 **§ 54.1-2506. Enforcement of laws by Director and investigative personnel; authority of**
9 **investigative personnel and Director.**

10 A. The Director and investigative personnel appointed by him shall be sworn to enforce the statutes
11 and regulations pertaining to the Department, the Board, and the health regulatory boards and shall have
12 the authority to investigate any violations of those statutes and regulations and to the extent otherwise
13 authorized by law inspect any office or facility operated, owned or employing individuals regulated by
14 any health regulatory board. The Director or his designee shall have the power to subpoena witnesses
15 and to request and obtain patient records, business records, papers, and physical or other evidence in the
16 course of any investigation or to issue subpoenas requiring the production of such evidence. *A subpoena*
17 *issued pursuant to this section may be served by (i) any person authorized to serve process under*
18 *§ 8.01-293, (ii) investigative personnel appointed by the Director, (iii) registered or certified mail or by*
19 *equivalent commercial parcel delivery service, or (iv) email or facsimile if requested to do so by the*
20 *recipient. Upon failure of any person to comply with a subpoena duly served, the Director may,*
21 *pursuant to § 54.1-111, request that the Attorney General or the attorney for the Commonwealth for the*
22 *jurisdiction in which the recipient of the subpoena resides, is found, or transacts business seek*
23 *enforcement of the subpoena in such jurisdiction.*

24 B. All investigative personnel shall be vested with the authority to (i) administer oaths or
25 affirmations for the purpose of receiving complaints of violations of this subtitle, (ii) serve and execute
26 any warrant, paper or process issued by any court or magistrate, the Board, the Director or in his
27 absence a designated subordinate, or by any regulatory board under the authority of the Director, (iii)
28 request and receive criminal history information under the provisions of § 19.2-389, and (iv) request and
29 receive social security numbers from practitioners or federal employee identification numbers from
30 facilities.

31 C. The Director shall have the authority to issue summonses for violations of statutes and regulations
32 governing the unlicensed practice of professions regulated by the Department. The Director may delegate
33 such authority to investigators appointed by him. In the event a person issued such a summons fails or
34 refuses to discontinue the unlawful acts or refuses to give a written promise to appear at the time and
35 place specified in the summons, the investigator may appear before a magistrate or other issuing
36 authority having jurisdiction to obtain a criminal warrant pursuant to § 19.2-72.

ENROLLED

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