

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 697

An Act to amend and reenact § 54.1-113 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; adjustment of fees by regulatory boards; distribution of excess fees to regulants.

[H 1939]

Approved March 21, 2019

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-113 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-113. Regulatory boards to adjust fees; certain transfer of moneys collected on behalf of health regulatory boards prohibited.

A. Following the close of any biennium, when the account for any regulatory board within the Department of Professional and Occupational Regulation maintained under § 54.1-308 shows that unspent and unencumbered revenue exceeds \$100,000 or 20 percent of the total expenses allocated to the regulatory board for the past biennium, whichever is greater, the regulatory board shall (i) distribute all such excess revenue to current regulants and (ii) reduce the fees levied by it for certification, licensure, registration, or permit and renewal thereof so that the fees are sufficient but not excessive to cover expenses.

B. Following the close of any biennium, when the account for any regulatory board within the ~~Department of Professional and Occupational Regulation~~ or the Department of Health Professions maintained under ~~§ 54.1-308~~ or 54.1-2505 shows expenses allocated to it for the past biennium to be more than 10 percent greater or less than moneys collected on behalf of the regulatory board, it shall revise the fees levied by it for certification, licensure, registration, or permit and renewal thereof so that the fees are sufficient but not excessive to cover expenses.

~~B.~~ *C. Nongeneral funds generated by fees collected on behalf of the health regulatory boards and accounted for and deposited into a special fund by the Director of the Department of Health Professions shall be held exclusively to cover the expenses of the health regulatory boards, the Health Practitioners' Monitoring Program, and the Department and Board of Health Professions and shall not be transferred to any agency other than the Department of Health Professions, except as provided in §§ 54.1-3011.1 and 54.1-3011.2.*

2. That the provisions of the first enactment of this act shall become effective on July 1, 2022.