

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 1 of Chapter 27 of Title 54.1 a section*
3 *numbered 54.1-2708.1, relating to confidentiality of investigative information; penalty.*

4 [H 1913]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding in Article 1 of Chapter 27 of Title 54.1 a**
8 **section numbered 54.1-2708.1 as follows:**9 *§ 54.1-2708.1. Confidentiality of investigative information required; penalty.*10 *A. Any reports, information or records received and maintained by the Board in connection with*
11 *possible disciplinary proceedings, including any material received or developed by the Board during an*
12 *investigation or hearing, shall be strictly confidential. However, the Board may only disclose any such*
13 *confidential information:*14 *1. In a disciplinary hearing before the Board or in any subsequent trial or appeal of a Board action*
15 *or order;*16 *2. To licensing authorities located outside this Commonwealth which are concerned with granting,*
17 *limiting or denying a dentist or dental hygienist a license to practice if a final determination regarding*
18 *a violation of this chapter has been made;*19 *3. Pursuant to an order of a court of competent jurisdiction; or*20 *4. To qualified personnel for bona fide research or educational purposes, if personally identifiable*
21 *information relating to any patient, dentist or dental hygienist is first deleted and a final determination*
22 *regarding a violation of this chapter has been made.*23 *B. Orders of the Board relating to disciplinary action against a dentist or dental hygienist are not*
24 *required to be confidential.*25 *C. In no event shall confidential information received, maintained or developed by the Board, or*
26 *disclosed by the Board to others, pursuant to this section, be available for discovery or court subpoena*
27 *or introduced into evidence in any medical malpractice suit or other action for damages arising out of*
28 *the provision of or failure to provide services. However, this section shall not be construed to inhibit an*
29 *investigation or prosecution under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.*30 *D. Any person found guilty of the unlawful disclosure of such confidential information possessed by*
31 *the Board shall be guilty of a Class 1 misdemeanor.*32 *E. Any claim of physician-patient privilege shall not prevail in any investigation or proceeding by*
33 *the Board acting within the scope of its authority. However, the disclosure of any information pursuant*
34 *to this provision shall not be deemed a waiver of such privilege in any other proceeding.*35 *F. This section shall not prohibit the Director of the Department of Health Professions, after*
36 *consultation with the Board president or his designee, from disclosing to the Attorney General, or the*
37 *appropriate attorney for the Commonwealth, investigatory information which indicates a possible*
38 *violation of any provision of law relating to the manufacture, distribution, dispensing, prescribing or*
39 *administration of drugs other than drugs classified as Schedule VI drugs and devices by any individual*
40 *licensed or otherwise regulated by the Board of Dentistry.*

ENROLLED

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