

Commonwealth of Virginia



REGULATIONS
**GOVERNING PRACTITIONER SELF-
REFERRAL**
VIRGINIA BOARD OF HEALTH PROFESSIONS

Title of Regulations: 18VAC75-20-10 et seq.

**Statutory Authority: §§ 54.1-2400 and Chapter 24.1 of Title 54.1
of the *Code of Virginia***

Revised Date:

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Part II. Advisory Opinions and Exceptions.

18VAC75-20-60. Application for advisory opinions.

A. Any practitioner or entity may request an advisory opinion on the applicability of the Act upon completion of an application and payment of a fee.

B. Requests shall be made on an application form prescribed by the board. The request shall contain the following information:

1. The name of the practitioner or entity;
2. Identification of the practitioner or entity and description of the health care services being provided or proposed;
3. The type and amount of existing or proposed investment interest in the entity;
4. A description of the nature of the investment interest and copies of any existing or proposed documents between the practitioner and the entity including but not limited to leases, contracts, organizational documents, etc.; and
5. Certification and notarized signature of the practitioner or principal of the entity requesting the advisory opinion that the information and supporting documentation contained therein is true and correct.

C. The application shall be reviewed for completeness, and the board may request such other additional information or documentation it deems necessary from the practitioner or entity.

D. Upon a determination that a request for an advisory opinion is complete and that it has sufficient information, the ~~committee~~ board shall notify the practitioner or entity that it will consider its request.

E. At the conclusion of ~~the meeting or an~~ informal conference, the committee shall issue an advisory opinion to the practitioner or entity, which shall be presented for ratification by the board.

18VAC75-20-70. Application for exception.

A. A practitioner or entity may request an exception to the prohibitions of the Act upon completion of an application and payment of a fee.

B. Requests shall be made on an application form prescribed by the board. The application shall contain the following information:

1. The name and identifying information of the practitioner or entity;
2. The information and documentation regarding community need and alternative financing as required by §54.1-2411 B of the Code of Virginia;

3. Certification and notarized signature of the practitioner or principal of the entity requesting the exception that the information contained in the application and supporting documentation is true and correct.

C. The application shall be reviewed for completeness, and the board may request additional information and documentation from the applicant.

D. Upon a determination that an application is complete and that it has sufficient information, the ~~committee~~ board shall notify the applicant that it will consider the request.

E. At the conclusion of ~~the meeting or an informal~~ an informal conference, the committee shall issue a decision regarding the request for an exception to the applicant, which shall be presented for ratification by the board.

F. Exceptions to the Act shall be valid for a period of no more than five years.

G. Subject to verification by the board, an exception shall be renewed upon payment of a renewal fee and the receipt of certification from the practitioner or entity that the conditions under which the original exception was granted continue to warrant the exception.

Part IV. Delegation to an agency subordinate

18VAC75-20-120. Decision to delegate.

In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal conference to an agency subordinate to consider an application for an advisory opinion or an exception to the provisions of the Act.

18VAC75-20-130. Criteria for delegation.

Applications that may be delegated shall be those approved by the chairman and executive director of the board.

18VAC75-20-140. Criteria for an agency subordinate.

A. An agency subordinate authorized by the board to conduct an informal conference may include current or past board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in the organizational structure of entities providing the health care services identified in the application.

B. The board shall delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a conference based on the qualifications of the subordinate and the type of case being heard.