



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Medicine, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC85-20-10 et seq. 18VAC85-130-10 et seq.
Regulation title	Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic Regulations Governing the Practice of Licensed Midwives
Action title	Reduction in reinstatement fee
Final agency action date	2/20/08
Document preparation date	2/22/08

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Administrative Process Act (§ [2.2-4006](#)) provides an exemption for: “Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.” According the Board of Medicine is amending the regulation establishing fees for reinstatement of lapsed licenses for doctors of medicine, osteopathic medicine, podiatry and chiropractic and for licensed midwives. The reinstatement fees for other licensees regulated by the Board are already consistent with the amended fees.

Currently, reinstatement for a doctor’s license or a midwife license requires payment of a reinstatement fee and a late fee for each year in which the license has been lapsed, not to exceed a total of four years. The additional late fees are punitive and not consistent with the Principles for Fee Development established by the Department in 2000. Typically, a doctor who was licensed in this state early in his/her career has moved away to practice in the military or in another state and is seeking to return to Virginia to practice. Therefore, the amended regulation will establish the reinstatement fee and a late fee, but eliminate the additional late fees for someone who is attempting to reinstate a license after one biennium.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On February 20, 2008, the Board of Medicine amended 18VAC85-20-10 et seq., Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic and 18VAC85-130, Regulations Governing the Practice of Licensed Midwives to eliminate excess late fees for reinstatement of a lapsed license.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact of this regulatory action on the institution of the family and family stability.