



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC76-10-10 et seq.
Regulation title	Regulations Governing the Health Practitioners' Intervention Program
Action title	Attendance and ground for dismissal; authority of the chairperson
Final agency action date	6/19/06
Document preparation date	6/19/06

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 regulatory change amends section 10 relating to the organization of the Program Committee by adding a requirement for any member who is unable to attend a scheduled meeting to give notice to the program coordinator as soon as practical but no later than 48 hours prior to that scheduled meeting, except in cases of an emergency. An amendment would further establish grounds for removal by providing that failure of any member to attend two successive meetings without reasonable excuse or failure to give notice shall constitute grounds for removal. The amendments are necessary to provide a standard for member attendance and notification to avoid situations in which the committee is unable to convene a quorum. In such cases, there is often important actions are before the committee, and other members have traveled long distances and sacrificed professional time to attend. The amended regulation would set a clear expectation for attendance and/or notice of absence and would provide clear grounds for dismissal of non-participatin members.

The amendment to section 65, which sets out the authority of the chairperson, would allow such person, after consultation with and briefing by the program coordinator, to act on behalf of the committee if it failed to convene a quorum. The ability to take action is often crucial for public health and safety in order to dismiss practitioners from the Program who are non-compliant or to take action on other recommendations of the Program staff. Inability of the chairperson to act on the Committee's behalf, when the Committee has no quorum, creates unacceptable delays in action.

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 June 19, 2006, the Director of the Department of Health Profession adopted an exempt action to amend 18VAC75-10-10 et seq., Regulations Governing the Health Practitioners' Intervention Program. The action is exempt from provisions of the Administrative Process Act for the implementation of these regulations pursuant to § 2.2-4002 B 18.

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.