

Policy Name	Receipt and Investigation of Allegations of Misconduct		Policy Number	76-40.01
Section Title	Enforcement	Section Number	76-40	Former Policy No.
Approval Authority	Agency Director		Effective Date	3/21/2019
Responsible Executive	Enforcement Director		Revised Date	7/18/2017
Responsible Office	Enforcement		Last Reviewed	3/21/2021
Responsible Reviewer	Yeatts, Elaine			

Purpose:

The purpose of this policy is to ensure the appropriate handling of allegations of misconduct against Department licensees.

Policy:

Allegations or potential allegations of violations of applicable law or regulations by licensees of the Department shall be received and logged in by the Enforcement Division. Only sworn personnel duly authorized by the Director pursuant to Virginia Code § 54.1-2506 may conduct investigations of alleged violations.

Authority:

§ 54.1-2506.01. Investigation of reported violations.

The Department shall investigate all complaints that are within the jurisdiction of the relevant health regulatory board received from (i) the general public and (ii) all reports received pursuant to §§ 54.1-2400.6, 54.1-2400.7, 54.1-2709.3, 54.1-2709.4, 54.1-2908, or § 54.1-2909.

Definitions:

"Information" shall be interpreted broadly. The source of information may include, but is not limited to, newspaper articles or other media reports, consumer complaints, reports from Board members, and licensure applications (both initial and reinstatement).

"Licensees" is defined as any person or entity issued a license, certificate, registration, or permit by one of the health regulatory boards within the Department.

Procedures:

- I. Department staff (other than Enforcement staff) who receive or become aware of information indicating a violation shall refer such information to the Enforcement Division as soon as possible.
- II. Enforcement staff shall initially determine whether the matter warrants investigation in accordance with § 54.1-2506.01 of the Code of Virginia.
- III. Enforcement shall refer to the appropriate Board, in writing, any matters that do not appear to warrant investigation. If the Board determines that it does have jurisdiction and the matter requires investigation, the case shall be returned to Enforcement, along with an explanation of the Board's recommendation. Upon receipt of the Board's recommendation, the Enforcement's Case Intake Unit will proceed with initiating investigation of the alleged misconduct.