

Publication of Notices and Orders

The Department is required by statute to post all final orders, together with any associated notices, which impose disciplinary action against licensees of the health regulatory boards on Department of Health Professions (“DHP”) websites available to the public. The Department will not post final orders, together with any associated notices, which do not result in a finding of a violation and disciplinary action. The Department has not posted any such notices and orders entered after June 17, 2008. Notices and orders entered prior to June 17, 2008 that did not result in a finding of a violation and disciplinary action may be removed from DHP websites upon written request by the licensee to the custodian of records for the appropriate health regulatory board.

The Department will not post notices that have not been adjudicated.

The following will be published:

1. Final orders, along with associated notices, which impose any disciplinary action will be published on the effective date of the final order which reflects the case decision;
2. Final orders, along with associated notices, which grant a license, certificate, registration, or other benefit or deny modification of a previous order imposing a term, condition, suspension, or revocation will be published on the effective date of the final order which reflects the case decision;
3. Final orders, along with associated notices, which grant or deny eligibility for reinstatement of a license, certificate, registration or other right or benefit will be published on the effective date of the final order which reflects the case decision;
4. Orders of summary suspension issued pursuant to Virginia Code § 54.1-2408.1, together with any accompanying statement of allegations;
5. Orders of mandatory suspension issued pursuant to Virginia Code § 54.1-2409, together with any incorporated documents; and
6. Orders of suspension of a license pursuant to Virginia Code § 54.1-104.

When a final order is appealed to court, the notice of appeal shall be published pending resolution of the appeal, along with any relevant court orders. Once the appeal is final, the website should be updated to reflect the appropriate documents.

Nothing in this policy prohibits the inspection and copying of records of disciplinary actions to the extent permitted under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*, and Virginia Code § 54.1-2400.2.

Nothing contained in this policy modifies the requirements for regulatory boards to maintain original copies of all notices and disposition documents.

Procedures for publications of notices and orders

The Executive Director or designee of each regulatory board will identify any documents meeting the criteria set forth in this guidance document. Social security numbers, patient names, or other confidential information appearing on any document will be redacted prior to delivery for scanning.

The Executive Director or designee will forward documents meeting the criteria set forth in this document to be scanned for publication on the agency web sites to the Director of Technology and Business Services within one business day of entry or less.

The Director of Technology and Business Services will scan such documents within one business day of receipt and ensure publication associated with “License Lookup,” “Recent Case Decisions,” and the “Physician Information Project” (Physician Profile) found on DHP websites.

Removal of notices and orders

A licensee may request removal of a notice and order that did not impose disciplinary action by written request to the applicable regulatory board.

If the Executive Director or designee determines that no disciplinary action was imposed by the Order, the written request for removal will be forwarded to the Director of Technology and Business Services.

The Director of Technology and Business Services or designee will remove the notice and order from DHP websites available to the public.

References

[Va. Code § 54.1-104](#)

[Va. Code § 54.1-2400.2\(H\)](#)

[Va. Code § 54.1-2408.1](#)

[Va. Code § 54.1-2409](#)