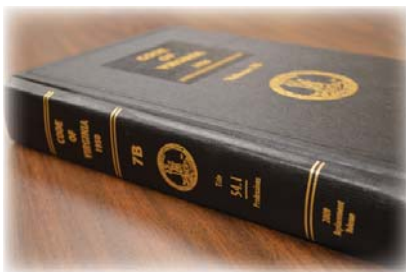


## Possible Board Actions

Health regulatory boards can take the following actions—

- Close a case after disciplinary review
- Offer a Confidential Consent Agreement or issue an Advisory Letter
- Offer a Consent Order in which the licensee accepts the Board's disciplinary sanction
- Convene an informal fact-finding conference and/or formal hearing which may result in exoneration of the allegations/charges or—
  - Reprimand or censure
  - Monetary penalty, which goes to the state literary fund
  - Remedial or corrective action
  - Placement of a licensee on probation
  - Limitation of a licensee's practice privileges
  - Suspension or revocation of a license

If a licensee objects to the Order issued in a disciplinary proceeding, he or she may appeal the decision. The appeal may be heard by the full board, a panel of the board, or, in some cases, by a Circuit Court of the Commonwealth.



*54.1 of the Code of Virginia details laws and regulations pertaining to Virginia's health regulatory boards.*

The board will notify the source and the subject of the complaint of its final decision.

By request, copies of final orders may be mailed to the original source of a complaint. All other information related to a disciplinary case is considered confidential and is not in the public domain.

Notices and final orders are public documents available for review upon request. These documents become part of the licensee's permanent official record.

A health regulatory board must have clear and convincing evidence that a violation of law or regulation had occurred to take disciplinary action. While one may believe that a practitioner's action could be considered improper, unethical or otherwise deserving of corrective action, it may not be a violation of law or regulation.

**To submit a complaint against a healthcare practitioner with the DHP Enforcement Division complete the form at:**  
**[www.dhp.virginia.gov/Enforcement/Complaints.htm](http://www.dhp.virginia.gov/Enforcement/Complaints.htm)**



### Virginia Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, VA 23233

Phone: (804)367-4691  
Toll Free Complaint Line: 1-800-533-1560  
Fax: (804)527-4424

[www.dhp.virginia.gov](http://www.dhp.virginia.gov)

*The Department of Health Professions (DHP) works to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.*

June 2014



## Virginia Department of Health Professions

### Complaints, Investigations and Discipline



## General Information

The Virginia Department of Health Professions (DHP) is the umbrella agency for the 13 health regulatory boards that together license and regulate more than 350,000 healthcare practitioners across 82 professions. Health regulatory boards also regulate facilities and programs such as pharmacies, funeral establishments, veterinary hospitals, nursing education and pharmacy technician training programs.

Virginia health regulatory boards include—

- Audiology & Speech-Language Pathology
- Counseling
- Dentistry
- Funeral Directors & Embalmers
- Long-Term Care Administrators
- Medicine
- Nursing
- Optometry
- Pharmacy
- Physical Therapy
- Psychology
- Social Work
- Veterinary Medicine

*To determine whether a licensee of a health regulatory board has been disciplined or to request public information on a health practitioner, visit the DHP website and look under the License Lookup or Case Decisions tab on the left-hand side. You may also contact the appropriate board or call DHP at (804)367-4400.*

DHP works to ensure the safe and competent delivery of healthcare to the citizens of the Commonwealth of Virginia.

DHP authorized activities include—

- Investigate complaints of possible violations of law or regulation
- Issue and renew licenses, registrations, certifications and permits to applicants who meet required qualifications
- Inspect facilities for compliance with laws and regulations

Please see the website, [www.dhp.virginia.gov](http://www.dhp.virginia.gov), for a list of the 82 professions regulated by DHP. To reach a health regulatory board, please call (804) 367-4400.

## Investigations

An investigation is opened if a possible violation of law or regulation may have occurred within DHP's jurisdiction. The investigation is assigned to an investigator.

Trained, sworn investigators and inspectors of the Enforcement Division of DHP are located throughout the state and conduct investigations and inspections in their assigned locations. This may include interviewing individuals regarding the complaint. Investigative staff obtain copies of relevant documents and collect essential evidence.



A source is defined as an individual or entity that files a complaint or makes a report of an allegation of misconduct.

The Enforcement Division is prohibited by Virginia law from providing a copy of the investigative report to the source and/or the subject of the complaint. However, the investigator assigned to the case may be in contact with the source of the original complaint to inform them of the progress of the case. Unless it is necessary to further the investigation, investigative staff are typically unable to discuss details obtained from other witnesses or subjects of a complaint.

DHP does not investigate complaints regarding subject matter beyond its jurisdiction.

It is the goal of DHP's Enforcement Division to conduct a thorough investigation as expeditiously as possible. When the investigation is complete, a comprehensive investigative report is submitted to the appropriate health regulatory board for its review and decision.

*Investigators also work with federal and local law enforcement on criminal cases involving licensees of DHP.*

Investigative reports are confidential and are not subject to the Freedom of Information Act (FOIA) pursuant to §2.2-3704 and §54.1-2400.2 of the Code of Virginia.

## Discipline

Following a detailed investigation, a report is sent to the appropriate health regulatory board. The board reviews the case to determine whether there is probable cause to charge the licensee with a violation of law or regulation. If there is insufficient evidence, the case may be closed.

Based on the Administrative Process Act (APA), administrative proceedings may commence if the board finds there is sufficient evidence to indicate that a violation has occurred. The APA defines procedural requirements for making case decisions as described in §§2.2-4000 - 2.2-4033 of the Code of Virginia. It supplements the basic laws of DHP and health regulatory boards.

If the case is not resolved through a consent agreement between the board and the licensee, the matter may be scheduled for a disciplinary proceeding. The Commonwealth and the licensee may each call witnesses and introduce evidence in an informal conference or a formal hearing. Disciplinary proceedings are open to the public. Notices of proceedings and final orders from these proceedings are public documents and can be obtained on DHP's website under License Lookup or Recent Case Decisions for each health regulatory board.

A screenshot of a web-based search interface titled "License Lookup". It has three main search sections. The first section is for license number search, with a text input field and a "Search" button. The second section is for social security number and last name search, with two text input fields and a "Search" button. The third section is for a multi-criteria search, including dropdown menus for "Occupation" and "State", and text input fields for "Business Name or Person First Name", "Last Name", and "Zip Code". There is also a "Status" dropdown and a "Search" button. A small asterisked note at the bottom explains the search scope: "You are searching database containing current (unexpired) licensee records and also records of licensees whose license has expired during the past 5 years. Persons desiring to search only persons or businesses with current (unexpired) licenses should be advised to select the Status of 'Current License' in the Status Box."

DHP License Lookup  
[https://secure01.virginiainteractive.org/dhp/cgi-bin/search\\_publicdb.cgi](https://secure01.virginiainteractive.org/dhp/cgi-bin/search_publicdb.cgi)

## **Filing a Complaint**

The Department of Health Professions' (DHP) Enforcement Division receives reports and complaints about alleged misconduct of healthcare practitioners and regulated facilities. Complaints regarding persons or facilities regulated by DHPs health regulatory boards are processed through the Department's Enforcement Division Case Intake Unit.

The complaint form can easily be accessed through the DHP website at [www.dhp.virginia.gov/Enforcement/Complaints.htm](http://www.dhp.virginia.gov/Enforcement/Complaints.htm). The completed complaint form can be submitted electronically, by fax or by mail. Anyone may request that the Case Intake Unit send a complaint form for completion.

The toll-free number, 1-800-533-1560 (Virginia only), can be used to obtain assistance with the complaint process. Complaints may also be submitted in-person during normal business hours.

Hundreds of reports and complaints are submitted each year to DHP. On average, cases are investigated within approximately three months. The completed process from complaint to board closure takes approximately 250 business days. The most frequently reported allegations involve standard of care issues and substance abuse. DHP and its boards do not have the legal authority to order reimbursement or award damages, nor does it have authority to investigate complaints about business practices over which it has no jurisdiction. If appropriate, the person making such a report may be referred to another agency or organization for assistance.

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## Frequently Asked Questions



Virginia Department of  
Health Professions



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[Staff List for Enforcement](#)  
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### Department of Health Professions Complaint Process

The Department of Health Professions receives complaints about health care practitioners who may have violated a regulation or law. Complaints for all the licensing and regulatory Boards are received and processed by the Enforcement Division.

For information about each of the 14 individual licensing and regulatory Boards under this agency's authority, visit [the Licensing Boards page](#).

[Go here](#) for a list of health care practitioners and facilities regulated by this agency.

For a detailed explanation of the Disciplinary Process for Licensed Health Professionals, [click here](#).

[Complaint Form](#)

### How do I file a complaint?

First, obtain and complete the DHP complaint form. Next, provide specific details on the complaint form as incomplete information may limit DHP's ability to review your concerns. Finally, attach copies of supporting documents.

### Who can file a complaint?

Anyone can file a complaint. Sources of complaints are typically patients, family members, other health care providers, law enforcement, employers, courts or concerned citizens. DHP's Enforcement Division also accepts "anonymous" complaints, although anonymity cannot be guaranteed.

### Who can I file a complaint against?

The Department of Health Professions has authority over any person or facility licensed by DHP, as well as persons practicing without a license where a license is required. A list of professions and facilities regulated by DHP can be found on the website, <http://www.dhp.virginia.gov/profbyboard.asp>

### Who is required to file a complaint?

Healthcare practitioners and some health care entities licensed, registered or certified by DHP health regulatory boards are required to submit reports. Visit DHP's website for laws and regulations detailing these requirements.

### What happens to my complaint after it is filed?

If DHP does not have jurisdiction over the individual or facility involved, written notification will be sent to the source by the Enforcement Division. Those that appear to constitute possible violations are assigned for investigation. Upon completion of the investigation, the case is forwarded to the appropriate health regulatory board for a decision and the source is notified of the outcome.