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|  | ***Commonwealth of Virginia*** |  |
|  | **Regulations**  **Governing Delegation to an Agency Subordinate**  **Virginia Board of Pharmacy**  **Title of Regulations: 18 VAC 110-15-10 et seq.**  **Statutory Authority: §§ 54.1-2400 and Chapter 33 of Title 54.1**  **of the *Code of Virginia***  **Revised Date: December 11, 2019**  **9960 Mayland Drive, Suite 300** **Phone: 804-367-4456**  **Henrico, VA 23233-1464 Fax: 804-527-4472**  **email: pharmbd@dhp.virginia.gov** | |

## 18VAC110-15-10. Criteria for delegation of informal fact-finding proceeding to an agency subordinate.

A. Decision to delegate. In accordance with subdivision 10 of § 54.1-2400 of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner or an entity may be subject to a disciplinary action.

B. Criteria for delegation. Cases that may not be delegated to an agency subordinate, except as may be approved by a committee of the board, include those that involve:

1. Intentional or negligent conduct that causes or is likely to cause injury to a patient;

2. Drug diversion;

3. Impairment with an inability to practice with skill and safety;

4. Indiscriminate dispensing; and

5. Medication error in administration or dispensing.

C. Criteria for an agency subordinate.

1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.

2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.

3. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.