

Understanding The Enforcement Process

The Virginia Department of Health Professions (DHP) places the highest priority on the health, safety and well-being of the Commonwealth's eight million citizens. DHP's mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to healthcare practitioners and the public. The agency's 13 health regulatory boards issue over 380,000 licenses across 62 professions.

The agency's Enforcement Division receives complaints and conducts investigations about alleged misconduct by healthcare practitioners and regulated facilities, and conducts inspections of facilities under the authority of DHP.

The Enforcement Division

Receives Complaints

from many sources including individuals, other practitioners, employers and law enforcement

Conducts Investigations

into alleged misconduct by healthcare practitioners and regulated facilities

Conducts Inspections

of facilities under the jurisdiction of DHP

Learn More About Virginia's Health Regulatory Boards

Audiology & Speech Language Pathology

Counseling

Dentistry

Funeral Directors & Embalmers

Long-Term Care Administrators

Medicine

Nursing

Optometry

Pharmacy

Physical Therapy

Psychology

Social Work

Veterinary Medicine

Contact the Enforcement Division

DHP Enforcement Division
9960 Mayland Drive, Suite 300
Henrico, VA 23233

Phone: (804) 367-4691
Toll Free Complaint Line: 1-800-533-1560
Fax: (804) 527-4424
enfcomplaints@dhp.virginia.gov
Learn more online

COMPLAINTS & INVESTIGATIONS



DHP's Enforcement Division receives and investigates thousands of complaints each year across a wide range of healthcare professions.

For all cases, a written acknowledgment of receipt will be sent to the source of the complaint if a mailing address is provided.

[Anyone can file a complaint](#) and may choose to do so anonymously, although anonymity cannot be guaranteed. Virginia law dictates that details of a complaint must be shared with the licensee against whom the complaint has been filed.

Healthcare practitioners and some healthcare entities are required to submit complaints in certain circumstances.

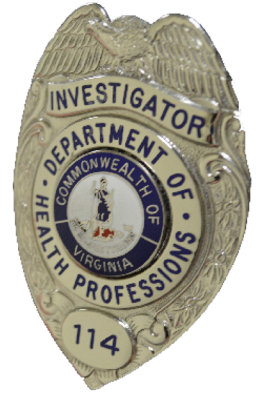
[Visit DHP's website](#) for laws and regulations detailing these requirements.

Once a complaint is filed, if it is within DHP's jurisdiction, the Enforcement Division records it in DHP's tracking system, assesses the complaint, and investigates as appropriate.

Investigators and inspectors collect essential evidence, including copies of relevant documents and interviews. Information received by DHP is confidential. Investigative staff are unable to share details, unless doing so is necessary to further the investigation. Cases are generally investigated within three months, although timeframes can vary. After investigation, cases are forwarded to boards for consideration of the evidence.

Investigators also work with federal, state and local law enforcement agencies on criminal cases involving licensees of DHP or individuals who practice without a license.

DHP is a health oversight agency as defined by the Health Insurance Portability and Accountability Act (HIPAA). DHP does not have the legal authority to order reimbursement or to award financial damages. It does not have the authority to investigate complaints about business practices over which it has no jurisdiction.



FINDINGS & REPORTS

After an investigation is conducted, evidence is summarized in an investigative report. This confidential report is then sent to the appropriate health regulatory board. It is DHP's goal for boards to reach a final determination and close patient care cases within 250 business days from the date the agency received the complaint. However, some cases may take longer.

POSSIBLE BOARD ACTION

The appropriate regulatory board reviews the investigative report for evidence that a law or regulation has been violated. There are a range of actions that a board may take if a violation is found. [The Administrative Proceedings Division \(APD\)](#), in conjunction with the [Office of the Attorney General](#), ensures that the adjudication process is fair and that licensees are informed of charges. APD may also present facts and evidence at informal conferences and formal hearings. Learn more about possible board actions on the next page.



Visit DHP on YouTube to learn about the various methods of filing a complaint

Possible Board Actions

Close a Case

If a board finds insufficient evidence of a violation, the case may be closed.

Consent Agreement

This agreement is used by a board in lieu of public discipline, but only in cases involving minor misconduct, where there is little or no injury to a patient or the public and little likelihood of repetition by the practitioner.

Consent Order

A consent order is an agreement between a board and a licensee to settle a case without having to conduct an informal conference or a formal hearing. A consent order contains findings of fact, conclusions of law, sanctions and a waiver of rights to further proceedings. It is part of the public record.

After an informal fact finding conference and/or a formal hearing (both of which are open to the public), health regulatory boards are authorized to:

Reprimand

A Board may choose to reprimand if it is determined that a practitioner committed a violation. This becomes part of the public record.

Monetary Penalty

All monetary penalties go to the State Literary Fund.

Impose Terms & Conditions

A variety of corrective actions may be imposed. For example, a board may require a practitioner to take supplementary education in specific areas, or place the license on probation with specific terms and/or conditions. If physical or mental disability or chemical dependency is found, a board may order participation in the Health Practitioner's Monitoring Program.

Limit Practice Privileges

Certain privileges specific to a licensee's practice may be limited or revoked.

Suspension or Revocation

If a violation is determined to be severe enough, a license may be suspended or revoked.

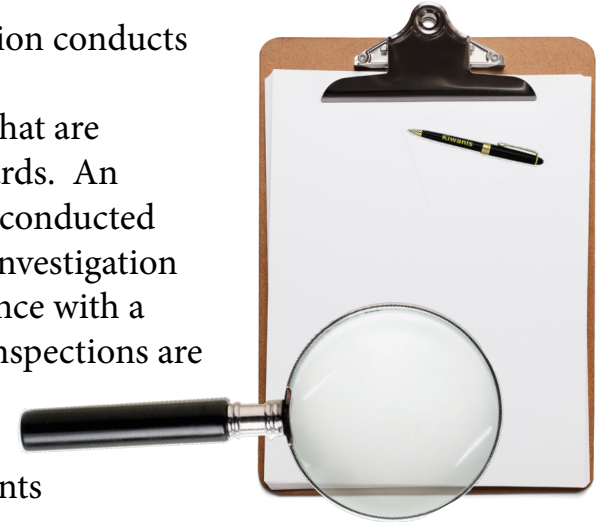
Dismiss

A case may be dismissed at an informal fact finding conference or a formal administrative hearing if a licensee is exonerated, or if insufficient evidence of a violation is presented.

INSPECTIONS

The Enforcement Division conducts inspections of facilities and licensees that are regulated by DHP's boards. An inspection may also be conducted in connection with an investigation or to maintain compliance with a board order. Routine inspections are conducted for:

- Funeral establishments
- Crematories
- Veterinary establishments
- Dental sedation
- Pharmacies
- Other facilities and licensees



BOARD DECISIONS

After reviewing the evidence and making a final decision, boards will communicate that final decision to the source of the complaint and the licensee. Discipline imposed after an informal conference may be appealed to the board, while licensees or facilities disciplined subsequent to a formal hearing may appeal directly to state circuit courts. The [Office of the Attorney General](#) represents the relevant board in any such appeal.

Publicly available board decisions can be found on [License Lookup](#) and [Recent Case Decisions](#).