Department of Health Professions

DIRECTOR'S POLICY # 76-1.17

Publication of Notices and Orders on the Department Websites

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Approved By: D. Reynolds-Cane MD

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Policy:

The Department shall post on DHP websites available to the public all final orders, together with any associated notices, which impose disciplinary action against licensees of the health regulatory boards. The Department will not post final orders, together with any associated notices, which do not result in a finding of a violation and/or disciplinary action. The Department also will not post notices that have not been adjudicated. Notices and orders entered prior to the date of June 17, 2008, that did not result in a finding of a violation and/or disciplinary action may be removed upon written request by the licensee to the Custodian of Records of the appropriate health regulatory board.

The criteria and conditions for publication are as follows:

1. Notices[1] together with final orders[2] which impose or dismiss any disciplinary action[3] upon the final order becoming effective reflecting that case decision;

2. Notices together with final orders which grant or deny modification of a previous order imposing a term, condition, suspension or revocation upon the final order becoming effective reflecting that case decision;

3. Notices together with final orders which grant or deny eligibility for a license, certificate registration or other right or benefit upon the final order becoming effective reflecting that case decision;

4. Orders together with its accompanying statement of particulars which reflect a summary suspension made pursuant to § 54.1-2408.1 of the *Code* upon entry;[4]

5. Orders with incorporated documents which reflect mandatory suspension made pursuant § 54.1-2409 of the *Code* upon entry; and

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[1] Notices are not to be published until such time as the order becomes final which disposes of matters contained in that notice.

[2] An order is consider "final" when the next avenue of recourse for the aggrieved party rests with a court pursuant to § 2.2-4026 of the *Code*. A letter that communicates a dismissal which disposes of an allegation contained in a notice shall be considered a final order.

[3] For the purposes of this Policy, "disciplinary action" means any action of a board finding a violation of statute or regulation and/or imposing terms and conditions upon the licensee, whether by formal probation or otherwise.

[4] An order of summary suspension or restriction is to be posted, even if such order may not be the final decision in the matter.

6. Orders which reflect a suspension of a license pursuant to § 54.1-104 of the *Code* upon entry.

7. 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.

8. Orders of suspension and/or revocation of a license that has not been reinstated will be accessible to the public on the DHP website under "License Lookup" for 50 years.

Nothing in this Policy shall prohibit the inspection and copying of records of disciplinary actions to the extent permitted under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and § 54.1-2400.2 of the *Code*.

Nothing contained in the Policy shall modify the requirements for Boards to maintain original copies of all notices and disposition documents.

Procedure:

Publication of Notices and Orders:

Each Board Executive Director or his designee shall identify any documents meeting the criteria set forth in this Policy. Any social security number, patient names, or other confidential information appearing on any document shall be redacted prior to delivery for scanning.

The Executive Director or his designee shall forward to the Director of Information Technology those documents to be scanned for publication on the agency web sites within one business day of entry or less.

The Director of Information Technology shall scan such documents within one business day of receipt and assure publication associated with "License Lookup," "Recent Case Decisions," and the "Physician Information Project" (Physician Profile).

Removal of Notices and Orders:

A licensee requesting removal of a notice and order that did not impose disciplinary action shall submit a written request to the Board.