

Policy Name	Providing Sanction Reference Point Worksheet to Respondent		Policy Number	76-10.02	
Section Title	Case Decision and Discipline	Section Number	76-10	Former Policy No.	76-3.2
Approval Authority	Agency Director		Effective Date	5/3/2018	
Responsible Executive	Agency Director		Revised Date	5/3/2018	
Responsible Office	Director's Office		Last Reviewed	5/3/2018	
Responsible Reviewer	Yeatts, Elaine				

Purpose:

To establish policy to ensure agency-wide compliance with the Virginia Administrative Process Act (APA), §54.1-2400.2 and other relevant *Code of Virginia* sections as they relate to the Sanction Reference Point systems, including the provision that a copy of the completed worksheet prepared during an informal fact finding proceeding be provided to the respondent.

Policy:

19 of the Administrative Process Act provides that parties (respondents) in informal fact finding proceedings have certain due process rights, among them:

- To have reasonable notice, including any contrary fact basis or information in the possession of the agency that can be relied upon in making an adverse decision.
- To appear in person or by counsel or other qualified representative before the agency or its subordinates for the presentation of factual data, argument, proof in connection with any case.
- To be informed, briefly and generally in writing, of the factual or procedural basis for an adverse decision in any case.

Sanction Reference Point (SRP) systems were developed by the Board of Health Professions to assist boards in ensuring fair treatment of licensees regarding sanctioning decisions when a finding of violation is established. The first SRP system was developed for the Board of Medicine and was launched in 2004. Now, all 13 boards have tailored SRP systems, and it is essential to ensure that all boards apply consistent processes to ensure compliance with the aforementioned statutes.

The respondent in a case with a finding of violation in which SRPs are employed will be provided to a copy of the completed SRP Worksheet.

Authority:

§ 2.2-4000 et seq. of the Code of Virginia - The Administrative Process Act

Procedures:

1. Respondents shall receive notice of the use of SRPs along with the Notice of Informal Conference in cases in which SRPs are used. In instances when SRPs are used in cases that are decided at the pre-hearing level, respondents are also to be notified of the use of SRPs.
2. Respondents are to be directed to the link to the board-specific SRP manual posted on the agency's website or provided a hard copy.
3. SRP Worksheets shall be completed in accordance with the most current (SRP) manual instructions and only when there has been a finding of violation.
4. SRP Worksheets are to be completed for all disciplinary cases adjudicated at an informal conference, in accordance with the board's SRP manual instructions. SRP Worksheets are to be completed for disciplinary cases adjudicated at pre-hearing level, if the respective board has determined it will use them for pre-hearing cases. SRP Worksheets are NOT to be completed at formal hearings.
5. The respondent is to be provided a copy of the completed worksheet along with a copy of the order regardless of whether the respondent or his representative attend the informal conference.