

July 9, 2003

**TO:** Environmental Health Managers **GMP #121**  
District Health Directors  
OEHS Staff  
VPI/SU Soil Consultants

**FROM:** Allen L. Knapp, Program Manager  
Division of Onsite Sewage and Water Services

**SUBJECT:** Memorandum of Agreement Between Virginia Department of Health  
(VDH) and Virginia Department of Professional and Occupational  
Regulation (DPOR)

VDH has entered into a Memorandum of Agreement with DPOR to establish procedures for sharing information when disciplinary actions are undertaken by the agencies that involve regulants who may be subject to the jurisdiction of both agencies. A copy of the MOA is attached for reference. In accordance with VDH policy the Division is primarily responsible for handling Authorized Onsite Soil Evaluator (AOSE) disciplinary actions. Please refer all complaints or requests for AOSE actions to the Division.

Attachment

# MEMORANDUM OF AGREEMENT

BETWEEN

VIRGINIA DEPARTMENT OF HEALTH

AND

VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION

## I. PURPOSE

To better protect the health, safety and welfare of the citizens of Virginia, and recognizing that there is some overlap between the Authorized Onsite Soil Evaluators (AOSE) who are certified by the Board of Health, and various regulants of the boards housed in the Department of Professional and Occupational Regulation, this Memorandum of Agreement enumerates the responsibilities of the Virginia Department of Health (VDH) and the Department of Professional and Occupational Regulation (DPOR) to provide for the flow of information between the Departments regarding disciplinary action taken by regulatory bodies of either entity against regulants who may be subject to the jurisdiction of both Departments.

## II. PROCEDURE

### A. INVESTIGATIONS INITIATED BY VDH:

1. Upon the start of an investigation against an AOSE, VDH staff will check to see if the AOSE is a regulant of a board in DPOR using the Regulant Look-up feature (<http://www.dpor.state.va.us/regulantlookup/>) on DPOR's website.
2. If the individual is a regulant of DPOR, VDH will forward a copy of the complaint along with a copy of the screen print from the Regulant Look-up to DPOR's Enforcement Division. DPOR's Enforcement Division will review the complaint and docket a complaint if appropriate.
3. DPOR will then either wait for receipt of an order from VDH before starting an investigation or coordinate an investigation with VDH. Where possible, VDH will provide additional information as requested by DPOR to assist them with their investigation.

**B. FINAL ACTIONS BY DPOR:**

1. Upon entry of an order (final or consent) for a violation by a Professional Engineer, Certified Professional Soil Scientist, Certified Professional Wetland Delineator, Certified Geologist or Waterworks and Wastewater Works Operator, and the time for appeal has passed and no appeal has been noted, DPOR staff will check the AOSE listing (<http://www.vdh.state.va.us/onsite/AOSE%20Home.htm>) on VDH's website, and if the individual is also an AOSE, a copy of the order will be forwarded to Enforcement Chief of the Division of Onsite Sewage and Water Services at VDH.
2. Where possible, DPOR will provide additional information as requested by VDH to assist them with their investigation.

This Memorandum of Agreement will be effective from the date signed below until such time as the parties hereto enter into another Memorandum of Agreement, or mutually agree to cancel this Agreement with at least 30 days written notice.

It is mutually agreed that any amendments, deletions, or additions to this Agreement may be made by letter signed by the Director of Department of Professional and Occupational Regulation and the Commissioner of the Virginia Department of Health.

\_\_\_\_\_  
Louise Fontaine Ware, Director  
Virginia Department of Professional &  
Occupational Regulation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert B. Stroube, MD, MPH, Commissioner  
Virginia Department of Health

\_\_\_\_\_  
Date