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1.0 Purpose

This document was created to address when administrators of regulated entities must file reports with the director of the VDH OLC involving adverse information of health professionals and how those reports may be filed.

2.0 Scope

This document applies to licensed home care organizations, certified home health agencies, and licensed hospices in the Commonwealth of Virginia, collectively referred to as “regulated entities.” This document supplements any agency-wide policy on mandatory reporting for these regulated entities. To the extent there is a conflict between an agency-wide policy and this policy, the Code of Virginia and relevant regulations will determine which supersedes.

3.0 Definitions

Administrator: A person who is designated, in writing, by the governing body of a regulated entity as having the necessary authority for the day-to-day management of the regulated entity. The administrator must be a member of the regulated entity.

Health professional: A person who (i) is licensed, certified, or registered by a health regulatory board or (ii) holds a multistate licensure privilege to practice nursing, or (ii) is an applicant for licensure, certification or registration.

Office of Licensure and Certification (OLC): An office within VDH that administers licensing programs for inpatient hospitals, outpatient surgical hospitals, nursing facilities, home care organizations, and hospice programs; administers certification and registration program for managed care health insurance plans and private review agents; administers the certificate of public need program; is responsible for active supervision of cooperative agreements; and is the state survey agency for the U.S. Centers for Medicare and Medicaid Services.

Regulated entity: A home care organization or hospice licensed to operate in the Commonwealth of Virginia, or a home health agency located in the Commonwealth of Virginia that is certified by the U.S. Centers for Medicare and Medicaid Services.

Virginia Department of Health (VDH): An executive branch agency in the Commonwealth of Virginia that assists the State Board of Health and State Health Commissioner with administering and providing a comprehensive program of preventive, curative, restorative and environmental health services; educating the citizenry in health and environmental matters; developing and implementing health resource plans; collecting and preserving vital records and health statistics; assisting in research; and abating hazards and nuisances to the health and to the environment, both emergency and otherwise.

4.0 Authorities

Code of Virginia § [54.1-2400.6](#)

5.0 Policy

Effective July 1, 2015, Code of Virginia § 54.1-2400.6 requires administrators of regulated entities to file written reports with the director of VDH OLC regarding any health professional, regardless of whether that health professional is employed by the regulated entity.

5.1 Substance Abuse or Psychiatric Illness

An administrator of a regulated entity must file a report with the director of VDH OLC if the administrator becomes aware of any information that indicates a reasonable belief that a health professional is:

- a. in need of treatment for substance abuse;
- b. in need of treatment for a psychiatric illness that may render the health professional a danger to themselves, the public, or their patients/clients;
- c. has been voluntarily admitted as a patient for treatment of substance abuse;
- d. has been voluntarily admitted as a patient for a psychiatric illness that may render the health professional a danger to themselves, the public, or their patients/clients;
- e. has been involuntarily admitted as a patient for treatment of substance abuse; or
- f. has been involuntarily admitted as a patient for a psychiatric illness.

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A reasonable belief or confirmed diagnosis of psychiatric illness alone is not sufficient to trigger the duty to report, except in cases of involuntary admission; it must be accompanied by an equally reasonable belief that the illness may render the health professional a danger to themselves, the public, or their patients/clients.

5.2 Unethical, Fraudulent, or Unprofessional Conduct

An administrator of a regulated entity must file a report with the director of VDH OLC if the administrator becomes aware of any information that indicates a reasonable belief that a health professional may have engaged in unethical, fraudulent or unprofessional conduct, as defined by the pertinent licensing statutes and regulations. If the administrator deems it necessary, the administrator may investigate or consult with the appropriate internal boards or committees at the regulated entity, which are authorized to impose disciplinary action on a health professional.

5.3 Disciplinary Proceedings by the Regulated Entity

An administrator of a regulated entity must file a report with the director of VDH OLC if the regulated entity initiates a disciplinary proceeding as a result of conduct involving:

- a. intentional or negligent conduct that causes or is likely to cause injury to a patient/client or patients/clients;
- b. professional ethics;
- c. professional incompetence;
- d. moral turpitude; or
- e. substance abuse.

5.4 Disciplinary Action by the Regulated Entity

An administrator of a regulated entity must file a report with the director of VDH OLC if the regulated entity imposes any disciplinary action, either during or at the conclusion of disciplinary proceedings or while under investigation, that results from conduct involving:

- a. intentional or negligent conduct that causes or is likely to cause injury to a patient/client or patients/clients;
- b. professional ethics;
- c. professional incompetence;
- d. moral turpitude; or
- e. substance abuse.

Disciplinary action includes, but is not limited to, denial or termination of employment, denial or termination of privileges or restriction of privileges.

5.5 Voluntary Resignation, Voluntary Privileges Restriction, or Voluntary Privileges Expiration

An administrator of a regulated entity must file a report with the director of VDH OLC if a health professional voluntarily resigns or voluntarily allows their privileges to be restricted or to expire while the health professional is under investigation or is the subject of disciplinary proceedings taken or begun by the regulated entity for any reason related to:

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- a. possible intentional or negligent conduct that causes or is likely to cause injury to a patient/client or patients/clients;
- b. medical incompetence;
- c. unprofessional conduct;
- d. moral turpitude;
- e. mental or physical impairment; or
- f. substance abuse.

5.6 When to File Reports

With the exception of involuntary admissions for substance abuse or psychiatric illness (see Section 5.1(e) and (f) above), administrators of regulated entities must file the required report within 30 days of the triggering event. In the case of involuntary admissions, administrators of regulated entities must file the reports within five days of the date that the administrator learns of the involuntary admission.

5.7 How to File Reports

Completion and submission of the form [Mandatory Report of Home Care Organization, Home Health Agency, and Hospice Employees, OLC-3001-F](#), is VDH OLC's preferred method by which an administrator can file a report required by Code of Virginia § 541.2400.6. Alternatively, the administrator can send the following information by email (OLC-Complaints@vdh.virginia.gov) or by fax ((804) 527-4503) to VDH OLC:

- a. The name of the regulated entity;
- b. The license number (in the case of home care organizations and hospices) or the CMS provider number (in the case of home health agencies) for the regulated entity;
- c. The name and contact information of the administrator of the regulated entity;
- d. The name and contact information of the person filing the report, if not the administrator of the regulated entity;
- e. The health professional that the report concerns;
- f. The health professional's license number, certification number, registration number, or multistate practice privilege information, or if the health professional is applying for a license, certificate, or registration, which licensure, certification, or registration they are applying for
- g. The specific reason the report is being filed; and
- h. The date of the action that triggered the requirement to file a report.

6.0 Forms and Templates

[Mandatory Report of Home Care Organization, Home Health Agency, and Hospice Employees, OLC-3001-F](#)

7.0 References

None.

8.0 History

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