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HOUSE BILL NO. 248

Offered January 10, 2024

Prefiled January 4, 2024

A BILL to amend and reenact §§ 54.1-201 and 54.1-829.1 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; powers and duties of regulatory boards; autonomous agents.

Patron—Glass

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-201 and 54.1-829.1 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-201. Powers and duties of regulatory boards.

A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

2. To examine, or cause to be examined, the qualifications of each applicant for certification or licensure within its particular regulatory system, including when necessary the preparation, administration and grading of examinations.

3. To certify or license qualified applicants as practitioners of the particular profession or occupation regulated by such board.

4. To levy and collect fees for certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department of Professional and Occupational Regulation and the Board for Professional and Occupational Regulation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary for an applicant requesting licensure of an autonomous agent that is owned or operated by such applicant.

6. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

7. To ensure that inspections are conducted relating to the practice of each practitioner certified or licensed by the regulatory board to ensure that the practitioner is conducting his practice in a competent manner and within the lawful regulations promulgated by the board.

8. To place a regulant on probation or revoke, suspend or fail to renew a certificate or license for just causes as enumerated in regulations of the board. Conditions of probation may include, but not be limited to the successful completion of remedial education or examination.

9. To receive complaints concerning the conduct of any regulant and to take appropriate disciplinary action if warranted.

10. To provide a regulant subject to a disciplinary action with a notice advising the regulant of his right to be heard at an informal fact-finding conference pursuant to § 2.2-4019 of the Administrative Process Act. The notice shall state that if the regulant does not request an informal fact-finding conference within 30 days of receipt of the notice, the board may issue a case decision as defined in § 2.2-4001, with judicial review of the case decision in accordance with § 2.2-4026. If the regulant asserts his right to be heard prior to the board issuing its case decision, the board shall remand the case to an informal fact-finding conference. The notice required by this subdivision shall be sent in a manner that allows for confirmation of delivery or, if agreed to by the parties, through electronic means, provided that the board retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery.

11. To promulgate canons of ethics under which the professional activities of regulants shall be conducted.

B. A regulant shall furnish, upon the request of a person to whom the regulant is providing or offering to provide service, satisfactory proof that the regulant (i) is duly licensed, certified, or registered under this subtitle and (ii) has obtained any required bond or insurance to engage in his profession or occupation.

C. As used in this section, "regulant":

"Autonomous agent" means software or hardware that operates independently, without real-time human

59 *intervention, and is capable of performing tasks that, when executed by a human, would require licensure by*
60 *a regulatory board.*

61 "Regulant" means any person, firm, corporation, association, partnership, joint venture, or any other legal
62 entity required by this subtitle to be licensed, certified, or registered.

63 **§ 54.1-829.1. Sanctioning organization; amateur martial arts events.**

64 A. No event in which amateur participants compete in martial arts shall be authorized in the
65 Commonwealth unless the amateur event is conducted by a sanctioning organization approved by the
66 Director. Only the results of amateur events conducted by a sanctioning organization in good standing and in
67 compliance with this section shall be recognized for purposes of reporting bout results to a national database
68 or official registry. Every sanctioning organization, insofar as practicable, shall observe and apply the unified
69 rules adopted by the Association of Boxing Commissions. Notwithstanding any other provision of law or
70 regulation, for purposes of amateur martial arts events, weight classes and bout rules governing round length,
71 judging, and scoring shall conform with the Association of Boxing Commissions unified rules.

72 B. No amateur martial artist shall compete in an event who has:

73 1. Not attained the age of 18 years;

74 2. Been knocked out in the 60 days immediately preceding the date of the event;

75 3. Been technically knocked out in the 30 days preceding the date of the event;

76 4. Been a contestant in an event consisting of (i) more than six rounds during the 15 days preceding the
77 date of the event or (ii) six or fewer rounds during the seven days preceding the event;

78 5. Suffered a cerebral hemorrhage or other serious physical injury;

79 6. Been found to be blind or vision impaired in one or both eyes;

80 7. Been denied a license or approval to compete by another jurisdiction for medical reasons;

81 8. Failed to provide negative test results, dated within 180 days preceding the date of the event, for the
82 following: (i) antibodies to the human immunodeficiency virus; (ii) hepatitis B surface antigen (HBsAg); and
83 (iii) antibodies to the hepatitis C virus; or

84 9. Failed to provide written certification from a licensed physician, dated within 180 days preceding the
85 date of the event, attesting to the contestant's good physical health and absence of any preexisting conditions
86 or observed abnormalities that would prevent participation in the event. The examination performed by the
87 ringside physician at the event pursuant to clause (ii) of subdivision C 3 shall not satisfy this requirement.

88 C. For each amateur martial arts event, the sanctioning organization shall:

89 1. Review the records, experience, and consecutive losses for each amateur martial artist prior to each
90 event to determine, to the extent possible, that contestants scheduled to compete are substantially equal in
91 skills and ability;

92 2. Verify that each amateur martial artist scheduled to compete is covered by health insurance;

93 3. Appoint a physician licensed to practice medicine in the Commonwealth for at least five years to
94 remain at ringside on a continuous basis. Duties of the ringside physician shall include (i) conducting a
95 physical examination of each referee immediately prior to the event to assure his fitness to act in such
96 capacity, (ii) conducting a physical examination and taking a medical history of each amateur martial artist
97 prior to the contestant's entering the ring and certifying the contestant's physical condition, (iii) signaling the
98 referee immediately in the event that an injury is observed, (iv) rendering immediate medical aid to any
99 amateur martial artist injured during an event, and (v) ensuring that all substances in the possession of
100 seconds, trainers, or cut men are appropriate for use on amateur martial artists during the course of the event;

101 4. Assign a sufficient number of qualified officials, including locker room inspectors, judges, timekeepers,
102 and referees, to protect the health and safety of amateur martial artists and the public. Duties of the referee
103 shall include (i) providing prefight instructions to the contestants; (ii) ensuring that each amateur martial artist
104 is wearing gloves supplied by the sanctioning organization or event promoter that are in new or good
105 condition, weighing between four and six ounces; (iii) exercising supervision over the conduct of the bout
106 and taking immediate corrective action when necessary; (iv) immediately stopping any bout when, in his
107 judgment, one contestant is outclassed by the other, injured, or otherwise unable to continue safely; (v)
108 striving to perform his duties in a manner that does not impede the fair participation of either contestant; (vi)
109 consulting, when he deems appropriate, with the ringside physician on the advisability of stopping the bout if
110 either contestant appears injured or unable to continue; (vii) counting for knockdowns and knockouts,
111 determining fouls and stopping contests, and immediately stopping any bout if one or both contestants are not
112 putting forth their best effort; and (viii) ensuring the health and well-being of the amateur martial artists to the
113 greatest extent possible; and

114 5. Require a fully equipped emergency medical services vehicle with a currently trained ambulance crew
115 at the site of every amateur event for its entire duration.

116 D. Any sanctioning organization seeking approval under this section shall make a written application on a
117 form prescribed by the Director. The application shall be accompanied by a fee of \$500. The Director shall
118 annually approve sanctioning organizations whose applications satisfactorily demonstrate evidence of
119 standards and operations in place that are at least as rigorous as and limited to those required by this section.

120 Following an informal fact-finding proceeding conducted pursuant to § 2.2-4019, the Director may withdraw
121 his approval of any sanctioning organization that has failed to comply with this section based on (i) the
122 review of the annual report submitted by the sanctioning organization or (ii) review of a complaint received
123 pursuant to subdivision A § 9 of § 54.1-201 or § 54.1-307.1.

124 E. A sanctioning organization seeking approval from the Director shall provide documented evidence (i)
125 of operation as a business for at least the immediately preceding three years; (ii) of at least five years of
126 experience as a sanctioning organization representing at least two different promotions during such five-year
127 period or that the principal officers have at least eight years of experience working as a referee or head
128 official for an established sanctioning organization without adverse financial or disciplinary action in any
129 jurisdiction; (iii) indicating that none of its officers, employees, or agents, directly or indirectly, has any
130 pecuniary interest in, or holds any position with, any business associated with a promoter or otherwise
131 operates for the sole benefit of a single promoter; and (iv) of assurance that events will be conducted in a fair
132 and impartial manner with avoidance of any impropriety or appearance of impropriety.

133 F. Each approved sanctioning organization shall submit an annual report to the Director on or before
134 February 1, with a summary of the events conducted for the preceding calendar year. The Director may
135 address any operational or compliance issues with the sanctioning organization consistent with and in
136 furtherance of the objectives of this section. The Director shall not intervene in the internal activities of a
137 sanctioning organization except to the extent necessary to prevent or cure violations of this section or any
138 statute governing the persons or activities regulated pursuant to this chapter.

139 G. The Commonwealth, the Director, the Department, and any employee or representative shall be
140 indemnified and held harmless from any liability resulting from or caused by a sanctioning organization or
141 persons conducting activities on behalf of such regulant.

INTRODUCED

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