

2026 SESSION

INTRODUCED

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1 **SENATE BILL NO. 91**

2 Offered January 14, 2026

3 Prefiled December 31, 2025

4 A BILL to amend and reenact §§ 2.2-3106, 2.2-3705.4, 2.2-3711, as it is currently effective and as it shall
5 become effective, 22.1-209.2, 23.1-2002, 23.1-2006, 23.1-2007, 32.1-69.3, 32.1-71.5, 32.1-71.6,
6 38.2-5008, and 54.1-2961 of the Code of Virginia, relating to public institutions of higher education; Old
7 Dominion University; Eastern Virginia Health Sciences Center renamed as Virginia Health Sciences.

8 Patron—Lucas

9
10 Referred to Committee on Education and Health

11
12 Be it enacted by the General Assembly of Virginia:

13 1. That §§ 2.2-3106, 2.2-3705.4, 2.2-3711, as it is currently effective and as it shall become effective,
14 22.1-209.2, 23.1-2002, 23.1-2006, 23.1-2007, 32.1-69.3, 32.1-71.5, 32.1-71.6, 38.2-5008, and 54.1-2961 of
15 the Code of Virginia are amended and reenacted as follows:

16 § 2.2-3106. Prohibited contracts by officers and employees of state government.

17 A. No officer or employee of any governmental agency of state government shall have a personal interest
18 in a contract with the governmental agency of which he is an officer or employee, other than his own contract
19 of employment.

20 B. No officer or employee of any governmental agency of state government shall have a personal interest
21 in a contract with any other governmental agency of state government unless such contract is (i) awarded as a
22 result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or
23 (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that
24 competitive bidding or negotiation is contrary to the best interest of the public.

25 C. The provisions of this section shall not apply to:

26 1. An employee's personal interest in additional contracts of employment with his own governmental
27 agency that accrue to him because of a member of his immediate family, provided that the employee does not
28 exercise any control over the employment or the employment activities of the member of his immediate
29 family and the employee is not in a position to influence those activities;

30 2. The personal interest of an officer or employee of a public institution of higher education in additional
31 contracts of employment with his own governmental agency that accrue to him because of a member of his
32 immediate family, provided that (i) the officer or employee and the immediate family member are engaged in
33 teaching, research, or administrative support positions at the educational institution; (ii) the governing board
34 of the educational institution finds that it is in the best interests of the institution and the Commonwealth for
35 such dual employment to exist; and (iii) after such finding, the governing board of the educational institution
36 ensures that the officer or employee, or the immediate family member, does not have sole authority to
37 supervise, evaluate, or make personnel decisions regarding the other;

38 3. An officer's or employee's personal interest in a contract of employment with any other governmental
39 agency of state government;

40 4. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the
41 general public;

42 5. An employee's personal interest in a contract between a public institution of higher education in the
43 Commonwealth and a publisher or wholesaler of textbooks or other educational materials for students, which
44 accrues to him solely because he has authored or otherwise created such textbooks or materials;

45 6. An employee's personal interest in a contract with his or her employing public institution of higher
46 education to acquire the collections or scholarly works owned by the employee, including manuscripts,
47 musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research, or
48 cultural value to the institution, provided that the president of the institution approves the acquisition of such
49 collections or scholarly works as being in the best interests of the institution's public mission of service,
50 research, or education;

51 7. Subject to approval by the board of visitors, an employee's personal interest in a contract between a
52 public institution of higher education in the Commonwealth that operates a school of medicine or dentistry
53 and a not-for-profit nonstock corporation that operates a clinical practice within such public institution of
54 higher education and of which such employee is a member or employee;

55 8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract for
56 research and development or commercialization of intellectual property between a public institution of higher
57 education in the Commonwealth and a business in which the employee has a personal interest, if (i) the
58 employee's personal interest has been disclosed to and approved by such public institution of higher

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59 education prior to the time at which the contract is entered into; (ii) the employee promptly files a disclosure
60 statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before February 1; (iii) the
61 institution has established a formal policy regarding such contracts, approved by the State Council of Higher
62 Education for Virginia; and (iv) no later than December 31 of each year, the institution files an annual report
63 with the Secretary of the Commonwealth disclosing each open contract entered into subject to this provision,
64 the names of the parties to each contract, the date each contract was executed and its term, the subject of each
65 contractual arrangement, the nature of the conflict of interest, the institution's employee responsible for
66 administering each contract, the details of the institution's commitment or investment of resources or finances
67 for each contract, and any other information requested by the Secretary of the Commonwealth; or

68 9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract
69 between a public institution of higher education in the Commonwealth and a business in which the employee
70 has a personal interest, if (i) the personal interest has been disclosed to the institution prior to the time the
71 contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter
72 annually on or before February 1; (iii) the employee does not participate in the institution's decision to
73 contract; (iv) the president of the institution finds and certifies in writing that the contract is for goods and
74 services needed for quality patient care, including related medical education or research, by the institution's
75 medical center, its affiliated teaching hospitals and other organizations necessary for the fulfillment of its
76 mission, including the acquisition of drugs, therapies and medical technologies; and (v) no later than
77 December 31 of each year, the institution files an annual report with the Secretary of the Commonwealth
78 disclosing each open contract entered subject to this provision, the names of the parties to each contract, the
79 date each contract was executed and its term, the subject of each contractual arrangement, the nature of the
80 conflict of interest, the institution's employee responsible for administering each contract, the details of the
81 institution's commitment or investment of resources or finances for each contract, and any other information
82 requested by the Secretary of the Commonwealth.

83 D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or
84 commercialization of intellectual property or the employee's personal interest in a contract with a business is
85 subject to policies and regulations governing conflicts of interest promulgated by any agency of the United
86 States government, including the adoption of policies requiring the disclosure and management of such
87 conflicts of interests, the policies established by the Eastern Virginia Health Sciences Center at Old
88 Dominion University pursuant to such federal requirements shall constitute compliance with subdivisions C 8
89 and C 9, upon notification by the Eastern Virginia Health Sciences Center at Old Dominion University to the
90 Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with such federal
91 policies and regulations.

92 E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of the
93 institution. If the board elects to delegate such authority, the board shall include this delegation of authority in
94 the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated
95 such authority, on or before December 1 of each year, the president of the relevant institution shall file a
96 report with the relevant board of visitors disclosing each open contract entered into subject to this provision,
97 the names of the parties to each contract, the date each contract was executed and its term, the subject of each
98 contractual arrangement, the nature of the conflict of interest, the institution's employee responsible for
99 administering each contract, the details of the institution's commitment or investment of resources or finances
100 for each contract, the details of how revenues are to be disbursed, and any other information requested by the
101 board of visitors.

102 **§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of
103 educational institutions.**

104 A. The following information contained in a public record is excluded from the mandatory disclosure
105 provisions of this chapter but may be disclosed by the custodian in his discretion, except as provided in
106 subsection B or where such disclosure is otherwise prohibited by law. Redaction of information excluded
107 under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

108 1. Scholastic records containing information concerning identifiable individuals, except that such access
109 shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student.
110 However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of
111 instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are
112 in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a
113 substitute.

114 The parent or legal guardian of a student may prohibit, by written request, the release of any individual
115 information regarding that student until the student reaches the age of 18 years. For scholastic records of
116 students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent,
117 including a noncustodial parent, unless such parent's parental rights have been terminated or a court of
118 competent jurisdiction has restricted or denied such access. For scholastic records of students who are
119 emancipated or attending a public institution of higher education in the Commonwealth, the right of access
120 may be asserted by the student.

121 Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in
 122 writing, the protections afforded by this subdivision. If the protections are so waived, such records shall be
 123 disclosed.

124 2. Confidential letters and statements of recommendation placed in the records of educational agencies or
 125 institutions respecting (i) admission to any educational agency or institution, (ii) an application for
 126 employment or promotion, or (iii) receipt of an honor or honorary recognition.

127 3. Information held by the Brown v. Board of Education Scholarship Committee that would reveal
 128 personally identifiable information, including scholarship applications, personal financial information, and
 129 confidential correspondence and letters of recommendation.

130 4. Information of a proprietary nature produced or collected by or for faculty or staff of public institutions
 131 of higher education, other than the institutions' financial or administrative records, in the conduct of or as a
 132 result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the
 133 institution alone or in conjunction with a governmental body or a private concern, where such information
 134 has not been publicly released, published, copyrighted or patented.

135 5. Information held by the University of Virginia, the University of Virginia Medical Center, Old
 136 Dominion University, or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case
 137 may be, that contain proprietary, business-related information pertaining to the operations of the University
 138 of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as
 139 the case may be, including business development or marketing strategies and activities with existing or future
 140 joint venturers, partners, or other parties with whom the University of Virginia Medical Center or the Eastern
 141 Virginia Health Sciences Center at Old Dominion University, as the case may be, has formed, or forms, any
 142 arrangement for the delivery of health care, if disclosure of such information would be harmful to the
 143 competitive position of the University of Virginia Medical Center or Eastern Virginia Health Sciences Center
 144 at Old Dominion University, as the case may be.

145 6. Personal information, as defined in § 2.2-3801, provided to the Board of the Commonwealth Savers
 146 Plan or its employees by or on behalf of individuals who have requested information about, applied for, or
 147 entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et
 148 seq.) of Title 23.1, including personal information related to (i) qualified beneficiaries as that term is defined
 149 in § 23.1-700, (ii) designated survivors, or (iii) authorized individuals. Nothing in this subdivision shall be
 150 construed to prevent disclosure or publication of information in a statistical or other form that does not
 151 identify individuals or provide personal information. Individuals shall be provided access to their own
 152 personal information.

153 For purposes of this subdivision:

154 "Authorized individual" means an individual who may be named by the account owner to receive
 155 information regarding the account but who does not have any control or authority over the account.

156 "Designated survivor" means the person who will assume account ownership in the event of the account
 157 owner's death.

158 7. Information maintained in connection with fundraising activities by or for a public institution of higher
 159 education that would reveal (i) personal fundraising strategies relating to identifiable donors or prospective
 160 donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information;
 161 employment, familial, or marital status information; electronic mail addresses, facsimile or telephone
 162 numbers; birth dates or social security numbers of identifiable donors or prospective donors. The exclusion
 163 provided by this subdivision shall not apply to protect from disclosure (a) information relating to the amount,
 164 date, purpose, and terms of the pledge or donation or the identity of the donor or (b) the identities of sponsors
 165 providing grants to or contracting with the institution for the performance of research services or other work
 166 or the terms and conditions of such grants or contracts. For purposes of clause (a), the identity of the donor
 167 may be withheld if (1) the donor has requested anonymity in connection with or as a condition of making a
 168 pledge or donation and (2) the pledge or donation does not impose terms or conditions directing academic
 169 decision-making.

170 8. Information held by a threat assessment team established by a local school board pursuant to
 171 § 22.1-79.4 or by a public institution of higher education pursuant to § 23.1-805 relating to the assessment or
 172 intervention with a specific individual. However, in the event an individual who has been under assessment
 173 commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious
 174 bodily injury, including any felony sexual assault, to another person, such information of the threat
 175 assessment team concerning the individual under assessment shall be made available as provided by this
 176 chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1,
 177 health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The
 178 public body providing such information shall remove personally identifying information of any person who
 179 provided information to the threat assessment team under a promise of confidentiality.

180 9. Records provided to the Governor or the designated reviewers by a qualified institution, as those terms
 181 are defined in § 23.1-1239, related to a proposed memorandum of understanding, or proposed amendments to
 182 a memorandum of understanding, submitted pursuant to Chapter 12.1 (§ 23.1-1239 et seq.) of Title 23.1. A

183 memorandum of understanding entered into pursuant to such chapter shall be subject to public disclosure
184 after it is agreed to and signed by the Governor.

185 B. The custodian of a scholastic record shall not release the address, phone number, or email address of a
186 student in response to a request made under this chapter without written consent. For any student who is (i)
187 18 years of age or older, (ii) under the age of 18 and emancipated, or (iii) attending an institution of higher
188 education, written consent of the student shall be required. For any other student, written consent of the
189 parent or legal guardian of such student shall be required.

190 **§ 2.2-3711. (Effective until July 1, 2026) Closed meetings authorized for certain limited purposes.**

191 A. Public bodies may hold closed meetings only for the following purposes:

192 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
193 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
194 officers, appointees, or employees of any public body; and evaluation of performance of departments or
195 schools of public institutions of higher education where such evaluation will necessarily involve discussion of
196 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting
197 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some
198 student and the student involved in the matter is present, provided that the teacher makes a written request to
199 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be
200 construed to authorize a closed meeting by a local governing body or an elected school board to discuss
201 compensation matters that affect the membership of such body or board collectively.

202 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
203 involve the disclosure of information contained in a scholastic record concerning any student of any public
204 institution of higher education in the Commonwealth or any state school system. However, any such student,
205 legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be
206 present during the taking of testimony or presentation of evidence at a closed meeting, if such student,
207 parents, or guardians so request in writing and such request is submitted to the presiding officer of the
208 appropriate board.

209 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition
210 of publicly held real property, where discussion in an open meeting would adversely affect the bargaining
211 position or negotiating strategy of the public body.

212 4. The protection of the privacy of individuals in personal matters not related to public business.

213 5. Discussion concerning a prospective business or industry or the expansion of an existing business or
214 industry where no previous announcement has been made of the business' or industry's interest in locating or
215 expanding its facilities in the community.

216 6. Discussion or consideration of the investment of public funds where competition or bargaining is
217 involved, where, if made public initially, the financial interest of the governmental unit would be adversely
218 affected.

219 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or
220 probable litigation, where such consultation or briefing in open meeting would adversely affect the
221 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation"
222 means litigation that has been specifically threatened or on which the public body or its legal counsel has a
223 reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall
224 be construed to permit the closure of a meeting merely because an attorney representing the public body is in
225 attendance or is consulted on a matter.

226 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters
227 requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to
228 permit the closure of a meeting merely because an attorney representing the public body is in attendance or is
229 consulted on a matter.

230 9. Discussion or consideration by governing boards of public institutions of higher education of matters
231 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be
232 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and
233 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public
234 institution of higher education in the Commonwealth shall be subject to public disclosure upon written
235 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"
236 means any government other than the United States government or the government of a state or a political
237 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United
238 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by
239 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of
240 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)
241 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory
242 or protectorate thereof.

243 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the

244 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and
 245 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private
 246 sources.

247 11. Discussion or consideration of honorary degrees or special awards.

248 12. Discussion or consideration of tests, examinations, or other information used, administered, or
 249 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

250 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible
 251 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed
 252 by the member, provided that the member may request in writing that the committee meeting not be
 253 conducted in a closed meeting.

254 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
 255 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in
 256 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the
 257 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.
 258 All discussions with the applicant or its representatives may be conducted in a closed meeting.

259 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
 260 activity and estimating general and nongeneral fund revenues.

261 16. Discussion or consideration of medical and mental health records subject to the exclusion in
 262 subdivision 1 of § 2.2-3705.5.

263 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
 264 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
 265 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
 266 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and
 267 subdivision 11 of § 2.2-3705.7.

268 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses
 269 the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or
 270 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension
 271 of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary
 272 services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

273 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity
 274 threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency
 275 service officials concerning actions taken to respond to such matters or a related threat to public safety;
 276 discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in
 277 an open meeting would jeopardize the safety of any person or the security of any facility, building, structure,
 278 information technology system, or software program; or discussion of reports or plans related to the security
 279 of any governmental facility, building or structure, or the safety of persons using such facility, building or
 280 structure.

281 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of
 282 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of
 283 a trust established by one or more local public bodies to invest funds for postemployment benefits other than
 284 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of
 285 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth
 286 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or
 287 other ownership interest in an entity, where such security or ownership interest is not traded on a
 288 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential
 289 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or
 290 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement
 291 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of
 292 confidentiality, of the future value of such ownership interest or the future financial performance of the
 293 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed
 294 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University
 295 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the
 296 disclosure of information relating to the identity of any investment held, the amount invested or the present
 297 value of such investment.

298 21. Those portions of meetings in which individual child death cases are discussed by the State Child
 299 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual
 300 child death cases are discussed by a regional or local child fatality review team established pursuant to
 301 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence
 302 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual
 303 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,
 304 those portions of meetings in which individual adult death cases are discussed by a local or regional adult
 305 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual

306 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those
307 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality
308 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of
309 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review
310 Committee established pursuant to § 37.2-314.1.

311 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion
312 University, as the case may be, and those portions of meetings of any persons to whom management
313 responsibilities for the University of Virginia Medical Center or the ~~Eastern~~ Virginia Health Sciences Center
314 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,
315 business-related information pertaining to the operations of the University of Virginia Medical Center or the
316 ~~Eastern~~ Virginia Health Sciences Center at Old Dominion University, as the case may be, including business
317 development or marketing strategies and activities with existing or future joint venturers, partners, or other
318 parties with whom the University of Virginia Medical Center or the ~~Eastern~~ Virginia Health Sciences Center
319 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of
320 health care, if disclosure of such information would adversely affect the competitive position of the
321 University of Virginia Medical Center or the ~~Eastern~~ Virginia Health Sciences Center at Old Dominion
322 University, as the case may be.

323 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or
324 the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or
325 disposition by the Authority of real property, equipment, or technology software or hardware and related
326 goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of
327 the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and
328 contracts for services or work to be performed by the Authority; marketing or operational strategies plans of
329 the Authority where disclosure of such strategies or plans would adversely affect the competitive position of
330 the Authority; and members of the Authority's medical and teaching staffs and qualifications for
331 appointments thereto.

332 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the
333 Department of Health Professions to the extent such discussions identify any practitioner who may be, or who
334 actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

335 25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal
336 information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf
337 of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or
338 savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

339 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
340 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in
341 § 56-484.12, related to the provision of wireless E-911 service.

342 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
343 Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy
344 conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or
345 meetings of health regulatory boards or conference committees of such boards to consider settlement
346 proposals in pending disciplinary actions or modifications to previously issued board orders as requested by
347 either of the parties.

348 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6
349 by a responsible public entity or an affected locality or public entity, as those terms are defined in
350 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
351 public entity concerning such records.

352 29. Discussion of the award of a public contract involving the expenditure of public funds, including
353 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in
354 an open session would adversely affect the bargaining position or negotiating strategy of the public body.

355 30. Discussion or consideration of grant or loan application information subject to the exclusion in
356 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

357 31. Discussion or consideration by the Commitment Review Committee of information subject to the
358 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent
359 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

360 32. Discussion or consideration of confidential proprietary information and trade secrets developed and
361 held by a local public body providing certain telecommunication services or cable television services and
362 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
363 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

364 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
365 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets
366 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

367 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security

368 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

369 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
370 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

371 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
372 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings
373 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider
374 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover
375 scholarship awards.

376 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in
377 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port
378 Authority.

379 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
380 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by
381 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan
382 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee
383 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

384 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6
385 related to economic development.

386 40. Discussion or consideration by the Board of Education of information relating to the denial,
387 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

388 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by
389 executive order for the purpose of studying and making recommendations regarding preventing closure or
390 realignment of federal military and national security installations and facilities located in Virginia and
391 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a
392 local governing body, during which there is discussion of information subject to the exclusion in subdivision
393 8 of § 2.2-3705.2.

394 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
395 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
396 information of donors.

397 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
398 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained
399 in grant applications.

400 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of
401 information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for
402 the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary
403 information of a private entity provided to the Authority.

404 45. Discussion or consideration of personal and proprietary information related to the resource
405 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection
406 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain
407 information that has been certified for release by the person who is the subject of the information or
408 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,
409 or is the subject of, the information.

410 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control
411 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of
412 applicants for licenses and permits and of licensees and permittees.

413 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion
414 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)
415 of Chapter 22.

416 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
417 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity
418 Board.

419 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team
420 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a
421 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases
422 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and
423 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established
424 pursuant to § 15.2-1627.6.

425 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership
426 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions
427 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33
428 of § 2.2-3705.7.

429 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development

430 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information
431 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the
432 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

433 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the
434 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of
435 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

436 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or
437 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of
438 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to
439 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

440 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding
441 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting
442 and any discussion, consideration, or review of matters related to investigations excluded from mandatory
443 disclosure under subdivision 1 of § 2.2-3705.3.

444 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of
445 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

446 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed
447 meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting
448 and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that
449 shall have its substance reasonably identified in the open meeting.

450 C. Public officers improperly selected due to the failure of the public body to comply with the other
451 provisions of this section shall be de facto officers and, as such, their official actions are valid until they
452 obtain notice of the legal defect in their election.

453 D. Nothing in this section shall be construed to prevent the holding of conferences between two or more
454 public bodies, or their representatives, but these conferences shall be subject to the same procedures for
455 holding closed meetings as are applicable to any other public body.

456 E. This section shall not be construed to (i) require the disclosure of any contract between the Department
457 of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.)
458 of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial
459 Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial
460 revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies.
461 However, such business or industry shall be identified as a matter of public record at least 30 days prior to the
462 actual date of the board's authorization of the sale or issuance of such bonds.

463 **§ 2.2-3711. (Effective July 1, 2026) Closed meetings authorized for certain limited purposes.**

464 A. Public bodies may hold closed meetings only for the following purposes:

465 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
466 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
467 officers, appointees, or employees of any public body; and evaluation of performance of departments or
468 schools of public institutions of higher education where such evaluation will necessarily involve discussion of
469 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting
470 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some
471 student and the student involved in the matter is present, provided that the teacher makes a written request to
472 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be
473 construed to authorize a closed meeting by a local governing body or an elected school board to discuss
474 compensation matters that affect the membership of such body or board collectively.

475 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
476 involve the disclosure of information contained in a scholastic record concerning any student of any public
477 institution of higher education in the Commonwealth or any state school system. However, any such student,
478 legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be
479 present during the taking of testimony or presentation of evidence at a closed meeting, if such student,
480 parents, or guardians so request in writing and such request is submitted to the presiding officer of the
481 appropriate board.

482 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition
483 of publicly held real property, where discussion in an open meeting would adversely affect the bargaining
484 position or negotiating strategy of the public body.

485 4. The protection of the privacy of individuals in personal matters not related to public business.

486 5. Discussion concerning a prospective business or industry or the expansion of an existing business or
487 industry where no previous announcement has been made of the business' or industry's interest in locating or
488 expanding its facilities in the community.

489 6. Discussion or consideration of the investment of public funds where competition or bargaining is
490 involved, where, if made public initially, the financial interest of the governmental unit would be adversely
491 affected.

492 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or
 493 probable litigation, where such consultation or briefing in open meeting would adversely affect the
 494 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation"
 495 means litigation that has been specifically threatened or on which the public body or its legal counsel has a
 496 reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall
 497 be construed to permit the closure of a meeting merely because an attorney representing the public body is in
 498 attendance or is consulted on a matter.

499 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters
 500 requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to
 501 permit the closure of a meeting merely because an attorney representing the public body is in attendance or is
 502 consulted on a matter.

503 9. Discussion or consideration by governing boards of public institutions of higher education of matters
 504 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be
 505 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and
 506 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public
 507 institution of higher education in the Commonwealth shall be subject to public disclosure upon written
 508 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"
 509 means any government other than the United States government or the government of a state or a political
 510 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United
 511 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by
 512 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of
 513 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)
 514 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory
 515 or protectorate thereof.

516 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
 517 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and
 518 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private
 519 sources.

520 11. Discussion or consideration of honorary degrees or special awards.

521 12. Discussion or consideration of tests, examinations, or other information used, administered, or
 522 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

523 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible
 524 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed
 525 by the member, provided that the member may request in writing that the committee meeting not be
 526 conducted in a closed meeting.

527 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
 528 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in
 529 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the
 530 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.
 531 All discussions with the applicant or its representatives may be conducted in a closed meeting.

532 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
 533 activity and estimating general and nongeneral fund revenues.

534 16. Discussion or consideration of medical and mental health records subject to the exclusion in
 535 subdivision 1 of § 2.2-3705.5.

536 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
 537 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
 538 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
 539 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and
 540 subdivision 11 of § 2.2-3705.7.

541 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses
 542 the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or
 543 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension
 544 of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary
 545 services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

546 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity
 547 threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency
 548 service officials concerning actions taken to respond to such matters or a related threat to public safety;
 549 discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in
 550 an open meeting would jeopardize the safety of any person or the security of any facility, building, structure,
 551 information technology system, or software program; or discussion of reports or plans related to the security
 552 of any governmental facility, building or structure, or the safety of persons using such facility, building or
 553 structure.

554 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of
555 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of
556 a trust established by one or more local public bodies to invest funds for postemployment benefits other than
557 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of
558 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth
559 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or
560 other ownership interest in an entity, where such security or ownership interest is not traded on a
561 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential
562 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or
563 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement
564 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of
565 confidentiality, of the future value of such ownership interest or the future financial performance of the
566 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed
567 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University
568 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the
569 disclosure of information relating to the identity of any investment held, the amount invested or the present
570 value of such investment.

571 21. Those portions of meetings in which individual child death cases are discussed by the State Child
572 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual
573 child death cases are discussed by a regional or local child fatality review team established pursuant to
574 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence
575 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual
576 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,
577 those portions of meetings in which individual adult death cases are discussed by a local or regional adult
578 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual
579 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those
580 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality
581 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of
582 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review
583 Committee established pursuant to § 37.2-314.1.

584 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion
585 University, as the case may be, and those portions of meetings of any persons to whom management
586 responsibilities for the University of Virginia Medical Center or the ~~Eastern~~ Virginia Health Sciences Center
587 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,
588 business-related information pertaining to the operations of the University of Virginia Medical Center or the
589 ~~Eastern~~ Virginia Health Sciences Center at Old Dominion University, as the case may be, including business
590 development or marketing strategies and activities with existing or future joint venturers, partners, or other
591 parties with whom the University of Virginia Medical Center or the ~~Eastern~~ Virginia Health Sciences Center
592 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of
593 health care, if disclosure of such information would adversely affect the competitive position of the
594 University of Virginia Medical Center or the ~~Eastern~~ Virginia Health Sciences Center at Old Dominion
595 University, as the case may be.

596 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or
597 the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or
598 disposition by the Authority of real property, equipment, or technology software or hardware and related
599 goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of
600 the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and
601 contracts for services or work to be performed by the Authority; marketing or operational strategies plans of
602 the Authority where disclosure of such strategies or plans would adversely affect the competitive position of
603 the Authority; and members of the Authority's medical and teaching staffs and qualifications for
604 appointments thereto.

605 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the
606 Department of Health Professions to the extent such discussions identify any practitioner who may be, or who
607 actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

608 25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal
609 information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf
610 of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or
611 savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

612 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
613 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in
614 § 56-484.12, related to the provision of wireless E-911 service.

615 27. Those portions of disciplinary proceedings by any regulatory board within the Department of

616 Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy
 617 conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or
 618 meetings of health regulatory boards or conference committees of such boards to consider settlement
 619 proposals in pending disciplinary actions or modifications to previously issued board orders as requested by
 620 either of the parties.

621 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6
 622 by a responsible public entity or an affected locality or public entity, as those terms are defined in
 623 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
 624 public entity concerning such records.

625 29. Discussion of the award of a public contract involving the expenditure of public funds, including
 626 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in
 627 an open session would adversely affect the bargaining position or negotiating strategy of the public body.

628 30. Discussion or consideration of grant or loan application information subject to the exclusion in
 629 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

630 31. Discussion or consideration by the Commitment Review Committee of information subject to the
 631 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent
 632 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

633 32. Discussion or consideration of confidential proprietary information and trade secrets developed and
 634 held by a local public body providing certain telecommunication services or cable television services and
 635 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
 636 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

637 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless
 638 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets
 639 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

640 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security
 641 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1 and review by the State Board of Elections
 642 of complaints related to the personal use of campaign funds pursuant to § 24.2-948.7.

643 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
 644 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

645 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
 646 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings
 647 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider
 648 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover
 649 scholarship awards.

650 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in
 651 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port
 652 Authority.

653 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
 654 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by
 655 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan
 656 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee
 657 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

658 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6
 659 related to economic development.

660 40. Discussion or consideration by the Board of Education of information relating to the denial,
 661 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

662 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by
 663 executive order for the purpose of studying and making recommendations regarding preventing closure or
 664 realignment of federal military and national security installations and facilities located in Virginia and
 665 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a
 666 local governing body, during which there is discussion of information subject to the exclusion in subdivision
 667 8 of § 2.2-3705.2.

668 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
 669 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
 670 information of donors.

671 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
 672 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained
 673 in grant applications.

674 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of
 675 information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for
 676 the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary
 677 information of a private entity provided to the Authority.

678 45. Discussion or consideration of personal and proprietary information related to the resource
679 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection
680 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain
681 information that has been certified for release by the person who is the subject of the information or
682 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,
683 or is the subject of, the information.

684 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control
685 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of
686 applicants for licenses and permits and of licensees and permittees.

687 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion
688 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)
689 of Chapter 22.

690 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
691 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity
692 Board.

693 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team
694 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a
695 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases
696 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and
697 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established
698 pursuant to § 15.2-1627.6.

699 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership
700 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions
701 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33
702 of § 2.2-3705.7.

703 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development
704 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information
705 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the
706 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

707 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the
708 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of
709 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

710 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or
711 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of
712 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to
713 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

714 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding
715 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting
716 and any discussion, consideration, or review of matters related to investigations excluded from mandatory
717 disclosure under subdivision 1 of § 2.2-3705.3.

718 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of
719 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

720 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed
721 meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting
722 and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that
723 shall have its substance reasonably identified in the open meeting.

724 C. Public officers improperly selected due to the failure of the public body to comply with the other
725 provisions of this section shall be de facto officers and, as such, their official actions are valid until they
726 obtain notice of the legal defect in their election.

727 D. Nothing in this section shall be construed to prevent the holding of conferences between two or more
728 public bodies, or their representatives, but these conferences shall be subject to the same procedures for
729 holding closed meetings as are applicable to any other public body.

730 E. This section shall not be construed to (i) require the disclosure of any contract between the Department
731 of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.)
732 of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial
733 Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial
734 revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies.
735 However, such business or industry shall be identified as a matter of public record at least 30 days prior to the
736 actual date of the board's authorization of the sale or issuance of such bonds.

737 **§ 22.1-209.2. Programs and teachers in regional detention homes, certain local detention homes and
738 state agencies and institutions.**

739 The Board shall prepare and supervise the implementation in regional detention homes and local detention

740 homes a program designed to educate and train the children detained in the homes. In addition, the Board
 741 shall supervise those programs of evaluation, education, and training provided to school-age children by the
 742 Department of Health, the Department of Behavioral Health and Developmental Services, the children's
 743 teaching hospital associated with the Eastern Virginia Health Sciences Center at Old Dominion University,
 744 the Virginia Commonwealth University Health System Authority, the children's teaching hospital associated
 745 with the Virginia Commonwealth University Health System Authority, and the University of Virginia
 746 Hospitals pursuant to the Board's standards and regulations as required by § 22.1-7.

747 The Board shall promulgate such rules and regulations as may be necessary to conform these programs
 748 with the applicable federal and state laws and regulations including teacher/student ratios and special
 749 education requirements for children with disabilities. The education programs in the relevant detention homes
 750 and state agencies and institutions shall be approved by the Board, and the Board shall prepare a budget for
 751 these educational programs that shall be solely supported by such general funds as are appropriated by the
 752 General Assembly for this purpose. Teacher staffing ratios for regional or local detention homes shall be
 753 based on a ratio of one teacher for every 12 beds based on the capacity of the facility; however, if the
 754 previous year's average daily attendance exceeds this bed capacity, the ratio shall be based on the average
 755 daily attendance at the facility as calculated by the Department from the previous school year.

756 The Board shall enter into contracts with the relevant state agency or institution or detention facility or the
 757 local school divisions in which the state agencies or institutions or the regional detention homes and the
 758 relevant local detention homes are located for the hiring and supervision of teachers.

759 In any case in which the Board enters into a contract with the relevant state agency or institution, the
 760 Department of Human Resource Management shall establish salary schedules for the teachers that are
 761 competitive with those in effect for the school divisions in which the agency or institution is located.

762 **§ 23.1-2002. Meetings; officers; committees.**

763 A. The board shall meet at the University once a year and at such other times as it determines. Special
 764 meetings of the board may be called by the rector or any three members. The secretary shall provide notice of
 765 any special meeting to each member.

766 B. A majority of members shall constitute a quorum.

767 C. In every even-numbered year, the board shall elect from its membership a rector to preside at its
 768 meetings, a vice-rector to preside at its meetings in the absence of the rector, and a secretary to preside at its
 769 meetings in the absence of the rector and vice-rector. Such officers shall assume their duties on July 1 of such
 770 year.

771 D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector,
 772 vice-rector, and secretary.

773 E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the
 774 unexpired term.

775 F. At every regular annual meeting of the board, an executive committee for the transaction of business in
 776 the recess of the board may be appointed, consisting of at least five members. The executive committee shall
 777 consist of the officers of the board and such other members as the rector may appoint.

778 G. The board shall have a standing committee to serve as the board of directors of the Eastern Virginia
 779 Health Sciences Center at the University, which shall oversee the Eastern Virginia Health Sciences Center at
 780 the University and exercise such decision-making authority over the Eastern Virginia Health Sciences Center
 781 at the University as the standing committee deems necessary or appropriate under the authority of and in
 782 accordance with the bylaws of the board. The standing committee shall oversee financial management of the
 783 Eastern Virginia Health Sciences Center at the University and approve and recommend to the board the
 784 budget for the Eastern Virginia Health Sciences Center at the University. The standing committee shall
 785 consist of no more than 17 members, consisting of two ex officio members and no more than 15 appointed
 786 members who are appointed as follows: two nonlegislative citizen members appointed by the Governor; one
 787 nonlegislative citizen member appointed by the Senate Committee on Rules; one nonlegislative citizen
 788 member appointed by the Speaker of the House of Delegates; four members of the board appointed by the
 789 rector of the board; and no more than seven nonlegislative citizen members appointed by the Eastern Virginia
 790 Medical School Foundation or any successor foundation. The president of the University and the executive
 791 vice president for health sciences at the University shall serve as ex officio nonvoting members of the
 792 standing committee. The primary teaching hospital affiliated with the University may submit to the Governor
 793 a list of at least three nominees for any vacancy on the standing committee that is to be filled by the
 794 Governor. Any such nominee shall be an expert in a relevant sector of the health care industry and shall have
 795 no business or financial relationship with the primary teaching hospital affiliated with the University in order
 796 to be considered for appointment as a member of the standing committee by the Governor. In support of good
 797 long-term governance, the members appointed to the standing committee by the Eastern Virginia Medical
 798 School Foundation or any successor foundation shall file, as a condition to assuming office, a disclosure
 799 statement of their personal interests and such other information as is required on the form prescribed by the
 800 Virginia Conflict of Interest and Ethics Advisory Council pursuant to § 2.2-3117 and thereafter shall file such
 801 a statement annually on or before February 1.

802 H. The standing committee shall meet four times per year and at such other times as it determines.
803 I. After the initial staggering of terms, members of the standing committee shall be appointed for a term of
804 four years.

805 **§ 23.1-2006. Virginia Health Sciences at the University.**

806 The schools and divisions previously existing as Eastern Virginia Medical School and such other
807 academic units of the University related to the health sciences as may be identified by the board are hereby
808 designated as the ~~Eastern~~ Virginia Health Sciences Center at the University.

809 **§ 23.1-2007. Operations of Virginia Health Sciences at the University.**

810 A. The University may provide medical and health sciences education and related research through
811 teaching hospitals and related health care and health maintenance facilities, collectively referred to in this
812 section as the ~~Eastern~~ Virginia Health Sciences Center at the University or the Health Sciences Center. The
813 ~~Eastern~~ Virginia Health Sciences Center at the University may participate in cooperative arrangements
814 reflective of changes in health care delivery.

815 B. The University shall ensure that all tuition, funds appropriated, and clinical-affiliated financial support
816 for the continued operation of the schools and divisions previously existing as the Eastern Virginia Medical
817 School shall remain with those schools and divisions for their continued operation. Such funds shall remain
818 separate from funds for the other academic units identified by the board to be part of the ~~Eastern~~ Virginia
819 Health Sciences Center at the University.

820 C. The University may create, own in whole or in part, or otherwise control corporations, partnerships,
821 insurers, or other entities whose activities promote the operations of the ~~Virginia~~ Health Sciences Center at
822 the University and its mission, cooperate or enter into joint ventures with such entities, and enter into
823 contracts in connection with such joint ventures.

824 **§ 32.1-69.3. Virginia Cord Blood Bank Initiative established.**

825 A. There is hereby established the Virginia Cord Blood Bank Initiative (the Initiative) as a public resource
826 for the treatment of patients with life-threatening diseases or debilitating conditions, for use in advancing
827 basic and clinical research, and, in the event of a terrorist attack, to be used in the treatment of the injured.

828 The Initiative shall be established as a nonprofit legal entity to collect, screen for infectious and genetic
829 diseases, perform tissue typing on, cryopreserve, and store umbilical cord blood as a public resource and shall
830 be formed as a collaborative consortium that covers all geographical regions of Virginia.

831 B. The State Health Commissioner shall develop or shall arrange for or contract with a nonprofit entity for
832 the development of the collaborative consortium to be known as the Initiative, which may consist of any
833 entity having the expertise or experience or willingness to develop the expertise or experience necessary to
834 participate in the Initiative.

835 C. In developing the consortium, the Commissioner shall ensure that all geographical areas of the
836 Commonwealth are included in the Initiative. To accomplish this goal, the Commissioner shall contact
837 ~~Eastern~~ Virginia Health Sciences Center at Old Dominion University and its participating hospitals, Virginia
838 Commonwealth University School of Medicine, Virginia Commonwealth University Health System, the
839 University of Virginia School of Medicine, the University of Virginia Health System, and other entities
840 located in Virginia, such as hospitals and hospital systems, biotechnology companies, regional blood banks,
841 laboratories, or other health care providers or medical researchers, or local coalitions of health care providers
842 that could provide coverage of the various geographical regions of Virginia, to request their participation in
843 the Initiative consortium and assist in the design and implementation of the Initiative.

844 D. Any nonprofit entity having an arrangement or contract with the Commissioner for the development of
845 the Initiative and any medical school, hospital, or other health care provider choosing to participate in the
846 Initiative shall submit an estimate of the costs of implementing the Initiative for the region in which it is
847 located. The Commissioner shall assist in the development of the cost estimates, compare and evaluate such
848 estimates, and negotiate with the various entities to implement the Initiative.

849 Further, the Commissioner shall coordinate (i) appropriate contact with pregnant women to provide
850 information about umbilical cord blood donations; (ii) the development of procedures for obtaining informed
851 consent for cord blood donations; (iii) the design of the Initiative, including the period of years for storage of
852 the cord blood to ensure the integrity of the cells; (iv) a system for recycling the blood at the end of the
853 established storage period that provides for the sale or transfer of the cord blood samples being taken out of
854 storage to be used in basic or clinical research development at reasonable rates and fees for cord blood
855 products.

856 E. The entities joining the Initiative shall work collaboratively, each with the community resources in its
857 local or regional area. The Initiative participants shall align their outreach programs and activities to all
858 geographic areas and ethnic and racial groups of the Commonwealth, and shall conduct specific and
859 culturally appropriate outreach and research to identify potential donors among all ethnic and racial groups.

860 F. The Commissioner shall disseminate information about the Initiative, focusing on hospitals, birthing
861 facilities, physicians, midwives, and nurses, and providing information through local health departments.

862 Initiative consortium participants shall also be encouraged to disseminate information about the Initiative.

863 In addition, the Director of the Department of Medical Assistance Services shall include information

864 about the Initiative in printed materials distributed by the Department to recipients of medical assistance
 865 services and persons enrolled in the Family Access to Medical Insurance Security Plan.

866 G. Any woman admitted to a hospital or birthing facility for obstetrical services may be offered the
 867 opportunity to donate umbilical cord blood to the Initiative. However, no woman shall be required to make a
 868 cord blood donation.

869 H. Any health care facility or health care provider receiving financial remuneration for the collection of
 870 umbilical cord blood shall, prior to harvesting the umbilical cord blood, disclose this information in writing to
 871 any woman postpartum or to the parent of a newborn from whom the umbilical cord blood is to be collected.

872 I. This section shall not be construed to require participation in the Initiative on the part of any health care
 873 facility or health care provider who objects to transfusion or transplantation of blood on the basis of bona fide
 874 religious beliefs.

875 J. The Initiative shall be implemented with such funds as may be appropriated or otherwise provided for
 876 its purpose. Upon implementation, the Commissioner shall initiate the development of a nonprofit entity to
 877 assume the operation and administration of the Initiative and may seek federal, state, and private grant funds
 878 for its continuation.

879 **§ 32.1-71.5. Research and Clinical Trial Cancer Consortium Initiative; purpose.**

880 A. As used in this article, "Initiative" means the Research and Clinical Trial Cancer Consortium Initiative
 881 established pursuant to this article.

882 B. The Research and Clinical Trial Cancer Consortium Initiative is hereby established as an independent
 883 nonprofit entity in the Commonwealth for the purpose of coordinating, maximizing the efficiency of, and
 884 facilitating cancer clinical research and treatment efforts across the Commonwealth. The Initiative shall
 885 include the Massey Comprehensive Cancer Center at Virginia Commonwealth University, the University of
 886 Virginia Medical Center, the Leroy T. Canoles Jr. Cancer Research Center at the Eastern Virginia Health
 887 Sciences Center at Old Dominion University, the Fralin Biomedical Research Institute at Virginia Tech
 888 Carilion, Hampton University, and three nonacademic health systems.

889 **§ 32.1-71.6. Membership; powers and duties of the Initiative; report.**

890 A. The Initiative shall have a total membership of twelve members that shall consist of eight
 891 representatives of health or medical institutions with expertise in cancer clinical research and treatment, three
 892 nonlegislative citizen members with expertise in cancer clinical research and treatment or philanthropic
 893 support of cancer clinical research and treatment, and one ex officio member. The representatives of health or
 894 medical institutions with expertise in cancer clinical research and treatment shall be appointed by the
 895 Commissioner as follows: one representative each from (i) the Massey Comprehensive Cancer Center at
 896 Virginia Commonwealth University, (ii) the University of Virginia Medical Center, (iii) the Leroy T. Canoles
 897 Jr. Cancer Research Center at the Eastern Virginia Health Sciences Center at Old Dominion University, (iv)
 898 the Fralin Biomedical Research Institute at Virginia Tech Carilion, (v) Hampton University, and (vi) three
 899 nonacademic health systems. The nonlegislative citizen members shall be appointed as follows: three
 900 members with expertise in cancer clinical research and treatment or philanthropic support of cancer clinical
 901 research and treatment, one of whom shall be appointed by the Senate Committee on Rules, one of whom
 902 shall be appointed by the Speaker of the House of Delegates, and one of whom shall be appointed by the
 903 Governor, subject to confirmation by the General Assembly. The Secretary of Health and Human Resources
 904 shall serve ex officio with voting privileges. Appointments to fill vacancies, other than by expiration of a
 905 term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original
 906 appointments. All members may be reappointed. After the initial staggering of terms, nonlegislative citizen
 907 members shall be appointed for a term of four years. No nonlegislative citizen member shall serve more than
 908 two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy
 909 shall not constitute a term in determining the member's eligibility for reappointment.

910 B. The Initiative shall elect a chairman from among its membership, provided, however, that no
 911 institutional representative appointed as a member shall be eligible to serve as chairman of the Initiative. A
 912 majority of the members shall constitute a quorum. Members shall serve without compensation but shall be
 913 reimbursed for actual expenses incurred in the performance of their duties.

914 C. The Initiative shall have the power and duty to:

915 1. Develop and provide coordinated financial incentives to the medical and health institutions focused on
 916 cancer clinical research and treatment in the Commonwealth to (i) collaborate on clinical trials in the areas
 917 with the most significant demonstrated need; (ii) leverage existing resources; (iii) incentivize the
 918 development of intellectual property research and associated patents relating to cancer clinical research and
 919 treatment created within the Commonwealth; (iv) combine clinical enrollment participant populations to
 920 increase efficiency and maximize the receipt of available federal funding; and (v) develop and implement
 921 plans and procedures for minimizing duplicative research efforts across institutions in the Initiative;

922 2. Take such actions as deemed necessary and appropriate to further the Initiative's purpose of
 923 coordinating, maximizing the efficiency of, and facilitating cancer clinical research and treatment efforts
 924 across the Commonwealth, including (i) developing and implementing plans designed to expand outreach and
 925 improve efforts to attract highly qualified individuals with expertise in cancer clinical research and treatment

926 to the Commonwealth and (ii) developing policies and model contracts to streamline and facilitate the
927 assignment and sharing of intellectual property research and foster the utilization of information, discoveries,
928 data, and material produced or performed by institutions in the Initiative; and

929 3. Submit an annual report to the Governor and the General Assembly for publication as a report
930 document as provided in the procedures of the Division of Legislative Automated Systems for the processing
931 of legislative documents and reports. The chairman of the Initiative shall submit to the Governor and the
932 General Assembly an annual executive summary of the activity and work of the Initiative for the immediately
933 preceding year no later than the first day of each regular session of the General Assembly. The executive
934 summary shall be submitted for publication as a report document as provided in the procedures of the
935 Division of Legislative Automated Systems for the processing of legislative documents and reports and shall
936 be posted on the General Assembly's website.

937 **§ 38.2-5008. Determination of claims; presumption; finding of Virginia Workers' Compensation
938 Commission binding on participants; medical advisory panel.**

939 A. The Commission shall determine, on the basis of the evidence presented to it, the following issues:

940 1. Whether the injury claimed is a birth-related neurological injury as defined in § 38.2-5001.

941 a. A rebuttable presumption shall arise that the injury alleged is a birth-related neurological injury where it
942 has been demonstrated, to the satisfaction of the Virginia Workers' Compensation Commission, that the
943 infant has sustained a brain or spinal cord injury caused by oxygen deprivation or mechanical injury, and that
944 the infant was thereby rendered permanently motorically disabled and (i) developmentally disabled or (ii) for
945 infants sufficiently developed to be cognitively evaluated, cognitively disabled.

946 If either party disagrees with such presumption, that party shall have the burden of proving that the
947 injuries alleged are not birth-related neurological injuries within the meaning of the chapter.

948 b. A rebuttable presumption of fetal distress, an element of a birth-related injury, shall arise if the hospital
949 fails to provide the fetal heart monitor tape to the claimant, as required by subsection E of § 38.2-5004.

950 2. Whether obstetrical services were delivered by a participating physician at the birth.

951 3. Whether the birth occurred in a participating hospital.

952 4. How much compensation, if any, is awardable pursuant to § 38.2-5009.

953 5. If the Commission determines (i) that the injury alleged is not a birth-related neurological injury as
954 defined in § 38.2-5001, or (ii) that obstetrical services were not delivered by a participating physician at the
955 birth and that the birth did not occur in a participating hospital, it shall dismiss the petition and cause a copy
956 of its order of dismissal to be sent immediately to the parties by registered or certified mail.

957 6. All parties are bound for all purposes including any suit at law against a participating physician or
958 participating hospital, by the finding of the Virginia Workers' Compensation Commission (or any appeal
959 therefrom) with respect to whether such injury is a birth-related neurological injury.

960 B. The deans of the schools of medicine of the ~~Eastern~~ Virginia Health Sciences Center at Old Dominion
961 University, University of Virginia School of Medicine, and Medical College of Virginia of Virginia
962 Commonwealth University shall develop a plan whereby each claim filed with the Commission is reviewed
963 by a panel of three qualified and impartial physicians drawn from the fields of obstetrics, pediatrics, pediatric
964 neurology, neonatology, physical medicine and rehabilitation, or any other specialty particularly appropriate
965 to the facts of a particular case. Such plan shall provide that each of the three aforementioned medical schools
966 shall maintain a review panel of physicians to review claims, with responsibility for reviewing claims rotating
967 among each medical school's panel on a case-by-case basis. The chair of the panel shall be determined by the
968 school's dean. In no event shall the panel contain more than one panel member from the field of obstetrics.
969 The Commission shall direct the Program to pay to the medical school that performed the assessment and
970 prepared a report in conformity with this provision the sum of \$3,000 per claim reviewed.

971 C. The panel created pursuant to subsection B shall prepare a report that provides a detailed statement of
972 the opinion of the panel's members regarding whether the infant's injury does or does not satisfy each of the
973 criteria of a birth-related neurological injury enumerated in such term's definition in § 38.2-5001. The report
974 shall include the panel's basis for its determination of whether each such criteria was or was not satisfied. In
975 addition, the report shall include such supporting documentation as the board of directors of the program may
976 reasonably request. The panel shall file its report with the Commission 60 days from the date the petition was
977 filed with the Commission. At the same time that the panel files its report with the Commission, the panel
978 shall send copies thereof to the Program and all parties in the proceeding. At the request of the Commission,
979 at least one member of the panel shall be available to testify at the hearing. The Commission shall consider,
980 but shall not be bound by, the recommendation of the panel.

981 **§ 54.1-2961. Interns and residents in hospitals.**

982 A. Interns and residents holding temporary licenses may be employed in a legally established and licensed
983 hospital, medical school or other organization operating an approved graduate medical education program
984 when their practice is confined to persons who are bona fide patients within the hospital or other organization
985 or who receive treatment and advice in an outpatient department of the hospital or an institution affiliated
986 with the graduate medical education program.

987 B. Such intern or resident shall be responsible and accountable at all times to a licensed member of the

988 staff. The training of interns and residents shall be consistent with the requirements of the agencies cited in
 989 subsection D and the policies and procedures of the hospital, medical school or other organization operating a
 990 graduate medical education program. No intern or resident holding a temporary license may be employed by
 991 any hospital or other organization operating an approved graduate medical education program unless he has
 992 completed successfully the preliminary academic education required for admission to examinations given by
 993 the Board in his particular field of practice.

994 C. No intern or resident holding a temporary license shall serve in any hospital or other organization
 995 operating an approved graduate medical education program in this Commonwealth for longer than the time
 996 prescribed by the graduate medical education program. The Board may prescribe regulations not in conflict
 997 with existing law and require such reports from hospitals or other organizations in the Commonwealth as may
 998 be necessary to carry out the provisions of this section.

999 D. Such employment shall be a part of an internship or residency training program approved by the
 1000 Accreditation Council for Graduate Medical Education or American Osteopathic Association or American
 1001 Podiatric Medical Association or Council on Chiropractic Education. No unlicensed intern or resident may be
 1002 employed as an intern or resident by any hospital or other organization operating an approved graduate
 1003 medical education program. The Board may determine the extent and scope of the duties and professional
 1004 services which may be rendered by interns and residents.

1005 E. The Board of Medicine shall adopt guidelines concerning the ethical practice of physicians practicing
 1006 in emergency rooms, surgeons, and interns and residents practicing in hospitals, particularly hospital
 1007 emergency rooms, or other organizations operating graduate medical education programs. These guidelines
 1008 shall not be construed to be or to establish standards of care or to be regulations and shall be exempt from the
 1009 requirements of the Administrative Process Act (§ 2.2-4000 et seq.). The Medical College of Virginia of
 1010 Virginia Commonwealth University, the University of Virginia School of Medicine, the Eastern Virginia
 1011 Health Sciences Center at Old Dominion University, the Medical Society of Virginia, and the Virginia
 1012 Hospital and Health Care Association shall cooperate with the Board in the development of these guidelines.

1013 The guidelines shall include, but need not be limited to (i) the obtaining of informed consent from all
 1014 patients or from the next of kin or legally authorized representative, to the extent practical under the
 1015 circumstances in which medical care is being rendered, when the patient is incapable of making an informed
 1016 decision, after such patients or other persons have been informed as to which physicians, residents, or interns
 1017 will perform the surgery or other invasive procedure; (ii) except in emergencies and other unavoidable
 1018 situations, the need, consistent with the informed consent, for an attending physician to be present during the
 1019 surgery or other invasive procedure; (iii) policies to avoid situations, unless the circumstances fall within an
 1020 exception in the Board's guidelines or the policies of the relevant hospital, medical school, or other
 1021 organization operating the graduate medical education program, in which a surgeon, intern, or resident
 1022 represents that he will perform a surgery or other invasive procedure that he then fails to perform; and (iv)
 1023 policies addressing informed consent and the ethics of appropriate care of patients in emergency rooms. Such
 1024 policies shall take into consideration the nonbinding ban developed by the American Medical Association in
 1025 2000 on using newly dead patients as training subjects without the consent of the next of kin or other legal
 1026 representative to extent practical under the circumstances in which medical care is being rendered.

1027 F. The Board shall publish and distribute the guidelines required by subsection E to its licensees.