

University of Virginia -- Office of State Governmental Relations
LAW REPORT
April 29, 2008

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HB66 **Cord Blood Bank Initiative; removes certain language.**

Chief Patron: Marshall, R.G.

Summary:

Removes the language stating that the Cord Blood Bank will be for the treatment of Virginians, in order to make more federal funding opportunities available.

Law Advice: **Change in Authority**

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0285)

HB85 **Prescription Medication Donation Program; established.**

Chief Patron: Landes

Summary:

Requires the Board of Pharmacy to promulgate regulations to establish a Prescription Drug Donation Program to accept certain unused previously dispensed prescription drugs, and re-dispense such drugs to patients of clinics organized in whole or in part for the delivery of health care services to the indigent. This bill requires the Board to promulgate regulations to implement its provisions within 280 days of enactment. This bill also provides that, notwithstanding the due course effective date of the bill, provisions of current law shall remain in effect until regulations promulgated by the Board for the establishment of the Program become effective.

Law Advice: **FYI - No Direct Impact**

Status:

03/14/08 Governor: Acts of Assembly Chapter text (CHAP0429)

HB191 **Emergency medical services; temporary suspension of permits and certificates pending hearing.**

Chief Patron: Orrock

Summary:

Authorizes the Health Commissioner to temporarily suspend any certificate or permit without notice, pending a hearing or informal fact-finding conference, where a substantial danger to public health or safety exists. The bill requires the Commissioner to seek an expedited hearing in such cases.

Law Advice: **FYI - No Direct Impact**

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0660)

HB192 **Volunteer rescue squads; replaces term with agency, etc. licensed or certified by Office of EMS.**

Chief Patron: Orrock

Summary:

Replaces term "volunteer rescue squad" with the term "agency, entity, or provider licensed or certified by the Office of Emergency Medical Services."

Law Advice: **FYI - No Direct Impact**

Status:

03/04/08 Governor: Acts of Assembly Chapter text (CHAP0061)

HB196 **Accident and sickness insurance, group; coverage for full-time students.**

Chief Patron: Alexander

Summary:

Clarifies that when a group health insurance policy provides coverage for a dependent child who is enrolled based upon his status as a full-time student and who becomes unable to continue as a full-time student due to a medical condition, coverage under the policy will continue if the child's treating physician certifies that the child's absence is medically necessary. Coverage for the child shall continue until (i) the date that is 12 months from the date the child ceases to be a full-time student or (ii) the date the child no longer qualifies under the group policy, whichever first occurs.

Law Advice: **FYI - No Direct Impact**

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0209)

HB216 **Organs and tissue, transplantable; consent to remove.**

Chief Patron: Alexander

Summary:

Eliminates the provision that, after identification of the next of kin of a decedent, the person, institution or agent of such person or institution having custody of the dead body shall attempt to obtain consent for removal of the pituitary or other organs, glands, eyes or tissues for use in transplants or therapy.

Law Advice: **Change in Requirement**

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0287)

HB221 **Residential Landlord and Tenant Act; duty of landlord and managing agent for visible mold.**

Chief Patron: Kilgore

Summary:

Provides that landlords and managing agents are not liable for civil damages in an action for exposure to mold arising from the condition within the interior of a dwelling unit brought by a tenant, authorized occupant, or guest or invitee if the mold condition is caused solely by the negligence of the tenant. The bill also provides that managing agents with no maintenance responsibilities are not liable for damages unless the agents have actual knowledge of the mold condition and fail to disclose the existence of the condition to the landlord and any prospective or actual tenants. The bill provides further that if a written move-in inspection report reflects that there is no visible evidence of mold in a dwelling unit, and the tenant does not object in writing to such report within five days of his receipt of the report, there shall be a rebuttable presumption that no mold existed at the time of the move-in inspection. The bill also requires landlords and managing agents with maintenance responsibilities to perform mold remediation if visible evidence of mold occurs within a dwelling unit. This bill is identical to SB 232.

Law Advice: **FYI - No Direct Impact**

Companion to SB232.

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0162)

HB229 **Veterans services; Dept. to establish guidelines for eligibility for domiciled veterans, etc.**

Chief Patron: Cosgrove

Summary:

Changes the references under the powers and duties of the Commissioner of Veterans Services from the Secretary of Administration to the Secretary of Public Safety. The bill request the Department of Veterans Services to establish guidelines for the determination of eligibility for Virginia-domiciled veterans and their spouses, orphans, and dependents for participation in programs and benefits administered by the Department. Such guidelines shall meet the intent of the federal statutes and regulations pertaining to the administration of federal programs supporting U.S. Armed Forces veterans and their spouses, orphans, and dependents. The bill also clarifies that the purpose of the Veterans Services Foundation is to provide funding for veteran services and programs in the Commonwealth. HB 943 and HB 1104 are incorporated into this bill.

Law Advice: FYI - No Direct Impact

Status:

03/14/08 Governor: Acts of Assembly Chapter text (CHAP0467)

HB234 Technology Research Fund; adds sensor sciences to eligible research programs.

Chief Patron: Cosgrove

Summary:

Adds sensor sciences to the eligible research programs in the CTRF. This bill is identical to SB 319.

Law Advice: FYI - No Direct Impact

Companion to SB319.

Status:

03/04/08 Governor: Acts of Assembly Chapter text (CHAP0063)

HB245 Virginia Retirement System group insurance program; exemption from process.

Chief Patron: O'Bannon

Summary:

Makes insurance benefits and the proceeds therefrom under any group insurance policy purchased by the Virginia Retirement System subject to administrative child support actions and court proceedings to enforce a child or child and spousal support obligations. Currently, these insurance benefits are exempt from all legal process, though other Virginia Retirement System benefits are subject to process to enforce child or child and spousal support obligations.

Law Advice: FYI - No Direct Impact

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0354)

HB248 Emergency medical services personnel; clarifies definitions.

Chief Patron: O'Bannon

Summary:

Defines "emergency medical services physician," "emergency medical services provider," "operational medical director," and "physician course director."

Law Advice: Change in Authority

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0118)

HB251 Adult Fatality Review Team; created, report.

Chief Patron: O'Bannon

Summary:

Establishes the Adult Fatality Review Team to review suspicious deaths of any incapacitated adult aged 18 or older and any adult aged 60 or older (i) who was the subject of an adult protective services investigation, (ii) whose death was due to abuse or neglect or acts that suggest abuse or neglect, or (iii) whose death came under the jurisdiction of the Office of the Chief Medical Examiner pursuant to 32.1-283. The bill sets forth duties, membership, confidentiality, reporting, and other requirements for the team. The bill also creates a Freedom of Information Act exemption for information and records acquired during a review of any death conducted by a family violence fatality review team or during a review of any adult death conducted by the adult fatality review team to the extent made confidential by state law.

Law Advice: FYI - No Direct Impact

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0539)

HB278 Decedent; identification of body by next of kin.

Chief Patron: Watts

Summary:

Provides that, upon the death of any person from trauma, injury, violence, poisoning, accident, suicide or homicide, or suddenly when in apparent good health, or when unattended by a physician, or in jail, prison, other correctional institution or in police custody, or who is a patient or resident of a state mental health or mental retardation facility, or suddenly as an apparent result of fire, or in any suspicious, unusual or unnatural manner, or the sudden death of any infant less than eighteen months of age whose death is suspected to be attributable to Sudden Infant Death Syndrome (SIDS), good faith efforts shall be made by such person or institution having custody of the dead body to identify and to notify the next of kin of the decedent. This bill also requires that notification shall include informing the person presumed to be the next of kin that he has a right to have identification of the decedent confirmed without due delay and without being held financially responsible for any procedures performed for the purpose of the identification. This bill also eliminates a provision requiring the person, institution or agent of such person or institution having custody of the dead body to attempt to obtain consent for removal of the pituitary or other organs, glands, eyes or tissues for use in transplants or therapy.

Law Advice: Change in Requirement

Status:

03/14/08 Governor: Acts of Assembly Chapter text (CHAP0433)

HB344 Computer Recovery and Recycling Act; adoption and implementation of recovery plan.

Chief Patron: Plum

Summary:

Requires the manufacturer of more than 500 items of computer equipment to adopt and implement a recovery plan providing for the reasonably convenient collection, recycling, and reuse of computer equipment returned by a consumer in the Commonwealth. The manufacturer must also affix a permanent, readily visible label to the computer equipment with the manufacturer's brand before a manufacturer may offer computer equipment for sale in the Commonwealth. Examples of collection methods meeting the recovery plan requirements in this Act include (i) a system by which the consumer may return the computer equipment free of charge; (ii) a system using a physical collection site; or (iii) a system using collection events at which the consumer may return computer equipment. Each manufacturer must annually report on the weight of computer equipment collected, recycled, and reused during the preceding calendar year.

Law Advice: New Requirement

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0541)

HB388 State agencies; conveyance of easements.

Chief Patron: Bulova

Summary:

Clarifies the process for conveying easements by state agencies. Such conveyances must be deemed to be in the public interest and subject to guidelines adopted by the Department of General Services.

Law Advice: Change in Authority

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0356)

HB396 Medical Facilities Plan; Board of Health to appoint and convene task force.

Chief Patron: Hamilton

Summary:

Requires the Board of Health to appoint and convene a task force of no less than 15 persons, including representatives from the Department of Health and the Division of Certificate of Public Need, and representatives of regional health planning agencies, the health care provider community, academic medical community, experts in advanced medical technology, and health insurers to meet at least once every two years. This bill also requires the task force to complete a review of the State Medical Facilities Plan at least every four years to update or validate the plan.

Law Advice: FYI - No Direct Impact

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0501)

HB397 Health maintenance organizations; removes certain limitations on deductibles.

Chief Patron: Hamilton

Summary:

Removes limitations on the deductibles or co-payments, or both, that a health maintenance organization may require enrollees to pay.

Law Advice: FYI - No Direct Impact

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0214)

HB398 Certificate of public need; relocation of nursing home beds.

Chief Patron: Hamilton

Summary:

Exempts from the definition of "project" any relocation of up to 10 beds or 10% of beds, whichever is less, (i) from one existing facility to another existing facility at the same site in any two-year period or (ii) in any three year period, from one existing nursing home facility to any other existing nursing home facility owned by the same person that is located either within the same planning district, or within another planning district out of which, during that three-year period, at least 10 times that number of beds have been transferred and at least half of those beds have not been replaced.

Law Advice: Change in Requirement

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0664)

HB400 Inpatient treatment; parental admission of minors incapable of giving consent.

Chief Patron: Hamilton

Summary:

Provides that minors 14 years of age or older who are incapable of making an informed decision may be admitted to inpatient treatment upon the application of a parent. The bill also defines the term "incapable of making an informed decision." This bill is identical to SB 67.

Law Advice: Change in Authority

Response to Virginia Tech Tragedy. Companion to SB67.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0774)

HB401 Emergency custody; who may accept custody.

Chief Patron: Hamilton

Summary:

Allows the law-enforcement agency transporting a person to a facility or location pursuant to an emergency custody order to transfer custody of the person to the facility or location if the facility or location (i) is licensed to provide the level of security necessary to protect the person and others from harm, (ii) is actually capable of providing this level of security, and (iii) has entered into an agreement with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody. The facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody. This bill is identical to SB 81.

Law Advice: New Authority

Response to Virginia Tech Tragedy. Companion to SB81.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0775)

HB402 Involuntary commitment petition; dismissal or withdrawal.

Chief Patron: Hamilton

Summary:

Provides that a petition for the involuntary commitment of a minor shall be served upon the minor and the minor's parents unless the petition has been withdrawn or dismissed. Current law only provides that such petition need not be served if the petition has been dismissed. This bill is identical to SB 68.

Law Advice: Change in Requirement

Response to Virginia Tech Tragedy. Companion to SB68.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0776)

HB403 Health care providers; those responding to disaster immune from liability.

Chief Patron: Hamilton

Summary:

Provides that, in the absence of gross negligence or willful misconduct, health care providers who respond to a

disaster are immune from civil liability for any injury or wrongful death arising from the delivery or withholding of health care. This immunity only applies (i) if a state or local emergency has been or is subsequently declared in response to such a disaster, and (ii) if the emergency and subsequent conditions caused a lack of resources, attributable to the disaster, rendering the health care provider unable to provide the same level or manner of care that would have been required in the absence of the emergency. The bill also allows persons who hold licenses or certificates evidencing their professional or mechanical skills who render aid involving that skill during a disaster to receive reimbursement for their actual and necessary expenses. The bill also combines the definitions of the terms "man-made disaster" and "natural disaster" as contained in the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 into the term "disaster" and adds the term "communicable disease of public health threat" to the definition. The bill also expands when immunity attaches for health care providers who abandon patients in order to respond to a disaster to include disasters, emergencies, and major disasters. This bill also makes technical amendments. This bill is identical to SB 657.

Law Advice: New Authority

Companion to SB657.

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0121)

HB407 Freedom of Information Act; exemptions for certain records of public institutions of higher ed.

Chief Patron: Oder

Summary:

Exempts records maintained by a public institution of higher education in connection with fundraising activities conducted by or for such institution to the extent that such records reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors.

Law Advice: New Authority

U.Va. sponsored legislation. Companion to SB130.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0665)

HB479 Stroke Triage Plan; Board of Health to develop and maintain as component of EMS Plan.

Chief Patron: Hamilton

Summary:

Requires the Board of Health to develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care. The Plan shall include formal regional stroke triage plans, which shall be reviewed triennially. This bill is identical to SB 344 (Blevins).

Law Advice: New Requirement

Requirement for Board of Health to develop a Stroke Triage Plan containing a uniform set of criteria for prehospital and interhospital triage and transport of stroke patients. The Plan shall be used as a guide and resource for all health care providers. Companion to SB344.

Status:

03/18/08 Governor: Acts of Assembly Chapter text (CHAP0584)

HB499 **Involuntary commitment; establishes new standard for outpatient commitment.**

Chief Patron: Hamilton

Summary:

Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment proceedings, including how that criteria is applied to prisoners and juveniles, so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. The bill also provides that a person who meets the criteria for involuntary commitment may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and are available, and the person has the capacity to comply with such outpatient treatment and has agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a person's noncompliance with such treatment will be addressed. The bill also provides that, upon request, any health care provider or other provider rendering services to persons subject to emergency custody orders, temporary detention orders, or involuntary commitment proceedings shall disclose to certain entities and individuals all information necessary and appropriate for the entities or individuals to perform their duties in relation to such orders or proceedings. Any health care provider shall be immune for any harm resulting from the disclosure of health records unless he intended the harm or acted in bad faith. The bill also authorizes a single two-hour extension of an emergency custody order; provides that a person under a temporary detention order may be released prior to 48 hours after the order is executed if the person does not pose a danger to himself or others; expands those persons qualified to perform an independent examination of a person prior to a commitment hearing to include clinical social workers, professional counselors, psychiatric nurse practitioners, and clinical nurse specialists; sets forth factors that may be considered when determining whether probable cause exists to issue an emergency custody order or temporary detention order and factors that shall be considered prior to entry of an involuntary commitment order or mandatory outpatient treatment order; and makes several changes concerning the conduct of prescreening reports and independent examinations and the presentation of these reports or examinations at the required hearings. This bill incorporates HB 816, HB 1322, and HB 1491. This bill is identical to SB 246.

Law Advice: **New Requirement**

Response to Virginia Tech Tragedy. Companion to SB246.

Status:

04/23/08 Governor: Approved by Governor-Chapter 850 (effective 7/1/08)

HB502 **Certificate of public need; introduce institutional competition into a health planning region.**

Chief Patron: Hamilton

Summary:

Provides that, when determining whether a public need for a project involving proposed health services or facilities has been demonstrated, the State Health Commissioner shall consider the extent to which the proposed service or facility will increase citizen accessibility, demonstrate documented community support and introduce institutional competition into a health planning region.

Law Advice: **New Requirement**

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0292)

HB504 **Health insurance; insurers to offer individual or group exclusive policies or contracts.**

Chief Patron: Hamilton

Summary:

Authorizes insurers to offer individual or group exclusive provider policies or contracts, which are insurance policies or contracts that condition the payment of benefits on the use of preferred providers. The insurer is required to provide an option in group contracts whereby each enrollee may, at no additional cost to the group contract holder, select a benefit for preferred and nonpreferred providers. Exclusive provider policies or contracts shall provide out-of-network emergency services at the minimum level required by the preferred provider policy or contract.

Law Advice: **FYI - No Direct Impact**

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0215)

HB524 **Tuition, in-state; eligibility for certain military personnel.**

Chief Patron: Suit

Summary:

Provides that in determining the domiciliary intent of retired military personnel residing in the Commonwealth at the time of their retirement, or the domiciliary intent of their dependent spouse or children who claim domicile through them, who voluntarily elect to establish Virginia as their permanent residence for domiciliary purposes, the requirement to prove domiciliary intent in Virginia for one year is waived. Also, the bill provides that any active duty members, activated guard or reservist members, or guard or reservist members mobilized or on temporary active orders for six months or more, who are either stationed or assigned by their military service to a work location in Virginia and are residing in Virginia are entitled to in-state tuition.

Law Advice: **Change in Requirement**

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0723)

HB546 **Telephone systems, multiline; alternative method of providing emergency calls.**

Chief Patron: Nixon

Summary:

Provides that an alternative method of providing call location information exists when a 9-1-1 call to a public safety answering point (PSAP) provides sufficient information to ensure that emergency responders are dispatched to a location at the facility from which the call was placed, where the responders are able to view all of the telephone stations in the contiguous area containing the telephone from which the emergency call was placed. Currently, an alternative method requires responders to be able to view all of the telephone stations at the facility. MLTS providers of a system using VOIP services acquired or installed on or after July 1, 2009, shall make reasonable efforts to ensure that emergency calls provide calling party information to the 9-1-1 network or an alternative method of providing call location information. The measure also provides that the MLTS provider of a multiline telephone system acquired or installed on or after July 1, 2009, is required, if reasonably achievable, to be able to provide calling party information to the 9-1-1 network that connects to the PSAP, or to provide an alternative method of providing call location information. Calling party information allows equipment at the PSAP to perform automatic location identification (ALI) and automatic number identification (ANI). MLTS providers are required to arrange to update the ALI database with the appropriate master street address guide, valid address and callback information corresponding to the calling party information for each telephone station, and to update the information as soon as practicable for new MLTS installation or within one business day of record completion of the actual

changes for previously installed systems. Currently, such providers are required to ensure that emergency calls provide either ALI and ANI or an alternative method of providing call location information.

Law Advice: New Requirement

Status:

04/23/08 Governor: Approved by Governor-Chapter 853 (effective 7/1/08)

HB559 Emergency custody orders, temporary detention orders, and involuntary commitment; criteria.

Chief Patron: Bell

Summary:

Changes the criteria for emergency custody orders, temporary detention orders, involuntary commitment, and outpatient treatment, including how that criteria is applied to prisoners and juveniles, so that a person may be taken into custody, temporarily detained, involuntarily committed, or ordered to outpatient treatment if the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. This bill incorporates HB 1059 and HB 1237.

Law Advice: Change in Authority

Response to Virginia Tech Tragedy.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0779)

HB576 Mental health records; health provider shall disclose information to provide care, etc. of minor.

Chief Patron: Watts

Summary:

Provides that, upon request, any health care provider or other provider rendering services to persons subject to emergency custody orders, temporary detention orders, or involuntary commitment proceedings shall disclose to certain entities and individuals all information necessary and appropriate for the entities or individuals to perform their duties in relation to such orders or proceedings. The bill also provides that any health care provider shall be immune for any harm resulting from the disclosure of health records unless he intended the harm or acted in bad faith. This bill incorporates HB 1324.

Law Advice: New Requirement

Response to Virginia Tech Tragedy.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0782)

HB580 Landlords and tenants; mold remediation and process for notice regarding.

Chief Patron: Cosgrove

Summary:

Provides for mold remediation and the process for notice from tenant to landlord regarding mold.

Law Advice: New Requirement

Status:

03/18/08 Governor: Acts of Assembly Chapter text (CHAP0640)

HB582 **Psychiatric inpatient treatment of minors; timing of petition and hearing.**

Chief Patron: Marsden

Summary:

Increases from 72 hours to 96 hours the length of time (i) to hold a hearing for the involuntary commitment of a minor or the emergency admission of a minor for inpatient treatment, and (ii) that a minor may be admitted by his parents to a facility over his objections. The bill also provides that the time to hold the involuntary commitment hearing runs from the issuance of the temporary detention order or the filing of the petition for such hearing, whichever occurs later. The bill provides further that a petition for judicial approval of the admission of a minor by his parents over his objections shall be filed no sooner than 24 hours and no later than 96 hours after his admission. This bill is identical to SB 276.

Law Advice: **Change in Requirement**

Response to Virginia Tech Tragedy. Companion to SB276.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0783)

HB583 **Emergency custody orders; extension of time.**

Chief Patron: Marsden

Summary:

Allows the magistrate to extend the time of emergency custody orders for one two-hour period if good cause exists to grant the extension. Good cause for an extension includes the need for additional time to (i) find a suitable facility in which to temporarily detain the person subject to the order, or (ii) complete a medical evaluation of the person.

Law Advice: **FYI - No Direct Impact**

Response to Virginia Tech Tragedy.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0784)

HB584 **Nurses, licensed; presumption of knowledge of statewide standard of care.**

Chief Patron: Marsden

Summary:

Adds nurses, including nurses licensed by a state participating in the Nurse Licensure Compact, to those persons presumed to know the statewide standard of care in the field in which they are qualified or certified for purposes of medical malpractice actions or proceedings before a medical malpractice review panel.

Law Advice: **FYI - No Direct Impact**

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0125)

HB603 **Health insurance carriers; hospital disclosure of contractual arrangements.**

Chief Patron: O'Bannon

Summary:

Requires the State Health Commissioner to negotiate and contract with a nonprofit organization for an annual survey of carriers offering private group health insurance policies and that are subject to HEDIS reporting, to determine the reimbursement that is paid for a minimum of 25 most frequently reported health care services, and to make the survey reports public through a website operated by the contracting organization. This bill also requires

carriers to report the average reimbursement paid for a specific service from all providers and provider types. This bill is identical to SB 396 (Edwards).

Law Advice: FYI - No Direct Impact

Companion to SB396.

Status:

03/04/08 Governor: Acts of Assembly Chapter text (CHAP0071)

HB605 Nonprofessional entities; practice of medicine.

Chief Patron: O'Bannon

Summary:

Clarifies that an entity that employs or contracts with an individual licensed by a health regulatory board may (i) practice or engage in the practice of a profession or occupation for which the individual is licensed, (ii) provide or render professional services related to the profession or occupation for which the person is licensed through the licensed individual, and (iii) enforce the terms of employment or of a contract with the licensed individual.

Law Advice: New Authority

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0358)

HB616 Malpractice actions; limitations.

Chief Patron: Amundson

Summary:

Extends the two-year limitations period for personal injury actions in malpractice cases arising out of the negligent failure to diagnose a malignant tumor or cancer or to communicate such diagnosis to the patient for a period of one year from the date the existence of a malignant tumor or cancer is communicated to the patient.

Law Advice: Change in Requirement

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0175)

HB633 Personal Information Privacy Act; prohibits dissemination of another's social security number.

Chief Patron: May

Summary:

Prohibits the dissemination of another person's social security number, regardless of whether such number is obtained from a public or private record. Currently, the prohibition against dissemination only applies to social security numbers obtained from private sources. This bill is a recommendation of the Freedom of Information Advisory Council and the Joint Commission on Technology and Science. This bill is identical to SB 133.

Law Advice: Change in Requirement

Companion to SB133.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0820)

HB634 Government Data Collection and Dissemination Practices Act; disclosure of personal information.

Chief Patron: May

Summary:

Provides that no agency shall require an individual to furnish or disclose his social security number (SSN) or driver's license number unless the furnishing or disclosure of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill also strengthens the remedies provisions of the GDCDPA by adding civil penalties matching those in FOIA, and grants general district courts the authority to hear GDCDPA cases. Additionally, the bill has enactment clauses giving it a delayed effective date of July 1, 2009, and requires state agencies to study their own collection and use of SSNs and report to the FOIA Council and JCOTS on such collection and use by October 1, 2008. The bill also contains a fourth enactment clause providing for the gathering of similar information about the use and collection of SSNs by cities, counties and towns with a population greater than 15,000. The bill is a recommendation of the Freedom of Information Advisory Council and JCOTS. This bill is identical to SB 132.

Law Advice: New Requirement

Study report on the collection and use of social security numbers due to the Freedom of Information Advisory Council and the Joint Commission on Technology and Science by October 1, 2008. Delayed effective date: July 1, 2009. Companion to SB132.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0840)

HB674 Aging, Department for; four-year plan therefor, report.

Chief Patron: Alexander

Summary:

Requires the Department for the Aging to develop and maintain a four-year plan for aging services. The bill requires the Department to consult with various state and local agencies and details a list of factors to be included in the plan for consideration in determining when additional funds may be needed for various programs and services.

Law Advice: FYI - No Direct Impact

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0361)

HB677 Public-Private Education Facilities and Infrastructure Act of 2002; public hearing.

Chief Patron: Plum

Summary:

Provides that at least 30 days prior to entering into an interim or comprehensive agreement under the Public-Private Education Facilities and Infrastructure Act, a responsible public entity must hold a public hearing on the proposals. Currently a responsible public entity is required to provide an opportunity for public comment, which may include a public hearing at the sole discretion of the responsible public entity.

Law Advice: FYI - No Direct Impact

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0667)

HB728 Health insurance; State Corporation Commission to develop uniform group application form.

Chief Patron: Scott, E.T.

Summary:

Directs the State Corporation Commission's Bureau of Insurance, with the assistance of a work group comprised

of representatives of health insurers, insurance agent organizations, employer organizations, and the Virginia Association of Health Plans, to develop a uniform group health insurance application form. The development of the uniform form is to be completed by July 1, 2009. Upon completion of the form, the Bureau shall provide copies to insurers, along with instructions for its use.

Law Advice: FYI - No Direct Impact

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0546)

HB748 Innovative Technology Authority; board of directors.

Chief Patron: Caputo

Summary:

Removes the Secretaries of Education and Commerce and Trade, as well the Director of the State Council of Higher Education, from the board of directors of the Authority. The bill also makes a technical correction. The bill is identical to SB 236.

Law Advice: FYI - No Direct Impact

Companion to SB236.

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0299)

HB766 Fraudulent academic credentials; misdemeanor to use to obtain employment, promotion, etc.

Chief Patron: Tata

Summary:

Makes it a Class 1 misdemeanor to operate a degree/diploma mill and to issue or manufacture a fraudulent academic credential or for a person to use one.

Law Advice: FYI - No Direct Impact

Status:

04/23/08 Governor: Approved by Governor-Chapter 856 (effective 7/1/08)

HB772 Retirement System; exemption from liability for advisory committees appointed thereby.

Chief Patron: Tata

Summary:

Extends the current exemption from liability to advisory committees appointed by the Virginia Retirement System Board of Trustees. The bill also deletes redundant provisions.

Law Advice: FYI - No Direct Impact

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0245)

HB775 State employees; cash match plan.

Chief Patron: Tata

Summary:

Makes a technical correction.

Law Advice: FYI - No Direct Impact

Status:

02/27/08 Governor: Acts of Assembly Chapter text (CHAP0029)

HB805 Advance Health Care Directive Registry; created.

Chief Patron: Englin

Summary:

Requires the Department of Health to make available a secure online central registry for advance health care directives. The registry shall be accessible to health care providers licensed by the Board, through a site maintained by the Department of Health. This bill is identical to SB 290 (Barker).

Law Advice: New Authority

Companion to SB290.

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0301)

HB806 Infectious diseases; residential or day program, etc. licensed by State to report cases.

Chief Patron: Englin

Summary:

Adds persons in charge of residential or day programs, services, or facilities licensed by any agency of the Commonwealth to the list of nonphysicians who must report disease outbreaks. This bill is identical to SB 463 (Whipple).

Law Advice: New Requirement

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0367)

HB900 Value engineering; submission thereof to report to Division of Engineering & Buildings.

Chief Patron: Scott, J.M.

Summary:

Requires the submission of a value engineering report to the Division of Engineering and Buildings. Under the bill each item included in the value engineering report must be designated as accepted, declined, or accepted as modified. The report must be approved by the Division within 45 days before the project may move to the next phase of design.

Law Advice: New Requirement

University exempt under Restructuring per email from Rich Sliwoski to Colette Sheehy.

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0370)

HB922 Registration fees; increase for firefighting and emergency medical services vehicles.

Chief Patron: Rust

Summary:

Increases the \$4-for-life fee to \$4.25, with the revenues generated by the additional \$0.25 to be used for costs associated with the certification and recertification training of emergency medical services personnel.

Law Advice: FYI - No Direct Impact

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0182)

HB951 Uniform Prudent Management of Institutional Funds Act; created.

Chief Patron: Iaquinto

Summary:

Replaces current provisions in the Virginia Code with this Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 2006. The original Uniform Management of Institutional Funds Act was adopted by NCCUSL in 1972 and enacted in Virginia in 1973. The Act expands the scope of the prior law, applying to all charitable institutions holding institutional funds, including trusts without noncharitable beneficiaries. The Act also clarifies and expands the duties and obligations concerning the conduct of investment and expenditures of institutional funds. The Act also imposes express standards on any delegation of the management or investment of institutional funds. The Act also updates the standards for when a court may order the release or modification of the purpose of or restrictions contained in a gift instrument through which a donor contributes to an institutional fund.

Law Advice: Change in Requirement

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0184)

HB955 Public-Private Education Facilities & Infrastructure Act of 2002; definition of qualifying projects.

Chief Patron: Nixon

Summary:

Adds to the categories of qualifying project under the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) any services designed to increase productivity or efficiency through the direct or indirect use of technology. The bill also adds technology applications to the types of technology infrastructure projects that may be carried out under the PPEA. This bill is identical to Senate Bill 352.

Law Advice: New Authority

Companion to SB352.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0731)

HB956 Criminal Injuries Compensation Fund; physical evidence recovery kit examinations reimbursements.

Chief Patron: Miller, P.J.

Summary:

Allows the Fund to directly reimburse a health care provider for the costs of performing the physical evidence recovery kit (PERK) examinations used in cases of sexual assault. The defendant, upon conviction, is required to reimburse the Commonwealth. This bill is identical to SB 312.

Law Advice: New Authority

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0251)

HB989 University of Virginia; appointment of board of visitors.

Chief Patron: Bell

Summary:

Provides that all appointments made on or after July 1, 2008, to the board of visitors must be for terms of four years that commence on July 1 of the first year of appointment. Such terms expire on June 30 of the year of scheduled expiration, including appointments made before July 1, 2008. This bill is identical to SB 569 (Saslaw).

Law Advice: Change in Requirement

Companion to SB569.

Status:

03/04/08 Governor: Acts of Assembly Chapter text (CHAP0055)

HB1003 Nursing workforce information; publication on website.

Chief Patron: Bell

Summary:

Requires that data related to the Commonwealth's nursing workforce, which is currently collected by the Board of Nursing, shall be published, in aggregate form and in a format that is accessible to the public, on the Department of Health Professions website.

Law Advice: FYI - No Direct Impact

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0373)

HB1005 Higher educational institutions; notification to parent of mental health treatment for student.

Chief Patron: Bell

Summary:

Requires the board of visitors or other governing board of any public institution of higher education to establish policies and procedures requiring the notification of a parent of a dependent student when such student receives mental health treatment at the institution's student health or counseling center and it has been determined that there exists a substantial likelihood that, as a result of mental illness the student will, in the near future, (i) cause serious physical harm to himself or others as evidenced by recent behavior or any other relevant information or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. This bill incorporates HB 671 (Marshall, R.G.) and HB 1251 (Fralin).

Law Advice: New Requirement

Response to Virginia Tech Tragedy.

Status:

03/14/08 Governor: Acts of Assembly Chapter text (CHAP0441)

HB1018 Telecommuting; definition.

Chief Patron: Hugo

Summary:

Defines telecommuting as a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace at least one day per week and in accordance with work agreements.

Law Advice: Change in Requirement

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0374)

HB1021 **Telecommuting; establishes goal for state agencies.**

Chief Patron: Hugo

Summary:

Establishes a goal for state agencies, except for the Department of State Police, to have 20 percent of their eligible workforce telecommuting by January 1, 2010.

Law Advice: **New Requirement**

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0375)

HB1023 **Collection of debts; reciprocal agreement with federal government to include nontax payments.**

Chief Patron: Frederick

Summary:

Expands the reciprocal agreement with the federal government to include the offset of nontax payments owed to debtors.

Law Advice: **New Requirement**

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0314)

HB1025 **Breast tumor treatment; repeals requirement that patient sign consent form.**

Chief Patron: Frederick

Summary:

Repeals the requirement that a patient sign a consent form before the treatment of a breast tumor. This bill is identical to SB 72 (Howell).

Law Advice: **Eliminates Requirement**

Companion to SB72.

Status:

03/04/08 Governor: Acts of Assembly Chapter text (CHAP0077)

HB1040 **Health records; providing information after execution of search warrant, etc.**

Chief Patron: Griffith

Summary:

Clarifies that regardless of the manner by which health records relating to an individual are compelled to be disclosed pursuant to a subpoena, search warrant, or court order, nothing prohibits any staff or employee of a health care entity from providing information about such individual to a law-enforcement officer in connection with such subpoena, search warrant, or court order.

Law Advice: **FYI - No Direct Impact**

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0315)

HB1043 **Polygraph; no sexual offense victim shall be requested to submit for investigation to proceed.**

Chief Patron: Watts

Summary:

Provides that no law-enforcement officer, attorney for the Commonwealth, or other government official shall ask or require a victim of certain sex offenses to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an offense. This bill incorporates HB 1488. This bill is identical to SB 164.

Law Advice: New Requirement

Companion to SB164.

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0512)

HB1058 Higher educational institutions; release of educational records.

Chief Patron: Amundson

Summary:

Requires the board of visitors or other governing board of any public institution of higher education to establish policies and procedures requiring the release of a student's educational record if the parent requesting the record claims the student as a dependent.

Law Advice: New Requirement

Response to Virginia Tech Tragedy.

Status:

03/14/08 Governor: Acts of Assembly Chapter text (CHAP0495)

HB1100 Human immunodeficiency virus; informed consent for testing.

Chief Patron: Sickles

Summary:

Provides that, prior to performing any test to determine infection with HIV, a medical care provider shall inform the patient that the test is planned, provide information about the test, and advise the patient that he has the right to decline the test. If a patient declines the test, the medical care provider shall note that fact in the patient's medical file. This bill incorporates HB 243.

Law Advice: New Requirement

Status:

03/18/08 Governor: Acts of Assembly Chapter text (CHAP0641)

HB1116 Environmental impact reports; required for any major state construction project over \$500,000.

Chief Patron: Abbitt

Summary:

Requires an environmental impact report be done for any major state construction project that will cost \$500,000 or more. The current threshold amount requiring such a report is \$100,000.

Law Advice: Change in Requirement

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0225)

HB1128 Pharmacists; continuing education requirements.

Chief Patron: Jones, S.C.

Summary:

Allows the Board of Pharmacy to require two of the currently required 15 hours of continuing education to be in a specific subject area and exempts this requirement from the Administrative Process Act. Also allows the Board to determine, in regulation, the number of continuing education hours required for inactive status.

Law Advice: FYI - No Direct Impact

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0672)

HB1129 Pharmacy, Board of; expiration of licenses.

Chief Patron: Jones, S.C.

Summary:

Removes the requirement that certain licenses expire on January 1 annually, and instead allows the Board to set an annual expiration date by regulation. Contains emergency regulation clause.

Law Advice: FYI - No Direct Impact

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0320)

HB1152 Vehicle window tinting films; exempts rear or rear side windows of ambulances, etc.

Chief Patron: Phillips

Summary:

Exempts the rear windows or rear side windows of ambulances, rescue squad vehicles, and other emergency medical vehicles used to transport patients from limitations on window tinting.

Law Advice: New Authority

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0189)

HB1178 Forgery; penalty.

Chief Patron: Lingamfelter

Summary:

Provides that any person who maliciously affixes a facsimile or likeness of the signature of another person to any writing without the permission of that person and with the intent to create the false impression that the writing was signed by that person is guilty of a Class 1 misdemeanor.

Law Advice: FYI - No Direct Impact

Status:

03/18/08 Governor: Acts of Assembly Chapter text (CHAP0595)

HB1203 Mental health and substance abuse treatment providers; background checks.

Chief Patron: Melvin

Summary:

Allows community services boards and providers licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire as a direct care employee in adult substance abuse or mental health treatment programs a person who has been convicted of a misdemeanor violation relating to assault and battery as long as such offenses were substantially related to substance abuse or mental illness and the applicant has been rehabilitated. This bill is identical to SB 381 (Martin).

Law Advice: Change in Authority

Companion to SB381.

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0383)

HB1213 HIV/Hepatitis testing; parental consent for minors.

Chief Patron: Melvin

Summary:

Makes the process for HIV and hepatitis testing when someone other than a school board member is exposed to the minor's bodily fluids consistent with the process for that of exposure of school board members. Requires consent from the minor's parents, and, if consent is refused, the bill requires such a person to petition the juvenile and domestic relations district court where the minor resides or resided, rather than the general district court, for an order requiring such testing. Recommendation of the Committee on District Courts. This bill is identical to SB 227 (McDougle).

Law Advice: Change in Requirement

Companion to SB227.

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0191)

HB1222 Charitable medical events; lack of notice to licensing board.

Chief Patron: Bowling

Summary:

Amends criteria which a practitioner of the healing arts must meet in order to render free health care to an underserved population of Virginia, to require that the practitioner notify the Board of the dates and location of services provided at least 5 business days prior to the voluntary provision of services. This bill also provides that the Board shall allow a practitioner of the healing arts who meets the statutory criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state.

Law Advice: Change in Requirement

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0674)

HB1228 Electric utilities; notice of renewable power options.

Chief Patron: Vanderhyye

Summary:

Requires each investor-owned electric utility in the Commonwealth, effective January 1, 2009, to include in its customer's bills, at least once each quarter, a notice directing customers to a toll-free telephone number or Internet website that will provide information on options to purchase electric energy provided from renewable energy sources. The notice shall include instructions for purchasing electric energy from renewable sources from the utility or other licensed supplier of electric energy. Such utilities are also required to feature available options for purchasing electricity from renewable sources prominently on their Internet sites.

Law Advice: FYI - No Direct Impact

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0518)

HB1260 **Blood donations; allowance of minors age 16 or older to donate.**

Chief Patron: O'Bannon

Summary:

Allows minors aged 16 or older to donate blood where such minors meet the donation requirements and have the consent of a parent or legal guardian.

Law Advice: **Change in Authority**

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0330)

HB1298 **Contractors; shall not knowingly employ unauthorized alien.**

Chief Patron: Frederick

Summary:

Requires that all public bodies provide in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986. This bill is identical to SB 517.

Law Advice: **New Requirement**

Companion to SB517.

Status:

03/18/08 Governor: Acts of Assembly Chapter text (CHAP0598)

HB1299 **Revised Uniform Anatomical Gift Act; resolve situations when conflict between health care directive.**

Chief Patron: Frederick

Summary:

Specifies a procedure for resolving situations when, with regard to the measures necessary to ensure the medical suitability of an organ, there is a conflict between an advanced health care directive or similar declaration and the express or implied terms of an anatomical gift. The bill also repeals a section that was inadvertently not repealed when the prior act was repealed in 2007 and makes some clarifying changes. The 2007 General Assembly repealed the Uniform Anatomical Gift Act and enacted the Revised Uniform Anatomical Gift Act.

Law Advice: **New Requirement**

Status:

03/04/08 Governor: Acts of Assembly Chapter text (CHAP0082)

HB1305 **Birth-Related Neurological Injury Compensation Program; increases annual assessment for physicians.**

Chief Patron: Morgan

Summary:

Increases the annual assessment for physicians who participate in the Virginia Birth-Related Neurological Injury Compensation Program from its current level of \$5,300 to \$5,600, which amount will increase thereafter to a maximum of \$6,200. The annual participating hospital assessment will increase from \$50 per live birth to \$52.50 per live birth in 2008, which amount will increase each year thereafter by \$2.50 per live birth to a maximum of \$55 per live birth. The size of the board of directors of the Program is increased from seven to nine. Provision is made for covered expenses to cover therapeutic, nursing and attendant care, medications and supplies, and for attendant nursing care that is provided by the claimant's relatives when beyond what is normally provided family members of

uninjured children. The measure also (i) requires that only one member of the panel of physicians be from the field of obstetrics; (ii) requires the Program to pay \$3,000 per claim reviewed to the medical school that performs an assessment; and (iii) clarifies the method for calculating payments for loss of earnings. SB 211 is identical.

Law Advice: Change in Requirement

Companion to SB211.

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0520)

HB1323 Temporary detention order; magistrates to issue based on recommendation of treating physicians.

Chief Patron: Toscano

Summary:

Requires a magistrate to issue TDOs upon the recommendation of any responsible person, any treating physician or upon his own motion after an in-person evaluation by an employee or designee of the local Community Services Board (CSB), where it appears from all of the evidence readily available that the person meets the criteria for a temporary detention order.

Law Advice: FYI - No Direct Impact

Response to Virginia Tech Tragedy.

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0331)

HB1329 Communication towers, state-owned; wireless broadband service in unserved areas.

Chief Patron: Peace

Summary:

Requires state agencies to lease or convey a license or other interest in a state-owned communication tower for which they are responsible to qualified providers of wireless broadband service in order to deploy broadband Internet service in areas of the Commonwealth that do not have access to terrestrial broadband or radio frequency Internet service. The requirement is subject to the provider presenting a spectrum and certified structural analysis of the tower and proof that the tower satisfies all applicable local government requirements. The conveyance shall require payment of such consideration as the Director of the Department of General Services deems appropriate and which is commensurate with the consideration paid for use of comparable space on similar towers. This bill is identical to SB 206.

Law Advice: New Requirement

Companion to SB206.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0676)

HB1330 Aerospace Engine Manufacturing Performance Grant Program; established.

Chief Patron: Ingram

Summary:

Establishes three grant programs relating to aerospace engine manufacturing. Grants would be paid to manufacturers of aerospace engines who (i) make a capital investment of at least \$500 million in real and personal property and (ii) create in excess of 540 jobs relating to aerospace engine manufacturing or activities ancillary or supportive of such manufacturing. Under this grant program, a maximum of \$35 million in grants would be paid beginning in the 2013-2014 fiscal year and ending in the 2022-2023 fiscal year. A second grant program would

provide training grants in the amount of \$9,000 for each new job created by a manufacturer of aerospace engines or an affiliate thereof. Training grants would not exceed \$5,778,000 in total. In addition, a supplemental training grant in the amount of \$3 million would be paid to an aerospace engine manufacturer who has invested at least \$153.9 million in real and personal property and has hired at least 176 new employees. A final grant program would provide up to \$5 million in grants to an aerospace engine manufacturer who attracts certain suppliers to locate or expand operations in the Commonwealth. Under this grant program, in order for the aerospace engine manufacturer to be paid the full \$5 million in grants, such suppliers would be required to create at least 300 jobs and make a capital investment of at least \$50 million.

Law Advice: New Authority

Companion to SB651.

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0256)

HB1332 DEQ; authority to issue and enforce permits, etc. related to air and water pollution.

Chief Patron: Landes

Summary:

Establishes a uniform permit issuance process for the Air Pollution Control Board (Air Board) and the State Water Control Board (Water Board). After issuing a public notice of a pending permit action, if at least 25 individuals have requested a public hearing and the Director finds that the issues raised are germane to the permit action and are not inconsistent with state or federal laws, a public hearing will be held. The Director or the two Boards may convene a meeting under an expedited schedule to reconsider the decision of the Director to grant a public hearing. The meeting may be held electronically if one public forum is available. The Board is required to act on the permit within 90 days of the close of the comment period unless the applicant agrees to an extension of the time period. Persons who commented during the public hearing may address the Air and Water Boards at the meeting where final action on the permit will occur. The Board's decision shall contain a written basis for its decision.

Law Advice: FYI - No Direct Impact

Companion to SB423.

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0557)

HB1354 Substance abuse services; applications for funding.

Chief Patron: Ware, O.

Summary:

Changes the review process for federal funding applications to be consistent with current practices. Only applications that are approved for federal funding must now be sent to the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Law Advice: New Requirement

Status:

03/04/08 Governor: Acts of Assembly Chapter text (CHAP0083)

HB1363 Trademarks and service marks; registration and protection, penalties.

Chief Patron: Cline

Summary:

Expands the scope of laws protecting trademarks and service marks to include such marks registered with the

federal government and makes it unlawful to reproduce, counterfeit, or colorably imitate a registered mark and apply it to patches, fabric, stickers, badges, emblems, medallions, charms, boxes, containers, cans, cases, handbags, documentation, packaging, or other components in connection with the sale, distribution or advertising of such goods or services. The penalties for violations are increased. Violations are punishable as a Class 1 misdemeanor unless the offense involves possession of 100 or more identical counterfeit registered marks or such items valued at \$200 or more, in which case it is a Class 6 felony. This bill is identical to SB 577.

Law Advice: FYI - No Direct Impact

Companion to SB577.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0800)

HB1367 Freedom of Information Act; exemption for local government investment pool.

Chief Patron: Jones, S.C.

Summary:

Adds a FOIA exemption for the records maintained by the Department of the Treasury or participants in the Local Government Investment Pool, to the extent such records relate to information required to be provided by such participants to the Department to establish accounts.

Law Advice: FYI - No Direct Impact

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0739)

HB1395 Sexual assault; Dept. of State Police, etc. establish policies for responding to crimes involving.

Chief Patron: Bell

Summary:

Requires that the Department of State Police, local law-enforcement agencies and campus police departments establish written policies and procedures regarding response to incidents involving sexual assault. The Department of Criminal Justice Services is directed to provide law-enforcement agencies with technical support and assistance in developing the policies and procedures and to submit a report on the status of implementing such policies and procedures. A Code section on domestic violence procedures is moved from Title 19.2 to Title 9.1. This bill is identical to SB 786.

Law Advice: New Requirement

Companion to SB786.

Status:

03/18/08 Governor: Acts of Assembly Chapter text (CHAP0600)

HB1449 Higher educational institutions; crisis and emergency management plans.

Chief Patron: Crockett-Stark

Summary:

Requires the board of visitors or other governing body of each public institution of higher education to develop, adopt, and keep current a written crisis and emergency management plan. Such plan must be reviewed and revised every four years. The Department of Emergency Management must assist institutions, as needed, in their development of the plan. The bill also requires each board of visitors to establish a threat assessment team to develop a campus-wide threat assessment policy, and to establish a first warning notification and emergency broadcast system. This bill incorporates HB 489, HB 1268, and HB 1316. This bill is identical to SB 256 (Deeds),

SB 538 (Obenshain), and SB 539 (Obenshain), combined.

Law Advice: New Requirement

Response to Virginia Tech Tragedy. Includes identical provisions contained in SB256, SB538, and SB539.

Status:

03/14/08 Governor: Acts of Assembly Chapter text (CHAP0450)

HB1458 Freedom of Information Act; records and meetings of Innovative Technology Authority.

Chief Patron: Cosgrove

Summary:

Exempts from public disclosure certain proprietary records submitted to the Innovative Technology Authority as part of a grant application. The bill also allows meetings of the Innovative Technology Authority to be closed when the exempt records are being discussed. This bill is identical to SB 726.

Law Advice: FYI - No Direct Impact

Companion to SB726.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0743)

HB1469 Identity theft; notice of database breach.

Chief Patron: Byron

Summary:

Requires an individual or entity that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach to the Office of the Attorney General and any affected resident of the Commonwealth whose unencrypted and unredacted personal information was, or is reasonably believed to have been accessed and acquired by an unauthorized person. A breach is defined as the unauthorized access and acquisition of unencrypted and unredacted computerized data that compromises the security or confidentiality of personal information maintained by an individual or entity as part of a database of personal information regarding multiple individuals and that causes, or the individual or entity reasonably believes has caused, or will cause, identity theft or other fraud to any resident of the Commonwealth. Violations by a state-chartered or licensed financial institution shall be enforceable exclusively by the financial institution's primary state regulator. Violations by an entity regulated by the State Corporation Commission shall be enforceable exclusively by the Commission. All other violations shall be enforced by the Office of the Attorney General, which may impose a civil penalty not to exceed \$150,000 per breach or series of breaches of a similar nature that are discovered in a single investigation. The bill specifies that its provisions do not limit an individual from recovering direct economic damages. This bill incorporates HB 390 (Delegate Bulova), HB 971 (Delegate Shannon), HB 1052 (Delegate Plum), and HB 1504 (Delegate Nixon). This bill is identical to SB 307.

Law Advice: New Requirement

Companion to SB307.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0801)

HB1471 Death certificates; clarifies who shall file.

Chief Patron: Gilbert

Summary:

Clarifies who shall file death certificates.

Law Advice: Change in Requirement

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0137)

HB1478 Pedestrian control signals; abide by words or symbols displayed thereon.

Chief Patron: Toscano

Summary:

Requires pedestrians to obey signals exhibiting the words, numbers, or symbols meaning Walk or Dont Walk.

Law Advice: FYI - No Direct Impact

Status:

03/14/08 Governor: Acts of Assembly Chapter text (CHAP0451)

HB1526 Virginia Career Readiness Certificate Program; created, report.

Chief Patron: Byron

Summary:

Creates the Virginia Career Readiness Certification Program to certify the workplace and college readiness skills of Virginians, in order to better prepare them for continued education and workforce training, successful employment, and career advancement. The Virginia Workforce Council, in consultation with the Secretary of Education, shall promulgate regulations necessary to implement and administer the Program. Funding shall come from the Workforce Investment Act, or such other source as shall be made available, in an amount not to exceed \$1 million. This bill is identical to SB 756.

Law Advice: FYI - No Direct Impact

Companion to SB756.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0679)

HB1529 Brown v. Board of Education Scholarship Awards Committee; clarifies awarding of scholarship.

Chief Patron: Abbitt

Summary:

Clarifies that the Brown v. Board of Education Scholarship Awards Committee may reduce the scholarship award to any student to ensure that, when the award is added to other financial assistance received by the student, the award does not produce a total of financial assistance in excess of the annual costs of tuition, excluding fees and expenses, and textbooks. Currently, state law requires that the award shall not exceed these annual costs. This bill requires all approved educational agencies enrolling scholarship recipients and receiving award disbursements on the behalf of such students to notify the Committee and the State Council of Higher Education prior to the start of each term, regarding the total of other financial assistance received by such students. Also, technical amendments have been made to conform provisions pertaining to the dual enrollment of students to the established procedures, protocol, and requirements for dual enrollment of college level students as currently in effect in the Commonwealth. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

Law Advice: Change in Requirement

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0680)

HJ23 **Commending the University of Virginia Hospital Auxiliary on the occasion of its 100th anniversary.**

Chief Patron: Toscano

Summary:

Commending the University of Virginia Hospital Auxiliary on the occasion of its 100th anniversary.

Law Advice: **FYI - No Direct Impact**

U.Va. sponsored legislation.

HJ51 **Unemployment compensation benefits; Commission on Unemployment Compensation to study.**

Chief Patron: Morgan

Summary:

Directs the Commission on Unemployment Compensation to study the need for limitations on the eligibility of seasonal or temporary employees for unemployment compensation benefits.

Law Advice: **Monitor and Track**

HJ79 **Physicians, etc.; barring from prescribing an alternative brand of medicine for financial incentive.**

Chief Patron: Hamilton

Summary:

Requests the Governor and the Secretary of Health and Human Resources to develop a policy barring physicians or other health care practitioners from prescribing an alternative brand of medication because of financial incentives without first disclosing the incentives to the patient or the patient's parent, legal guardian, or other authorized representative.

Law Advice: **Monitor and Track**

HJ90 **Science, etc. Education in State at Elementary, etc. Levels, Joint Subcom. studying; continued.**

Chief Patron: Cosgrove

Summary:

Continues the joint subcommittee to review the curricula of existing public schools in the Commonwealth, including Governor's Schools and other specialized public schools devoted to math, science, or technology; study accessibility to specialized public schools by students throughout the Commonwealth; review and recommend innovative ways to interest students at all education levels in science, math, and technology; identify the key points during the K-12 education experience that will determine whether a student will become interested, and maintain that interest, in math, science, technology related subjects; and identify programs and activities that promote partnerships between educators at the Commonwealth's public schools and institutions of higher education, as well as with business and research entities in the science and technology sectors located in the Commonwealth. In addition, to address the shortage of science and engineering graduates in the Commonwealth, the joint subcommittee shall, in its deliberations, ascertain the factors contributing to the shortage of science and engineering graduates in the Commonwealth and recommend alternatives to mitigate its effect; determine the current supply and demand for science and engineering graduates in Virginia, and project the need for such graduates in the next decade; examine ways to promote and encourage collaboration and partnerships between science and engineering programs at the Commonwealth's institutions of higher education and science- and technology-based businesses in Virginia, including tax incentives; assess the feasibility of using the collaboration between Virginia Tech and the Virginia

Community College System in the Lynchburg area as a model for institutional partnerships; and identify incentives designed to attract and retain more students into science and engineering programs and prepare them for careers in these fields. This resolution incorporates HJ 115 (Purkey).

Law Advice: Monitor and Track

HJ91 Higher educational institutions; joint subcommittee to study ways State may work closer therewith.

Chief Patron: Hamilton

Summary:

Establishes a joint subcommittee to study ways in which the Commonwealth may work with Virginia's private nonprofit colleges to meet state higher education needs. This bill incorporates HJ 99.

Law Advice: Monitor and Track

HJ105 Autism services; Joint Legislative Audit and Review Commission to study.

Chief Patron: Valentine

Summary:

Directs the Joint Legislative Audit and Review Committee to study autism services in Virginia to identify and evaluate best practices in the provision of services for the diagnosis, treatment, and management of autism; methods of providing services to persons with autism; ways to disseminate information regarding best practices; and provide autism education and training for law enforcement and judicial personnel. This resolution incorporates HJR 110 (Englin).

Law Advice: Monitor and Track

HJ119 Small business; Joint Legislative Audit and Review Commission to study impact of eVirginia thereon.

Chief Patron: Nutter

Summary:

Directs the Joint Legislative Audit and Review Commission (JLARC) to study the impact of eVirginia (eVA) on small businesses in the Commonwealth. In conducting its study, JLARC shall (i) identify the total number of contracts and the total dollar amount awarded to small businesses in the Commonwealth, annually, since the implementation of the eVA procurement system; and (ii) examine the impact of the fee structure and the mandatory use of eVA on the procurement opportunities of small businesses in the Commonwealth.

Law Advice: Monitor and Track

HJ132 Brain Injury Awareness Month; designating as March 2008, and each succeeding year thereafter.

Chief Patron: Nutter

Summary:

Designates March, in 2008 and in each succeeding year, as Brain Injury Awareness Month in Virginia in conjunction with March as National Brain Injury Awareness Month and the Governor's proclamation of the month in Virginia in 2006.

Law Advice: FYI - No Direct Impact

HJ234 Commending Jeanette Lancaster.

Chief Patron: Toscano

Summary:

Commending Jeanette Lancaster.

Law Advice: FYI - No Direct Impact

U.Va. sponsored legislation.

HJ248 Biosciences and biotechnology; joint subcommittee to study and advance development and enhancement.

Chief Patron: Sickles

Summary:

Creates a joint subcommittee to study and advance the development and enhancement of the biosciences and biotechnology in the Commonwealth.

Law Advice: Monitor and Track

HJ281 Commending Chris Long.

Chief Patron: Toscano

Summary:

Commending Chris Long.

Law Advice: FYI - No Direct Impact

HJ478 Commending nine hospitals in the Commonwealth that have achieved recognition as Magnet Healthcare.

Chief Patron: O'Bannon

Summary:

Commending nine hospitals in the Commonwealth that have achieved recognition as Magnet Healthcare Organizations from the American Nurses Credentialing Center.

Law Advice: FYI - No Direct Impact

SB63 Nursing, Board of; membership.

Chief Patron: Howell

Summary:

Requires that at least one of the seven registered nurses on the Board of Nursing be a licensed nurse practitioner.

Law Advice: FYI - No Direct Impact

Status:

02/27/08 Governor: Acts of Assembly Chapter text (CHAP0034)

SB67 Inpatient treatment; parental admission of minors incapable of giving consent.

Chief Patron: Howell

Summary:

Provides that minors 14 years of age or older who are incapable of making an informed decision may be admitted to inpatient treatment upon the application of a parent. The bill also defines the term "incapable of making an informed decision." This bill is identical to HB 400.

Law Advice: Change in Authority

Response to Virginia Tech Tragedy. Companion to HB400.

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0139)

SB68 **Involuntary commitment petition; dismissal or withdrawal.**

Chief Patron: Howell

Summary:

Provides that a petition for the involuntary commitment of a minor shall be served upon the minor and the minor's parents unless the petition has been withdrawn or dismissed. Current law only provides that such petition need not be served if the petition has been dismissed. This bill is identical to HB 402.

Law Advice: **Change in Requirement**

Response to Virginia Tech Tragedy. Companion to HB402.

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0140)

SB72 **Breast tumor treatment; repeals requirement that patient sign consent form.**

Chief Patron: Howell

Summary:

Repeals the requirement that a patient sign a consent form before the treatment of a breast tumor. This bill is identical to HB 1025 (Frederick).

Law Advice: **Eliminates Requirement**

Companion to HB1025.

Status:

02/27/08 Governor: Acts of Assembly Chapter text (CHAP0035)

SB81 **Emergency custody; who may accept custody.**

Chief Patron: Cuccinelli

Summary:

Allows the law-enforcement agency transporting a person to a facility or location pursuant to an emergency custody order to transfer custody of the person to the facility or location if the facility or location (i) is licensed to provide the level of security necessary to protect the person and others from harm, (ii) is actually capable of providing this level of security, and (iii) has entered into an agreement with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody. The facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody. This bill incorporates SB 66. This bill is identical to HB 401.

Law Advice: **New Authority**

Response to Virginia Tech Tragedy. Companion to HB401.

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0202)

SB116 **Motor Vehicles, Department of; service charges.**

Chief Patron: McDougle

Summary:

Imposes, in addition to any other fee imposed and collected by DMV, a service charge of \$5 for any registration

renewal carried out in any of its customer service centers, if the transaction is one that can be conducted by mail, telephone, or electronic means. The bill offers a \$1 per year discount for each year of a multiyear registration. Finally, the bill allows a driver's license to be issued for up to eight years. This bill incorporates SB 512.

Law Advice: New Requirement

SB130 Freedom of Information Act; exemptions for certain records of public institutions of higher ed.

Chief Patron: Houck

Summary:

Exempts records maintained by a public institution of higher education in connection with fundraising activities conducted by or for such institution to the extent that such records reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. This bill is identical to HB 407.

Law Advice: New Authority

U.Va. sponsored legislation. Companion to HB407.

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0561)

SB132 Government Data Collection and Dissemination Practices Act; disclosure of personal information.

Chief Patron: Houck

Summary:

Provides that no agency shall require an individual to furnish or disclose his social security number (SSN) or driver's license number unless the furnishing or disclosure of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill also strengthens the remedies provisions of the GDCDPA by adding civil penalties matching those in FOIA, and grants general district courts the authority to hear GDCDPA cases. Additionally, the bill has enactment clauses giving it a delayed effective date of July 1, 2009, and requires state agencies to study their own collection and use of SSNs and report to the FOIA Council and JCOTS on such collection and use by October 1, 2008. The bill also contains a fourth enactment clause providing for the gathering of similar information about the use and collection of SSNs by cities, counties and towns with a population greater than 15,000. The bill is a recommendation of the Freedom of Information Advisory Council and JCOTS. This bill is identical to HB 634.

Law Advice: New Requirement

Study report on the collection and use of social security numbers due to the Freedom of Information Advisory Council and the Joint Commission on Technology and Science by October 1, 2008. Delayed effective date: July 1, 2009. Companion to HB634.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0843)

SB133 Personal Information Privacy Act; prohibits dissemination of another's social security number.

Chief Patron: Houck

Summary:

Prohibits the dissemination of another person's social security number, regardless of whether such number is obtained from a public or private record. Currently, the prohibition against dissemination only applies to social security numbers obtained from private sources. This bill is a recommendation of the Freedom of Information Advisory Council and the Joint Commission on Technology and Science. This bill is identical to HB 633.

Law Advice: Change in Requirement

Companion to HB633.

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0562)

SB135 Fertilizers; Board of Agriculture et al, to adopt nonagricultural application regulations.

Chief Patron: Stuart

Summary:

Requires the Board of Agriculture and Consumer Services to adopt regulations that certify the competence of the contractor-applicators and licensees who apply any regulated product to nonagricultural property. The regulations are to be in accordance with the Department of Conservation and Recreation's nutrient management training and certification program. The Board is to consult with the Department of Conservation and Recreation and a committee of stakeholders in the development of the regulations. The Board is authorized to impose a civil penalty of up to \$250 on any contractor-applicator or licensee who does not comply with the regulations.

Law Advice: FYI - No Direct Impact

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0686)

SB141 State hospitals; discharge plans upon release.

Chief Patron: Edwards

Summary:

Clarifies that a discharge plan prepared by the community services board for persons discharged from a state hospital or training facility shall identify the services that the person discharged will require upon release and the public or private entities that will provide the necessary services.

Law Advice: New Requirement

Response to Virginia Tech Tragedy.

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0263)

SB146 Stock and nonstock corporations; authorizes SCC to correct Commission records at any time.

Chief Patron: Stosch

Summary:

Authorizes the State Corporation Commission to correct Commission records at any time to eliminate clerical errors and eliminate filings made by a person without authority to act for the stock or nonstock corporation. The period within which a shareholder is required to file a petition asserting that a certification contains a misstatement of a material fact is increased from 10 to 30 days after the effective date of the certificate. The measure clarifies that actions required to be adopted, as well as actions required to be taken, at a shareholders meeting may be adopted or taken without a meeting if the action is adopted or taken by all of the shareholders entitled to vote. The requirement that a stock corporation give nonvoting shareholders written notice of certain actions not less than 15

days before the action becomes effective is repealed. A provision that allowed an exception to the requirement that, unless otherwise provided in the articles of incorporation, each class of shares be allowed to vote as a separate voting group on a proposed amendment to the articles that would increase or decrease the aggregate number of authorized shares of the class is repealed. Other elements revise provisions relating to the time limit on the commencement of proceedings to enforce a claim against a dissolved corporation, limitations on remedial actions, maintaining records with respect to beneficial owners whose shares are held by a nominee, and proceedings to determine the security to be provided for claims involving a dissolved corporation.

Law Advice: FYI - No Direct Impact

Status:

03/04/08 Governor: Acts of Assembly Chapter text (CHAP0091)

SB164 Polygraph; no sexual offense victim shall be requested to submit for investigation to proceed.

Chief Patron: Lucas

Summary:

Provides that no law-enforcement officer, attorney for the Commonwealth, or other government official shall ask or require a victim of certain sex offenses to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an offense. This bill is identical to HB 1043.

Law Advice: New Requirement

Companion to HB1043.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0748)

SB197 Brain injuries; eliminates requirement that hospitals report to registry.

Chief Patron: Puller

Summary:

Eliminates the requirement that hospitals report brain injuries to the brain injury registry maintained by the Department of Rehabilitative Services (DRS), but requires the Department of Health to share all information that is obtained through the Virginia Statewide Trauma Registry with DRS. This bill is a recommendation of the JLARC report on brain injuries and a recommendation of the Disability Commission.

Law Advice: Eliminates Requirement

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0563)

SB206 Communication towers, state-owned; wireless broadband service in unserved areas.

Chief Patron: Stuart

Summary:

Requires state agencies to lease or convey a license or other interest in a state-owned communication tower for which they are responsible to qualified providers of wireless broadband service in order to deploy broadband Internet service in areas of the Commonwealth that do not have access to terrestrial broadband or radio frequency Internet service. The requirement is subject to the provider presenting a spectrum and certified structural analysis of the tower and proof that applicable local government requirements are satisfied. The conveyance shall require payment of such consideration as the Director of the Department of General Services deems appropriate and which is commensurate with the consideration paid for use of comparable space on similar towers. This bill is identical to HB 1329.

Law Advice: New Requirement

Companion to HB1329.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0690)

SB210 Freedom of Information Act; certain audit records of Department of Transportation.

Chief Patron: Stosch

Summary:

Creates an exemption from FOIA for trade secrets and financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; and revenue and cost projections supplied by a private or nongovernmental entity to the Inspector General of the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Inspector Generals Office.

Law Advice: FYI - No Direct Impact

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0266)

SB211 Birth-Related Neurological Injury Compensation Program; increases annual assessment for physicians.

Chief Patron: Edwards

Summary:

Increases the annual assessment for physicians who participate in the Virginia Birth-Related Neurological Injury Compensation Program from its current level of \$5,300 to \$5,600, which amount will increase thereafter to a maximum of \$6,200. The annual participating hospital assessment will increase from \$50 per live birth to \$52.50 per live birth in 2008, which amount will increase each year thereafter by \$2.50 per live birth to a maximum of \$55 per live birth. The size of the board of directors of the Program is increased from seven to nine. Provision is made for covered expenses to cover therapeutic, nursing and attendant care, medications and supplies, and for attendant nursing care that is provided by the claimant's relatives when beyond what is normally provided family members of uninjured children. The measure also (i) requires that only one member of the panel of physicians be from the field of obstetrics; (ii) requires the Program to pay \$3,000 per claim reviewed to the medical school that performs an assessment; and (iii) clarifies the method for calculating payments for loss of earnings. HB 1305 is identical. SB 568 is incorporated into this bill.

Law Advice: Change in Requirement

Companion to HB1305.

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0267)

SB212 Virginia Birth-Related Neurological Injury Compensation Act; right to confront witnesses.

Chief Patron: Edwards

Summary:

Allows all parties to a claim under the Virginia Birth-Related Neurological Injury Compensation Act to confront and cross-examine witnesses, and provides that a party shall not be precluded from conducting depositions of any witness from whom evidence is elicited. The measure also creates a mechanism for voiding an adverse determination in a claim made pursuant to Chapter 919 of the 2006 Acts of Assembly where a party was denied

the opportunity to confront and cross-examine witnesses against him. In order to have the adverse determination voided, the party is required to file a petition on or before July 1, 2009. Any new review would be de novo. HB 222 is identical.

Law Advice: New Authority

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0145)

SB218 Health Professions, Department of; investigative procedures.

Chief Patron: Edwards

Summary:

Clarifies that the Director and investigative personnel may request and obtain patient records, business records, papers, and physical or other evidence in the course of any investigation or issue subpoenas requiring the production of such evidence.

Law Advice: FYI - No Direct Impact

Status:

02/27/08 Governor: Acts of Assembly Chapter text (CHAP0037)

SB227 HIV/Hepatitis testing; parental consent for minors.

Chief Patron: McDougle

Summary:

Clarifies the procedure for obtaining consent for testing for HIV or hepatitis B or C viruses of a minor when the person exposed is a health care provider, law enforcement officer, or school board employee. This bill provides that where a blood sample is required from a minor for testing, and the minor refuses to provide the sample, consent for obtaining the sample shall be obtained from the parent, guardian, or person standing in loco parentis of the minor. This bill further provides that where the parent, guardian, or person standing in loco parentis of the minor withholds consent or is not reasonably available to consent, the person potentially exposed to HIV or hepatitis B or C viruses or the employer of such person may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided or, in the case of a nonresident, the county or city where the health care provider, law enforcement agency, or school board has its principal office for an order requiring the minor to provide a sample, submit to testing, and disclose the results. This bill is identical to HB 1213 (Melvin).

Law Advice: Change in Requirement

Companion to HB1213.

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0339)

SB228 Child abuse and neglect; emergency medical services personnel added to list of mandatory reporters.

Chief Patron: McDougle

Summary:

Adds emergency medical services personnel certified by the Board of Health to the list of mandatory reporters of child abuse and neglect and requires emergency medical services personnel to report child abuse and neglect to the Department of Social Services, unless such personnel immediately reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make such report forthwith.

Law Advice: New Requirement

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0268)

SB232 Residential Landlord and Tenant Act; duty of landlord and managing agent for visible mold.

Chief Patron: McDougle

Summary:

Provides that landlords and managing agents are not liable for civil damages in an action for exposure to mold arising from the condition within the interior of a dwelling unit brought by a tenant, authorized occupant, or guest or invitee if the mold condition is caused solely by the negligence of the tenant. The bill also provides that managing agents with no maintenance responsibilities are not liable for damages unless the agents have actual knowledge of the mold condition and fail to disclose the existence of the condition to the landlord and any prospective or actual tenants. The bill provides further that if a written move-in inspection report reflects that there is no visible evidence of mold in a dwelling unit, and the tenant does not object in writing to such report within five days of his receipt of the report, there shall be a rebuttable presumption that no mold existed at the time of the move-in inspection. The bill also requires landlords and managing agents with maintenance responsibilities to perform mold remediation if visible evidence of mold occurs within a dwelling unit. This bill is identical to HB 221.

Law Advice: FYI - No Direct Impact

Companion to HB221.

Status:

03/11/08 Governor: Acts of Assembly Chapter text (CHAP0341)

SB236 Innovative Technology Authority; board of directors.

Chief Patron: Whipple

Summary:

Removes the Secretaries of Education and Commerce and Trade, as well the Director of the State Council of Higher Education, from the board of directors of the Authority. The bill also makes a technical correction.

Law Advice: FYI - No Direct Impact

Companion to HB748.

Status:

03/18/08 Governor: Acts of Assembly Chapter text (CHAP0611)

SB246 Involuntary commitment; establishes new standards for outpatient commitment.

Chief Patron: Howell

Summary:

Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment proceedings, including how that criteria is applied to prisoners and juveniles, so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. The bill also provides that a person who meets the criteria for involuntary commitment may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and are available, and the person has the

capacity to comply with such outpatient treatment and has agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a person's noncompliance with such treatment will be addressed. The bill also provides that, upon request, any health care provider or other provider rendering services to persons subject to emergency custody orders, temporary detention orders, or involuntary commitment proceedings shall disclose to certain entities and individuals all information necessary and appropriate for the entities or individuals to perform their duties in relation to such orders or proceedings. Any health care provider shall be immune for any harm resulting from the disclosure of health records unless he intended the harm or acted in bad faith. The bill also authorizes a single two-hour extension of an emergency custody order; provides that a person under a temporary detention order may be released prior to 48 hours after the order is executed if the person does not pose a danger to himself or others; expands those persons qualified to perform an independent examination of a person prior to a commitment hearing to include clinical social workers, professional counselors, psychiatric nurse practitioners, and clinical nurse specialists; sets forth factors that may be considered when determining whether probable cause exists to issue an emergency custody order or temporary detention order and factors that shall be considered prior to entry of an involuntary commitment order or mandatory outpatient treatment order; and makes several changes concerning the conduct of prescreening reports and independent examinations and the presentation of these reports or examinations at the required hearings. This bill incorporates SB 75, SB 78, SB 79, SB 80, SB 96, SB 97, SB 101, SB 103, SB 104, SB 129, SB 139, SB 140, SB 144, SB 217, SB 220, SB 273, SB 341, and SB 769. This bill is identical to HB 499.

Law Advice: New Requirement

Response to Virginia Tech Tragedy. Companion to HB499.

SB256 Public institutions of higher education; crisis and emergency management plans.

Chief Patron: Deeds

Summary:

Requires the board of visitors or other governing body of each public institution of higher education to develop, adopt, and keep current a written crisis and emergency management plan. Such plan must be reviewed and revised every four years. The Department of Emergency Management must assist institutions, as needed, in their development of the plan.

Law Advice: New Requirement

Response to Virginia Tech Tragedy. Identical provisions contained in HB1449, §§ 23-9.2:9 and 44-146.18.

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0526)

SB276 Psychiatric inpatient treatment of minors; timing of petition and hearing.

Chief Patron: Cuccinelli

Summary:

Increases from 72 hours to 96 hours the length of time (i) to hold a hearing for the involuntary commitment of a minor or the emergency admission of a minor for inpatient treatment, and (ii) that a minor may be admitted by his parents to a facility over his objections. The bill also provides that the time to hold the involuntary commitment hearing runs from the issuance of the temporary detention order or the filing of the petition for such hearing, whichever occurs later. The bill provides further that a petition for judicial approval of the admission of a minor by his parents over his objections shall be filed no sooner than 24 hours and no later than 96 hours after his admission. This bill incorporates SB 245. This bill is identical to HB 582.

Law Advice: Change in Requirement

Response to Virginia Tech Tragedy. Companion to HB582.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0808)

SB290 **Advance Health Care Directive Registry; created.**

Chief Patron: Barker

Summary:

Requires the Department of Health to create and maintain a secure online central registry for advance health care directives. The bill specifies that when sufficient funds are available, the Department shall make the registry available to the public by (i) contracting with an appropriate vendor, (ii) directing the public to an existing registry maintained by another entity, or (iii) entering into a public-private partnership. This bill is identical to HB 805 (Englin).

Law Advice: **New Authority**

Companion to HB805.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0696)

SB307 **Identity theft; notice of database breach.**

Chief Patron: Reynolds

Summary:

Requires an individual or entity that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach to the Office of the Attorney General and any affected resident of the Commonwealth whose unencrypted and unredacted personal information was, or is reasonably believed to have been accessed and acquired by an unauthorized person. A breach is defined as the unauthorized access and acquisition of unencrypted and unredacted computerized data that compromises the security or confidentiality of personal information maintained by an individual or entity as part of a database of personal information regarding multiple individuals and that causes, or the individual or entity reasonably believes has caused, or will cause, identity theft or other fraud to any resident of the Commonwealth. Violations by a state-chartered or licensed financial institution shall be enforceable exclusively by the financial institution's primary state regulator. Violations by an entity regulated by the State Corporation Commission shall be enforceable exclusively by the Commission. All other violations shall be enforced by the Office of the Attorney General, which may impose a civil penalty not to exceed \$150,000 per breach or series of breaches of a similar nature that are discovered in a single investigation. The bill specifies that its provisions do not limit an individual from recovering direct economic damages. This bill is identical to HB 1469.

Law Advice: **New Requirement**

Companion to HB1469.

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0566)

SB319 **Technology Research Fund; adds sensor sciences to eligible research programs.**

Chief Patron: Wagner

Summary:

Adds sensor sciences to the list of fields eligible to receive awards from the Commonwealth Technology Research Fund. This bill is identical to HB 234.

Law Advice: **FYI - No Direct Impact**

Companion to HB234.

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0527)

SB344 **Stroke Triage Plan; Board of Health to develop and maintain as component of EMS Plan.**

Chief Patron: Blevins

Summary:

Requires the Board of Health to develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care. The Plan shall include formal regional stroke triage plans, which shall be reviewed triennially. This bill is identical to HB 479 (Hamilton).

Law Advice: **New Requirement**

Requirement for Board of Health to develop a Stroke Triage Plan containing a uniform set of criteria for prehospital and interhospital triage and transport of stroke patients. The Plan shall be used as a guide and resource for all health care providers. Companion to HB479.

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0567)

SB345 **Conditional release; voluntary admission to a state hospital.**

Chief Patron: Blevins

Summary:

Clarifies that voluntary admission to a state hospital shall not solely constitute grounds for revocation of a person's conditional release.

Law Advice: **FYI - No Direct Impact**

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0810)

SB352 **Public Private Education Facilities & Infrastructure Act of 2002; definition of qualifying projects.**

Chief Patron: Stosch

Summary:

Adds to the categories of qualifying project under the Public Private Education Facilities and Infrastructure Act of 2002 (PPEA) any services designed to increase productivity or efficiency through the direct or indirect use of technology. The bill also adds technology applications to the types of technology infrastructure projects that may be carried out under the PPEA. This bill is identical to HB 955.

Law Advice: **New Authority**

Companion to HB955.

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0273)

SB353 **Long-term care coverage; transfers administration thereof for public employees to Retirement System.**

Chief Patron: Stosch

Summary:

Transfers the administration of long-term care coverage programs for state employees, employees of local

governments, local officers, and teachers from the Department of Human Resource Management (DHRM) to the Virginia Retirement System, upon the mutual consent of VRS and DHRM.

Law Advice: FYI - No Direct Impact

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0568)

SB381 Mental health and substance abuse treatment providers; background checks.

Chief Patron: Martin

Summary:

Allows community services boards and providers licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire as a direct care employee in adult substance abuse or mental health treatment programs a person who has been convicted of assault and battery, so long as such offense was substantially related to substance abuse or mental illness and the applicant has been rehabilitated. This bill is identical to HB 1203 (Melvin).

Law Advice: Change in Authority

Companion to HB1203.

Status:

03/14/08 Governor: Acts of Assembly Chapter text (CHAP0407)

SB390 Emergency medical services; director may serve same function as chief of fire department.

Chief Patron: Martin

Summary:

Clarifies that a Director of Fire and Emergency Medical Services may serve the same function as a chief of a fire department.

Law Advice: FYI - No Direct Impact

Status:

03/14/08 Governor: Acts of Assembly Chapter text (CHAP0410)

SB396 Health insurance carriers; hospital disclosure of contractual arrangements.

Chief Patron: Edwards

Summary:

Requires the Department of Health to negotiate and contract with a nonprofit organization for an annual survey of carriers, to determine the average costs for 25 common outpatient procedures and the average reimbursement paid for a specific service from all providers and provider types, and to make such information available to the public through a website operated by the nonprofit organization. This bill also requires the Health Commissioner to work together with the nonprofit organization to incorporate existing service quality data and guidance to the price information and to work to display price and quality information for episodes of care in a manner which is consistent with generally accepted national guidelines. This bill is identical to HB 603 (O'Bannon).

Law Advice: FYI - No Direct Impact

Companion to HB603.

Status:

03/04/08 Governor: Acts of Assembly Chapter text (CHAP0102)

SB399 **Investment of Public Funds Act; authorized through Certificate of Deposit Account Registry Service.**

Chief Patron: Puckett

Summary:

Authorizes public entities to invest public funds in certificates of deposit in one or more federally insured bank or savings institution. The moneys must be initially invested through a federally insured bank or savings institution that is qualified by the Virginia Treasury Board to accept public deposits.

Law Advice: **New Authority**

Status:

03/04/08 Governor: Acts of Assembly Chapter text (CHAP0103)

SB403 **Pharmacy benefits; claims and payments submitted electronically.**

Chief Patron: Puckett

Summary:

Requires contracts between a health insurance carrier and its administrator of pharmacy benefits to make payments electronically to the participating provider or its designee if the contract with the provider requires claims to be submitted electronically. The measure applies to contracts entered into, amended, extended or renewed on or after January 1, 2009.

Law Advice: **FYI - No Direct Impact**

Status:

03/04/08 Governor: Acts of Assembly Chapter text (CHAP0104)

SB423 **DEQ; authority to issue and enforce permits, etc. related to air and water pollution.**

Chief Patron: Puckett

Summary:

Establishes a uniform permit issuance process for the Air Pollution Control Board (Air Board) and the State Water Control Board (Water Board). After issuing a public notice of a pending permit action, if at least 25 individuals have requested a public hearing and the Director finds that the issues raised are germane to the permit action and are not inconsistent with state or federal laws, a public hearing will be held. The Director or the two Boards may convene a meeting under an expedited schedule to reconsider the decision of the Director to grant a public hearing. The meeting may be held electronically if one public forum is available. The Board is required to act on the permit within 90 days of the close of the comment period unless the applicant agrees to an extension of the time period. Persons who commented during the public hearing may address the Air and Water Boards at the meeting where final action on the permit will occur. The Board's decision shall contain a written basis for its decision.

Law Advice: **FYI - No Direct Impact**

Companion to HB1332.

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0276)

SB494 **Neurotrauma Initiative Advisory Board; changes reporting requirements.**

Chief Patron: Hanger

Summary:

Changes reporting requirements for the Commonwealth Neurotrauma Initiative Advisory Board from annual

reporting to triennial reporting.

Law Advice: FYI - No Direct Impact

Status:

02/27/08 Governor: Acts of Assembly Chapter text (CHAP0040)

SB495 Medicine, Board of; certain information to be made available thereto.

Chief Patron: Northam

Summary:

Exempts anyone holding an inactive, temporary, limited, or volunteer license to practice medicine from the requirement to make certain information available to the Board of Medicine.

Law Advice: Change in Requirement

Status:

03/14/08 Governor: Acts of Assembly Chapter text (CHAP0479)

SB510 Higher educational institutions; policies addressing student loan vendors.

Chief Patron: McEachin

Summary:

Requires the State Council of Higher Education to develop policies and procedures for disclosing certain information to students on student lending practices. This information shall include (i) the criteria used to determine which lenders, if any, are recommended or endorsed by the school, and (ii) explicit notification that students are free to borrow from any lender of their choosing and are not limited to a list offered by the school. Also, the bill prohibits public institutions of higher education from entering into exclusive agreements with vendors regarding student loans, and prohibits employees from accepting gifts to induce endorsement of certain vendors.

Law Advice: New Requirement

Status:

03/18/08 Governor: Acts of Assembly Chapter text (CHAP0624)

SB517 Contractors; shall not knowingly employ unauthorized alien.

Chief Patron: Cuccinelli

Summary:

Requires that all public bodies provide in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986. This bill is identical to HB 1298.

Law Advice: New Requirement

Companion to HB1298.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0702)

SB538 Higher educational institutions; first warning and emergency notification system required.

Chief Patron: Obenshain

Summary:

Mandates that by January 1, 2009, each public institution of higher education establish a comprehensive, prompt, and reliable first warning and emergency notification system for students, staff, and faculty.

Law Advice: New Requirement

Response to Virginia Tech Tragedy. Identical provision contained in HB1449, § 23-9.2:11.

Status:

03/14/08 Governor: Acts of Assembly Chapter text (CHAP0413)

SB539 Higher educational institutions; board of visitors, etc. to establish violence prevention committee.

Chief Patron: Obenshain

Summary:

Requires the board of visitors or other governing body of every public institution of higher education in the Commonwealth to establish a threat assessment team. The bill also requires the team to adopt a campus-wide committee charged with education and prevention of violence on campus.

Law Advice: New Requirement

Response to Virginia Tech Tragedy. Identical provision contained in HB1449, § 23-9.2:10.

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0533)

SB569 University of Virginia; appointments of Board of Visitors.

Chief Patron: Saslaw

Summary:

Provides that all appointments made on or after July 1, 2008, to the board of visitors must be for terms of four years that commence on July 1 of the first year of appointment. Such terms expire on June 30 of the year of scheduled expiration, including appointments made before July 1, 2008. This bill is identical to HB 989 (Bell).

Law Advice: Change in Requirement

Companion to HB989.

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0155)

SB577 Trademarks and service marks; registration and protection, penalties.

Chief Patron: Saslaw

Summary:

Expands the scope of laws protecting trademarks and service marks to include such marks registered with the federal government and makes it unlawful to reproduce, counterfeit, or colorably imitate a registered mark and apply it to patches, fabric, stickers, badges, emblems, medallions, charms, boxes, containers, cans, cases, handbags, documentation, packaging, or other components in connection with the sale, distribution or advertising of such goods or services. The penalties for violations are increased. Violations are punishable as a Class 1 misdemeanor unless the offense involves possession of 100 or more identical counterfeit registered marks or such items valued at \$200 or more, in which case it is a Class 6 felony. This bill is identical to HB 1363.

Law Advice: FYI - No Direct Impact

Companion to HB1363.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0759)

SB636 Higher educational institutions; requesting complete student record from high school.

Chief Patron: Cuccinelli

Summary:

Allows each public and private institution of higher education to request from its students complete student records, including any mental health records held by the originating school. These records shall be kept confidential as required by state and federal law, including the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

Law Advice: New Authority

Response to Virginia Tech Tragedy.

Status:

03/17/08 Governor: Acts of Assembly Chapter text (CHAP0571)

SB651 **Aerospace Engine Manufacturing Performance Grant Program; created.**

Chief Patron: Quayle

Summary:

Establishes three grant programs relating to aerospace engine manufacturing. Grants would be paid to manufacturers of aerospace engines who (i) make a capital investment of at least \$500 million in real and personal property and (ii) create in excess of 540 jobs relating to aerospace engine manufacturing or activities ancillary or supportive of such manufacturing. Under this grant program, a maximum of \$35 million in grants would be paid beginning in the 2013-2014 fiscal year and ending in the 2022-2023 fiscal year. A second grant program would provide training grants in the amount of \$9,000 for each new job created by a manufacturer of aerospace engines or an affiliate thereof. Training grants would not exceed \$5,778,000 in total. In addition, a supplemental training grant in the amount of \$3 million would be paid to an aerospace engine manufacturer who has invested at least \$153.9 million in real and personal property and has hired at least 176 new employees. A final grant program would provide up to \$5 million in grants to an aerospace engine manufacturer who attracts certain suppliers to locate or expand operations in the Commonwealth. Under this grant program, in order for the aerospace engine manufacturer to be paid the full \$5 million in grants, such suppliers would be required to create at least 300 jobs and make a capital investment of at least \$50 million.

Law Advice: New Authority

Companion to HB1330.

Status:

03/18/08 Governor: Acts of Assembly Chapter text (CHAP0630)

SB657 **Health care providers; those responding to disaster immune from liability.**

Chief Patron: Newman

Summary:

Provides that, in the absence of gross negligence or willful misconduct, health care providers who respond to a disaster are immune from civil liability for any injury or wrongful death arising from the delivery or withholding of health care. This immunity only applies (i) if a state or local emergency has been or is subsequently declared in response to such a disaster, and (ii) if the emergency and subsequent conditions caused a lack of resources, attributable to the disaster, rendering the health care provider unable to provide the same level or manner of care that would have been required in the absence of the emergency. The bill also allows persons who hold licenses or certificates evidencing their professional or mechanical skills who render aid involving that skill during a disaster to receive reimbursement for their actual and necessary expenses. The bill also combines the definitions of the terms "man-made disaster" and "natural disaster" as contained in the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 into the term "disaster" and adds the term "communicable disease of public health threat" to the definition. The bill also expands when immunity attaches for health care providers who abandon patients in order to respond to a disaster to include disasters, emergencies, and major disasters. This bill also makes

technical amendments. This bill is identical to HB 403.

Law Advice: New Authority

Companion to HB403.

Status:

03/05/08 Governor: Acts of Assembly Chapter text (CHAP0157)

SB693 Physician assistants; agreement with supervising physician detailing activities delegated thereto.

Chief Patron: Edwards

Summary:

Requires a written practice supervision agreement between the supervising physician and the assistant, detailing activities delegated to the assistant. Also allows treatment to be included in the plan, including the establishment of a final diagnosis or treatment plan for the patient, as long as it is set forth in the written practice supervision agreement.

Law Advice: New Requirement

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0281)

SB726 Freedom of Information Act; exempts from public disclosure certain proprietary records.

Chief Patron: Petersen

Summary:

Exempts from public disclosure certain proprietary records submitted to the Innovative Technology Authority as part of a grant application. The bill also allows meetings of the Innovative Technology Authority to be closed when the exempt records are being discussed. This bill is identical to HB 1458.

Law Advice: FYI - No Direct Impact

Companion to HB1458.

Status:

03/18/08 Governor: Acts of Assembly Chapter text (CHAP0633)

SB741 Human Resources Management; develop expedited processes for procurement of staff augmentation.

Chief Patron: Hanger

Summary:

Provides for the Department of Human Resource Management to work jointly with the Department of General Services and the Virginia Information Technologies Agency to develop expedited processes for the procurement of staff augmentation to supplement salaried and wage employees of state agencies. Under the bill, the Department of Human Resource Management may perform contract administration duties and responsibilities for any resulting statewide augmentation contracts.

Law Advice: FYI - No Direct Impact

Status:

03/18/08 Governor: Acts of Assembly Chapter text (CHAP0576)

SB756 Virginia Career Readiness Certificate Program; created, report.

Chief Patron: Ruff

Summary:

Creates the Virginia Career Readiness Certificate Program to certify the workplace and college readiness skills of Virginians, in order to better prepare them for continued education and workforce training, successful employment, and career advancement. The Virginia Workforce Council, in consultation with the Secretary of Education, shall promulgate regulations necessary to implement and administer the Program. Funding shall come from the Workforce Investment Act, or other sources as shall be made available, in an amount not to exceed \$1 million. HB 1526 is identical.

Law Advice: FYI - No Direct Impact

Companion to HB1526.

Status:

03/06/08 Governor: Acts of Assembly Chapter text (CHAP0243)

SB764 Address confidentiality for victims of domestic violence; program expanded.

Chief Patron: Ticer

Summary:

Expands the address confidentiality for victims of domestic violence program currently implemented in the County of Arlington to the Counties of Albemarle, Augusta, Dickenson, Fairfax, Henry, Lee, Rockbridge, Russell, Scott, Washington, and Wise as well as the Cities of Buena Vista, Charlottesville, Lexington, Martinsville, Norfolk, and Roanoke. The bill also provides that an applicant to the program may apply in person at a domestic violence program, which is defined as a public and not-for-profit agency the primary mission of which is to provide services to victims of sexual or domestic violence. Currently, such applications are made directly to the Office of the Attorney General.

Law Advice: New Authority

Status:

03/18/08 Governor: Acts of Assembly Chapter text (CHAP0649)

SB785 Health insurance; repeals provision requiring coverage for bone marrow transplants.

Chief Patron: Blevins

Summary:

Repeals the provision that has required health insurers, health care subscription plans, and health maintenance organizations to offer and make available coverage for the treatment of breast cancer by dose-intensive chemotherapy/autologous bone marrow transplants or stem cell transplants. The similar requirement in the state employee's health insurance program is also deleted.

Law Advice: Eliminates Requirement

Status:

03/14/08 Governor: Acts of Assembly Chapter text (CHAP0420)

SB786 Sexual assault; Dept. of State Police, etc. establish policies for responding to crimes involving.

Chief Patron: Deeds

Summary:

Requires that the Department of State Police, local law-enforcement agencies and campus police departments establish written policies and procedures regarding response to incidents involving sexual assault. The Department of Criminal Justice Services is directed to provide law-enforcement agencies with technical support and assistance in developing the policies and procedures and to submit a report on the status of implementing such policies and

procedures. A Code section on domestic violence procedures is moved from Title 19.2 to Title 9.1. This bill is identical to HB 1395.

Law Advice: New Requirement

Companion to HB1395.

Status:

04/14/08 Governor: Acts of Assembly Chapter text (CHAP0771)

SJ42 Mental health system; Joint Commission on Health Care to review recommendations and legislation.

Chief Patron: Lucas

Summary:

Directs the Joint Commission on Health Care to receive, review, and evaluate the impact of certain recommendations and legislation on the mental health system in the Commonwealth. The Commission must consider and assess the recommendations of the Chief Justice's Commission on Mental Health Law Reform, the Virginia Tech Review Panel, the Office of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services, other committees and commissions proposing recommendations related to the involuntary commitment process specifically and the system of mental health services in the Commonwealth, and legislation enacted by the 2008 Session of the General Assembly and signed into law by the Governor. The Commission must report its findings and recommendations to the 2010 Session of the General Assembly.

Law Advice: Monitor and Track

Response to Virginia Tech Tragedy.

SJ46 Mental Health Needs & Treatment of Minority Young Adults; Joint Commission on Health Care Studying.

Chief Patron: Marsh

Summary:

Directs the Joint Commission on Health Care to continue its study of the mental health needs and treatment of young minority adults in the Commonwealth. In conducting the study, the Joint Commission on Health Care shall continue, among other things, to (i) estimate the number of mentally disabled young adults by gender, age, and racial and ethnic classification, in the geographical regions of the Commonwealth; (ii) identify the prevailing mental health and emotional disorders and their etiology among minority young adults; (iii) identify the mental health needs of minority citizens, particularly minority young adults in Virginia; (iv) determine whether mental health care providers are trained to provide culturally competent mental health treatment; (v) assess the need for culturally competent mental health treatment in Virginia; and (vi) review federal and state laws and regulations governing the confidentiality of health care, mental health treatment, and medical records. The Commission must submit its findings and recommendations to the 2009 Regular Session of the General Assembly.

Law Advice: Monitor and Track

SJ49 Parkinsons Disease Awareness Month; designating as April 2008, and each succeeding year thereafter.

Chief Patron: Stuart

Summary:

Designates April, in 2008 and in each succeeding year, as Parkinsons Disease Awareness Month in Virginia to coincide with the national week.

Law Advice: FYI - No Direct Impact

SJ77 **Substance abuse; joint subcommittee to study strategies and models for prevention and treatment.**

Chief Patron: Hanger

Summary:

Creates a joint subcommittee to study strategies and models for substance abuse prevention and treatment that effectively reduce the costly service demands created by substance abuse. In conducting its study, the joint subcommittee shall (i) identify and characterize the nature of substance abuse in the Commonwealth; (ii) identify current state policies and programs targeting substance abuse prevention and treatment; (iii) examine the cost of such policies and programs to the Commonwealth; (iv) identify and examine policies and prevention programs from other leading states in the field of substance abuse and prevention; and (v) benchmark the Commonwealth's substance abuse prevention and treatment programs and policies against those of the leading states.

Law Advice: **Monitor and Track**

SJ102 **Family caregivers; Joint Commission on Health Care to study support services therefor.**

Chief Patron: Stosch

Summary:

Directs the Joint Commission on Health Care to study support services for family caregivers of the frail elderly and disabled and community-based caregiver support organizations.

Law Advice: **Monitor and Track**

SJ108 **Children's Miracle Network Day; designating as October 2008, and each succeeding year thereafter.**

Chief Patron: Newman

Summary:

Designates October 1, in 2008 and in each succeeding year, as Children's Miracle Network Day in Virginia.

Law Advice: **FYI - No Direct Impact**

SJ126 **Innovative Technology, Center for; innovation index, report.**

Chief Patron: Stolle

Summary:

Requests the Center for Innovative Technology (CIT) to establish a Commonwealth Innovation Index to foster the formation, retention, and expansion of technology-based economic development opportunities. In developing the Innovation Index, CIT shall solicit input from the Commonwealth's regional technology councils and technology community. The index shall serve as a community-driven tool that will enable community and Commonwealth leaders to steer a successful course toward global leadership in advanced technology company formation and attraction while saving tax dollars.

Law Advice: **Monitor and Track**

SJ129 **Information Technologies Agency; JLARC to study quality, etc. of services to state agencies.**

Chief Patron: Stolle

Summary:

Directs the Joint Legislative Audit and Review Commission (JLARC) to study services provided to state agencies and public bodies by the Virginia Information Technologies Agency (VITA). In conducting its study, JLARC shall

(i) evaluate the quality, cost, and value of the services delivered to state agencies and public bodies and (ii) characterize the impact to state agencies and public bodies resulting from the transition to a fee-based services model and to the information technology infrastructure partnership with Northrop Grumman. The Commission must submit its report to the 2010 Session of the General Assembly.

Law Advice: Monitor and Track

SJ175 Commending the Emily Couric Clinical Cancer Center.

Chief Patron: Deeds

Summary:
Commending the Emily Couric Clinical Cancer Center.

Law Advice: FYI - No Direct Impact