

**University of Virginia -- Office of State Governmental Relations  
LAW REPORT**

**May 03, 2013**

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**HB1305 Workers' compensation; injuries presumed to be in course of employment, unless evidence to contrary.**

*Chief Patron:* Habeeb

***Summary:***

Revises the provision enacted in 2011 that created a presumption, in the absence of a preponderance of evidence to the contrary, that an injury is work related if an employee is physically or mentally unable to testify and there is un rebutted prima facie evidence that the injury was work related. This measure clarifies that where the factual circumstances are of sufficient strength from which the only rational inference to be drawn is that the accident arose out of and in the course of employment, it shall be presumed the accident arose out of and in the course of employment, unless such presumption is overcome by a preponderance of competent evidence to the contrary.

**Law Advice: Change in Requirement**

**HB1372 Unemployment compensation; disqualification from benefits due to loss of license or certification.**

*Chief Patron:* Head

***Summary:***

Provides that an individual is ineligible for unemployment benefits if he has been discharged because he lost or failed to renew a license or certification that is required for his job.

**Law Advice: Change in Requirement**

**HB1383 Criminal history record information; emergency medical services providers.**

*Companion Bill:* SB1288

*Chief Patron:* Pogge

***Summary:***

Provides that criminal history record information shall be supplied at no charge to a person applying to serve as a licensed provider in an emergency medical services agency licensed pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1, including volunteer rescue squads, lifesaving crews, and volunteer fire departments providing emergency medical services, provided that, a person applying to a for-profit emergency medical services agency or a nonprofit local government emergency medical services agency and meeting the requirements in § 32.1-111.5 shall request, at his cost, his criminal history record information.

**Law Advice: New Requirement**

**HB1393 Fleet management; DGS to issue guidance documents to govern use of vehicles in State fleet.**

*Chief Patron:* Marshall, D.W.

***Summary:***

Provides for the Department of General Services to issue guidance documents, rather than regulations, to govern use of vehicles in the state fleet.

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



**HB1422 Interchangeable biosimilar biological products; permits pharmacists to dispense, etc.**

*Companion Bill:* SB1285

*Chief Patron:* O'Bannon

***Summary:***

Permits pharmacists to dispense a biosimilar that has been licensed by the U.S. Food and Drug Administration as interchangeable with a prescribed biological product unless the prescriber indicates such substitution is not authorized or the patient insists on dispensing of the prescribed biological product. The bill requires any pharmacist who dispenses an interchangeable biosimilar to inform the patient prior to dispensing the biosimilar and record the brand name or the product name and name of the manufacturer of the biosimilar on the record of dispensing and the prescription label. The bill also requires, until July 1, 2015, that the pharmacist provide notification of the substitution to the prescriber and provide retail cost information for both the prescribed biological product and the interchangeable biosimilar to the patient. This bill is identical to SB 1285.

**Law Advice: New Authority**

**HB1423 Mandatory outpatient treatment; who may file petition.**

*Chief Patron:* O'Bannon

***Summary:***

Allows the community services board serving the county or city in which the person who would be the subject of an order for mandatory outpatient treatment following a period of voluntary or involuntary treatment resides and the community services board serving the county or city where such person receives treatment to petition for an order of mandatory outpatient treatment.

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

**HB1433 Infants; cause of action for expenses for injury, statute of limitations.**

*Companion Bill:* SB1164

*Chief Patron:* Albo

***Summary:***

Provides that any action by a parent or guardian of an infant for the expenses of curing or attempting to cure the infant from the result of a personal injury or loss of services of the infant that accrues on or after July 1, 2013, shall be brought within the limitations period applicable to the infant's cause of action. Currently, such action must be brought within five years from the time the action accrued. The bill also provides that, in actions that accrue on or after July 1, 2013, the past and future expenses of curing or attempting to cure the infant from a personal injury are limited by the cap on damages for medical malpractice claims, if applicable, and a parent or guardian of the infant who has paid or is personally obligated to pay such expenses has a lien and right of reimbursement against any recovery of the infant. The bill is identical to SB 1164.

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

**HB1461 Tuition, in-state; veterans residing within State shall be eligible for in-state tuition charges.**

**Companion Bill:** SB1242

**Chief Patron:** Lingamfelter

**Summary:**

Clarifies eligibility for in-state tuition of current and former military personnel and their dependents. The bill also grants eligibility for in-state tuition charges to veterans residing within the Commonwealth. This bill is identical to SB 1242.

**Law Advice: Change in Authority**

**HB1499 Emergency medical services personnel; administration of medications.**

**Companion Bill:** SB773

**Chief Patron:** Stolle

**Summary:**

Clarifies the circumstances under which emergency medical services personnel may administer medications and provides that emergency medical services personnel may administer medications pursuant to an oral or written order or standing protocol. This bill is identical to SB 773.

**Law Advice: Change in Authority**

**HB1500 Budget Bill.**

**Chief Patron:** Putney

**Summary:**

Amends Chapter 3, 2012 Special Session I Acts of Assembly.

**Law Advice:**

See separate analysis.

**HB1501 Pharmacy; collaborative agreements.**

**Chief Patron:** O'Bannon

**Summary:**

Clarifies parties with whom a pharmacist may enter into a collaborative agreement; provides that a patient who does not wish to participate in a collaborative procedure must notify the prescriber of his decision; and provides that a prescriber may elect to have a patient not participate in a collaborative agreement by contacting the pharmacist or his designated alternative pharmacist or by documenting his decision on the patient's prescription. The bill also clarifies that collaborative agreements may be in writing or in electronic form.

**Law Advice: Change in Authority**

**HB1507 Deeds; circuit court clerk has authority to reject any deed or recordation for filing, etc.**

**Chief Patron:** Lewis

**Summary:**

Clarifies that the circuit court clerk may reject for filing or recording a deed conveying not more than four residential dwelling units if the deed does not state on its first page that it was prepared either by the owner of the property or by

an attorney licensed to practice in Virginia. The bill further clarifies that a deed of trust need not contain such a statement regarding its preparation.

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

**HB1527 Fire insurance; clarifies that excess insurance may be written on an endorsement, etc.**

*Chief Patron:* Rust

*Summary:*

Clarifies that excess fire insurance may be written on an endorsement as well as on a separate policy. The measure also deletes references to primary policies and deletes a requirement that insurers indicate in the heading or title of a readable policy whether the coverage applies on a primary or excess basis.

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

**HB1528 Commercial insurance policies; only first named insured required to be given notice of cancellation.**

*Chief Patron:* Rust

*Summary:*

Permits insurers to send termination notices on commercial liability policies to the first named insured listed in the policy's declarations page.

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

**HB1545 Medical malpractice; expert witness certification, court may conduct an in camera review.**

*Companion Bill:* SB699

*Chief Patron:* Iaquinto

*Summary:*

Provides that in an action for medical malpractice or wrongful death premised on medical malpractice, the court, upon good cause shown, may conduct an in camera review of the opinion obtained by the plaintiff of an expert witness who certified that the defendant deviated from the applicable standard of care and the deviation was the proximate cause of the injuries claimed. Such a certification is required before any action for medical malpractice or wrongful death premised on medical malpractice may be instituted, except in cases where cause of the injuries claimed lies within the jury's common knowledge and experience. The bill is identical to SB 699.

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

**HB1588 Physician Loan Repayment Program; extends eligibility.**

*Chief Patron:* Stolle

*Summary:*

Extends eligibility for the Physician Loan Repayment Program to graduates of accredited medical schools who are currently employed in a geriatrics fellowship and who agree to a minimum two-year period of medical service in the Commonwealth.

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

**HB1609 Higher education; mental health treatment coordination for certain students.**

*Companion Bill:* SB1342

*Chief Patron:* Hugo

***Summary:***

Provides that the governing board of each public four-year institution of higher education may establish written memoranda of understanding with its local community services board or behavioral health authority and with local hospitals and other local mental health facilities in order to expand the scope of services available to students seeking treatment. The bill requires each memorandum to designate a contact person to be notified when a student is involuntarily committed or when a student is discharged from a facility and consents to such notification. The bill also requires each memorandum to include the institution in the post-discharge planning of a student who has been committed and intends to return to campus, to the extent allowable under state and federal privacy laws. This bill is identical to SB 1342.

**Law Advice: New Authority**

**HB1615 Virginia Residential Property Disclosure Act; disclosure of methamphetamine laboratory.**

*Chief Patron:* Gilbert

***Summary:***

Requires the owner of residential property or a landlord of a residential dwelling unit who has actual knowledge that the residential property was previously used to manufacture methamphetamine and has not been cleaned up in accordance with Department of Health guidelines to provide a written disclosure when selling or renting the property. The bill gives a tenant certain remedies if such disclosure is not provided when required. The bill contains a technical amendment and has a delayed effective date of July 1, 2014, for the disclosure provisions.

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

Delayed effective date for disclosure requirements - July 1, 2014.

**HB1617 Student organizations; religious or political organizations may determine core functions, etc.**

*Companion Bill:* SB1074

*Chief Patron:* Gilbert

***Summary:***

Permits, to the extent allowed by law, religious or political student organizations at public institutions of higher education to determine that only persons committed to the organization's mission may conduct certain activities. The bill also prohibits, to the extent allowed by law, public institutions of higher education from discriminating against a student organization that makes such a determination. This bill is identical to SB 1074.

**Law Advice: New Requirement**

UVa has existing policies that meet the non-discrimination clause.

**HB1622 Emergency medical services providers; Board of Health shall prescribe regulation, procedures, etc.**

*Companion Bill:* SB790

*Chief Patron:* Pogge

***Summary:***

Eliminates the requirement that the Board of Health's regulations governing recertification of emergency medical services providers include certain provisions related to testing and other requirements. This bill is identical to SB 790.

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

**HB1633 Beautification projects, local; localities to provide 30-day written notice to Commissioner of VDOT.**

*Chief Patron:* Cosgrove

***Summary:***

Requires localities that intend to install plant materials in a public right-of-way in connection with a local beautification project to provide advance notice thereof to VDOT. The bill requires any locality that violates the law in carrying out such project to bear the cost of bringing the project into compliance with the law.

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

**HB1645 Tradesmen; Board for Contractors shall evaluate continuing education requirements, report.**

*Chief Patron:* Tata

***Summary:***

Provides that licenses for tradesmen shall be valid for three years from the date of issuance by the Board for Contractors. This measure is an attempt to sync changes to the Uniform Statewide Building Code, which are on a three-year cycle, to the expiration of a tradesman license, which is currently every two years.

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

**HB1655 Motor vehicle insurance; assignment of medical expense benefits to assignor's health care provider.**

*Chief Patron:* Kilgore

***Summary:***

Establishes requirements for assigning motor vehicle insurance medical expense benefits to the assignor's health care provider. In order for an assignment to be valid, a copy of the executed assignment of benefits form shall be provided to the motor vehicle insurer. The assignment form is required to include, among other things, statements that the person may want to consult his insurance agent or attorney before signing the form and that he is not required to execute the form to receive care. The assignor is required to receive notice of the effect of the assignment. Subject to certain exceptions, upon receipt of a copy of a valid assignment form, the motor vehicle insurer shall pay directly to the health care provider, from any medical expense benefits available to such person under a motor vehicle insurance policy, any copayments, coinsurance, or deductibles owed by the injured covered person to the health care provider if the covered injured person is covered under a health care policy, the health care provider is an in-network provider, and the health care provider has submitted its claim to the health insurer for the health care services. If the covered injured person is not covered under a health care policy or the health care provider is not an in-network provider, the

motor vehicle insurer shall pay directly to the health care provider, from such available benefits, amounts to cover the cost of the health care services provided, in the amount of the usual and customary fee charged in that community for the health care services rendered. A motor vehicle insurer shall be held harmless for making payments to a health care provider pursuant to a valid assignment of benefits.

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

### **HB1666 Professional counselors; licensure.**

*Chief Patron:* Yost

***Summary:***

Clarifies the definitions of "counseling" and "professional counselor" and adds definitions for "residency," "resident," and "supervision." The bill also requires the Board of Counseling to maintain a registry of persons who meet the requirements for supervision of residents and to make the registry of approved supervisors available to persons seeking resident status.

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

### **HB1672 Naloxone; administration by unlicensed individual in cases of opiate overdose.**

*Chief Patron:* O'Bannon

***Summary:***

Allows a person to obtain a prescription for and to possess and administer naloxone to a family member or friend for the purpose of counteracting the effects of opiate overdose. The bill also requires the Department of Behavioral Health and Developmental Services to work together with the Department of Health, Department of Health Professions, law-enforcement agencies, substance abuse recovery support organizations, and other stakeholders to conduct pilot programs on the administration of naloxone to counteract the effects of opiate overdose. The bill requires the Department of Behavioral Health and Developmental Services to report on such pilot programs to the General Assembly by December 1, 2014.

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

### **HB1704 Prescription Monitoring Program; disclosure of information to certain agents.**

*Chief Patron:* Stolle

***Summary:***

Adds an agent designated by the chief law-enforcement officer of any county or city to the list of individuals to whom the Department of Health Professions must disclose information relevant to a specific investigation of a specific recipient, dispenser, or prescriber upon request, and provides that agents designated by the superintendent of the Department of State Police or the chief law-enforcement officer of a county or city to receive information relevant to a specific investigation of a specific recipient, dispenser, or prescriber shall have completed the Virginia State Police Drug Diversion School. The bill also provides that the Department may disclose information relating to prescriptions for covered substances issued by a specific prescriber to that prescriber.

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

**HB1707 Unemployment compensation; notices of penalties for fraudulent claims for benefits, etc.**

*Chief Patron:* Ransone

*Summary:*

Requires the Virginia Employment Commission to provide claimants with notices of the sanctions to which a claimant is subject as a consequence of providing false or misleading statements to obtain state unemployment compensation benefits. The failure of the claimant to receive a notice shall not constitute a defense to any criminal prosecution, administrative fraud disqualification, or action to collect an overpayment of benefits.

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

**HB1724 Subdivision ordinance; Charlottesville may allow developer to construct sidewalk on residential lot.**

*Chief Patron:* Toscano

*Summary:*

Authorizes the City of Charlottesville to alter its subdivision ordinance regarding the requirement that a developer construct a sidewalk along the property under development. The bill permits the City of Charlottesville to give developers the option of contributing funds equal to the cost of constructing the required sidewalk to a city-run sidewalk construction fund for use anywhere in the city.

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

**HB1733 Workers' compensation; peer review of services rendered by physicians.**

*Chief Patron:* Loupassi

*Summary:*

Allows any party to a dispute regarding medical treatment or services that has been referred to a peer review committee to have the matter remanded to the Workers' Compensation Commission if the matter has not been resolved within six months of its referral. A case remanded to the Commission shall not be re-referred to a peer review committee.

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

**HB1734 Virginia Residential Landlord and Tenant Act; technical amendments.**

*Chief Patron:* Loupassi

*Summary:*

Provides that where there is more than one tenant subject to a rental agreement, unless otherwise agreed to in writing by each of the tenants, disposition of the security deposit shall be made with one check being payable to all such tenants and sent to the forwarding address provided by the tenants. If the tenants do not provide the landlord a forwarding address to enable the landlord to make a refund of the security deposit, upon the expiration of one year from the date of the end of the 45-day statutory period, the balance of the tenants' security deposit shall escheat to the Commonwealth and shall be paid into the state treasury and credited to the Virginia Housing Partnership Revolving Fund. Upon payment to the Commonwealth, the landlord shall have no further liability to the tenant relative to the security deposit and is deemed in compliance with real estate licensing laws and corresponding regulations of the Real Estate Board. The bill also allows a landlord to proceed to obtain possession of the premises when rent is unpaid

within five days after the landlord's pay or quit notice because an electronic fund transfer has been rejected due to insufficient funds or a bad faith stop order on an electronic payment by the tenant. In addition, the bill provides in the case of a month-to-month tenancy for a single family residence the lease may provide for a notice of termination period other than 30 days. Under current law such tenancy may be terminated by either party giving 30 days' notice in writing, prior to the next rent due date, of his intention to terminate. The bill contains technical amendments.

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

### **HB1736 Real Estate Board; protection of escrow funds by real estate licensee, rental agreement, etc.**

**Chief Patron:** Farrell

**Summary:**

Provides that for any landlord-tenant relationship within the purview of the Virginia Residential Landlord and Tenant Act, any prepaid rent paid more than one month prior to the due date and all security deposits paid to a licensed broker in connection with the lease shall be placed in an escrow account by the end of the fifth business banking day following receipt, unless otherwise agreed to in writing by the principals to the lease transaction. Additionally, any application deposit paid by a prospective tenant for the purpose of being considered as a tenant for a dwelling unit to a real estate licensee acting on behalf of the landlord shall be placed in escrow by the end of the fifth business banking day following approval of the rental application by the landlord. The bill provides that the funds must remain in the escrow account until disbursed in accordance with the lease, property management agreement or by law.

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

### **HB1749 Landlord and tenant laws; application to certain occupants of hotel, motel, etc.**

**Companion Bill:** SB1013

**Chief Patron:** Dance

**Summary:**

Provides that an occupant in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging shall not be construed to be a tenant living in a dwelling unit under landlord and tenant laws or the Virginia Residential Landlord Tenant Act. The bill provides that if a person resides in such lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, then landlord and tenant laws or the Virginia Residential Landlord Tenant Act will apply to the occupancy. The bill is a recommendation of the Virginia Housing Commission. The bill is identical to SB 1013.

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

### **HB1759 Percutaneous gastrostomy tube; administration of medications.**

**Chief Patron:** O'Bannon

**Summary:**

Provides that nothing shall prevent the administration of drugs to a person receiving services in a program licensed by the Department of Behavioral Health and Developmental Services via percutaneous endoscopic gastric tube, when such drugs are administered by a person who has completed an approved training program and has been approved, upon demonstration of competency in administration of drugs via percutaneous endoscopic gastric tube, by a registered nurse. Approval of an individual seeking to administer drugs via percutaneous endoscopic gastric tube shall be renewed every six months, upon demonstration of continuing competency.



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

**HB1769 Health insurance; SCC, et al., to perform plan management functions, review of premium rates.**

***Companion Bill:*** SB922

***Chief Patron:*** Kilgore

***Summary:***

Authorizes the State Corporation Commission (SCC) to perform plan management functions for participation in the federal health benefit exchange established by the Secretary of the U.S. Department of Health and Human Services pursuant to § 1321 of the Patient Protection and Affordable Care Act. This obligation is contingent upon the availability of full funding, technology infrastructure being made available to the SCC, there being no other impediments that effectively prevent the SCC from performing any required plan management functions, and that the performance of such plan management functions is not deemed to establish a health benefit exchange pursuant to § 1311 of the Patient Protection and Affordable Care Act. In addition, the SCC's obligation to perform plan management functions is contingent upon receiving federal funding sufficient to pay the operating expenses necessary to carry out the functions. The SCC may contract with and enter into memoranda of understanding to carry out its plan management functions with any state or federal agency. The measure also authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The power to review and approve rates is a condition to the SCC being found to be an effective regulator of such rates. The measure provides that no agent, employee, officer, or agency of the Commonwealth is authorized to take any action to establish, or that could be deemed to establish, a health benefit exchange pursuant to § 1311 of the Patient Protection and Affordable Care Act. Finally, the measure authorizes the Virginia Department of Health to assist in the plan management functions. This bill is identical to SB 922.

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

**HB1770 Natural gas utilities; eligible safety activity costs to be recovered as deferred costs.**

***Companion Bill:*** SB1287

***Chief Patron:*** Miller

***Summary:***

Permits natural gas utilities to recover certain safety activity costs incurred on or after January 1, 2013, in future rates by accounting for them as deferred costs. The amount deferred shall not exceed four percent of the natural gas utility's net plant investment that was utilized in establishing or confirming the utility's base rates. The utility shall be deemed to have recovered eligible safety activity costs to the extent that the return on equity earned by the utility in an earnings test filing for a year, after consideration of the treatment of regulatory assets, is in excess of the mid-point of the rate of return on equity range specified or confirmed in the natural gas utility's most recent rate case or performance-based regulation plan. If a utility's base rates include eligible safety activity costs, the utility shall only be permitted to defer the level of eligible safety activity costs that are in excess of the level reflected in base rates. This bill is identical to SB 1287.

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

**HB1778 Mammography; provider must notify patient about dense breast tissue.**

*Chief Patron:* Filler-Corn

*Summary:*

Clarifies the conditions under which a mammography services provider must notify a patient of dense breast tissue and adds language to the notice that must be sent to patients under the existing law.

**Law Advice: Change in Requirement**

**HB1784 Accident and sickness insurance; individual open enrollment program.**

*Companion Bill:* SB780

*Chief Patron:* Kilgore

*Summary:*

Repeals the requirement that a health insurer that is, or is successor to, a health services plan provide an open enrollment program for individual accident and sickness contracts. Under the open enrollment program, an individual may purchase a product at any time during the year, with the caveat that the individual serve a 12-month waiting period before services are covered for any preexisting condition. The requirement for such an open enrollment program is inconsistent with guaranteed issue provisions of the federal Patient Protection and Affordable Care Act that prohibit waiting periods for coverage for preexisting conditions and that provide for limited open enrollment periods. The measure also eliminates certain provisions that set a tax rate of 0.75 percent on premiums from policies sold under the open enrollment program, and for taxable years 2013 and thereafter the tax rate will be 2.25 percent. The measure will become effective January 1, 2014. This bill is identical to SB 780.

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

**HB1790 Virginia Nuclear Energy Consortium Authority; established, report.**

*Companion Bill:* SB1138

*Chief Patron:* Garrett

*Summary:*

Establishes the Virginia Nuclear Energy Consortium Authority as a political subdivision of the Commonwealth for the purposes of making the Commonwealth a national and global leader in nuclear energy and serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues. The 17-member board of directors of the Authority is directed to form a nonstock, nonprofit corporation, referred to as the Virginia Nuclear Energy Consortium. Membership in the Consortium is open to specified educational institutions, Virginia-based federal research laboratories, nuclear-related nonprofit organizations, business entities with operating facilities in Virginia that are engaged in activities directly related to the nuclear energy industry, and other persons whose membership is approved by the Consortium's board of directors. The purposes of the Consortium include carrying out the rights, powers, and duties of the Authority and conducting other activities useful in (i) making the Commonwealth a leader in nuclear energy, (ii) serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues, and (iii) raising money on behalf of the Authority in the corporate and nonprofit community and from other nonstate sources. The Consortium is required to report to the Authority on its non-proprietary activities semiannually, and audits of its financial accounts shall be made available in accordance with the provisions of the Freedom of Information Act. This bill is identical to SB 1138.

**Law Advice: New Authority**

**HB1791 Practitioners; suspension or revocation of license, etc., by health regulatory board.**

**Chief Patron:** Garrett

**Summary:**

Prohibits a practitioner of the healing arts whose license, certificate, registration, or permit has been suspended or revoked by a health regulatory board from engaging in practice pending appeal of the board's order.

**Law Advice: New Requirement**

**HB1796 Death certificate; timely return to funeral director.**

**Chief Patron:** Cosgrove

**Summary:**

Adds the medical director of an institution in which a death occurred, the chief medical officer or medical director of a hospice or nursing home in which a death occurred, or an individual to whom the physician in charge of a patient's care for the illness or condition that resulted in death has delegated such authority to the list of individuals who may complete and sign a death certificate in the absence of the physician in charge of a patient's care for the illness or condition that resulted in death, or with such physician's approval.

**Law Advice: Change in Authority**

**HB1801 Virginia Contractor Transaction Recovery Act; claims review process.**

**Chief Patron:** Marshall, D.W.

**Summary:**

Makes several changes to the Virginia Contractor Transaction Recovery Act to clarify the eligibility and assessment requirements for the claims review process including (i) adding a definition of "verified claim," (ii) clarifying the supporting documentation that must be provided by a claimant, and (iii) detailing efforts that must be taken to attempt collection of an unpaid judgment before a claim may be filed. The bill also removes the requirement for an informal fact-finding conference under the Administrative Process Act prior to the Board for Contractors making a final decision. In addition, the bill removes the requirement for the Board to immediately revoke the license of the contractor against whom the judgment had been obtained upon payment of a claim.

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

**HB1802 Contractors, Board for; creation of residential and commercial contractor license categories.**

**Chief Patron:** Marshall, D.W.

**Summary:**

Authorizes the Board for Contractors to establish separate license categories for residential and commercial contractors for each of the current licensing categories: Class A, B, and C contractor licenses.

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

### **HB1815 Medical records or reports; method for introducing into evidence.**

*Chief Patron:* Joannou

#### ***Summary:***

Provides that the method for introducing into evidence medical records or reports in general district court in a civil action for personal injuries or to resolve a dispute with an insurance company or health care provider also applies to appeals of such action to the circuit court regardless of which party appeals. Currently, the same method only applies if the defendant appeals. This method of introducing medical records or reports into evidence may only be used by a plaintiff in an appeal to circuit court if the plaintiff has not requested an amount on appeal in excess of the damages sought in the general district court.

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

### **HB1826 Law-enforcement officers; exceptions to territorial limits.**

*Chief Patron:* Villanueva

#### ***Summary:***

Provides that whenever the necessity arises for the enforcement of laws related to kidnapping, police officers and other officers, agents, and employees of a locality, Capitol Police officers, and campus police may be sent beyond their territorial limits.

**Law Advice: Change in Requirement**

### **HB1845 Fraud and Abuse Whistle Blower Reward Fund; amount of reward.**

*Companion Bill:* SB1178

*Chief Patron:* Loupassi

#### ***Summary:***

Reduces the minimum recovery required for an award from the Fraud and Abuse Whistle Blower Reward Fund from \$10,000 to \$5,000 and expands the purposes for which the Fund may be used to include supporting the administration of the Fund, defraying Fund advertising costs, and subsidizing the operation of the Fraud, Waste and Abuse Hotline, all expenditures for which are capped at five percent of the Fund. Under the bill, all moneys recovered by the Office of the State Inspector General as a result of whistle blower activity and alerts originating in the Office shall be deposited into the Fund. The bill also provides that by the end of each quarter 85 percent of all sums recovered be remitted to the institutions or agencies on whose behalf the recovered sums were secured, unless otherwise directed by a court of law. In addition, the bill (i) authorizes the State Inspector General to split a reward among multiple whistle blowers reporting the same qualifying incident of wrongdoing or abuse, (ii) requires the State Inspector General to submit an annual report to the General Assembly summarizing the activities of the Fund, and (iii) changes the name of the State Employee Fraud, Waste and Abuse Hotline to the Fraud, Waste and Abuse Hotline. The bill contains technical amendments. The bill is identical to SB 1178.

**Law Advice: Change in Requirement**

### **HB1856 Emergency medical services; Board of Health to develop policies related to statewide providers.**

**Chief Patron:** Orrock

**Summary:**

Requires the Board of Health to direct the State Emergency Medical Services Advisory Board to develop and facilitate implementation of (i) a process for informing an emergency medical services provider who has received an adverse decision relating to his authority to provide emergency medical care on behalf of an agency of the process for appealing that decision and (ii) a standard operating procedure template to be used in the development of local protocols for emergency medical services personnel for basic life support services. The bill also requires the Board, in cooperation with the State Emergency Medical Services Advisory Board, to review training for emergency medical services personnel and address disparities in the delivery of training to and availability of training for emergency medical services personnel. The Board shall report on its progress no later than December 1, 2013.

**Law Advice: New Requirement**

**HB1890 General Services, Department of; public access to standard vendor accounting information.**

**Chief Patron:** LeMunyon

**Summary:**

Requires the Division of Purchases and Supply of the Department of General Services and the State Comptroller to adhere to the adopted data standards and match all purchases of goods, commodities, and other services to the related payment activity and make the matched information available on the Commonwealth Data Point pursuant to subdivision H 3 a of § 30-133. The bill requires that this information be available at a transactional level and be in sufficient detail to make clear what an agency has purchased, when the purchase was made, the vendor from whom the purchase is made, the amount purchased, if applicable, and how much was paid. The bill further requires that by July 15, 2013, the Governor must direct the Division and State Comptroller to take the steps necessary to modify their systems to accomplish the requirements of the bill.

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

Exempt under Restructuring.

**HB1900 Health insurance reform; revises State's laws.**

**Chief Patron:** Rust

**Summary:**

Revises Virginia's laws pertaining to the regulation of health insurance and related products in order to be consistent with relevant requirements of the federal Patient Protection and Affordable Care Act (PPACA) that become effective on January 1, 2014. These requirements include addressing premium rate restrictions on health benefit plans providing individual and small group health insurance coverage, prohibiting discrimination based on health status, prohibiting adjustments in the cost of coverage based on genetic information, requiring individual and small group health insurance coverage to include the essential health benefits as required by the PPACA, limiting waiting periods for health plans offering group health insurance coverage to 90 days, providing for participation in clinical trials, and authorizing health carriers to provide for wellness programs. The measure removes provisions relating to the standard and essential health benefits plans because they include coverage for services that may or may not comport with the essential health benefit package, and enforcement of the existing requirement would conflict with the PPACA. Though not specifically required to maintain conformity with federal law, the measure (i) keeps the existing limits for maximum size for a small group at 50 employees until 2016 and (ii) authorizes the State Corporation Commission to establish geographic rating areas. The bill removes the sunsets that were placed in provisions affected by or enacted as

a result of the PPACA, including the external review processes. The measure also prohibits the sale through an exchange of a qualified health insurance plan that provides coverage for abortions, other than those performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when the pregnancy is the result of an alleged act of rape or incest. The measure is effective January 1, 2014.

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

Delayed effective date - January 1, 2014.

**HB1917 Electric utilities; renewable thermal energy.**

*Chief Patron:* Surovell

**Summary:**

Expands the definition of "renewable thermal energy" to include the energy output from certain solar energy systems located in the Commonwealth that heat air or water for residential, commercial, institutional, or industrial processes. Under current law, the term encompasses only the energy output from renewable-fueled combined heat and power facilities used in industrial processes. Renewable thermal energy is eligible to satisfy the goals of the renewable energy portfolio standard program. The measure also defines "solar energy system" as a system that produces heat or electricity, or both, from sunlight.

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

**HB1933 Lyme disease; written information to patient when ordering laboratory test for presence of disease.**

*Chief Patron:* Comstock

**Summary:**

Requires physicians to provide to each patient for whom a test for the presence of Lyme disease is ordered a written notice about Lyme disease, about testing for Lyme disease, and about the need for the patient to contact his physician with questions or concerns about Lyme disease. The bill also provides that licensees are immune from civil liability for providing such notice absent gross negligence or willful misconduct. The bill has an expiration date of July 1, 2018.

**Law Advice: New Requirement**

**HB1952 Higher educational institutions; board of visitors governance, report.**

*Chief Patron:* Landes

**Summary:**

Adds specific topics to be covered during the educational programs for governing boards and requires such programs to be delivered by the State Council of Higher Education annually. The bill also requires each board of visitors to adopt bylaws with certain provisions relating to the Freedom of Information Act; annually meet with the president of the institution to deliver a review of the president's performance; designate its executive committee to organize the working processes of the board and recommend best practices for board governance; and annually deliver an executive summary of its interim activities to the General Assembly and the Governor. The bill is contingent on funding in the appropriation act.

**Law Advice: New Requirement**

**HB1959 Certified public accountants; time for filing complaints with Board of Accountancy, etc.**

*Chief Patron:* Miller

***Summary:***

Provides that a complaint against a CPA or CPA firm must be received by the Board of Accountancy (i) within three years of the act, omission, or occurrence giving rise to the alleged violation or (ii) where the regulant has misrepresented, concealed, or omitted any information material to the establishment of a violation, within two years of the date of discovery of the misrepresentation, concealment, or omission. Public information obtained from any source by the Executive Director or agency enforcement staff may serve as the basis for a written complaint against a CPA or CPA firm. The bill also (a) provides that the Board may initiate an investigation of a regulant within two years of the filing of criminal charges against the regulant if such charges involve matters that, if found to be true, would also constitute a violation of the regulations or laws of the regulant's profession enforced by the Board and (b) clarifies that the provision limiting the Board's ability to proceed with an investigation shall not deny the right of any party to bring a civil cause of action in a court of law.

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

**HB1994 Virginia Public Procurement Act; contract pricing arrangements.**

*Chief Patron:* Massie

***Summary:***

Provides that the award of a public contract may be made on the basis of cost plus a percentage of the private investment made by a private entity in cases of the procurement of commercial or financial consulting services related to a qualifying transportation facility under the Public-Private Transportation Act or a qualifying project under the Public-Private Education Facilities and Infrastructure Act, where the commercial or financial consulting services are sought to solicit or to solicit and evaluate proposals for the qualifying transportation facility or the qualifying project. The bill defines "private entity," "qualifying transportation facility," and "qualifying project."

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

Exempt under Restructuring.

**HB2027 Tuition, in-state; active duty member, etc. mobilized or on temporary active orders.**

*Chief Patron:* Dudenhefer

***Summary:***

Allows any active duty member, activated guard or reservist member, or guard or reservist member mobilized or on temporary active orders for six months or more to pay no more than the in-state tuition rate to attend a public institution of higher education if he resides in Virginia. Currently, such an individual is required to be stationed or assigned to work in Virginia *and* reside in Virginia to receive the rate of no more than in-state tuition.

**Law Advice: Change in Requirement**

**HB2040 Noise abatement practices and technologies; VDOT's evaluation extended for two additional years.**

*Chief Patron:* Comstock

*Summary:*

Extends for two additional years (until June 30, 2015) VDOT's evaluation of noise abatement practices and technologies demonstration projects.

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

**HB2041 Access roads and bikeways; authorizes Board to establish guidelines for use of rec. access funds.**

*Chief Patron:* Filler-Corn

*Summary:*

Authorizes the Commonwealth Transportation Board to establish guidelines, instead of regulations, in connection with use of recreational access funds.

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

**HB2057 Higher educational institutions; memoranda of understanding, etc.**

*Chief Patron:* Jones

*Summary:*

Clarifies the procedure for adopting new measures to be followed by institutions of higher education that seek to enter into memoranda of understanding for additional operational authority.

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

Clarifies procedures for Level II authority under Restructuring.

**HB2058 Conservators of the peace, special; State-owned museums to apply for appointment by circuit court.**

*Companion Bill:* SB1048

*Chief Patron:* Webert

*Summary:*

Authorizes any museum owned and managed by the Commonwealth to apply for the appointment by the circuit court of a special conservator of the peace. This bill is identical to SB 1048.

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

**HB2079 VA Public Procurement Act; process for competitive sealed bidding and negotiation.**

*Chief Patron:* Jones

*Summary:*

Reorganizes the definitions of and processes for competitive sealed bidding and competitive negotiation. The bill also adds a definition of job order contracting and specifies procedures to be used by public bodies when utilizing job order contracting. Under the bill, the above provisions do not become effective until July 1, 2014. The bill also requires the chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology to convene a work group in 2013 to examine the provisions of the Virginia Public Procurement Act. The



bill contains technical amendments.

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

Exempt under Restructuring.

**HB2082 Information Technology Advisory Council; Council to elect chairman and vice-chair from membership.**

*Companion Bill:* SB1183

*Chief Patron:* Head

***Summary:***

Provides for the Information Technology Advisory Council to elect a chairman and vice-chairman from its membership. Under the bill, neither the Secretary of Technology nor the Chief Information Officer may serve as chairman, and the CIO is no longer required to serve as vice-chairman. Under current law, the Secretary of Technology serves as chairman and the CIO serves as vice-chairman of the Council. The bill also removes the requirement for the Council to meet at least quarterly and allows both the Secretary of Technology and the CIO to call a meeting. This bill is identical to SB 1183.

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

**HB2084 Teach for America; creates two-year provisional license for participants.**

*Companion Bill:* SB1175

*Chief Patron:* Cox, M.K.

***Summary:***

Creates a two-year provisional license for participants in Teach For America, a nationwide nonprofit organization focused on closing the achievement gaps among students in low-income areas, who meet certain criteria, including having an offer of employment from a school division in the Commonwealth. The Board of Education may extend each Teach For America license for one additional year and may issue each licensee a renewable license upon completion of two full years of teaching experience, satisfaction of all other requirements for such a license, achievement of satisfactory scores on all professional teachers assessments required by the Board, and achievement of satisfactory end-of-year evaluations. The bill also provides for reciprocity to Teach For America teachers in other states upon satisfaction of certain conditions. This bill is identical to SB 1175.

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

**HB2088 Postsecondary schools; student records and closures.**

*Chief Patron:* Tata

***Summary:***

Provides that in the event of a postsecondary school closure, the school shall transfer the academic and financial records of its students to the State Council of Higher Education for Virginia or enter an agreement with another school to preserve such records. The bill also requires that a closing school develop and submit to the Council a "teachout plan," which is a written agreement between or among postsecondary schools that provides for the equitable treatment of students if one of those institutions stops offering an educational program before all students enrolled in that program complete the program. The bill finally requires the Council to deny owners certification to operate another

postsecondary school in the Commonwealth if the owner does not provide an adequate teachout plan or adequate preservation of records.

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

**HB2089 Permits and other information; DEQ to transmit electronically air pollution control, etc.**

*Chief Patron:* Wilt

*Summary:*

Allows the Department of Environmental Quality to transmit electronically air pollution control, water quality, and waste management permits or certificates, as well as other information such as plan approvals.

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

**HB2114 State Inspector General; additional powers and duties, report.**

*Companion Bill:* SB1176

*Chief Patron:* Landes

*Summary:*

Grants additional powers to the State Inspector General relating to audit functions of state and nonstate agencies and provides that the State Inspector General and no more than 30 members of the investigative unit shall be law-enforcement officers. The bill requires the State Inspector General to enter into a memorandum of understanding with the Department of State Police relative to their respective roles and responsibilities. The bill reorganizes the State Inspector General's powers and duties and generally reorganizes the law relating to the Office of the State Inspector General. The bill contains technical amendments. The bill is identical to SB 1176.

**Law Advice: Change in Requirement**

**HB2120 Physician, licensed, etc.; may perform procedure for physical evidence recovery kit examination.**

*Companion Bill:* SB1006

*Chief Patron:* Herring

*Summary:*

Authorizes a licensed physician, physician assistant, nurse practitioner, or registered nurse to perform a physical evidence recovery kit examination for a person who is believed to be the victim of a sexual assault and who is incapable of making an informed decision regarding consent to such examination when there is a need to conduct the examination, no legally authorized representative is available to provide consent, and a capacity reviewer provides written certification that the person is incapable of providing informed consent and that the examination should be performed. This bill is identical to SB 1006.

**Law Advice: New Authority**

**HB2122 Incapacitated persons; photographs, x-rays, etc., may be taken as part of medical evaluation, etc.**

**Companion Bill:** SB997

**Chief Patron:** Herring

**Summary:**

Provides that in any case of suspected abuse of an incapacitated adult, photographs, X-rays, and other medical imaging of such incapacitated adult may be taken without the consent of the person responsible for the incapacitated adult as a part of the medical evaluation of the person. Such photographs, X-rays, and other medical imaging may be introduced into evidence in any civil or criminal proceeding. This bill is identical to SB 997.

**Law Advice: New Authority**

**HB2127 Virginia College Savings Plan, Board of; elected positions, technical amendments.**

**Companion Bill:** SB1221

**Chief Patron:** O'Bannon

**Summary:**

Eliminates the position of secretary from the Board of the Virginia College Savings Plan. The bill also changes the time frame for the election of Board positions from each calendar year to annually. The bill contains technical amendments. This bill is identical to SB 1221.

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

**HB2138 Health Insurance Reform Commission; established, sunset provision, report.**

**Chief Patron:** Byron

**Summary:**

Establishes the Health Insurance Reform Commission as a legislative commission. The duties of the Commission include monitoring the implementation of the Patient Protection and Affordable Care Act; determining whether Virginia should establish a state-run health benefit exchange; recommending what health benefits should be required to be included within the scope of the essential health benefits provided under health insurance products offered in the Commonwealth; providing assessments of existing and proposed mandated health insurance benefits and providers; and developing recommendations to increase access to health insurance coverage, ensure that the costs of health insurance coverage are reasonable, and encourage a robust market for health insurance products. Committees of the General Assembly are directed to request the Commission to assess the impact and efficacy of legislation proposing a mandated health insurance benefit or provider. The Commission will expire on July 1, 2017. The measure also repeals the Special Advisory Commission on Mandated Health Insurance Benefits.

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

**HB2145 Virginia College Savings Plan; deposit of income tax refunds.**

**Companion Bill:** SB1220

**Chief Patron:** O'Bannon

**Summary:**

Permits taxpayers to direct the Department of Taxation to deposit all or any part of an income tax refund into their Virginia College Savings Plan accounts. The provisions of the bill shall be effective for taxable years beginning on or after January 1, 2014. This bill is identical to SB 1220.

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

Delayed effective date - January 1, 2014.

**HB2154 Virginia Workforce Council; powers and duties, change in membership.**

*Companion Bill:* SB1177

*Chief Patron:* Byron

***Summary:***

Provides for the Virginia Workforce Council to review the state's annual plan for postsecondary vocational education activities authorized under the federal Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.) to ensure that the plan is aligned with the state's plan for coordinating programs authorized under Title I of the federal Workforce Investment Act of 1998 (29 U.S.C. § 2801 et seq.) and the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.). The bill provides for the Governor to appoint to the Council a state director of career and technical education and two representatives who have been nominated by state labor federations in place of two positions currently filled by the President of the Virginia AFL-CIO and a representative of labor appointed by the Governor. The bill also allows the Secretaries of Commerce and Trade, Education, and Health and Human Resources to appoint designees to serve in their stead on the Council. The bill is identical to SB 1177.

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

**HB2161 Nurses; authority to possess and administer oxygen to treat emergency medical conditions.**

*Chief Patron:* O'Bannon

***Summary:***

Provides that a prescriber may authorize registered nurses and licensed practical nurses to possess oxygen for administration in treatment of emergency medical conditions.

**Law Advice: New Authority**

**HB2174 Workers' compensation; Commission may review any award of compensation, compensation benefits.**

*Chief Patron:* Lewis

***Summary:***

Provides that wages paid to an employee who is physically unable to return to his pre-injury work due to a compensable injury and who is provided work within his capacity at a wage equal to or greater than his pre-injury wage shall be considered compensation paid pursuant to an award for compensation but shall not result in a reduction of the maximum number of weeks of compensation benefits. Any award of compensation may be reviewed by the Workers' Compensation Commission.

**Law Advice: Change in Requirement**

**HB2177 Counseling, Board of; qualification of members, etc.**

*Chief Patron:* Carr

***Summary:***

Reduces the number of professional counselors on the Board of Counseling from eight to six, increases the number of

marriage and family therapists from two to three and requires that such members be clinical fellows of the American Association for Marriage and Family Therapy, increases the number of licensed substance abuse treatment practitioners from two to three, and requires at least two professional members representing each specialty to have been in active practice for at least four years. The bill eliminates the requirement that the professional members of the Board include two full-time faculty and two individuals engaged in private practice. The bill also removes certain conditions of initial appointment for professional members.

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

### **HB2181 Medical equipment suppliers; delivery of sterile water and saline.**

*Chief Patron:* Hodges

*Summary:*

Adds sterile water and saline to the list of prescription drugs and devices that a permitted medical equipment supplier may receive, store, and distribute to a consumer.

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

### **HB2194 Capital outlay; establishes revised six-year plan for projects.**

*Companion Bill:* SB1265

*Chief Patron:* Lingamfelter

*Summary:*

Establishes a revised six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources. This bill is identical to SB 1265.

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

UVa projects not updated (but included in budget).

### **HB2202 Vehicle towing charges; increases maximum hookup and initial towing fee.**

*Chief Patron:* Pogge

*Summary:*

Increases from \$125 to \$135 the maximum hookup and initial towing fee that may be charged for the towing of a passenger car from private property without its owner's consent, unless a local ordinance sets a different limit.

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

### **HB2216 Local boundaries for law-enforcement; organizing for purpose of 911 dispatch and response.**

*Companion Bill:* SB839

*Chief Patron:* Yost

*Summary:*

Provides that localities may designate mutually agreed-upon boundary lines between contiguous localities for purposes of organizing 911 dispatch and response and clarifying issues related to coverage under workers' compensation and risk management laws.

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

**HB2217 Pedestrians, etc; local government may adopt ordinances requiring to stop at marked crosswalks.**

***Companion Bill:*** SB959

***Chief Patron:*** Greason

***Summary:***

Allows local governing bodies to adopt ordinances requiring users of shared-use paths to stop before crossing highways at marked crosswalks. This bill is identical to SB 959.

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

**HB2222 Appraisal management companies; provision of appraisal services.**

***Chief Patron:*** Helsel

***Summary:***

Provides that an appraisal management company shall not enter into any contracts or agreements with an independent appraiser for the performance of real estate appraisal services unless the independent appraiser is licensed to provide that service. Under current law, this limitation was for the performance of residential real estate appraisal services.

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

**HB2245 Virginia's Future, Council on; extends sunset provision.**

***Companion Bill:*** SB1257

***Chief Patron:*** Putney

***Summary:***

Extends the sunset date from July 1, 2013, to July 1, 2017, for the Council on Virginia's Future. This bill is identical to SB 1257.

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

**HB2246 Health benefit exchange; regulation of navigators, report.**

***Chief Patron:*** O'Bannon

***Summary:***

Prohibits an individual or entity selected to serve as a navigator in a health benefit exchange from engaging in any activity that would require an insurance agent license under Title 38.2, offering advice about which qualified health plan or qualified dental plan is better or worse for a particular individual or employer, acting as an intermediary between an employer and an insurer that offers a qualified health plan or qualified dental plan offered through an exchange, or violating certain unfair trade practice and privacy requirements. The measure also prohibits an individual or entity from claiming to be, or holding himself or itself out as, a navigator or conducting business as a navigator in the Commonwealth without having been selected as a navigator in accordance with applicable federal law and without having evidence of successful completion of requirements prescribed by the federal Secretary of Health and Human Services. The State Corporation Commission is authorized to order violators to cease and desist prohibited conduct

and is required to monitor and report on the activities of navigators in the Commonwealth.

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

Similar to SB1261.

**HB2306 Eminent domain; current assessed value of real property, tax assessments.**

*Chief Patron:* Ramadan

*Summary:*

Provides that just compensation paid for real property taken pursuant to eminent domain shall not be less than the greater of (i) the appraisal of the fair market value of such property, if such an appraisal is required, or (ii) the current assessed value of such property for real estate tax purposes when the entire parcel for which the assessment has been made is to be acquired, provided that the property has not physically changed in a material and substantial since the current assessment was made such that the assessment no longer represents the property's value. Nothing in the bill makes evidence of tax assessments admissible as proof of value in an eminent domain proceeding. Under current law, just compensation shall not be less than the appraisal of fair market value if such an appraisal is required.

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

**HB2311 Higher Education for Virginia, State Council of; expands purpose, increases membership, etc.**

*Chief Patron:* Cox, M.K.

*Summary:*

Changes the State Council of Higher Education by (i) expanding its purpose, (ii) altering its membership and setting forth the qualifications of appointees, (iii) requiring the presidents of the public institutions of higher education in the Commonwealth to present information and comment on issues of common interest at each meeting of the Council, and (iv) permitting the Council to involve other groups in its meeting agendas.

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

**HB2312 Pharmacies; clarifies definition of compounding, etc.**

*Chief Patron:* Jones

*Summary:*

Clarifies the definition of "compounding" and adds a requirement for a current inspection report for registration or renewal of a registration for a nonresident pharmacy. The bill also requires every pharmacist-in-charge or owner of a permitted pharmacy or a non-resident pharmacy engaging in sterile compounding to notify the Board of Pharmacy of its intention to dispense or deliver a sterile compounded drug product into the Commonwealth.

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

**HB2322 Community Colleges, State Board for; Board shall develop mental health referral policies, etc.**

*Companion Bill:* SB1078

*Chief Patron:* Surovell

**Summary:**

Requires the State Board for Community Colleges to develop a mental health referral policy that would require community colleges to designate at least one individual at each college to serve as a point of contact with an emergency services system clinician at a local community services board, or another qualified mental health services provider, for screenings and referrals of students who may have emergency or urgent mental health needs. This bill is identical to SB 1078.

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

**HB2328 Behavioral Health and Developmental Services, Department of; list of licensed providers on website.**

**Chief Patron:** Cline

**Summary:**

Requires the Department of Behavioral Health and Developmental Services to list providers included on a website of the Department's Office of Licensing by the assumed or fictitious name under which the provider is doing business in the Commonwealth.

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

**HB2344 School safety; threat assessment teams, model critical incident response training program, etc.**

**Chief Patron:** Cole

**Summary:**

Requires local school boards to establish policies and procedures for the establishment of threat assessment teams. The bill requires the division superintendent to establish for each school a threat assessment team. The threat assessment teams shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community; (ii) identify members of the school community to whom threatening behavior should be reported; and (iii) implement the policies adopted by the school board. The bill requires threat assessment teams to report to the division superintendent upon a preliminary determination that an individual poses a threat of violence to self or others.

**Law Advice: Change in Requirement**

**HB2347 Juvenile law-enforcement records; principal may provide information to threat assessment team, etc.**

**Chief Patron:** Ramadan

**Summary:**

Provides that, in addition to disclosures of juvenile law-enforcement records that may already be made by chiefs of police and sheriffs to school principals, those same records (involving violent crimes, arson crimes, and firearm crimes) may also be released by the principal of the school to threat assessment teams established by the local school division. The bill also allows law enforcement to share with private school principals the same law-enforcement records concerning juveniles that it can share with public school principals and allows private school principals to share information with threat assessment teams.



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

**HJ543 Commending Randal E. Arno.**

**Chief Patron:** Merricks

**Summary:**

Commending Randal E. Arno.

**HJ635 Federal revenue; JLARC to study amount Virginia receives at state and local level annually.**

**Chief Patron:** Gilbert

**Summary:**

Directs the Joint Legislative Audit and Review Commission to study the amount of federal revenue that Virginia receives at the state and local level annually, by functional area, and determine its importance and impact. The Commission shall submit its report to the Governor and the 2015 Session of the General Assembly.

**Law Advice: Monitor and Track**

**HJ687 Health care; Joint Commission on Health Care to study factors affecting costs.**

**Chief Patron:** O'Bannon

**Summary:**

Directs the Joint Commission on Health Care to study the factors affecting health care costs. The Commission shall (i) study and report on promising policies, practices, and initiatives expected to help control health care costs while maintaining quality of care; (ii) identify factors considered to be the primary contributors to the increase of health care costs; (iii) review approaches undertaken in other states and countries to control health care costs; and (iv) examine the likely impact of federal Patient Protection and Affordable Care Act provisions on the cost of health care.

**Law Advice: Monitor and Track**

**HJ688 Workforce Investment Act; JLARC to update its 2003 report on State's implementation.**

**Chief Patron:** Byron

**Summary:**

Directs the Joint Legislative Audit and Review Commission to update its 2003 review of workforce training in Virginia. The Commission is requested to examine the level of transparency of funding of workforce training and development programs and recommend measures to ensure access to information regarding expenditures and the outcomes generated by such expenditures. The Commission shall report to the Governor and the 2015 Session of the General Assembly.

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

**HJ689 Medical doctors; Joint Commission on Health Care to study current and impending shortage in State.**

**Chief Patron:** Purkey

**Summary:**

Directs the Joint Commission on Health Care to study the current and impending severe shortage of medical doctors in Virginia. In conducting its study, the Commission shall (i) determine whether a shortage of medical doctors exists in the Commonwealth, by specialty and by geographical region; (ii) project the future need for medical doctors in Virginia over the next 10 years by field of specialty; and (iii) identify and assess factors that contribute to the shortage of medical doctors, including medical school admissions, the costs of medical education, and the effect of excessive malpractice insurance premiums, malpractice laws and caps, the shortage of nurses, and ancillary regulations such as the Certificate of Public Need; and (iv) identify the medical specialty fields primarily affected by the shortage of doctors and recommend ways to alleviate such shortages. The Commission must submit its preliminary findings and recommendations to the 2014 Session of the General Assembly and its final findings and recommendations to the 2015 Session.

**Law Advice: Monitor and Track**

**HJ698 Commending the Brain Injury Association of Virginia.**

**Chief Patron:** Cox, M.K.

**Summary:**

Commending the Brain Injury Association of Virginia.

**HJ714 Celebrating the life of William Henry Wood.**

**Companion Bill:** SJ376

**Chief Patron:** Toscano

**Summary:**

Celebrating the life of William Henry Wood.

**HJ724 Hepatitis B Awareness Day; designating as May 19, 2013, and each succeeding year thereafter.**

**Chief Patron:** Keam

**Summary:**

Designates May 19, in 2013 and in each succeeding year, as Hepatitis B Awareness Day in Virginia.

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

**HJ731 National Wear Red Day; designating as February 1, 2013, and each succeeding year thereafter.**

**Chief Patron:** Robinson

**Summary:**

Designates February 1, in 2013 and in each succeeding year, as National Wear Red Day in Virginia.

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

**HJ968 Commending the Atlantic Coast Conference.**

*Chief Patron:* Rush

*Summary:*

Commending the Atlantic Coast Conference.

**SB699 Medical malpractice; expert witness certification, court may conduct an in camera review.**

*Companion Bill:* HB1545

*Chief Patron:* Alexander

*Summary:*

Provides that in an action for medical malpractice or wrongful death premised on medical malpractice, the court, upon good cause shown, may conduct an in camera review of the opinion obtained by the plaintiff of an expert witness who certified that the defendant deviated from the applicable standard of care and the deviation was the proximate cause of the injuries claimed. Such a certification is required before any action for medical malpractice or wrongful death premised on medical malpractice may be instituted, except in cases where cause of the injuries claimed lies within the jury's common knowledge and experience. The bill incorporates SB 1255. The bill is identical to HB 1545.

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

**SB707 Health care providers; submitting health insurance claims.**

*Chief Patron:* McEachin

*Summary:*

Requires any in-network provider that provides health care services to a covered patient to submit its claim to the health insurer for the health care services in accordance with the terms of the applicable provider agreement. The requirement does not apply if the covered patient fails to provide information required by the terms of the plan documents. If an in-network provider does not submit its claim as required, then the covered patient is not obligated to pay for health care services for which the in-network provider was required to submit its claim, and the in-network provider shall not have the benefit of certain liens with regard to the health care services. In addition, such an in-network provider is prohibited from recovering payment from medical expense benefits provided under a motor vehicle liability insurance policy.

**Law Advice: New Requirement**

**SB773 Emergency medical services personnel; administration of medications.**

*Companion Bill:* HB1499

*Chief Patron:* Blevins

*Summary:*

Clarifies the circumstances under which emergency medical services personnel may administer medications and provides that emergency medical services personnel may administer medications pursuant to an oral or written order or standing protocol. This bill is identical to HB 1499.

**Law Advice: Change in Authority**

**SB776 Virginia New Hire Reporting Center; employer to submit information concerning newly hired employee.**

*Chief Patron:* Watkins

***Summary:***

Expands the obligations of employers to report information about the hiring of employees to the Virginia New Hire Reporting Center. Employers are required to submit information concerning each newly hired employee to the Center within 20 days of the employment of a newly hired employee. The measure defines a newly hired employee as an employee who has not previously been employed by the employer or who was previously employed by the employer but has been separated from such prior employment for at least 60 consecutive days. The enactment of the expanded definition of a newly hired employee is required pursuant to the federal Trade Adjustment Assistance Extension Act of 2011. The measure also clarifies the purposes for which the Division of Child Support Enforcement may use the information. This is a recommendation of the Commission on Unemployment Compensation.

**Law Advice: Change in Requirement**

**SB780 Accident and sickness insurance, individual; open enrollment program.**

*Companion Bill:* HB1784

*Chief Patron:* Watkins

***Summary:***

Repeals the requirement that a health insurer that is, or is successor to, a health services plan provide an open enrollment program for individual accident and sickness contracts. Under the open enrollment program, an individual may purchase a product at any time during the year, with the caveat that the individual serve a 12-month waiting period before services are covered for any preexisting condition. The requirement for such an open enrollment program is inconsistent with guaranteed issue provisions of the federal Patient Protection and Affordable Care Act that prohibit waiting periods for coverage for preexisting conditions and that provide for limited open enrollment periods. The measure also eliminates certain provisions that set a tax rate of 0.75 percent on premiums from policies sold under the open enrollment program, and for taxable years 2013 and thereafter the tax rate will be 2.25 percent. The measure will become effective January 1, 2014. The bill is identical to HB 1784.

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

**SB790 Emergency medical services providers; Board of Health shall prescribe regulation, procedures, etc.**

*Companion Bill:* HB1622

*Chief Patron:* Stuart

***Summary:***

Eliminates the requirement that the Board of Health's regulations governing recertification of emergency medical services providers include certain provisions related to testing and other requirements. This bill is identical to HB 1622.

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

**SB794 Disabled parking placards; physicians may issue to patients.**

*Chief Patron:* Garrett

*Summary:*

Allows licensed physicians, nurse practitioners, physician assistants, podiatrists, or chiropractors to certify 15 days in advance of a medical procedure that an applicant will have a temporary disability that limits or impairs his ability to walk. DMV will mail the temporary placard to the applicant.

**Law Advice: New Authority**

**SB811 False lien or encumbrance; filing against real or personal property of another, penalty.**

*Chief Patron:* Garrett

*Summary:*

Provides that any person who maliciously files a fraudulent lien or encumbrance in a public record against the real or personal property of another, knowing that such lien or encumbrance is false, is guilty of a Class 5 felony. The bill incorporates SB 1113.

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

**SB839 Local boundaries for law-enforcement; organizing for purpose of 911 dispatch and response.**

*Companion Bill:* HB2216

*Chief Patron:* Carrico

*Summary:*

Provides that localities may designate mutually agreed-upon boundary lines between contiguous localities for purposes of organizing 911 dispatch and response, determining territorial jurisdiction in criminal cases, and clarifying issues related to coverage under workers' compensation and risk management laws. This bill incorporates SB 1314.

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

**SB841 Uniform Statewide Building Code; establishment of occupancy standards for residential dwelling unit.**

*Chief Patron:* Locke

*Summary:*

Authorizes an owner or managing agent of a residential dwelling unit to develop and implement reasonable occupancy standards restricting the maximum number of occupants permitted to occupy the dwelling unit to two persons per bedroom. Under the bill, the occupancy standard is subject to the provisions of applicable state and federal laws and regulations. The bill also provides that the occupancy standards of an owner or managing agent shall not be enforceable under the provisions of the Uniform Statewide Building Code.

**Law Advice: New Authority**

**SB857 Higher ed. institutions; expands eligibility for in-state tuition to certain dependents of military.**

*Chief Patron:* Blevins

***Summary:***

Expands eligibility for in-state tuition to certain dependents of active duty military personnel, or activated or temporarily mobilized reservists or guard members, who are either (i) assigned unaccompanied orders and immediately prior to receiving such unaccompanied orders were assigned to a permanent duty station or workplace geographically located in Virginia, or in a state contiguous to Virginia or the District of Columbia, and resided in Virginia or (ii) assigned unaccompanied orders with Virginia listed as the designated place move.

**Law Advice: Change in Requirement**

**SB891 Administrative Rules, Joint Commission on; powers and duties.**

*Chief Patron:* Stuart

***Summary:***

Expands the powers and duties of the Joint Commission on Administrative Rules to include review of proposed rules and regulations to ensure that they contain no mandate that improperly burdens businesses.

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

**SB902 Virginia Public Procurement Act; alternative forms of security, acceptance of cashier's check.**

*Chief Patron:* Reeves

***Summary:***

Authorizes the acceptance of a cashier's check in lieu of a bid, payment, or performance bond. Currently the only acceptable alternative forms of security are a certified check or cash escrow.

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

Exempt under Restructuring.

**SB920 Emergency custody and involuntary temporary detention; transportation.**

*Chief Patron:* Carrico

***Summary:***

Requires magistrates to consider a request to authorize alternative transportation, if available, for persons subject to an emergency custody or involuntary temporary detention order if the order is based upon a finding that the person who is the subject of the order has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs but there is no substantial likelihood that the person will cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information.

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

**SB922 Health insurance; SCC, et al., to perform plan management functions, review of premium rates.**

**Companion Bill:** HB1769

**Chief Patron:** Watkins

**Summary:**

Authorizes the State Corporation Commission (SCC) to perform plan management functions for participation in the federal health benefit exchange established by the Secretary of the U.S. Department of Health and Human Services pursuant to § 1321 of the Patient Protection and Affordable Care Act. This obligation is contingent upon the availability of full funding, technology infrastructure being made available to the SCC, there being no other impediments that effectively prevent the SCC from performing any required plan management functions, and that the performance of such plan management functions is not deemed to establish a health benefit exchange pursuant to § 1311 of the Patient Protection and Affordable Care Act. In addition, the SCC's obligation to perform plan management functions is contingent upon receiving federal funding sufficient to pay the operating expenses necessary to carry out the functions. The SCC may contract with and enter into memoranda of understanding to carry out its plan management functions with any state or federal agency. The measure also authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain non-employer group plans. The power to review and approve rates is a condition to the SCC being found to be an effective regulator of such rates. The measure provides that no agent, employee, officer, or agency of the Commonwealth is authorized to take any action to establish, or that could be deemed to establish, a health benefit exchange pursuant to § 1311 of the Patient Protection and Affordable Care Act. Finally, the measure authorizes the Virginia Department of Health to assist in the plan management functions. The bill incorporates SB 1084 and is identical to HB 1769.

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

**SB931 Dead bodies; notification for disposition to next of kin to claim body within 30 days of notice.**

**Chief Patron:** Vogel

**Summary:**

Provides that in cases in which the next of kin of a deceased person fails or refuses to claim the body of the deceased person within 30 days, the sheriff or other person having initial custody of the dead body may dispose of the body, and provides that, absent bad faith or malicious intent, a sheriff who accepts a dead body for disposition shall be immune from civil liability.

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

**SB933 Movable Soccer Goal Safety Act; created, report.**

**Chief Patron:** Vogel

**Summary:**

Requires every organization that owns and controls a movable soccer goal to establish a soccer goal safety and education policy that outlines how the organization will address any safety concern related to movable soccer goals, including the dangers of unanchored or improperly anchored soccer goals tipping over and the care that must be taken to ensure proper installation, setup, maintenance, and transportation of movable soccer goals; prohibits the sale of movable soccer goals that are not tip-resistant beginning July 1, 2014; and requires the Department of Conservation and Recreation and the Division of State Parks to convene a work group to examine safety issues related to moveable soccer goals. This bill contains a reenactment clause.

**Law Advice: New Requirement**

**SB942 Certificate of public need; amendments to existing certificates related to medical care.**

*Chief Patron:* Reeves

***Summary:***

Provides that the Commissioner of Health may accept and approve requests for amendments to certain conditions of existing certificates of public need. The bill also requires the Department of Health, in consultation with the Virginia Department of Veterans Services, Virginia Health Information Exchange, Virginia Hospital and Healthcare Association, and other industry stakeholders, to review the provisions of § 32.1-102.4 as amended by this act and the Patient Protection and Affordable Care Act, P.L. 111-148, as both relate to the Commissioner's imposition of conditions on certificates of public need.

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

**SB950 Practitioners of medicine, etc.; updates terminology in sections governing licensure, etc.**

*Chief Patron:* Garrett

***Summary:***

Updates terminology in sections governing licensure of practitioners of the healing arts, provides for use of electronic communication, expands the list of acceptable accrediting organizations for educational programs for podiatric medicine, and eliminates the Psychiatric Advisory Board.

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

**SB953 Aging and Rehabilitative Services, Department for; service for individuals with Alzheimer's disease.**

*Chief Patron:* Ruff

***Summary:***

Expands the duties of the Department for Aging and Rehabilitative Services related to services for individuals with Alzheimer's disease and related disorders and their caregivers.

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

**SB959 Pedestrians, etc; local government may adopt ordinances requiring to stop at marked crosswalks.**

*Companion Bill:* HB2217

*Chief Patron:* Favola

***Summary:***

Allows local governing bodies to adopt ordinances requiring users of shared-use paths to stop before crossing highways at marked crosswalks. This bill is identical to HB 2217.

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



**SB982 Medical reports or records; method for introducing into evidence in general district court.**

*Chief Patron:* Obenshain

***Summary:***

Rewrites for clarity the section setting forth the method for introducing into evidence medical records or reports in general district court in a civil action for personal injuries or to resolve a dispute with an insurance company or health care provider. The bill also provides that medical bills may be introduced into evidence in the same manner as medical records. The bill further provides that medical records and bills are subject to the same requirement as medical reports that the party intending to present such records and bills as evidence give notice of such intention to the opposing party 10 days before trial. This bill is a recommendation of the Boyd-Graves Conference.

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

**SB995 VRS; technical changes regarding retirement plans.**

*Chief Patron:* Watkins

***Summary:***

Makes technical changes to carry out provisions enacted by the General Assembly in 2012 regarding retirement plans administered by the Virginia Retirement System.

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

**SB997 Incapacitated persons; photographs, x-rays, etc., may be taken as part of medical evaluation, etc.**

*Companion Bill:* HB2122

*Chief Patron:* Barker

***Summary:***

Provides that in any case of suspected abuse of an incapacitated adult, photographs, X-rays, and other medical imaging of such incapacitated adult may be taken without the consent of the person responsible for the incapacitated adult as a part of the medical evaluation of the person. Such photographs, X-rays, and other medical imaging may be introduced into evidence in any civil or criminal proceeding. This bill is identical to HB 2122.

**Law Advice: New Authority**

**SB1004 Landlord and tenant laws; early termination of rental agreements by victims of family abuse, etc.**

*Chief Patron:* Howell

***Summary:***

Provides that a tenant who is a victim of (i) family abuse, (ii) sexual abuse, or (iii) criminal sexual assault may terminate a rental agreement under certain circumstances. The bill details the instance under which termination may be sought and the process that must be followed by the tenant to effect the termination.

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

**SB1006 Physician, licensed, etc.; may perform procedure for physical evidence recovery kit examination.**

*Companion Bill:* HB2120

*Chief Patron:* Barker

***Summary:***

Authorizes a licensed physician, physician assistant, nurse practitioner, or registered nurse to perform a physical evidence recovery kit examination for a person who is believed to be the victim of a sexual assault and who is incapable of making an informed decision regarding consent to such examination when there is a need to conduct the examination, no legally authorized representative is available to provide consent, and a capacity reviewer provides written certification that the person is incapable of providing informed consent and that the examination should be performed. This bill is identical to HB 2120.

**Law Advice: New Authority**

**SB1011 Clinical social workers; educational requirements for licensure.**

*Chief Patron:* McWaters

***Summary:***

Requires the Board of Social Work to accept proof of the successful completion of the following as evidence of the satisfaction of the educational requirements for licensure as a clinical social worker: (i) a master's degree in social work with a clinical course of study from a program accredited by the Council on Social Work Education, (ii) a master's degree in social work with a non-clinical concentration from a program accredited by the Council on Social Work Education together with successful completion of the educational requirements for a clinical course of study through a graduate program accredited by the Council on Social Work Education, or (iii) a program of education and training in social work at an educational institution outside the United States recognized by the Council on Social Work Education.

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

**SB1013 Landlord and tenant laws; application to certain occupants of hotel, motel, etc.**

*Companion Bill:* HB1749

*Chief Patron:* Locke

***Summary:***

Provides that an occupant in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging shall not be construed to be a tenant living in a dwelling unit under landlord and tenant laws or the Virginia Residential Landlord Tenant Act. The bill provides that if a person resides in such lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, then landlord and tenant laws or the Virginia Residential Landlord Tenant Act will apply to the occupancy. The bill is a recommendation of the Virginia Housing Commission. This bill is identical to HB 1749.

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

**SB1039 Vital records; DMV authorized to access records and issue certified copies, fees, penalty.**

**Chief Patron:** Newman

**Summary:**

Directs the Commissioner of the Department of Health and the Commissioner of the Department of Motor Vehicles to enter into a memorandum of understanding to develop a program to allow DMV to issue certified copies of vital records. Beginning July 1, 2014, DMV is authorized to issue certified copies of birth records from 1912 onward and beginning July 1, 2015, DMV is authorized to issue certified copies of all other birth records and all death, marriage, and divorce records. The bill further provides that DMV is subject to the State Registrar's rules, regulations, audit requirements, and penalties and that vital records must be on security paper. The bill also raises the cap on the fee for certified copies and provides that DMV will keep a processing fee.

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

**SB1048 Conservators of the peace, special; any State museum to apply for appointment by circuit court.**

**Companion Bill:** HB2058

**Chief Patron:** Edwards

**Summary:**

Authorizes any museum owned and managed by the Commonwealth to apply for the appointment by the circuit court of a special conservator of the peace. This bill is identical to HB 2058.

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

**SB1059 Dental and optometric services plans; applicability of certain provisions.**

**Chief Patron:** Wagner

**Summary:**

Provides that two existing provisions, relating to the payment of interest on accident and sickness claim proceeds and to the use of explanation of benefits forms, that apply to insurance companies will also apply to dental and optometric services plans. The provision relating to interest applies to claim payments made on or after January 1, 2014. Dental and optometric service plans are not required to pay interest if the total interest is less than \$5.

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

**SB1074 Student organizations; religious or political organizations may determine core functions, etc.**

**Companion Bill:** HB1617

**Chief Patron:** Obenshain

**Summary:**

Permits, to the extent allowed by law, religious or political student organizations at public institutions of higher education to determine that only persons committed to the organization's mission may conduct certain activities. The bill also prohibits, to the extent allowed by law, public institutions of higher education from discriminating against a student organization that makes such a determination. This bill is identical to HB 1617.

**Law Advice: New Requirement**

UVa has existing policies that meet the non-discrimination clause.

**SB1078 Community Colleges, State Board for; Board shall develop mental health referral policies, etc.**

*Companion Bill:* HB2322

*Chief Patron:* Barker

***Summary:***

Requires the State Board for Community Colleges to develop a mental health referral policy that would require community colleges to designate at least one individual at each college to serve as a point of contact with an emergency services system clinician at a local community services board, or another qualified mental health services provider, for screenings and referrals of students who may have emergency or urgent mental health needs. This bill is identical to HB 2322.

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

**SB1093 Uniform Real Property Transfer on Death Act; creation of a transfer on death deed.**

*Chief Patron:* Hanger

***Summary:***

Codifies the Uniform Real Property Transfer on Death Act, which authorizes the creation of a transfer on death deed, which, when properly executed and recorded, passes title directly to named beneficiaries without probate upon the transferor's death. The uniform act was approved by the National Conference of Commissioners on Uniform State Laws in 2009. The bill contains technical amendments.

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

**SB1138 Virginia Nuclear Energy Consortium Authority; established, report.**

*Companion Bill:* HB1790

*Chief Patron:* McWaters

***Summary:***

Establishes the Virginia Nuclear Energy Consortium Authority as a political subdivision of the Commonwealth for the purposes of making the Commonwealth a national and global leader in nuclear energy and serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues. The 17-member board of directors of the Authority is directed to form a nonstock, nonprofit corporation, referred to as the Virginia Nuclear Energy Consortium. Membership in the Consortium is open to specified educational institutions, Virginia-based federal research laboratories, nuclear-related nonprofit organizations, business entities with operating facilities in Virginia that are engaged in activities directly related to the nuclear energy industry, and other persons whose membership is approved by the Consortium's board of directors. The purposes of the Consortium include carrying out the rights, powers, and duties of the Authority and conducting other activities useful in (i) making the Commonwealth a leader in nuclear energy, (ii) serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues, and (iii) raising money on behalf of the Authority in the corporate and nonprofit community and from other nonstate sources. The Consortium is required to report to the Authority on its non-proprietary activities semiannually, and audits of its financial accounts shall be made available in accordance with the provisions of the Freedom of Information Act. This bill is identical to HB 1790.

**Law Advice: New Authority**

**SB1144 Personal property; fraudulent conversion or removal of leased property.**

**Chief Patron:** McEachin

**Summary:**

Provides that failure to return leased property to the lessor within 30, as opposed to 10, days after written notice has been given that the rental period for the property has expired is prima facie evidence of the intent to defraud and provides that failure to return leased property within 30, as opposed to 10, days of the expiration of the lease is to be deemed larceny.

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

**SB1159 Virginia State Bar; granting certificate of admission to law professors.**

**Chief Patron:** Marsh

**Summary:**

Allows a full-time law professor to be admitted as an active member of the Virginia State Bar without examination provided that he is otherwise eligible to be admitted to the Virginia State Bar. A full-time law professor who is not so eligible for admission may become an associate member of the Virginia State Bar.

**Law Advice: Change in Authority**

**SB1164 Infants; cause of action for expenses for injury, statute of limitations.**

**Companion Bill:** HB1433

**Chief Patron:** Stanley

**Summary:**

Provides that any action by a parent or guardian of an infant for the expenses of curing or attempting to cure the infant from the result of a personal injury or loss of services of the infant that accrues on or after July 1, 2013, shall be brought within the limitations period applicable to the infant's cause of action. Currently, such action must be brought within five years from the time the action accrued. The bill also provides that, in actions that accrue on or after July 1, 2013, the past and future expenses of curing or attempting to cure the infant from a personal injury are limited by the cap on damages for medical malpractice claims, if applicable, and a parent or guardian of the infant who has paid or is personally obligated to pay such expenses has a lien and right of reimbursement against any recovery of the infant. The bill is identical to HB 1433.

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

**SB1175 Teach for America; creates two-year provisional license for participants.**

**Companion Bill:** HB2084

**Chief Patron:** Ruff

**Summary:**

Creates a two-year provisional license for participants in Teach For America, a nationwide nonprofit organization focused on closing the achievement gaps among students in low-income areas, who meet certain criteria, including having an offer of employment from a school division in the Commonwealth. The Board of Education may extend

each Teach For America license for one additional year and may issue each licensee a renewable license upon completion of two full years of teaching experience, satisfaction of all other requirements for such a license, achievement of satisfactory scores on all professional teacher assessments required by the Board, and achievement of satisfactory end-of-year evaluations. The bill also provides for reciprocity to Teach For America teachers in other states upon satisfaction of certain conditions. This bill is identical to HB 2084.

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

**SB1176 State Inspector General; additional powers and duties, report.**

*Companion Bill:* HB2114

*Chief Patron:* Ruff

***Summary:***

Grants additional powers to the State Inspector General relating to audit functions of state and nonstate agencies and provides that the State Inspector General and no more than 30 members of the investigative unit shall be law-enforcement officers. The bill requires the State Inspector General to enter into a memorandum of understanding with the Department of State Police relative to their respective roles and responsibilities. The bill reorganizes the State Inspector General's powers and duties and generally reorganizes the law relating to the Office of the State Inspector General. The bill contains technical amendments. The bill is identical to HB 2114.

**Law Advice: Change in Requirement**

**SB1177 Virginia Workforce Council; powers and duties.**

*Companion Bill:* HB2154

*Chief Patron:* Ruff

***Summary:***

Provides for the Virginia Workforce Council to review the state's annual plan for postsecondary vocational education activities authorized under the federal Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 et seq.) to ensure that the plan is aligned with the state's plan for coordinating programs authorized under Title I of the federal Workforce Investment Act of 1998 (29 U.S.C. § 2801 et seq.) and the federal Wagner-Peyser Act (29 U.S.C. § 49 et seq.). The bill provides for the Governor to appoint to the Council a state director of career and technical education and two representatives who have been nominated by state labor federations in place of two positions currently filled by the President of the Virginia AFL-CIO and a representative of labor appointed by the Governor. The bill also allows the Secretaries of Commerce and Trade, Education, and Health and Human Resources to appoint designees to serve in their stead on the Council. The bill is identical to HB 2154.

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

**SB1178 Fraud and Abuse Whistle Blower Reward Fund; amount of reward.**

*Companion Bill:* HB1845

*Chief Patron:* Ruff

***Summary:***

Reduces the minimum recovery required for an award from the Fraud and Abuse Whistle Blower Reward Fund from \$10,000 to \$5,000 and expands the purposes for which the Fund may be used to include supporting the administration

of the Fund, defraying Fund advertising costs, and subsidizing the operation of the Fraud, Waste and Abuse Hotline, all expenditures for which are capped at five percent of the Fund. Under the bill, all moneys recovered by the Office of the State Inspector General as a result of whistle blower activity and alerts originating in the Office shall be deposited into the Fund. The bill also provides that by the end of each quarter 85 percent of all sums recovered be remitted to the institutions or agencies on whose behalf the recovered sums were secured, unless otherwise directed by a court of law. In addition, the bill (i) authorizes the State Inspector General to split a reward among multiple whistle blowers reporting the same qualifying incident of wrongdoing or abuse, (ii) requires the State Inspector General to submit an annual report to the General Assembly summarizing the activities of the Fund, and (iii) changes the name of the State Employee Fraud, Waste and Abuse Hotline to the Fraud, Waste and Abuse Hotline. The bill contains technical amendments. The bill is identical to HB 1845.

**Law Advice: Change in Requirement**

**SB1183 Information Technology Advisory Council; Council to elect chairman and vice-chair from membership.**

*Companion Bill:* HB2082

*Chief Patron:* Vogel

***Summary:***

Provides for the Information Technology Advisory Council to elect a chairman and vice-chairman from its membership. Under the bill, neither the Secretary of Technology nor the Chief Information Officer may serve as chairman, and the CIO is no longer required to serve as vice-chairman. Under current law, the Secretary of Technology serves as chairman and the CIO serves as vice-chairman of the Council. The bill also removes the requirement for the Council to meet at least quarterly and allows both the Secretary of Technology and the CIO to call a meeting. This bill is identical to HB 2082.

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

**SB1186 Medical assistance services; duties of Attorney General.**

*Chief Patron:* Vogel

***Summary:***

Provides that subpoenas issued by the Attorney General or his authorized representative during an investigation of providers of services under the State Medical Assistance Plan are excepted from certain provisions related to health records privacy and notice provisions, and information developed during a civil investigation is privileged.

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

**SB1220 Virginia College Savings Plan; deposit of income tax refunds.**

*Companion Bill:* HB2145

*Chief Patron:* Norment

***Summary:***

Permits taxpayers to direct the Department of Taxation to deposit all or any part of an income tax refund into their Virginia College Savings Plan accounts. The provisions of the bill shall be effective for taxable years beginning on or after January 1, 2014. This bill is identical to HB 2145.

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

Delayed effective date - January 1, 2014.

**SB1221 Virginia College Savings Plan, Board of; elected positions, technical amendments.**

*Companion Bill:* HB2127

*Chief Patron:* Norment

***Summary:***

Eliminates the position of secretary from the Board of the Virginia College Savings Plan. The bill also changes the time frame for the election of Board positions from each calendar year to annually. The bill contains technical amendments. This bill is identical to HB 2127.

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

**SB1242 Tuition, in-state; veterans residing within State shall be eligible for in-state charges.**

*Companion Bill:* HB1461

*Chief Patron:* Stuart

***Summary:***

Clarifies eligibility for in-state tuition of current and former military personnel and their dependents. The bill also grants eligibility for in-state tuition charges to veterans residing within the Commonwealth. This bill is identical to HB 1461.

**Law Advice: Change in Authority**

**SB1243 Health maintenance organizations; health care plans to provide coverage for newborn children.**

*Chief Patron:* Colgan

***Summary:***

Requires health care plans provided by a health maintenance organization to provide coverage for newborn children. The same requirement currently exists for health insurance policies and subscription contracts with family coverage. The bill does not apply to Medicaid managed care and FAMIS plans.

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

**SB1257 Virginia's Future, Council on; extends sunset provision.**

*Companion Bill:* HB2245

*Chief Patron:* Hanger

***Summary:***

Extends the sunset date from July 1, 2013, to July 1, 2017, for the Council on Virginia's Future. This bill is identical to HB 2245.

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



## **SB1261 Health benefit exchange; regulation of navigators, report.**

**Chief Patron:** Puckett

### **Summary:**

Prohibits an individual or entity selected to serve as a navigator in a health benefit exchange from engaging in any activity that would require an insurance agent license under Title 38.2, offering advice about which qualified health plan or qualified dental plan is better or worse for a particular individual or employer, acting as an intermediary between an employer and an insurer that offers a qualified health plan or qualified dental plan offered through an exchange, or violating certain unfair trade practice and privacy requirements. The measure also prohibits an individual or entity from claiming to be, or holding himself or itself out as, a navigator or conducting business as a navigator in the Commonwealth without having been selected as a navigator in accordance with applicable federal law and without having evidence of successful completion of requirements prescribed by the federal Secretary of Health and Human Services. The State Corporation Commission is authorized to order violators to cease and desist prohibited conduct and is required to monitor and report on the activities of navigators in the Commonwealth.

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

Similar to HB2246.

## **SB1263 VA FOIA; meeting by electronic communication means by certain committees, etc. of State bodies.**

**Chief Patron:** Stuart

### **Summary:**

Authorizes an advisory public body, defined as any state public body classified as advisory pursuant to § 2.2-2100 or any committee, subcommittee, or other entity, however designated, of a state public body created to advise the state public body, to meet by electronic communication means without a quorum of the advisory public body being physically assembled at one location, provided, among other requirements, the meeting is conducted utilizing a combined audio and visual communication method. The bill requires any advisory public body holding this kind of electronic communication meeting to make an audiovisual recording of the meeting, which recording shall be preserved by the advisory public body for a period of three years from the date of the meeting. The bill also enhances the annual reporting requirements for any public body authorized to conduct electronic communication meetings and requires the FOIA Council to develop a form that an authorized public body must make available to the public at any such meeting for public comment. The above-described provisions of the bill by its terms will expire on July 1, 2014. Finally, the bill allows a member of any public body to participate in a meeting by electronic communication means due to personal matters under certain circumstances. Currently, such remote participation is allowed only for emergency, medical condition, or distance from the meeting location of more than 60 miles. The bill is a recommendation of the Virginia Freedom of Information Advisory Council.

### **Law Advice: Change in Requirement**

## **SB1264 VA. FOIA; access to criminal and other records.**

**Chief Patron:** Stuart

### **Summary:**

Reorganizes § 2.2-3706 of the Freedom of Information Act relating to access to criminal records and other records held by law-enforcement agencies. The only substantive changes in the bill are to (i) expand to the state law-

enforcement agencies the ability to withhold portions of noncriminal incident information and (ii) allow law-enforcement agencies to make a verbal response for requests for criminal incident information. The bill also clarifies that personnel records of persons employed by a law-enforcement agency are not noncriminal records but subject to the personnel records and background investigation records exemptions. The bill contains technical amendments and is a recommendation of the Virginia Freedom of Information Advisory Council.

**Law Advice: Change in Requirement**

**SB1265 Capital outlay; establishes revised six-year plan for projects.**

*Companion Bill:* HB2194

*Chief Patron:* Ruff

**Summary:**

Establishes a revised six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources. This bill is identical to HB 2194.

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

UVa projects not updated (but included in budget).

**SB1285 Interchangeable biosimilar biological products; permits pharmacists to dispense, etc.**

*Companion Bill:* HB1422

*Chief Patron:* Newman

**Summary:**

Permits pharmacists to dispense a biosimilar that has been licensed by the U.S. Food and Drug Administration as interchangeable with a prescribed biological product unless the prescriber indicates such substitution is not authorized or the patient insists on dispensing of the prescribed biological product. The bill requires any pharmacist who dispenses an interchangeable biosimilar to inform the patient prior to dispensing the biosimilar and record the brand name or the product name and name of the manufacturer of the biosimilar on the record of dispensing and the prescription label. The bill also requires, until July 1, 2015, that the pharmacist provide notification of the substitution to the prescriber and provide retail cost information for both the prescribed biological product and the interchangeable biosimilar to the patient. This bill is identical to HB 1422.

**Law Advice: New Authority**

**SB1287 Natural gas utilities; eligible safety activity costs to be recovered as deferred costs.**

*Companion Bill:* HB1770

*Chief Patron:* Colgan

**Summary:**

Permits natural gas utilities to recover certain safety activity costs incurred on or after January 1, 2013, in future rates by accounting for them as deferred costs. The amount deferred shall not exceed four percent of the natural gas utility's net plant investment that was utilized in establishing or confirming the utility's base rates. The utility shall be deemed to have recovered eligible safety activity costs to the extent that the return on equity earned by the utility in an earnings test filing for a year, after consideration of the treatment of regulatory assets, is in excess of the mid-point of the rate of return on equity range specified or confirmed in the natural gas utility's most recent rate case or

performance-based regulation plan. If a utility's base rates include eligible safety activity costs, the utility shall only be permitted to defer the level of eligible safety activity costs that are in excess of the level reflected in base rates. This bill is identical to HB 1770.

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

**SB1288 Criminal history record information; emergency medical services providers.**

*Companion Bill:* HB1383

*Chief Patron:* Carrico

***Summary:***

Provides that the State Board of Health shall require each person who, on or after July 1, 2013, applies to be a volunteer with or employee of an emergency medical services agency to submit fingerprints and provide personal descriptive information for the purpose of a state and national criminal history record check. This bill is identical to HB 1383.

**Law Advice: New Requirement**

**SB1324 Opportunity Educational Institution; established, report.**

*Chief Patron:* McDougle

***Summary:***

Creates the Opportunity Educational Institution to be administered and supervised by the Opportunity Educational Institution Board. The bill requires any school that has been denied accreditation and permits any school that has been accredited with warning for three consecutive years to be transferred to the Institution and remain in the Institution for five years or until the school achieves full accreditation. The bill also sets forth requirements for student attendance, staffing, and funding for the Institution. The provisions of the bill are contingent on funding in a general appropriation act.

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

**SB1342 Higher education; mental health treatment coordination for certain students.**

*Companion Bill:* HB1609

*Chief Patron:* Petersen

***Summary:***

Provides that the governing board of each public four-year institution of higher education may establish written memoranda of understanding with its local community services board or behavioral health authority and with local hospitals and other local mental health facilities in order to expand the scope of services available to students seeking treatment. The bill requires each memorandum to designate a contact person to be notified when a student is involuntarily committed or when a student is discharged from a facility and consents to such notification. The bill also requires each memorandum to include the institution in the post-discharge planning of a student who has been committed and intends to return to campus, to the extent allowable under state and federal privacy laws. This bill is identical to HB 1609.

**Law Advice: New Authority**

### **SB1345 Teacher licensure; renewal requirements by Board of Education.**

*Chief Patron:* Petersen

*Summary:*

Requires the Board of Education to amend its regulations to require any individual licensed and endorsed to teach (i) middle school civics or economics or (ii) high school government or history who is seeking renewal of such license to demonstrate knowledge of Virginia history or state and local government by completing a module or professional development course specifically related to Virginia history or state and local government that has a value of five professional development points. This requirement applies for purposes of the individual's next or initial renewal occurring after July 1, 2014.

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

### **SB1350 Small Business and Supplier Diversity, Department of; created, report.**

*Chief Patron:* McWaters

*Summary:*

Creates the Department of Small Business and Supplier Diversity by consolidating the powers and duties of the Department of Business Assistance and the Department of Minority Business Enterprise. The bill abolishes the Department of Business Assistance and the Department of Minority Business Enterprise. The bill has a delayed effective date of January 1, 2014, and contains numerous technical amendments to accomplish this consolidation.

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

Delayed effective date - January 1, 2014.

### **SB1376 Certain persons; immunity for those reporting, etc., individual posing credible danger of injury.**

*Chief Patron:* Martin

*Summary:*

Provides that any person who, in good faith and without malice, reports, investigates, or causes an investigation to be made into the activities of any person relating to conduct involving bomb threats or other explosives or alcohol or drug use at a school or institution of higher learning or in connection with a school or institution activity shall be immune from all civil liability that might be incurred as a result of making such a report or investigation. Currently, only certain school and institution personnel enjoy such immunity. The bill also provides that any person is likewise immune if he, in good faith and without malice, reports, investigates, or causes an investigation to be made into information that any person poses a credible danger of serious bodily injury or death to any other person on school property.

**Law Advice: Change in Requirement**

### **SJ324 Governor; confirming appointments.**

*Chief Patron:* Obenshain

*Summary:*

Confirms appointments to various positions made by Governor McDonnell and communicated to the General

Assembly August 1, 2012.

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

**SJ335 Commending the Virginia Emergency Management Association.**

*Chief Patron:* Martin

*Summary:*

Commending the Virginia Emergency Management Association.

**SJ376 Celebrating the life of William Henry Wood.**

*Companion Bill:* HJ714

*Chief Patron:* Reeves

*Summary:*

Celebrating the life of William Henry Wood.

**SJ382 Governor; confirming appointments.**

*Chief Patron:* Obenshain

*Summary:*

Confirms appointments to various positions made by Governor McDonnell and communicated to the General Assembly January 8, 2013.

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