

HOUSE BILL NO. 248

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Glass)

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

**Be it enacted by the General Assembly of Virginia:**

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

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

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

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

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

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

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

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

28           6. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et  
29 seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by  
30 practitioners and to effectively administer the regulatory system administered by the regulatory board.  
31 The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§  
32 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

33           ~~6-7.~~ To ensure that inspections are conducted relating to the practice of each practitioner certified  
34 or licensed by the regulatory board to ensure that the practitioner is conducting his practice in a competent  
35 manner and within the lawful regulations promulgated by the board.

36           ~~7-8.~~ To place a regulant on probation or revoke, suspend or fail to renew a certificate or license  
37 for just causes as enumerated in regulations of the board. Conditions of probation may include, but not be  
38 limited to the successful completion of remedial education or examination.

39           ~~8-9.~~ To receive complaints concerning the conduct of any regulant and to take appropriate  
40 disciplinary action if warranted.

41           ~~9-10.~~ To provide a regulant subject to a disciplinary action with a notice advising the regulant of  
42 his right to be heard at an informal fact-finding conference pursuant to § 2.2-4019 of the Administrative  
43 Process Act. The notice shall state that if the regulant does not request an informal fact-finding conference  
44 within 30 days of receipt of the notice, the board may issue a case decision as defined in § 2.2-4001, with  
45 judicial review of the case decision in accordance with § 2.2-4026. If the regulant asserts his right to be  
46 heard prior to the board issuing its case decision, the board shall remand the case to an informal fact-  
47 finding conference. The notice required by this subdivision shall be sent in a manner that allows for  
48 confirmation of delivery or, if agreed to by the parties, through electronic means, provided that the board  
49 retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a  
50 confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender  
51 confirming the electronic delivery.

52 ~~10-11.~~ To promulgate canons of ethics under which the professional activities of regulants shall  
53 be conducted.

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

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

59 "Autonomous agent" means software or hardware that (i) operates independently, without real-  
60 time intervention by a human licensed by a regulatory board within the Department of Professional and  
61 Occupational Regulation, and (ii) is capable of performing tasks that, when executed by a human, would  
62 require licensure by a regulatory board.

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

65 **§ 54.1-829.1. Sanctioning organization; amateur martial arts events.**

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

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

- 76 1. Not attained the age of 18 years;
- 77 2. Been knocked out in the 60 days immediately preceding the date of the event;
- 78 3. Been technically knocked out in the 30 days preceding the date of the event;

- 79           4. Been a contestant in an event consisting of (i) more than six rounds during the 15 days preceding  
80 the date of the event or (ii) six or fewer rounds during the seven days preceding the event;
- 81           5. Suffered a cerebral hemorrhage or other serious physical injury;
- 82           6. Been found to be blind or vision impaired in one or both eyes;
- 83           7. Been denied a license or approval to compete by another jurisdiction for medical reasons;
- 84           8. Failed to provide negative test results, dated within 180 days preceding the date of the event, for  
85 the following: (i) antibodies to the human immunodeficiency virus; (ii) hepatitis B surface antigen  
86 (HBsAg); and (iii) antibodies to the hepatitis C virus; or
- 87           9. Failed to provide written certification from a licensed physician, dated within 180 days  
88 preceding the date of the event, attesting to the contestant's good physical health and absence of any  
89 preexisting conditions or observed abnormalities that would prevent participation in the event. The  
90 examination performed by the ringside physician at the event pursuant to clause (ii) of subdivision C 3  
91 shall not satisfy this requirement.

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

- 93           1. Review the records, experience, and consecutive losses for each amateur martial artist prior to  
94 each event to determine, to the extent possible, that contestants scheduled to compete are substantially  
95 equal in skills and ability;
- 96           2. Verify that each amateur martial artist scheduled to compete is covered by health insurance;
- 97           3. Appoint a physician licensed to practice medicine in the Commonwealth for at least five years  
98 to remain at ringside on a continuous basis. Duties of the ringside physician shall include (i) conducting a  
99 physical examination of each referee immediately prior to the event to assure his fitness to act in such  
100 capacity, (ii) conducting a physical examination and taking a medical history of each amateur martial artist  
101 prior to the contestant's entering the ring and certifying the contestant's physical condition, (iii) signaling  
102 the referee immediately in the event that an injury is observed, (iv) rendering immediate medical aid to  
103 any amateur martial artist injured during an event, and (v) ensuring that all substances in the possession  
104 of seconds, trainers, or cut men are appropriate for use on amateur martial artists during the course of the  
105 event;

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

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

121 D. Any sanctioning organization seeking approval under this section shall make a written  
122 application on a form prescribed by the Director. The application shall be accompanied by a fee of \$500.  
123 The Director shall annually approve sanctioning organizations whose applications satisfactorily  
124 demonstrate evidence of standards and operations in place that are at least as rigorous as and limited to  
125 those required by this section. Following an informal fact-finding proceeding conducted pursuant to § 2.2-  
126 4019, the Director may withdraw his approval of any sanctioning organization that has failed to comply  
127 with this section based on (i) the review of the annual report submitted by the sanctioning organization or  
128 (ii) review of a complaint received pursuant to subdivision A-8.9 of § 54.1-201 or § 54.1-307.1.

129 E. A sanctioning organization seeking approval from the Director shall provide documented  
130 evidence (i) of operation as a business for at least the immediately preceding three years; (ii) of at least  
131 five years of experience as a sanctioning organization representing at least two different promotions during  
132 such five-year period or that the principal officers have at least eight years of experience working as a

133 referee or head official for an established sanctioning organization without adverse financial or  
134 disciplinary action in any jurisdiction; (iii) indicating that none of its officers, employees, or agents,  
135 directly or indirectly, has any pecuniary interest in, or holds any position with, any business associated  
136 with a promoter or otherwise operates for the sole benefit of a single promoter; and (iv) of assurance that  
137 events will be conducted in a fair and impartial manner with avoidance of any impropriety or appearance  
138 of impropriety.

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

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

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