

PROFESSIONAL AND OCCUPATIONAL REGISTRATION

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REPORT OF THE  
VIRGINIA ADVISORY LEGISLATIVE COUNCIL  
TO  
THE GOVERNOR  
AND  
THE GENERAL ASSEMBLY OF VIRGINIA



House Document 6

COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
Richmond  
1973

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PROFESSIONAL AND OCCUPATIONAL REGISTRATION

Interim Report of The  
Virginia Advisory Legislative Council

Richmond, Virginia

January 4, 1973

To: Honorable Linwood Holton, Governor of Virginia

and

The General Assembly of Virginia

Pursuant to House Joint Resolution No. 41, which was enacted at the most recent session of the General Assembly, the Council created a Committee to study professional and occupational registration and appointed Senator William V. Rawlings, Jr., of Capron, a member of the Council, to chair it. Also selected to serve on this Committee were Senators James T. Edmunds of Kenbridge and Lawrence Douglas Wilder of Richmond and Delegates Warren J. Davis of Fairfax, Alan A. Diamonstein of Newport News, L. Ray Ashworth of Wakefield, and Carl E. Bain of Richmond.

At its initial meeting, Delegate Diamonstein was elected Vice-Chairman of the Committee. The staff of the Division of Statutory Research and Drafting and of the Council, represented

by Mr. John A. Banks, Jr., served as secretariat of the Committee. The following State officials have also contributed a great deal to the Committee's efforts: Dr. Richard Powers, Executive Director of the Governor's Management Study; Mr. Ted J. Markow, Assistant Attorney General; Mr. Turner N. Burton, former Director of the Department of Professional and Occupational Registration; and Mr. Burton's successor, Mrs. Ruth J. Herrink.

House Joint Resolution No. 41 directed the Council to complete its study and submit its Report to the Governor and General Assembly not later than September one, nineteen hundred seventy-two. Shortly after its activation, the Committee began an investigation of the numerous regulatory agencies that now exist and the problems that exist within Virginia's regulatory system. It was soon discovered that in order to complete any worthwhile study, it would be impossible to meet the time requirement imposed. Rather than conducting an inadequate study to meet this requirement, the Committee proceeded to do as much as necessary to insure complete accomplishment of its mission and to develop some meaningful recommendations.

During its work thus far, the Committee has discovered many significant needs that now exist, to include:

(1) The development of a set of standards for evaluating specific professions and occupations in determining whether they should be subject to registration;

(2) More effective use of alternatives to licensing, such as inspection and injunction, registration, triple damages, and private actions; and

(3) A standardization and consolidation of the administration of various regulatory boards for both purposes of efficiency and economy.

During each of its sessions, the Virginia General Assembly is called upon, by the introduction of appropriate legislation, to regulate additional professions and occupations. However, it is felt that no additional regulations should be imposed until the Council has completed its work and submitted its recommendations so that any additional regulations would be imposed in a more effective manner. Therefore, the Council recommends that the following items of legislation be introduced and supported in the next Session of the General Assembly.

(1) A joint resolution directing the Council to continue its study on professional and occupational registration and extending the reporting date until October one, nineteen hundred seventy-three. It is felt that the Council will have sufficient time to develop alternate proposals to cure existing problems, to conduct public hearings throughout the State as required by H.J.R. No. 41 and to draft its Report within this time.

(2) A bill imposing a moratorium on the regulation of additional professions and occupations until the study is completed. This bill, of course, will not prohibit any housekeeping legislation regarding professions and occupations which are now regulated by the State. However, it will prohibit imposing regulations on any occupation or profession which is not now regulated and, within

its intent, no substantial changes should be made to existing regulations.

Respectfully,

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Lewis A. McMurrin, Jr., Chairman

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Willard J. Moody, Vice Chairman

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D. French Slaughter, Jr.

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W. Roy Smith

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\*James M. Thomson

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Lawrence Douglas Wilder

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Edward E. Willey

\*Dissenting statement of James M. Thomson

I concur in the recommendation that the study be continued but I do not concur in the recommendation of imposing a moratorium on the regulation of professions and occupations.

SENATE JOINT RESOLUTION NO. \_\_\_\_\_

Directing the Virginia Advisory Legislative Council to continue its study of the laws regulating professions and occupations.

Whereas, House Joint Resolution No. 41 of the 1972 Session of the Virginia General Assembly directed the Virginia Advisory Legislative Council to conduct a study of the laws regulating professions and occupations and their administration and to submit its report on this study prior to September one, nineteen hundred seventy-two; and

Whereas, this directive requires a very detailed comprehensive and time-consuming effort if any significant benefits are to accrue; and

Whereas, a committee has been formed and its work begun as rapidly as practicable by investigating the regulatory systems of other states and the problems involved in Virginia's system; and

Whereas, much more time is needed to develop alternate solutions to existing problems, to conduct public hearings throughout the Commonwealth as required by House Joint Resolution No. 41, and to formulate specific statutory changes; now, therefore be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Virginia Advisory Legislative Council is directed to continue its study of the laws regulating professions and occupations and their administration as directed by House

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T 1/2/73 jb  
\* 1/4/73 jb

Joint Resolution No. 41 of the 1972 Session of the Virginia  
General Assembly; and, be it

Resolved further, That the reporting date specified in such  
1972 Joint Resolution is extended to October one, nineteen  
hundred seventy-three.



A B I L L

To impose a moratorium on the enactment of legislation to regulate additional professions and occupations.

Whereas, the Virginia General Assembly, at its 1972 Session, directed the Virginia Advisory Legislative Council to conduct a study of the laws regulating professions and occupations; and

Whereas, the Committee which is conducting this investigation has found a great need for standardization, both in determining whether specific professions and occupations should be regulated and how they shall be regulated, and it is working to develop such standardization; and

Whereas, no additional profession or occupation should be subject to State regulation until a new standardized regulatory system is implemented; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Beginning February one, nineteen hundred seventy-three and terminating July one, nineteen hundred seventy-four, no legislation shall be enacted to regulate generally any profession or occupation which is not now subject to regulation under the provisions of Title 54 of the Code of Virginia.

§ 2. This act shall not prohibit any agency of the Commonwealth or its political subdivisions from imposing any restriction on the conduct of any profession or occupation which is necessary for public health, welfare or safety, provided that such restriction is imposed pursuant to authority granted by law to such agency.

2. An emergency exists and this act is in force from its passage.