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THE VIRGINIA REGISTER

OF REGULATIONS

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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **1:3 VA.R. 75-77 November 12, 1984** refers to Volume 1, Issue 3, pages 75 through 77 of the *Virginia Register* issued on November 12, 1984.

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Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Ann M. Brown, Assistant Registrar of Regulations.

Citizen Participation in the Rule-Making Process

As required by the Administrative Process Act, each agency of the Commonwealth is required to develop, adopt and utilize public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations.

Citizens may participate in the process by which administrative regulations are adopted, amended, or repealed by submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see General Notices and Calendar of Events section of the *Virginia Register*).

How to Follow State Agency Regulatory Action in the Virginia Register

Under the provisions of the Administrative Process Act, state agencies must publish in the *Virginia Register* the full text of proposed rules and regulations, if substantive, as well as a summary statement.

In addition, the agency is required to provide a public comment period and hold a public hearing. A notice of hearing will be published sixty days prior to the hearing. Such notices are published in the CALENDAR OF EVENTS section of the *Virginia Register*. Proposed regulations and adopted regulations are published in separate sections of the *Virginia Register*.

All executive orders and comments on regulations issued by the Governor are published under the GOVERNOR section.

The CALENDAR OF EVENTS section not only contains the notices of public comment periods and hearings but also all notices of meetings required to be open under the provisions of the Freedom of Information Act.

VIRGINIA REGISTER OF REGULATIONS **PUBLICATION DEADLINES AND SCHEDULES**

ISSUE DATE	MATERIAL SUBMITTED BY 4:30 p.m. Friday	Will be included in PUBLICATION MAILED on Friday
Oct. 15	Sept. 28	Oct. 12
Oct. 29	Oct. 12	Oct. 26
Nov. 12	Oct. 26	Nov. 9
Nov. 26	Nov. 9	Nov. 23
Dec. 10	Nov. 23	Dec. 7
Dec. 24	Dec. 7	Dec. 21
Jan. 7	Dec. 21	Jan. 4
Jan. 21	Jan. 4	Jan. 18
Feb. 4	Jan. 18	Quarterly Index
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Mar. 4	Feb. 15	Feb. 15
Mar. 18	Mar. 1	Mar. 1
Apr. 1	Mar. 15	Mar. 15
Apr. 15	Mar. 29	Mar. 29
Apr. 29	Apr. 12	Apr. 12
May 13	Apr. 26	Quarterly Index
May 27	May 10	Apr. 26
June 10	May 24	May 10
June 24	June 7	May 24
July 8	June 21	June 7
July 22	July 5	June 21
Aug. 5	July 19	July 5
Aug. 19	Aug. 2	Quarterly Index
Sept. 2	Aug. 16	July 19
Sept. 16	Aug. 30	July 19
Sept. 30	Sept. 13	Aug. 2
		Aug. 16
		Aug. 30
		Sept. 13
		Sept. 27
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PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

VIRGINIA DEPARTMENT OF EDUCATION

Title of Regulations: VR 271-01-1. Certification Regulations for Teachers.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia.

Summary and Analysis:

In accordance with §§ 22.1-298 and 22.1-299 of the Code of Virginia the Board of Education, by regulation, shall prescribe the requirements for the certification of teachers. The Board is now proposing modifications and changes in these regulations to strengthen and clarify existing certification requirements in order to ensure acceptable levels of academic knowledge and skills for instructional personnel by (i) adding computer skills to the general competencies which may be developed for certification; (ii) adding to the qualifications for the Postgraduate Professional Certificate a requirement for three years of successful teaching; (iii) allowing the use of noncollege credit courses for renewal of postgraduate professional, collegiate professional, vocational education and pupil personnel services certificates with all proposed work toward renewal requiring approval of the chief executive officer of the employing agency; (iv) clarifying the requirements for separate endorsements in speech, theater arts, journalism, typewriting and for additional endorsements in physical education and typewriting; (v) eliminating reading as an area of concentration in the middle school endorsement; (vi) revising the qualifications for certification of school principals by emphasizing the requirements related to evaluation, and requiring one year of teaching experience at the level to be supervised; (vii) revising the qualifications for instructional supervisory personnel by requiring one year of successful full-time teaching in the area of specialization and recent successful experience at the level to be supervised, as graduate work in evaluation; and (viii) requiring graduate level work for guidance counselors and reading specialists.

The proposed changes in regulations are consistent with existing federal and state statutes, regulations and judicial decisions. In addition, the Office of the Attorney General provided legal advice to the Board on the proposed clarifications.

These changes have been prepared and reviewed by appropriate knowledge and content specialists

representative of local education agencies, State Department of Education, institutions of higher education and parent groups. Alternative approaches to these regulations were considered, however, the proposed changes that were considered require the least burden on affected individuals and the Department of Education.

Consistent with present policy and procedures, the proposed changes in regulations governing teachers and other instructional personnel will be under constant and continuous review by the Teacher Education Advisory Committee of the Board and the Department of Education.

VR 271-01-1. Certification Regulations for Teachers.

(Note: Only those sections of the Certification Regulations for Teachers, which are being amended, are set out below.)

PART I

INTRODUCTION – (No Change)

PART II

CERTIFICATION

§ 2.1. Purpose of and Responsibility for Certification. – (No Change)

§ 2.2. Procedure for Application - (No Change)

§ 2.3. Types of Certificates

A. Provisional Certificate – (No Change)

B. Collegiate Professional Certificate – (No Change)

C. Vocational Education Certificate – (No Change)

D. Pupil Personnel Services Certificate – (No Change)

E. Postgraduate Professional Certificate

The Postgraduate Professional Certificate is a five-year renewable certificate. It is granted to an applicant who has qualified for the Collegiate Professional Certificate, *has taught successfully for at least three years in an elementary, middle, or secondary school*, and holds an appropriate graduate degree from an accredited institution. The Postgraduate Professional Certificate, when issued to replace the Collegiate Professional Certificate, will be issued for the same period of validity if not expired. If

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the certificate has expired, it will be issued from the date of the last college study.

§ 2.4. Requirements for Renewing a Certificate

The Postgraduate Professional, Collegiate Professional, Vocational Education and Pupil Personnel Services Certificates may be renewed upon the completion of 90 clock hours of professional development work. A minimum of 45 clock hours (3 semester hours) shall be taken from an accredited college or university. *The remaining work may be taken through an accredited college or university or through noncollege credit courses which must have prior approval by the Department of Education.* Recertification work is intended to provide certified personnel with opportunities for professional development relative to the grade level(s) or teaching field(s) to which they are assigned or for which they wish to seek an added endorsement. Such professional development encompasses both (a) responsible remediation of any area of an individual's knowledge or skills that fail to meet the standards of competency as set forth in this document and (b) responsible efforts to increase one's knowledge of new developments in one's field, to respond to new curricular demands within one's current position, and/or to extend one's professional competencies to new areas. All proposed work toward renewal must be approved by the *chief executive officer of the* employing educational agency prior to the taking of the recertification work. Persons who are not actively engaged in teaching may renew or reinstate their certificates by having their official transcripts sent to the Division of Teacher Certification by an accredited four-year college or university.

Persons who have completed an earned doctorate degree in the area in which they are employed may submit to the Department of Education, with the approval of the *chief executive officer of the* employing educational agency, a program for renewal of their certificate in lieu of formal course work.

§ 2.5. Administering the Certification Regulations – (No Change)

PART III

BASIC PREPARATION PROGRAMS

§ 3.1. General Studies – (No Change)

§ 3.2. Professional Studies – (No Change)

A. Purposes and Objectives – (No Change)

B. Certification Requirements

1. An applicant for certification shall have developed competencies needed for the subject area or grade level and must take a minimum of 12 semester hours, with at least the equivalent of 3 semester hours in each, distributed among the three areas which follow:

Area I – Human Growth and Development

Competencies in this area shall contribute to an understanding of the development of physical traits, learning and intelligence, social and emotional behavior and personality, and group behavior of children. The differences in children and youth, including identification techniques and referral procedures and the implications which these differences have for guiding learning experiences, shall be emphasized.

Area II – Curriculum and Instructional Procedures

Competencies in this area shall contribute to an understanding of the principles of learning; the application of skills in methodology; classroom management; selection and use of materials, *computer*, including media and other resources; principles of teaching reading in the content areas; and evaluation of pupil performance appropriate for the grade level and subject area for which certification is sought. In addition, mainstreaming techniques and an overview of teaching methods appropriate for exceptional students, including gifted and talented and those with handicapping conditions shall be included.

Area III – Foundations of Education

Competencies in this area shall be designed to develop an understanding of the historical, philosophical, and sociological foundations underlying the role, development and organization of public education in the United States. Attention should be given to the legal status of teachers, including federal and state laws and regulations.

2. Supervised Classroom Experience

A student must take a minimum of 6 semester hours in student teaching. Prospective teachers shall be in classrooms for 200 clock hours, at least 60 percent of which shall be in direct teaching activities (providing direct instruction). A portion of this classroom experience shall be acquired prior to the senior student teaching experience. Experience in two or more settings shall be provided.

C. Teaching Specialty – (No Change)

D. Teaching Levels

1. Early Education (NK-4)

a. The program shall provide basic knowledge and understanding of the growth and development of the child from birth to preadolescence. The curriculum shall include early childhood psychology, subject matter preparation, techniques of instruction, and career exploration. It shall provide for competencies which will enable the prospective teacher to guide children in developing:

(1) growth in communication skills (reading, writing, listening, speaking, and thinking);

(2) knowledge and understanding of basic computation skills;

(3) initial skills needed in the basic process of learning, inquiring, observing, generalizing, experimenting, classifying, verifying, and quantifying;

(4) knowledge, understanding, and appreciation of the physical, natural, and aesthetic world;

(5) positive self-concepts;

(6) favorable attitudes toward school and learning;

(7) emotional control and the beginning of self-discipline;

(8) physical skill, motor coordination, and knowledge of sound health and safety practices;

(9) citizenship and social competency.

b. The faculty shall have had educational and teaching experiences in early education, with knowledge in related disciplines.

c. Endorsement Requirements are as follows:

An applicant seeking endorsement in Early Education shall have the equivalent of 60 semester hours of specialized course experiences appropriate for children at this age level, distributed among the following subject areas:

(1) Reading, including work in each of the following areas - 6 semester hours

a. Developmental Reading;

b. Diagnostic Reading with practicum experience.

(2) Language Arts, including experiences in children's literature, English grammar, written composition and speech - 12 semester hours

(3) Social Science, including instruction in the fundamental concepts of social science relevant to early education. Experiences shall include American history, with emphasis upon Virginia, basic economics, and geography - 12 semester hours

(4) Mathematics, including instruction in the fundamental concepts of mathematics relevant to early education. Laboratory and discovery techniques should be emphasized for the practical application and reinforcement of these concepts at each grade level - 6 semester hours

(5) Science, including instruction in life, physical, and environmental science for early education and a course requiring laboratory experiences - 6 semester hours

(6) Art and Music, including work in art and in music suitable for children enrolled in early education programs - 6 semester hours

(7) Health and Physical Education, including instruction in school health education (health services, safety, and health instruction), as well as instruction in physical education and activities appropriate to the grade levels involved - 6 semester hours

(8) Elective to be chosen from areas 4 and/or 5 - 6 semester hours

2. Middle Education (4-8)

a. The program shall provide basic knowledge and understanding of the growth and development of youth from preadolescence through early adolescence. The basic responsibility of the teacher for nurturing and guiding the individual within a social and academic framework should be emphasized. The program should provide experiences in observing, evaluating, and prescribing the behaviors and skills which allow the individual to attain an awareness of self and to participate as a contributing member of society. The curriculum for middle education teachers shall provide for preadolescent psychology, subject-matter preparation, techniques for individualized instruction, and vocational exploration. The program shall provide for competencies which will enable the prospective teacher to guide youth in developing:

(1) growth in communication skills in reading, writing, listening, speaking, and thinking;

(2) knowledge and understanding of basic computation skills;

(3) extension and reinforcement of skills in the basic process of learning, such as inquiring, observing, generalizing, experimenting, classifying, verifying, and quantifying;

(4) knowledge, understanding, and appreciation of the physical, natural and aesthetic worlds;

(5) positive self-concepts;

(6) favorable attitudes toward school and learning;

(7) emotional control and development of self-discipline;

(8) physical skill, motor coordination, and knowledge of sound health and safety practices;

(9) citizenship and social competency.

b. The faculty shall have had educational and teaching experiences in middle school education, with knowledge in related disciplines.

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c. Endorsement Requirements

For the Middle Education (4-8) endorsement, the student must have the equivalent of 60 semester hours of specialized courses. A minimum of 6 hours is required in each of the 7 areas listed below:

- (1) Reading - 6 semester hours
 - (a) Developmental Reading, including reading in the content areas;
 - (b) Diagnostic Reading, including practicum experience.
- (2) Language Arts, including experiences designed to facilitate the teaching of children's literature, English grammar, written composition, and speech - 6 semester hours
- (3) Social Science, including experiences designed to facilitate the teaching of American history, basic economics, geography, and world history - 6 semester hours
- (4) Mathematics, including instruction in teaching the fundamental concepts of mathematics relevant to middle school education (algebra and geometry) - 6 semester hours
- (5) Science, including instruction in life, physical, and environmental science, appropriate for middle school education - 6 semester hours
- (6) Art and Music, including work in art and in music suitable for youth at the middle school level - 6 semester hours
- (7) Health and Physical Education, including instruction in school health education (health services, safety, and health instruction), as well as instruction in physical education and activities appropriate to the grade levels involved - 6 semester hours

The prospective teacher shall select two areas from the first five areas 2, 3, 4 and 5 listed above as areas of concentration, in each of which he or she will complete a total of 15 hours. A middle school endorsement is applicable to those individuals teaching core areas Language Arts, Social Science, Mathematics and Science.

3. Secondary Education (8-12)

a. The program shall provide basic knowledge and understanding of the growth and development of the student from early adolescence to young adulthood. Secondary education shall provide for in-depth preparation in subject matter. The program shall provide for competencies which will enable the prospective teacher to guide youth in developing:

- (1) growth in communication skills in reading, writing, listening, speaking, and thinking;

- (2) knowledge and understanding of basic computation skills;

- (3) refinement of skills in the basic process of learning, such as inquiring, observing, generalizing, experimenting, classifying, verifying, and quantifying;

- (4) knowledge, understanding, and appreciation of the physical, natural, and aesthetic world;

- (5) positive self-concepts;

- (6) favorable attitudes toward school and learning;

- (7) emotional control and self-discipline;

- (8) physical skill, motor coordination, and knowledge of sound health (safe living and personal health) and safety practices;

- (9) citizenship and social competency.

b. The faculty shall have had educational and teaching experience in secondary education, with knowledge in related disciplines.

c. Endorsement requirements for a specific subject field may be inclusive of any requirements specified in that field under general studies stipulated for all teachers.

d. Endorsements authorizing an applicant to teach specific subjects will be recorded on the certificate issued.

§ 3.3. Specialized Studies: Teaching Endorsement Areas

A. Art Education – (No Change)

B. Driver Education – (No Change)

C. English Education

1. Content – the program shall:

- a. develop an understanding of and expertise in the various means of communication (speaking, listening, reading, and writing);

- b. develop the skills necessary to teach the various means of communication to diverse student populations;

- c. provide an understanding of the nature and development of language;

- d. provide background in major works from English, American, world and ethnic literature appropriate for adolescent instruction;

- e. provide opportunities for experiences in communication arts, such as reading, journalism, dramatics, debate, forensics, radio, television, and films.

2. Endorsement Requirements

a. The applicant seeking endorsement in English shall present a record of course experiences equivalent to a minimum of 36 semester hours, including at least one course from each of the four areas listed below:

- (1) Language—Study of the History and nature of the English language, of comparative English grammar, and of standard written English;
- (2) Literature—Study of English, American, world, and ethnic literature;
- (3) Composition—Study of the teaching of writing, with emphasis upon advanced composition;
- (4) Speech—Study of oral expression and related listening skills.

b. Added Endorsements:

An endorsement in speech, journalism or theater arts may be added to an English endorsement with the completion of 6 semester hours in the endorsement area sought. An endorsement in speech, theater arts, or journalism may be added to another endorsement with the completion of 12 semester hours in the endorsement area sought. *A separate endorsement in any one of these areas may be attained with the completion of 24 semester hours in the area.*

D. Foreign Languages (Modern) – (No Change)

E. Foreign Languages (Latin) – (No Change)

F. English as a Second Language – (No Change)

G. Health Education (NK-12)

1. Content – the program shall:

a. provide knowledge and understanding of the aims and objectives of health education in the schools;

b. provide basic knowledge needed to understand the structure and function of the human body, including principles of human physiology and anatomy, basic body chemistry, bacteriology, genetics, and ecology;

c. include basic background studies in the behavioral and social sciences pertinent to the study of health;

d. provide knowledge of the school health program (health instruction, health services, and healthy school environment);

e. develop competencies in organizing, planning, administering, and evaluating a school health program;

f. provide prospective teachers with understanding and

awareness of:

- (1) personal health and physical fitness;
- (2) community and environmental health, including sanitation and pollution;
- (3) nutrition, including weight control, food fads, and diet supplements;
- (4) emotional and mental health;
- (5) health hazards of drugs, alcohol, and tobacco;
- (6) family relationships and sex education;
- (7) communicable diseases, body defenses, immunization programs, and noncommunicable diseases, including degenerative diseases;
- (8) common physical and mental exceptionalities;
- (9) consumer health, including selection of health products and professional services, and evaluation of advertising, and health careers;
- (10) first aid and emergency cases;
- (11) safety, including outdoor, water, home, industrial, traffic, school, pedestrian, and bicycle;
- (12) personal and family survival.

g. provide prospective teachers with competency in developing the school health environment and cooperative relationships with voluntary, community, and other official health agencies.

2. Endorsement Requirements

a. An applicant seeking endorsement in health education for elementary, middle, and secondary schools shall present 36 semester hours of course work, at least a third of which must represent scientific background. The program shall include:

- (1) Scientific Background – Human anatomy and physiology, biology, chemistry, and microbiology;
- (2) Behavioral or Social Sciences – Child and adolescent psychology and sociology/philosophy of man;
- (3) Health Education – Administration of the school health program (including health instruction, health services, healthy school environment, evaluation and health counseling), and school and community relationships related to health;
- (4) Basic Health Content—Courses involving personal and community problems, including drugs, smoking,

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nutrition, fitness, consumer health, environmental health, health careers, disease prevention, safety, first aid, and mental and emotional health, including family living and sex education.

b. An applicant seeking an additional endorsement in general science shall present 15 semester hours distributed in each of the following: chemistry, physics, earth and space science.

An applicant seeking an additional endorsement in physical education shall present 12 *additional* semester hours of course work in areas "b" and "d" below, respectively entitled the "General Theory in Physical Education" and "Physical Education Activities".

H. Physical Education (NK-12)

1. Content – the program shall:

a. provide basic knowledge for understanding the structure and function of the human body, with emphasis upon an understanding of the principles of movement;

b. develop competencies for teaching fundamental skills and exercises, gymnastics, individual and dual sports, team sports and mass games and activities, rhythms and dance, camping and other forms of outdoor recreation;

c. develop competencies in safety, first aid, and emergency care;

d. provide knowledge of the objectives of physical education in the schools;

e. develop competencies in organizing, planning, administering, and evaluating a program of physical education.

2. Endorsement Requirements

An applicant seeking endorsement in physical education for elementary, middle, and secondary schools shall present 36 semester hours of course work, including a minimum of 9 semester hours in areas "a", "b", and "d" listed below:

a. Scientific Background—Human anatomy, physiology, and kinesiology;

b. General Theory in Physical Education—History and principles of physical education, administration of physical education, motor learning, adapted physical education, and measurement and evaluation in physical education;

c. Health and Safety—First aid and safety;

d. Physical Education Activities—Physical Education for the elementary school, including movement education, aquatics, gymnastics, individual and dual sports, team sports and games, rhythms and dance, and outdoor

education.

An applicant with a physical education endorsement seeking an endorsement in health education shall present at least 9 *additional* semester hours of course work in basic health content courses and at least 3 semester hours of work in a health methods course.

I. Library-Media (NK-12) – (No Change)

J. Mathematics – (No Change)

K. General Mathematics – (No Change)

L. Music Education (Vocal/Choral) – (No Change)

M. Music Education (Instrumental) – (No Change)

N. Developmental Reading – (No Change)

O. Biology – (No Change)

P. Chemistry – (No Change)

Q. Earth and Space Science – (No Change)

R. General Science – (No Change)

S. Physics – (No Change)

T. Social Studies – (No Change)

U. Vocational Education (Agriculture Education) – (No Change)

V. Vocational Education (Business Education)

1. Content – the program shall include studies and provide experiences which develop the following competencies:

a. understanding our economic system and the principles of business organization;

b. planning, organizing, and administering a business education program, including actual and simulated work experiences;

c. understanding office technology and procedures;

d. planning for laboratory facilities and equipment;

e. being aware of job requirements, of opportunities in business and allied fields, and of job-placement techniques;

f. operating and maintaining the more common types of office equipment;

g. conducting survey activities: i.e., needs assessments, surveys of business offices, and follow-up studies of secondary school graduates;

h. understanding effective procedures for teaching in comprehensive high schools and area vocational-technical schools, including instruction of the exceptional child;

i. acquiring occupational skills through actual or simulated experiences.

2. Endorsement Requirements for General Office Procedures, for Stenography, and for Data Processing

Program I. Business Education – General Office Procedures (36 semester hours)

a. Accounting (6 semester hours)

Courses such as secretarial accounting or recordkeeping are not acceptable.

b. Business Principles and Management (12 semester hours)

- (1) business law;
- (2) business principles;
- (3) management;
- (4) marketing;
- (5) finance or business math;
- (6) insurance;
- (7) policy;
- (8) production.

c. Office Technology (9 semester hours)

A student must have instruction in the following areas: word processing, reprographics, computing and accounting equipment, records management, office communications, office systems and procedures, and an introductory course in data processing.

d. Typewriting (9 semester hours)

The credit requirement will be reduced for students with previous experience who pass the most advanced course.

(The General Office Procedures endorsement permits one to teach all business education courses except those offering instruction in shorthand and in occupational business data processing.)

Program II. Business Education – Stenography (42 semester hours)

a. Accounting (6 semester hours)

Courses such as secretarial accounting or recordkeeping are not acceptable.

b. Business Principles and Management (12 semester hours)

A student must take one course in at least four of the

following areas for a minimum of 12 semester hours:

- (1) business law;
- (2) business principles;
- (3) management;
- (4) marketing;
- (5) finance or business math;
- (6) insurance;
- (7) policy;
- (8) production.

c. Office Technology (9 semester hours)

A student must have instruction in the following areas: word processing, reprographics, computing and accounting equipment, records management, office communications, office systems and procedures, and an introductory course in data processing.

d. Typewriting and Shorthand (15 semester hours)

A student must take a minimum of six semester hours in typewriting and nine semester hours in shorthand/transcription. For students admitted to advance courses, the credit requirement will be reduced if the most advanced courses are passed.

(The Stenography endorsement permits one to teach all business education courses except those in occupational business data processing.)

Program III. Business Education – Data Processing (42 semester hours)

a. Accounting (6 semester hours)

Courses such as secretarial accounting or recordkeeping are not acceptable.

b. Business Principles and Management (12 semester hours)

A student must take one course in at least four of the following areas for a minimum of 12 semester hours:

- (1) business law;
- (2) business principles;
- (3) management;
- (4) marketing;
- (5) finance or business math;
- (6) insurance;
- (7) policy;
- (8) production.

c. Office Technology (9 semester hours)

A student must have instruction in the following areas: word processing, reprographics, computing, and accounting equipment, records management, office communications, office systems and procedures, and an introductory course in data processing.

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d. Data Processing (12 semester hours)

A student must have twelve semester hours in data processing in addition to an introductory course listed under office technology.

e. Typewriting (3 semester hours)

A student must have a minimum of three semester hours in typewriting or demonstrate proficiency from previous training.

(The Data Processing endorsement permits one to teach all business education courses except those that include instruction in typewriting and in shorthand.)

(Applicants may be eligible for the Vocational Education Certificate for the teaching of Business Data Processing.)

Separate Subject Endorsements

Separate subject endorsements may be granted in accounting, basic business, *typewriting* and shorthand to individuals who do not meet the qualifications for a comprehensive business education endorsement, provided the course experiences are equivalent to a minimum of 12 semester hours in each subject, with the exception of shorthand in which the equivalent of 9 semester hours is required.*

Applicants who qualify for the endorsement in one or more of above subjects may also be endorsed to teach typewriting upon the completion of experiences equivalent to nine semester hours of coursework.

W. Vocational Education (Marketing and Distributive Education) – (No Change)

X. Vocational Education (Health Occupations Education) – (No Change)

Y. Vocational Education (Home Economics Education) – (No Change)

Z. Vocational Education (Industrial Arts Education) – (No Change)

AA. Vocational Education (Trade and Industrial Education) – (No Change)

PART IV

QUALIFICATIONS FOR ADMINISTRATING

Supervisory and Related Instructions and Noninstructional Position

§ 4.1 Administrative Personnel

A. Division Superintendent - (No Change)

B. School Principals (Elementary, Middle, Secondary)

1. Content – the program shall:

a. provide knowledge of a broad range of learning experiences and an understanding of the interrelationships involved;

b. develop administrative and supervisory knowledge and skills;

c. provide knowledge and skills relevant to sound evaluation of classroom instruction; *involving both practicing and student teachers*;

d. provide knowledge and skills related to group dynamics and curricular improvements;

e. develop understandings of the rights, responsibilities, and ethics inherent in professional service;

f. develop knowledge of and skills in school-community relations;

g. develop ability to understand the relationships among the various disciplines;

h. provide knowledge of school law;

i. develop competence in research and development, with specific application to school programs and administration;

j. provide supervised off-campus experience which aids in integrating theory and effective school practices;

k. develop increased understanding of the crucial and dynamic role of the school in our culture and the knowledge and skills needed to focus the resources of the school on recognized social concerns;

l. provide knowledge of and competency in planning, developing, administering, and evaluating programs for exceptional individuals, including the gifted and talented and those with handicapping conditions;

m. provide knowledge of vocational education.

2. Endorsement Requirements*

a. the applicant shall hold a Postgraduate Professional Certificate;

b. the applicant shall possess leadership qualities and personal characteristics necessary to work effectively with students, teachers, and parents as attested to by a division superintendent of schools, by the chief administrative officer of a private school, or by an official in an institution of higher learning who is in a position to evaluate the applicant's qualifications;

c. the applicant shall have completed graduate-level

work in each of the following areas, to include not less than the equivalent of thirty (30) semester hours in e and e.

- (1) school administration;
- (2) supervision of instruction; and evaluation of Instruction and Instructional Programs;
- (3) school curriculum (appropriate for endorsement desired);
- (4) school law;
- (5) school-community relations;
- (6) personnel administration;
- (7) school finance.

d. the applicant shall have had ~~three years~~ one year of successful, full-time teaching experience as a teacher, administrator or supervisor, one year of which must have been in the area or at the level to be supervised;

e. the applicant's course of study shall include, at the graduate or undergraduate level, training in substance-abuse education. Such training may constitute a separate course or may be included in one or more of the areas listed under Item "c" above.

*These requirements also apply to assistant principals. Principals of separate Vocational Education facilities shall hold an endorsement to teach in a Vocational program area and have experience as a teacher in the endorsed area.

§ 4.2 INSTRUCTIONAL AND SUPERVISORY PERSONNEL

A. Instructional Supervisory Personnel

1. Content – the program shall:

a. provide an advanced level of preparation with emphasis on recent research and new developments in the subject area(s) to be supervised;

b. develop competence in understanding the principles and practices of curriculum development and its interpretation;

c. provide competence in understanding the theories of learning as they apply to the improvement of teaching;

d. develop competence in school supervision, with emphasis on individual and group processes;

e. facilitate the acquisition of competencies for effective supervision, including supervised experiences in schools designed to provide an opportunity for the applicant to:

- (1) observe how supervisors discharge their duties;
- (2) understand the basic requirements of successful school supervision;
- (3) understand the principles of successful supervisory practices;
- (4) learn about the organization of the school and the importance of coordinating various aspects of the school program;
- (5) acquire supervisory competence through practice assessed by administrative or supervisory personnel.

f. provide knowledge of and competency in planning, developing, administering, and evaluating programs for exceptional individuals, including gifted and talented and those with handicapping conditions.

2. Endorsement Requirements

a. applicants must hold a Postgraduate Professional Certificate;

b. applicants must have demonstrated leadership qualities and personal characteristics necessary for working effectively with students, teachers, and parents as attested to by a division superintendent of schools, by the chief administrative officer of a private school, or by an official in an institution of higher learning who is in a position to evaluate the applicant's qualifications;

c. applicants for endorsement as supervisors in a specialized area (e.g., mathematics, reading, business education, etc.) or level (e.g., elementary, middle or secondary) must be endorsed in the specialization or in a teaching area within that level; Additionally, applicants shall must have has at least three years one year of recent successful full-time experience as a teacher in the area of specialization or teaching area and must have had recent successful experience as a teacher, administrator, or supervisor in the area or at the level to be supervised. administrator, or supervisor, one year of which must have been in the area or at the level to be supervised;

d. applicants for endorsement as supervisors or directors of special education or vocational education must be endorsed in a teaching area within their area of supervision. The experience requirements in "c" above apply;

e. applicants for endorsements as a district supervisor with general instructional supervisory responsibilities (e.g., general supervisor, director of instruction, assistant superintendent for instruction, etc.) shall have had a minimum of five years of recent successful experience as a teacher, administrator or supervisor. Additionally, they shall have had formal graduate work in curriculum in at least two of three levels (elementary, middle, and secondary);

f. the applicant must complete graduate-level work in the following areas:

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- (1) supervision of instruction; and evaluation of instruction and instructional programs;
- ~~(2) evaluation of instruction;~~
- ~~(3) (2) social psychology of organizations;~~
- ~~(4) (3) curriculum development;~~
- ~~(5) (4) school administration;~~
- ~~(6) (5) learning theory.~~

g. the applicant also shall have completed work in the education of exceptional individuals, including the gifted and talented and those with handicapping conditions, and in educational technology at the graduate or undergraduate level. Supervisory experience at the appropriate grade level(s) is recommended.

B. Reading Specialist (NK-12)

1. Content – the program for the reading specialist shall include a planned sequence of experiences allowing for differences in the educational background of the candidate. The reading specialist may be designated as a person (1) who works directly with pupils or (2) who works with teachers, administrators and other professionals to improve and coordinate the total reading program of the school. A person endorsed as a reading specialist may be a classroom teacher of reading (developmental or remedial), a resource teacher, a reading consultant, a reading diagnostician or a reading clinician. The program shall:

a. provide an advanced level of preparation with emphasis on recent developments in ~~mind~~ research as it relates to language development and reading;

b. provide experiences to develop competencies in clinical diagnosis of reading problems and in the interpretation of findings;

c. provide supervised practica and/or internships in clinical/remedial instruction and supervision in at least two of the three levels (elementary, middle, secondary);

d. extend knowledge of techniques and materials used in reading instruction;

e. provide knowledge of and competency in planning, developing, administering, and evaluating the reading program;

f. develop an understanding of school organization, essentials of coordination of various aspects of the school program, and the role of the reading specialist;

g. develop competence in both the performance and interpretation of research and in the application of relevant findings to reading problems;

h. extend knowledge in materials and techniques for teaching the related communicative arts: spelling, writing, and speaking.

2. Endorsement Requirements

The applicant for this endorsement shall hold or be eligible for the Postgraduate Professional Certificate and shall have had at least three years of successful classroom teaching experience in which the teaching of reading was an important responsibility *and shall have successfully completed a planned program in reading beyond the undergraduate level.*

a. The program shall include no less than the equivalent of 18 semester hours in *graduate level* courses that address the following areas:

- (1) foundations or survey of reading instruction;
- (2) language development;
- (3) reading in the content areas;
- (4) organization and supervision of reading program development;
- (5) diagnosis and remediation of reading difficulties;
- (6) practicum in the diagnosis and remediation of reading difficulties.

b. the applicant shall have completed, at the graduate or undergraduate level, 12 semester hours selected from the following:

- (1) measurement and/or evaluation;
- (2) child and/or adolescent psychology;
- (3) psychology including personality and learning behaviors;
- (4) literature for children, adolescents, and adults with limited reading ability;
- (5) language arts instruction;
- (6) learning disabilities;
- (7) study of contemporary issues in the teaching of reading.

§ 4.3 PUPIL PERSONNEL SERVICES POSITIONS

A. Guidance Counselors (Elementary, Middle, and Secondary)

1. Content – the program shall:

a. provide an understanding of the philosophy, organization, and professional activities related to the practice of school counseling;

b. provide supervised practicum with students and

teachers at the grade levels for which endorsement is sought;

c. provide an understanding of individual differences, including those of exceptional students;

d. extend the knowledge of basic educational philosophies and school curriculum patterns;

e. provide experiences which insure an understanding of societal and cultural changes to include a study of socioeconomic, racial, and ethnic groups;

f. provide for competence in the following:

- (1) psychological and educational assessments;
- (2) counseling theory and practice, as they relate to the personal, social, educational, and career domains;
- (3) individual and group counseling and group guidance processes;
- (4) career planning and career education techniques to include self-understanding and the use of occupational and educational information;
- (5) development, implementation, and evaluation of guidance and counseling programs, including faculty and public relations;
- (6) performance, interpretation, and utilization of education research.

2. Endorsement Requirements

a. the applicant shall hold a master's degree in guidance and counseling;

b. the applicant shall have a minimum of two successful academic years of full-time experience in teaching, one year of which could be satisfied by full-time work experience in a nonschool setting;

c. the applicant shall have completed *graduate-level work which includes the following*:

- (1) philosophy and principles underlying guidance and other pupil personnel services;
- (2) the theory and practice of counseling, including work with exceptional and culturally diverse students;
- (3) educational and psychological measurement;
- (4) career development theory including career planning and decision-making techniques and the use of occupational and educational information;
- (5) understanding the individual – the nature and range of human characteristics;

(6) group counseling and group guidance processes;

(7) research and evaluation;

(8) elementary, middle, or secondary school guidance (course must be congruent with chosen area of certification);

(9) supervised practicum experience discharging the duties of a counselor with a minimum of 180 clock hours at the level at which the candidate seeks endorsement. To be endorsed at another level requires additional supervised experience of 120 clock hours.

B. School Psychologist – (No Change)

C. Visiting Teacher/School Social Worker – (No Change)

DEPARTMENT OF EMERGENCY SERVICES

Title of Regulations: VR 291-01-1. Guidelines for Public Participation in Regulation Development

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Summary and Analysis:

This regulation sets out procedures for the identification, notification and participation of parties interested in the development of this agency's regulations.

VR 291-01-1. Guidelines for Public Participation in Regulation Development.

§ 1. General

The Department of Emergency Services ("Department") promulgates emergency operation plans which are considered to be "regulations" as that term is defined in the Administrative Process Act. These plans are generally procedural, rather than substantive, in nature and do not require public participation. Plans that are substantive in nature, either wholly or in part, will be developed subject to the guidelines herein.

§ 2. Identification of Interested Parties

Prior to the development of any substantive regulation, the Department shall identify persons it feels may be interested in or affected by the proposed regulation. The methods for identifying interested parties shall include, but not be limited to, the following:

1. Reviewing Department subject matter files to identify persons who have previously raised questions or expressed an interest in the subject at hand.

2. Reviewing lists of attendees at any pertinent

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hearings or public meetings conducted by the Department.

3. Consulting the Department's listing of Emergency Services Coordinators and Directors for local governments.

4. Listing all agencies (state, local, or private) tasked by the regulation.

§ 3. Notification of Interested Parties

A. The Department shall prepare a Notice of Intent to Develop Regulations ("Notice") prior to the development of any substantive regulation. The Notice will identify the subject matter and purpose for the development of the regulation and shall specify a time deadline and point of contact for receipt of responses from persons interested in participating in the developmental process.

B. The methods for disseminating the Notice to the public shall include, but not be limited to, the following:

1. Send Notice to all persons identified pursuant to § 2 above as having a potential interest in the regulation;
2. Publish Notice in the Virginia Register of Regulations;
3. Publish Notice in the DES "Update" or other agency newsletter;
4. Send Notice to Virginia emergency service organizations, requesting that they publish it in their newsletters or journals;
5. Send news releases to the news media in the area to be affected by the regulation;
6. Publish Notice in a newspaper of general circulation in the four major metropolitan areas of the Commonwealth or in a newspaper in the particular area affected by the regulation.

§ 4. Participation of Interested Parties

A. Initial Comment. After interested parties have responded to the Notice, the Department will analyze the level of interest. If sufficient interest exists, the Department may schedule informal meetings prior to the development of any regulation to determine the specific areas of interest and to gather factual information relative to the subject matter of the regulation. Alternatively, the Department will request that persons who have responded to the Notice make written submissions of comments, concerns and suggestions relative to the proposed regulation.

B. Preparation of Proposed Regulation. Subsequent to the initial public input on the development of any regulation, the Department shall develop a proposed

regulation. A copy will be furnished to all persons who responded to the Notice indicating an interest in the regulation and to those persons participating in the initial comment phase. If the regulation in its entirety is too lengthy to furnish to all interested parties, it will be made available for review at the Department's offices. Relevant portions of the regulation may also be furnished to interested parties. Comments will be invited at this time. If the response warrants, additional informal meetings may be held. The proposed regulation will be published in the Virginia Register in accordance with § 9-6.14:7.1C of the Code of Virginia.

§ 5. Final Comment and Promulgation

Public comment, executive review and legislative review of the proposed regulation will proceed in accordance with Chapter 1.1:1, Article 2, Title 9 of the Code of Virginia. Public comment will be solicited by the same means listed in § 3B of this regulation and will be permitted for at least sixty days.

VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-50-1. Standards and Regulations for Agency Approved Providers.

Statutory Authority: §§ 63.1-25, 63.1-55, and 63.1-56 of the Code of Virginia.

Summary and Analysis:

This regulation replaces existing regulations and sets forth standards for use by local social service agencies to approve certain individual providers of care and services to clients. These standards are applicable to: Adoptive Parents, Adult Day Care homes, Adult Foster/Family Care homes, Family Day Care homes, Foster Parents, and individual providers of Chore, Companion, and In-Home Day Care services. Providers of these types of care who are licensed through the Virginia Department of Social Services are not subject to this regulation.

The standards are divided into four sections. Standards for providers and other persons address the areas of minimum age, criminal record, child abuse and neglect record, interview requirements, references, employment history, training and medical requirements. Standards for care address nondiscrimination, supervision, food, transportation of clients, medical care, discipline of children, activities, child abuse and neglect responsibilities for child day care providers, and clothing requirements for foster parents. Standards for the home are applicable to providers who provide care in their own home. These address the physical accommodations of the home, home safety, sanitation, and the various capacities of the home for the type of care provided. Standards for

client record requirements address what, if any, client information a provider must maintain.

This regulation also sets forth approval requirements which address the approval period, allowable variances, emergency approval, monitoring of providers, renewal process, inability to continue to meet standards, relocation of providers, provider rights for grievances and appeals, and medical requirements for clients placed in a provider's home.

This regulation replaces standards which have been adopted at various times for the different types of providers.

VR 615-50-1. Standards and Regulations for Agency Approved Providers

PART I

DEFINITIONS

§ 1.1. The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Adoptive parent(s)" means a provider who gives parental care and establishes permanent family relationships for children in the provider's home for purposes of adoption. Standards for out-of-home care apply to adoptive parents until the final order of adoption is issued.

"Adult" means any individual 18 years of age or over.

"Adult day care provider" means a provider who gives personal supervision for up to three adults for part of a day. The provider promotes social, physical and emotional well-being through companionship, self-education and satisfying leisure time activities. Day Care for more than three adults requires licensure by the Virginia Department of Social Services.

"Adult foster/family care provider" means a provider who gives room and board, supervision and special services for up to three adults unable to remain in their own home because of a physical/mental condition or an emotional/behavioral problem. Care provided for more than three adults requires licensure by the Virginia Department of Social Services.

"Agency" means the local welfare/social service agency.

"Assistant" means any individual who is responsible to assist a provider in caring for clients.

"Child/children" means any individual under 18 years of age or any individual who is in the custody of a local welfare/social service agency and is 18 to 21 years of age.

"Child Protective Service Central Registry" means the centralized system in Virginia for collecting information on complaints and disposition of child abuse and neglect.

"Chore provider" means a provider who performs home maintenance and heavy housecleaning tasks for clients unable to perform such tasks for themselves.

"Client" means any adult or child who needs supervision and/or services and seeks assistance in meeting those needs from the local welfare/social service agency.

"Companion provider" means a provider who gives personal aid services and supervision and performs housekeeping tasks for clients unable to care for themselves without assistance.

"Corporal punishment" means any type of physical pain inflicted in any manner upon the body of a child.

"Family day care provider" means a provider who gives care, protection, and guidance for up to nine children who need to be away from their families for part of a day. Providers caring for six or more children must be licensed by the Virginia Department of Social Services unless they are used exclusively by local agencies.

"Foster parent" means a provider who gives 24-hour substitute family care, room and board, and services for up to eight children committed or entrusted to local boards of social services or for whom supervisory responsibility has been delegated.

"Infant" means any child from birth up to two years of age.

"In-home day care provider" means a provider who is responsible for the supervision and care of children in the child's own home part of the day when the parents are away.

"In-home provider" means an individual who wishes to or does give care in the home of the client needing supervision and/or services.

"Out-of-home provider" means an individual who wishes to or does give care in the individual's own home to clients who enter the home for purposes of receiving needed supervision and/or services.

"Parent/guardian" means the biological or adoptive parent or the legal guardian(s) of a child.

"Residential care" means care provided for purposes of receiving room, board, and services on a 24-hour basis.

"Responsible person" means the parent/guardian of a child or an individual designated by or for an adult client.

§ 1.2. Agency Approved Providers

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These standards and regulations are applicable to the following agency approved providers:

A. Out-of-Home Providers

1. Adoptive Parents
2. Adult Day Care providers
3. Adult Foster/Family Care providers
4. Family Day Care providers
5. Foster Parents

B. In-Home Providers

1. Chore providers
2. Companion providers
3. In-Home Day Care providers

These standards and regulations are not applicable to providers who are either licensed by the Virginia Department of Social Services or approved through an agency licensed by the Virginia Department of Social Services to approve such providers.

PART II

STANDARDS

§ 2.1. Standards for Providers and Other Persons

A. Age

1. Chore and Companion providers shall be at least 16 years of age.
2. Any other provider shall be at least 18 years of age.
3. The assistant shall be at least 16 years of age.

B. Criminal Records

1. The provider and, for out-of-home care, the assistant, spouse of the provider, and adult household members who come in contact with clients shall identify any criminal convictions and be willing to consent to a criminal records search.

2. The provider and, for out-of-home care, the assistant, spouse of the provider, or adult household members who come in contact with clients shall not have been convicted of a felony or misdemeanor which jeopardizes the safety or proper care of clients.

C. Child Abuse or Neglect Record

1. The provider and, for out-of-home care, assistant, spouse of the provider and adult household members who come in contact with clients shall consent to a search of the Child Protective Service Central Registry if care is provided for children.

2. The provider and, for out-of-home care, the assistant, spouse of the provider, or adult household members who come in contact with clients shall not have a founded or unfounded, reason-to-suspect child abuse or neglect record in the Child Protective Service Central Registry if care is provided for children.

D. Interview, References, and Employment History

1. The provider shall participate in interviews with the agency.

2. The provider shall provide two references who shall not be related to the provider.

3. The provider shall provide information on the provider's employment history.

4. The agency will use the interviews, references, and employment history to assess that the provider:

a. is knowledgeable in and physically and mentally capable of providing the necessary care for clients;

b. is able to sustain positive and constructive relationships with clients in care, and to relate to clients with respect, courtesy and understanding;

c. is capable of handling emergencies with dependability and good judgement; and

d. is able to communicate and follow instructions sufficiently to assure adequate care, safety and protection for clients.

5. For adoptive parents, the agency will further use the interview and references to assess that:

a. the adoptive parent(s) demonstrates a capacity to love and nurture a child born to someone else;

b. the adoptive parent(s) can accept the child for his own sake without expecting him to resolve family problems or to fulfill family ambitions;

c. the married adoptive parents show marital stability and mutual satisfaction with each other.

6. For Adult Foster/Family Care providers and foster parents, the agency will further use the interview, references, and employment history to assess that the provider has sufficient financial income/resources to meet the basic need of the provider's own family.

E. Training

The provider shall attend any orientation and training required by the agency.

F. Medical Requirements.

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1. Tuberculosis

Unless the provider is an in-home provider who is:

- a. a relative or friend of the client living in the client's home,
- b. a relative or friend outside of the client's home but who has had regular ongoing contact with the client, or
- c. a chore provider,

the provider and, for out-of-home care, the assistant, and all household members who come in contact with participants shall submit a statement from the local health department or licensed physician that he is free from tuberculosis in a communicable form.

2. Other Medical Examinations

The provider and/or assistant shall submit the results of a physical and/or mental health examination when requested by the agency based on indications of a physical or mental health problem. For adoptive parents, the agency will require submission of the results of a physical examination performed by a licensed physician within the past twelve months.

§ 2.2. Standards for Care

A. Nondiscrimination

The provider shall provide care which does not discriminate on the basis of race, color, sex, national origin, age, religion, or handicap.

B. Supervision

The following does not apply to Chore and Companion providers:

1. The provider shall have a plan for seeking assistance from police, firefighters, and medical professionals in an emergency.

2. A responsible adult shall always be available to substitute in case of an emergency.

3. If extended absence of the provider is required, the agency must approve any substitute arrangements the provider wishes to make.

4. For Family or In-Home Day Care, children shall be supervised by an adult at all times. An assistant under age 18 cannot be left in charge.

C. Food

The following does not apply to Chore and Companion providers:

1. The provider shall provide meals and snacks appropriate to the number of hours in care and the daily nutritional needs of each client.

2. Clients shall receive special diets if prescribed by a licensed physician or in accordance with religious or ethnic requirements or other special needs.

3. Drinking water shall be available at all times.

4. Clients in residential care shall receive three meals a day.

D. Transportation of Clients

1. If the provider transports clients, the provider shall have a valid driver's license and automobile liability insurance.

2. The vehicle used to transport clients shall have a valid license and inspection sticker.

3. Providers who transport children must use child restraint devices in accordance with weight and age requirements of the Virginia law.

E. Medical Care

The following is not applicable to Chore providers:

1. The provider shall have the name, address, and telephone number of each client's physician easily accessible.

2. The provider shall have first aid supplies easily accessible in case of accidents.

3. The out-of-home provider shall keep medicines and drugs separate from food except those items that must be refrigerated.

4. The Family and In-Home Day Care provider shall:

a. give prescription drugs only in accordance with an order signed by a licensed physician or authentic prescription label and with a parent/guardian's written consent;

b. give the child nonprescription drugs, including but not limited to vitamins and aspirin, only with the parent/guardian's written consent;

c. report all major injuries and accidents and all head injuries to the child's parent/guardian immediately; and

d. have authorization for emergency medical care for each child.

5. The Family Day Care provider:

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a. may refuse to accept a sick child into the home without medical approval;

b. shall isolate a child who becomes ill during the day and notify the parent/guardian immediately in order that the child may be removed;

c. shall identify or label all prescription and nonprescription drugs with each child's name and return all drugs to the parent/guardian when no longer needed; and

d. shall keep all prescription and nonprescription drugs out of the reach of children.

F. Discipline of Children

1. The provider shall establish rules that encourage desired behavior and discourage undesired behavior in cooperation with the parents/guardian of children in care.

2. The provider shall not use corporal punishment.

3. The provider shall not humiliate or frighten the child in disciplining the child.

G. Activities

1. The Family or In-Home Day Care Provider shall:

a. provide structured activities appropriate to the children's ages, interests and abilities, as well as unstructured experience in family living;

b. provide opportunities for vigorous outdoor play daily, depending on the weather and the age of the child, as well as for participation in quiet activities; and

c. not use television as a substitute for planned activities.

2. The Adult Day Care Provider shall provide recreational and other planned activities appropriate to the needs, interests, and abilities of the adults in care.

H. Child Abuse and Neglect Responsibilities for Family or In-Home Day Care Providers

The provider shall report any suspected abuse or neglect of a child in care to the agency.

I. Clothing Requirements for Foster Parents

1. Foster parents shall provide clothing appropriate for the age and size of each child which is comparable to that worn by other children of similar age in the community.

2. All clothing shall be properly laundered or dry cleaned, and altered or repaired as needed.

§ 2.3. Standards for the Home of the Out-of-Home Provider.

A. Physical Accommodations

1. The home shall have sufficient space and furnishings for each client receiving care in the home to include:

a. space to keep clothing and other personal belongings;

b. accessible basin and toilet facilities;

c. for residential care, at least one toilet, one basin, and one tub or shower for every eight persons in the home;

d. comfortable sleeping/napping furnishings;

e. for clients unable to use stairs unassisted, other than a child who can easily be carried, sleeping space on the first floor;

f. space for recreational activities; and

g. sufficient space and equipment for food preparation, service, and proper storage.

2. All rooms used by clients must be heated in winter, dry, and well ventilated

3. All doors and windows used for ventilation must be screened.

4. Rooms used by clients must have adequate lighting for activities and the comfort of clients.

5. The home shall have access to a working telephone.

6. The home shall be in compliance with all local ordinances.

7. Additional standards for Adult Foster/Family care:

a. No more than two adults shall share a sleeping room.

b. Sleeping rooms shall not be shared by adults of the opposite sex except when a married couple or related individuals consent to share a room.

c. There must be space in the household for privacy outside of the sleeping rooms for the adult to entertain visitors and/or talk privately.

8. Additional standards for homes of Foster Parents:

a. No more than four children shall occupy one bedroom.

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b. There shall be at least 70 square feet of space in a room occupied by one child and at least 50 square feet of space for each child in a room shared by two or more.

c. Children of the opposite sex shall not share a double bed.

B. Home Safety

1. The home and grounds shall be free from litter and debris and present no hazard to the safety of the clients receiving care.

2. The home shall be free of fire hazards. The provider shall permit a fire inspection of the home by appropriate authorities if conditions indicate a need for approval and the agency requests it.

3. The provider shall have a written evacuation plan in case of fire and rehearse the plan at least twice a year. The providers shall review the plan with each new client, other than an infant, placed in the home.

4. All sleeping areas shall have an operable smoke detector. Attics or basements used by clients shall have two fire exits. One of the fire exits shall lead directly outside, and may be a door or an escapable window.

5. The provider shall store any firearms and ammunition in a locked cabinet or an area not accessible to clients.

6. The provider shall protect clients from household pets which may be a health or safety hazard.

C. Sanitation

1. The provider shall permit an inspection of the home's private water supply and sewage disposal system by the local health department if conditions indicate a need for approval and the agency requests it.

2. The home and grounds shall be free of garbage that would present a hazard to the health of the client.

D. Capacity

1. The provider shall not exceed the maximum allowable capacity for the type of care given and as approved by the agency.

2. Adult Day Care

The provider shall not accept more than three adults in the home at any one time.

3. Adult Foster/Family Care

The provider shall not accept more than three adults for the purpose of receiving room, board, supervision,

and/or special services, regardless of relationship of any adult to the provider.

4. Family Day Care

a. The maximum number of children at any one time shall not exceed the equivalent of nine.

b. The provider's own children under 14 years of age count in determining the maximum number of children.

c. Any child with a diagnosed handicap counts as two children.

d. More than nine children may be enrolled part-time as long as no more than nine children are present at any given time.

e. A provider accepting private placements (including a relative's child) cannot care for more than the equivalent of five children without a license from the Virginia Department of Social Services.

f. The ratio of children to adults shall not be exceeded and shall be based on the following:

(1) There shall be one adult to four infants.

(2) There shall be one adult to six children two years old and older.

(3) Any child with a diagnosed handicap counts as two children.

(4) A school age child who is in care less than three hours per day is not counted in determining the ratio of children to adults. However, while the child is present, he is counted in determining the maximum of nine children at any one time.

5. Foster Parents

a. The maximum number of children in a home with two foster parents is eight.

b. The maximum number of children in a home with one foster parent is four.

c. The foster parents' own children under age 14 count in determining the maximum number of children.

d. An infant counts as two older children.

e. Any child with a diagnosed handicap counts as two children.

f. The agency may grant an exception to the foster home's maximum for a sibling group.

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6. The actual capacity of a particular home may be less than the above capacities if:

- a. the physical accommodations of the home are not adequate for the maximum number of clients;
- b. the capabilities and skills of the provider are not sufficient to manage the maximum number of clients; or.
- c. other individuals in the home require special attention or services of the provider.

§ 2.4. Client Record Requirements for the Out-of-Home Provider

A. The provider shall maintain written information on each client in care.

B. Client information shall include:

1. identifying information on the client;
 2. name, address, and home and work telephone numbers of responsible persons;
 3. name and telephone number of person to be called in an emergency when the responsible person cannot be reached;
 4. name of persons not authorized to call or visit the client;
 5. date of admission and withdrawal of the client;
 6. daily attendance record, where applicable;
 7. medical information pertinent to the health care of the participant;
 8. correspondence related to the client; and
 9. placement agreement between the provider and adult client/parent/guardian where applicable.
 10. For family day care, information shall also include authorization for each child to participate in specific classes, clubs, or other activities. The provider shall obtain individual authorization for each field or out-of-town trip for each child.
- C. Client records are confidential and cannot be shared without the approval of the adult client/parent/guardian. The agency and its representatives shall have access to all records.

PART III

APPROVAL REGULATIONS

§ 3.1. Approval Period

The approval period for a provider is 24 months when the provider and, for out-of-home care, the home meets the standards.

§ 3.2. Allowable Variance

The provider may receive an allowable variance on a standard if the variance does not jeopardize the safety and proper care of the client or violate federal, state, or local law.

§ 3.3. Emergency Approval

Emergency approval of a provider may be granted in the following situations:

- A. the court orders emergency placement,
- B. the child is placed under the 72-hour emergency removal authority, or
- C. the adult client/parent/guardian requests placement or service in an emergency

when the placement is in the home of or a service is to be provided by the client's relative or friend.

§ 3.4. Provider Monitoring

A. For out-of-home providers who are used by the agency, the agency representative will visit the home of the provider as often as necessary but at least semi-annually to monitor compliance with standards.

B. For in-home providers who are used by the agency, the agency representative will interview the provider face-to-face as often as necessary but at least semi-annually to monitor compliance with standards.

§ 3.5. Renewal Process

The agency will reapprove the provider prior to the end of the approval period if the provider and, for out-of-home provider, the home continues to meet standards.

§ 3.6. Inability to Continue to Meet Standards

If the provider cannot continue to meet standards, the agency will grant provisional approval, suspend approval, or revoke approval, depending on the duration and nature of noncompliance.

§ 3.7. Relocation of Out-of-Home Provider

If the out-of-home provider moves, the agency will determine continued compliance with standards related to the home.

§ 3.8. Right to Grieve

The provider shall have the right to grieve the actions of the agency.

§ 3.9. Foster Parent Appeal Right

The Foster Parent shall have the right to appeal issues related to state policy.

§ 3.10. Medical Requirements for Clients

The agency shall obtain medical statements from a licensed physician or local health department for adults or children placed with out-of-home providers through the agency.

William L. Lukhard, Commissioner
Virginia Department of Social Services
Date: November 30, 1984

DEPARTMENT OF TAXATION

Title of Regulations: VR 630-10-24.4. Retail Sales and Use Tax: Computer Software.

Statutory Authority: § 58-48.6 of the Code of Virginia. (On and after January 1, 1985, § 58.1-203).

Summary and Analysis:

This regulation sets forth the tax application to the sale, lease on use of computer software, to software support services, and to purchases of tangible personal property used in the production or transfer of computer software.

VR 630-10-24.4. Proposed Retail Sales and Use Tax Regulation: Computer Software

§ 1. Definitions

The following words and terms, when used in this regulation, shall have the following meaning, unless the context clearly indicates otherwise:

"Application programs" means programs created to perform specific functions or control or monitor processes. Application programs include business or industrial ★ application software such as payroll or inventory control, as well as scientific, recreational, educational and personal application software.

"Custom program" means a program which is specifically designed and developed only for one customer. The combining of two or more prewritten programs to meet a customer's particular needs does not constitute a custom computer program. A prewritten program that is modified to any degree remains a prewritten program and does not become custom.

"Modified prewritten programs" means those prewritten programs that have required adaptation by the vendor so that they may be used in a particular hardware/software environment.

"Prewritten program" means one that is prepared, held or existing for general or repeated sale or lease, including a program developed for in-house use and subsequently sold or leased to unrelated third parties.

"Software" is a computer program which is a set of instructions which directs the computer hardware (the machine which constitutes the physical computer assembly) to perform designated tasks. For purposes of this regulation, the term "software" does not include the internalized instruction code which controls the basic operations of the computer, causing it to execute instructions contained in application and systems programs. This internal code system is an integral part of the computer, not normally accessible or modifiable by the user. It is considered part of the hardware and is taxable as such. For purposes of this regulation, "firmware" is part of the read-only hardware. The term "software" includes systems programs and application programs.

"Systems programs" are those programs (except those instruction codes considered part of the hardware) that control the hardware and allow it to compile, assemble, interpret and process application programs.

§ 2. True object test.

Liability for sales or use tax depends upon whether the true object of the sale is a nontaxable service or tangible personal property. If the true object is tangible personal property, a taxable sale occurs. Pursuant to § 58.1-602 (16) of the Code of Virginia, a "sale" is "any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property."

§ 3. Sales price.

The "sales price" for software is that price applicable at the time of the acceptance of the software from the vendor. Sales price includes all charges for the medium of transfer, for modifications and for all support services such as analysis, design, programming, training and maintenance that are part of the sale. In addition, where the consideration for the use of software includes a license or royalty fee, such fee must be included in the sales price. Such items are included because they are not among the specific exclusions from the definition of "sales price" as provided in § 58.1-602 (17) of the Code of Virginia. However, "transportation" charges are specifically excluded.

§ 4. Sales of custom software.

The sales and use tax is not imposed upon the sale of custom software since the true object of the transaction is

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the purchase of a personal service.

§ 5. Sales of prewritten software.

- A. The sales and use tax is imposed upon the sale of a prewritten program since the true object of the transaction is the purchase of tangible personal property.
- B. The temporary transfer of possession of a prewritten program, for consideration, for the purpose of direct use by the customer or of reproduction by the customer onto tapes or other properties is a lease of tangible personal property subject to the tax on the total amount paid.
- C. The encoding of a prewritten program onto a customer-owned tape, card, disk or other such machine readable medium is fabrication of tangible personal property which constitutes a taxable sale under the Virginia Retail Sales and Use Tax Act. (For "fabrication", see VR 630-10-37.)
- D. The tax is imposed on the transfer of copyrighted programs or a transfer of the use of programs through a license agreement.
- E. The transfer of a program by the vendor directly into a customer's system, such as by telecommunications, electronics or laser, where the customer does not receive tangible personal property, is not taxable.

§ 6. Sales of support services.

Charges for any support services such as analysis, design, programming, training and maintenance, without a transfer of prewritten software, are not taxable.

§ 7. Sales of hardware which include software.

The "sales price" for hardware includes charges for any support services and any software which are part of the sale of hardware, except for installation charges that are separately stated as required by § 58.1-602 (17) of the Code of Virginia.

§ 8. Purchases.

A producer of software is the ultimate consumer of all tangible personal property purchased or leased by him in the production or transfer of the program and is liable for the applicable sales or use tax on such tangible personal property, except for cards, tapes, disks and other machine readable media purchased for resale and transferred to the customer. (For persons engaged in industrial manufacturing of computer software, see VR 630-10-63.)

Title of Regulations: VR 630-10-3. Retail Sales and Use Tax Regulation 1-3: Advertising

Statutory Authority: § 58-48.6 of the Code of Virginia. (On and after January 1, 1985, § 58.1-203).

Summary and Analysis:

This regulation sets forth the tax application to the production of advertising which results in a tangible product by agencies, the media, and by other taxpayers utilizing in-house agencies.

VR 630-10-3. Retail Sales and Use Tax Regulation 1-3: Advertising

§ 1-3. Advertising.—(a) Advertising agencies. The tax does not apply to charges for services made by an advertising agency for preparing and placing advertising in media such as newspapers, magazines, radio, television, billboards, etc. The tax applies to purchases by an advertising agency of tangible personal property to be used or consumed in preparing and placing advertising in such media. For example, the tax applies to ink, paper, paint, office supplies, artwork purchased from independent artists, engraver's charges for metal plates, electrotypers' charges for electrotypes or matrices, tape recordings, television films and recordings, billboards posters, etc.

When an agency goes beyond the rendition of services and sells tangible personal property it has purchased for its own account (as differentiated from property it purchases as a service for a specific client and charges the client no more for the property than the agency pays its vendor for the property including the tax); it must register as a dealer in order to collect and pay the tax on the sale of such property. Registered dealers may purchase tangible personal property for resale by furnishing the seller with a certificate of exemption.

(b) Charges for advertising.—The tax does not apply to charges for advertising in media such as newspapers, magazines, radio, television and billboards. The tax applies to purchases of tangible personal property for use or consumption in preparing, publishing, broadcasting or displaying advertising matter.

Persons engaged in the business of painting signs or applying posters on a building, storefront or other real property must pay the tax on all tangible personal property purchased for use and consumption in preparing, maintaining, displaying and servicing such signs.

(c) Commercial advertising.—The tax applies to all sales at retail of tangible personal property commonly known as commercial advertising, including, but not limited to catalogs, calendars, handbills, novelties, etc.

(d) Premiums and gifts.—The tax applies to purchases of tangible personal property to be given away by persons in advertising their business or products, or given away as premiums, door prizes or for any other reasons. For catalogs and other printed materials, see § 1-18.1. Section under review 1/79.

§ 1. Generally.

The total charge for the production of tangible personal property used in any form of advertising, including any services in connection with such production, is subject to the tax, absent any other specific exemption. Charges for professional services performed by advertising agencies for others where such services do not result in the production of tangible personal property are not subject to the tax. For example, if a customer contracts with an advertising agency to conduct a marketing survey which results only in a report or recommendations, the charge for conducting such survey represents a nontaxable charge for a professional service. However, if the same customer contracts with the agency to produce a magazine advertisement for a product and in conjunction therewith the agency conducts a marketing survey, the total charge for the production of the advertisement, including charges for the survey, is subject to the tax.

Any person engaged in producing tangible property must register as a dealer and collect and remit the tax on sales of all such property.

§ 2. Newspaper and other print media advertising.

A. Ad production.

The tax applies to the total charge for preparing an advertisement for placement in a newspaper or other publication. The amount subject to the tax includes charges for concept and copy, art work furnished to the customer, charges for labor to produce the layout, compose the ad or display, and to produce mechanicals and charges for models, props, type, and similar items.

Materials which become a part of the newspaper advertisement such as art work, typesetting, photographs, and similar items may be purchased exclusive of the tax under a resale exemption. However, pencils, layout boards, and similar equipment and supplies used in producing advertising are used and consumed by the person engaged in such production and are subject to the tax at the time of purchase.

B. Charges for placing and running advertisement in newspaper or other print media.

1. The charge for placing and running an advertisement in a newspaper or in any other print media is not subject to the tax.

2. Where the newspaper or magazine develops the advertisement but makes no charge, either implicit or specific, for such development, there is no taxable transaction. Generally, this nontaxable transaction will occur only where a newspaper or magazine utilizes standard "space" charges based upon the amount of newspaper or magazine space purchased by a customer and such charge is uniformly applied to all customers regardless of whether the advertisement is prepared by

the newspaper or furnished by the customer. Where a newspaper or magazine prepares an advertisement and does not utilize standard space charges or makes a separate charge for the production of the advertisement, such charges will be subject to the tax.

§ 3. Audio-visual advertising.

A. Ad production.

The tax applies to the total charge for the production of an audio advertisement or an audio-visual film or television advertisement or promotion. The amount subject to the tax includes charges for concept development, sound effects, props, canned music and talent. The film or tape on which the advertisement or promotion is transmitted may be purchased exclusive of the tax under a resale certificate of exemption. Items used or consumed by the producer of the advertising such as cameras, film or tape editing equipment, and similar items are subject to the tax at the time of purchase.

B. Charges for placing and airing advertisement on television or radio.

1. The charge for airing an advertisement on television or radio is not subject to the tax.

2. Where the television or radio station develops the advertisement but makes no charge, either implicit or specific, for such development, there is no taxable transaction. Generally, this nontaxable transaction will occur only where the station utilizes standard "airtime" charges based upon the amount and the time period of airtime purchased by a customer and such charge is uniformly applied to all customers regardless of whether the advertisement is prepared by the station or furnished by the customer. Where a radio or television station prepares an advertisement and does not utilize standard airtime charges or makes a separate charge for the production of the advertisement such charges will be subject to the tax.

§ 4. Other advertising.

The tax applies to the total charge for other advertising which results in the production of tangible personal property. Examples of such taxable property include the design of advertising logos, business cards, envelopes, forms, banners, display racks, brochures, letters, specialty, promotional and premium items, and campaign flyers, posters, and brochures. The amount subject to the tax includes any labor or service charges in connection with the production of this property. Items which become a part of taxable property may be purchased exclusive of the tax under a resale certificate of exemption. However, supplies and equipment used in the production of taxable property, including art supplies, drawing boards and similar items are used and consumed by the person engaged in such production and are subject to the tax at the time of purchase.

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§ 5. In-house advertising.

Materials and supplies and other tangible personal property used in "in-house" advertising, that is, advertising produced by any entity to advertise, promote or display its own product or services, are subject to the tax at the time of purchase.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

COMMISSION OF GAME AND INLAND FISHERIES

Note: The Commission of Game and Inland Fisheries is exempted from the Administrative Process Act, (§ 9-6.14.4 of the Code of Virginia); however, it is required by § 9-6.14.22 to publish all proposed and final regulations. These regulations are numbered to conform to the new classification system by the Virginia Code Commission. Numbers in parenthesis are the existing regulation numbers.

Title of Regulation: VR 325-02-23. Waterfowl and Waterfowl Blinds.

Statutory Authority: §§ 22-125, 29-126 and 29-127 of the Code of Virginia.

Effective Date: July 1, 1985.

§ 14. (Chapter 19. R19-10.) *Operation of motorboats and shooting hours on Back Bay and adjacent marshes. Motorboats may not be operated or occupied on the waters of Back Bay, its tributaries and the marshes contiguous thereto by persons hunting migratory game birds during hunting season prior to one-half hour before sunrise. Shooting migratory waterfowl on Back Bay, its tributaries and the marshes contiguous thereto is prohibited after 4:20 p.m. during hunting season.*

Title of Regulation: VR 325-03-1. Fishing Generally.

Statutory Authority: §§ 29-125, 29-126 and 29-127 of the Code of Virginia.

Effective Date: January 1, 1985.

§ 3. (Chapter 23. R23-3.) Except as provided in this regulation and R24-5.1, R24-10.1, R24-10.2, and R24-10.3, there shall be no size limit on any species of fish. There shall, however, be a 26-inch minimum size limit on muskellunge, a 20-inch minimum size limit on northern pike and a 20-inch minimum size limit on landlocked striped bass (rockfish) and a 15-inch minimum size limit on landlocked striped bass X white bass hybrids. *There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass in Occoquan Reservoir from the reservoir dam upstream to the Lake Jackson Dam on Occoquan Creek and upstream to the Yates Ford Bridge (Route 612) on Bull Run Creek. It shall be unlawful to have any such bass less than 14 inches in length in one's*

possession on the above described waters of this reservoir. Also, there shall be a 12-inch minimum size limit on largemouth, smallmouth and spotted bass in the North Fork of Pound Reservoir and in the Roanoke (Staunton) and Dan Rivers and their tributaries downstream from Niagara Dam on the Roanoke River and the Brantly Steam Plant Dam on the Dan River, except in the John Kerr and Gaston Reservoirs on the Roanoke (Staunton) and Dan Rivers, and the North Fork Shenandoah River downstream from Route 42 bridge at Timberville and the Shenandoah River below the Riverton Dam to the West Virginia boundary line and the New River from Claytor Dam to the West Virginia boundary line, and in the North Anna, North Fork of Pound, Chickahominy, Claytor, Philpott, and Flannagan, reservoirs and Beaverdam Reservoir in (Loudoun County) Reservoirs, and in Lake Moomaw (Gathright Project) and in the waters of Fort A.P. Hill, and in the waters of Quantico Marine Reservation. It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 12 inches in length in one's possession while on any of the waters mentioned in the preceding sentence. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass in John Kerr and Gaston Reservoirs on the Roanoke (Staunton) and Dan Rivers and their tributaries and impoundments (Gaston, John Kerr, Leesville and Smith Mountain Reservoirs) downstream from Niagara Dam on the Roanoke River and the Brantly Steam Plant Dam on the Dan River; except, that as many as two of such bass of a lesser size caught in such waters may be retained in the creel, but no more than two such bass may be in possession on such waters that are less than 14 inches in length. It shall be unlawful to have any largemouth, smallmouth or spotted bass from 12 to 15 inches in length, both inclusive, in one's possession on North Anna Reservoir and its tributaries and on Chesdin Reservoir or the Appomattox River from the Brasfield (Chesdin) Dam to Bevel's Bridge on Chesterfield County Route 602. It shall be unlawful to have any walleye or yellow pike perch less than 15 inches in length in one's possession on Gaston Reservoir. It shall be unlawful to have any smallmouth, largemouth or spotted bass from 11 to 13 inches in length, both inclusive, in one's possession on the South Fork Shenandoah River from the Luray Power Dam near Luray downstream to its confluence with the North Fork Shenandoah River at Riverton.

§ 4. (Chapter 23. R23-4.) It shall be unlawful to sell, offer for sale or buy any species of freshwater game fish or catfish, provided that this shall not apply to game fish sold alive for propagation purposes or sold pursuant to Code of Virginia § 29-114.1 or to R24-12 and R24-13 or to any catfish taken from tidewater or artificially raised.

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§ 10. (Chapter 23. R23-9.) A. ~~Gasoline Motors and boats~~ .-- Unless otherwise posted at each recognized entrance to any commission-owned or controlled lake or pond or stream, the use of ~~gasoline motors is prohibited, except by Commission employees on official duty.~~ *boats propelled by gasoline motors, sail or mechanically operated recreational paddle wheel is prohibited. Commission employees may use gasoline motors in the performance of official duties.*

B. ~~Seining for minnows and trotlines~~ .--Seining for minnows is ~~prohibited or for any purpose and the use of trotlines in all commission-owned or controlled lakes, ponds or streams is prohibited~~ .

C. Hours for fishing.--Unless otherwise posted at each recognized entrance to any commission-owned or controlled lake, pond or stream, the hours of use shall be from one hour before sunrise to one hour after sunset.

D. Seasons; hours and methods of fishing; size and creel limits; *hunting* .--The open seasons for fishing, as well as fishing hours, methods of taking fish and the size, possession and creel limits, *and hunting*, for commission-owned or controlled lakes, ponds or streams shall conform to the general regulations of the commission unless otherwise excepted by posted notice displayed at each recognized entrance to the lake, pond or stream, in which case the posted regulations shall be in effect.

E. *Other uses*.--*Camping overnight or building fires, except in developed and designated areas, swimming, wading in public fishing lakes, except by fishermen actively engaged in fishing and trapping for furbearers, is prohibited. Trapping may be authorized by special permit from the warden when requested to issue such permit or permits by the Fish Division.*

§ 12. (Chapter 23. R23-11.1.) It shall be unlawful to fish in the Clinch Mountain Wildlife Management Area (except in Little Tumbling Creek), in Douthat State Park Lake and in Wilson Creek from Douthat Lake upstream to the park boundary and in the Crooked Creek fee fishing area in Carroll County without having first paid to the commission for such privilege a daily use fee. ~~of one dollar (\$1.00)~~. Such daily use fee shall be in addition to all other license fees provided by law. Upon payment of the daily use fee the commission shall issue a special permit which shall be signed and carried by the person fishing.

Title of Regulation: VR 325-03-2. Trout Fishing.

Statutory Authority: §§ 29-125, 29-126 and 29-127 of the Code of Virginia.

Effective Date: January 1, 1985.

§ 12. (Chapter 24. R24-10.2.) It shall be lawful year around to fish using only artificial lures with single hooks in that

portion of Buffalo Creek in Rockbridge County from the confluence of Colliers Creek upstream 2.9 miles to the confluence of North and South Buffalo Creeks, in that portion of Mossy Creek in Augusta County upstream from the Augusta/Rockingham County line to a sign posted at the confluence of Joseph's spring, and in that portion of Smith River in Henry County from signs below the east bank of Towne Creek for a distance of approximately three miles downstream, except that in Mossy Creek only fly-fishing is lawful. The daily creel limit in these waters shall be two trout a day year around and the size limit shall be 16 inches or more in length. All trout caught in these waters under 16 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any natural bait or any trout under 16 inches in length in these areas.

EMERGENCY REGULATION

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Title of Regulations: Mandatory Certification Standards for Treatment Programs for Residential Child Caring Facilities

Statutory Authority: § 37.1-84.1 of the Code of Virginia.

BRIEFING PAPER ON EMERGENCY REGULATIONS TO AMEND THE MANDATORY CERTIFICATION STANDARDS FOR TREATMENT PROGRAMS FOR RESIDENTIAL FACILITIES FOR CHILDREN

1. Preamble

The department has recognized that there are times when seclusion must be used by staff providing treatment or care to seriously disturbed clients and residents. The use of seclusion, however, must be used judiciously and appropriately by treatment staff. In addition, the use of seclusion must be consistent with the rights of patients, residents and clients as defined, in § 37.1-84.1 of the Code of Virginia.

Existing regulations permit seclusion only if used in accordance with regulations promulgated under § 37.1-84.1. The only seclusion regulations that have been promulgated are the Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health and Mental Retardation. The department has used these seclusion regulations for community programs that come under certification standards. Recent correspondence from the Office of the Attorney General, states that the regulations contained in the Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health and Mental Retardation apply only to facilities operated by the department and cannot be applied to community programs licensed and funded by the department.

At present, one residential facility for children, licensed by the department has an approved seclusion room and does admit clients who could potentially need to be placed in seclusion. At present, the program cannot place a client in seclusion. The emergency regulations will permit the program to use seclusion in the treatment and care of clients. Other facilities have expressed an interest in providing seclusion, but have not proceeded because of lack of clear requirements.

2. Duration of Emergency Regulation

These emergency regulations will expire on November 29, 1985, unless suspended prior to that time. At present, the department is developing the Rules and Regulations to Assure the Rights of Clients of Community Programs Licensed or Funded by the Department of Mental Health and Mental Retardation

which will incorporate these emergency seclusion regulations. The anticipated effective date of these regulations is July, 1985. Once these regulations become effective, the department will ask the governor to suspend the emergency regulations.

3. Contact Person

Joseph W. Avellar, Ph.D.
Office of Quality Assurance
Department of Mental Health and Mental Retardation
P. O. Box 1797
Richmond, Virginia 23214

These mandatory program certification standards were developed to work in conjunction with the interagency licensure and certification of children's residential facilities. They delineate the areas necessary for programs to become certified as providing treatment or training for the mentally ill, mentally retarded, or substance abusing client in 24-hour residential care. The compliance level for these standards is 100%. Programs which fail to achieve the stated 100% compliance rate may, however, follow the remediation procedures as specified in § 3.C.12 of the policies and procedures for the certification of community programs.

SERVICE DEVELOPMENT

One of the assumptions underlying the development of the service related standards is that all child caring treatment programs and training programs must be systematically developed and include prescribed assessment procedures, defined treatment objectives, recommended intervention strategies and evaluation procedures. Standards have been included which reflect this orientation and which require programs to have clearly defined treatment and training programs.

Another assumption reflected in the standards is that integration of services and service delivery is essential for quality programming. Further assumptions are that youth should be placed in the least restrictive environment as soon as possible, that generic services should be used as frequently as possible, and that effective service delivery is dependent upon the development of a comprehensive and carefully developed individualized service plan.

INDIVIDUALIZED TREATMENT PLANNING

An individualized treatment plan is a written, detailed formulation of action that should be used for, and/or by, the client to change behavior, knowledge, attitudes or values.

An individualized treatment plan should be developed for each individual accepted for service. The plan should be based on individual assessment data and on other data that assist in understanding the individual's situation. It should be developed by the relevant staff of the agency serving the individual, and with the participation of the

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individual, and, as appropriate, the placing agency, the family, and any significant others. A plan developed by another agency prior to the onset of services should be reviewed and updated, in order to determine its relevancy to the current needs of the individual.

LETTERING SYSTEM

All standards listed in this document do not apply to each category of residential programs. A lettering system is utilized to indicate the categories of programs to which a standard applies. In the left-hand margin opposite each standard are letters indicating the categories of the program that must comply with that standard. A program is only responsible for complying with those standards which bear the corresponding code letter. The following letters represent the different program categories:

G. Group Homes for Mentally Ill, Mentally Retarded, or Substance Abusing Youth.

R. Group Residences for Mentally Ill, Mentally Retarded, or Substance Abusing Youth.

T. Self contained residential treatment or training facilities which are nonhospital based for Mentally Ill, Mentally Retarded, or Substance Abusing Youth.

H. Self-contained public residential treatment facilities which are hospital based for Mentally Ill, Mentally Retarded, or Substance Abusing Youth.

NUMBERING SYSTEM

The standards are organized in six major treatment areas: (1) Services Policies and Procedures; (2) Clinical Records; (3) Health and Pharmaceutical; (4) Service Development and Delivery; (5) Individual Treatment Planning; and (6) Review Procedures. The standards are sequenced using a four-digit indexing system. The first number represents the heading or functional area; the second digit refers to the policies and procedures under the particular functional area; the third digit refers to the specific standards under the functional area and policies and procedures; and the fourth pinpoints the specific standards even further. These mandatory standards have been selected from a larger group of standards, the complete Treatment Module. As a result, the mandatory standards are not numbered consecutively.

INDICATORS

The standards are presented in operational terms and as specific as possible. Such standard is followed by an indicator. The indicators are used in judging compliance with the standard. The indicator may either have one or two sections.

Usually, the single section indicator is concerned with the development of program policies and procedures. An example drawn from the standards would be:

2.2.5. There shall be a tracking system to ensure knowledge of the location of records at all times.

Indicator

Criteria: Presence of policies and procedures for the tracking of client records.

Source: Written copy of policies and procedures.

The criteria is a brief summary statement of the standard and the specification of the basis for determining whether or not the program is in compliance with that standard. The source indicates the reference of data point for making that decision.

The double section indicator is concerned with both the development of program policies and procedures and their implementation.

An example taken from the standards would be the following:

3.1. There shall be written policies and procedures for the treatment of minor medical injuries. This shall include:

3.1.2. All appropriate direct service staff shall be trained to administer first aid.

3.1.3. A record shall be kept of all client injuries requiring first aid.

Indicator 1

Criteria: Presence of policies and procedures, including criteria 3.1.2 - 3.1.3 above, for the treatment of minor medical injuries.

GLOSSARY

Case Coordinator:

The person responsible for ensuring continuity of services. This may be a staff member designated to manage the service plan of a particular child and coordinate the delivery of services to meet the needs of the resident. Case coordination service may be provided from outside the program if appropriate.

Chemotherapy:

The use of psychotropic and seizure medication for the stabilization of symptoms and behavior. The goal of chemotherapy shall be to stabilize and maintain neurophysiological functioning with the intent of reduction as appropriate.

Client:

A mentally retarded, emotionally ill or substance abusing youth from 0-17 years of age receiving services from a residential treatment facility for children and/or adolescents for group residence.

Client Goal:

A general statement of intention expressed in terms of a client objective.

Client Objective:

A specific statement of intention which is expressed in terms of a client and includes a measurable outcome. The client objective includes the standard of achievement that is to be obtained and is time limited.

Counseling:

A relationship in which one person endeavors to help another to understand and to solve his or her adjustment problems.

Direct Services:

Services that are provided directly by the program and are an integrated part of the overall service delivery system.

Generic Services:

Services that are not provided directly by the program but which are available in the community for any resident of that community.

Individual Treatment Plan:

A plan for the treatment and/or training for each client that specifies short and/or long term goals, the strategies to reach these goals, the individual responsible for carrying out these strategies, and the time frames for the obtainment of these goals.

Intrinsic Risk:

Intrinsic risk shall include any treatment procedures (medical, surgical, pharmaceutical or psychological) that involve the possibility of appreciable risk or harm to the client.

Psychotherapy/Psychosocial Treatment:

Psychotherapeutic interventions such as individual, family, and group modalities which provide for exploration and problem solving, and which are aimed at changing and enhancing intrapsychic, psychosocial and familial functioning, as well as ameliorating psychological disorders.

Qualified Mental Health and/or Mental Retardation Professionals:

Qualified Mental Health or Mental Retardation Professionals means any person with appropriate training or experience in the field of the care of the mentally ill, alcoholic, drug or other substance abuser, or any person with appropriate training or experience in the field of care of mentally retarded persons, and shall include:

1. A physician licensed to practice in the Commonwealth of Virginia with specialized training or one year's experience in treating mentally ill or mentally retarded individuals;
2. A psychologist with a doctorate or master's degree from an accredited program and with specialized

training or one year's experience in treating the mentally ill, or mentally retarded;

3. An educator with a master's degree in special education from an accredited program or an educator with specialized training or one year's experience in dealing with mentally ill or mentally retarded persons;

4. A social worker with a master's degree from an accredited program and with specialized training or one year's experience in working with mentally ill or mentally retarded persons;

5. A physical or occupational therapist or rehabilitation counselor licensed or registered to practice in the Commonwealth of Virginia who is a graduate of an accredited program in physical or occupational therapy or rehabilitation counseling and with specialized training or one year's experience in treating mentally ill or mentally retarded persons.

Title of Regulations: Mandatory Certification Standards for Treatment Programs for Residential Child Caring Facilities.

1. SERVICE POLICIES AND PROCEDURES

1.1. Each program shall have written policies and procedures covering the following functions: screening, admissions, service planning, case management, case review, termination, and follow-up. These policies and procedures may vary as a function of the type of program and facility.

G.R.T.H. 1.1.1. There shall be a written description of the screening and admissions policies and procedures from initial client contact to actual implementation of services or referral to a more appropriate program. This description shall include, define, and/or provide for:

1.1.1.1. Compliance with 1964 Civil Rights Act.

1.1.1.4. Use of an application form.

1.1.1.9. Data necessary for the program which shall include and be related to:

- A. Psychological functioning.
- C. Social/development history.
- E. Intellectual functioning.
- G. Current emotional status.
- H. Social competence.
- J. Vocational skills (if appropriate).
- L. Information from other professionals, who have been involved with the client.

1.1.1.10. Procedures and forms to obtain such information.

1.1.1.16. A. Emergency admissions require that the facility provide stabilization services.

Emergency Regulation

Indicator 1

Criteria: Presence of screening and admission policies and procedures.

Source: Written copy of screening and admissions policies and procedures.

Indicator 2

Criteria: 100% of client screening and admissions completed in compliance with written policies and procedures.

Source: Client records.

G.R.T.H. 1.1.3. There shall be a complete, written description of policies and procedures the program staff uses in treatment planning. These policies shall include:

1.1.3.1. A description of the procedures staff uses in treatment planning which includes provisions for written client assessments, identification of goals, planning of intervention programs by multidisciplinary teams (if appropriate) and involving the client and family and/or legally authorized representative in developing service intervention plans.

1.1.3.2. A provision to ensure protection of clients' rights.

1.1.3.5. The initial treatment plan shall be developed within two weeks after admission and shall reflect criteria for determining client's acceptability into the program on a permanent basis.

1.1.3.6. An ongoing Individualized Treatment Plan shall be developed and completed within 60 days from the date of admission.

B. The ongoing service plan shall reflect changes in treatment needs and plans for discharge.

1.1.3.7. For services provided in a hospital setting where the intended length of stay is seven days or less a stabilization plan shall be developed within 24 hours after admission.

Indicator 1

Criteria: Presence of policies and procedures for service planning which include criteria 1.1.3.1 - 1.1.3.7 above.

Source: Written copy of policies and procedures for service planning.

Indicator 2

Criteria: 100% of clients for whom services have been planned in compliance with written policies.

Source: Client records.

G.R.T.H. 1.1.4. Written policies and procedures for case coordination shall exist and shall provide for:

1.1.4.1. Assignment of a case coordinator to each client by the second service contact. The case coordinator shall

serve as liaison between the program and client's family or legally authorized representative.

Indicator 1

Criteria: Presence of policies and procedures for case coordinator which includes criteria 1.1.4.1 above.

Source: Written copy of policies and procedures for case coordination.

Indicator 2

Criteria: Written identification of the assigned case coordinator and evidence of case coordination activities in client records.

Source: Client records.

G.R.T.H. 1.1.5. Complete, written policies and procedures for case review shall be developed and implemented and shall include provisions for:

1.1.5.1. Ongoing review to determine whether records contain all the service documentation and release of information documents required by the program.

1.1.5.2. B. Review and update of the appropriateness of the treatment goals.

D. Review and update of contact with parent(s) or legally authorized representative.

Indicator 1

Criteria: Presence of policies and procedures for case review which include 1.1.5.1 - 1.1.5.2 above.

Source: Copy of written policies and procedures for client case record review.

Indicator 2

Criteria: Written evidence that cases have been reviewed in compliance with written policies.

Source: Client records.

G.R.T.H. 1.1.6. Written policies for voluntary termination and client discharge shall be available to the public and shall include:

1.1.6.3. A. Specification of levels of functioning necessary to move on to a less restrictive program, back to parent(s) or legally authorized representative or to independent living.

B. Specification of the violations of program rules and other offenses that can lead to separation from the program.

1.1.6.8. Documentation of aftercare services. Aftercare services shall include, but not be limited to the following activities:

B. Linkage of the client to an ongoing person or agency in the community at the time of discharge or termination.

Indicator 1

Criteria: Presence of written policy for client termination and discharge which includes criteria 1.1.6.4 and 1.1.6.8, above.

Source: Written copy of policy for client discharge.

Indicator 2

Criteria: Written evidence that discharge or termination is being carried out in accordance with written policies and procedures.

Source: Client records.

- 1.2. Each residential child caring facility shall have written policies and procedures to ensure the general welfare of its clients.

G.R.T.H. 1.2.1. All treatment procedures which involve an intrinsic risk shall require the prior written informed consent of the client or the client's legally authorized representative after consultation with the client and/or the client's legally authorized representative.

Indicator 1

Criteria: Presence of written guidelines to ensure prior written informed consent for all procedures involving intrinsic risk.

Source: Written copy of guidelines for prior written informed consent and procedures involving intrinsic risk.

Indicator 2

Criteria: Evidence that procedures involving intrinsic risk were performed in accordance with written policies.

Source: Records of informed prior consent.

- G.R.T.H. 1.2.2. Each program shall have written policies and procedures to ensure client rights which address the following:

1.2.2.1. Each program operated, funded or licensed by the Department of Mental Health and Mental Retardation shall guarantee client rights as outlined in § 37.1-84.1 of the Code of Virginia, and the applicable regulations promulgated pursuant thereto.

1.2.2.2. Each program shall have written policies regarding the participation of clients in research projects and experimental treatment procedures which ensure and provide that:

A. All research proposals shall be reviewed by an interdisciplinary research committee to ensure the project is in compliance with all relevant state and federal guidelines for research with human subjects.

B. Subjects and their families or legally authorized representatives shall be informed of any potential risks associated with participation in the research.

C. The written informed consent of a client (or the

client's legally authorized representative) shall be obtained before participation in any research project.

D. The client or the client's legally authorized representative shall have the right to refuse to participate in or to withdraw from any research project or experimental treatment procedure at any time.

Indicator 1

Criteria: Presence of written policies and procedures for the participation of clients in research projects which include criteria 1.2.2.2. A-D above.

Source: Written copy of the policies and procedures for the participation of clients in research programs.

1.2.2.3. Each program shall have written policies and procedures regarding the photographing and audio or audio-video recordings of clients which shall ensure and provide for:

A. The written consent of the client or the client's legally authorized representative shall be obtained before the client is photographed or recorded for research or program publicity purposes.

B. No photographing or recording by program personnel shall take place without the client and/or the client's family or legally authorized representative being informed.

C. All photographs and recordings shall be used in a manner that respects the dignity and confidentiality of the client.

Indicator 1

Criteria: Presence of policies and procedures for the photographing and recording of clients which includes criteria 1.2.2.3 A-C above.

Source: Written copies of policies and procedures for the photographing and recording of clients.

Indicator 2

Criteria: 100% of clients who are photographed and recorded in compliance with written policies and procedures.

Source: Client records and program records.

1.2.2.4. Each program shall have written policies and procedures for managing all inappropriate or dangerous client behavior. These policies shall include and ensure that:

B. The right to receive and/or send mail and communicate with family or advocates, or other rights guaranteed in § 37.1-84.1 of the Code of Virginia, and the applicable regulations promulgated pursuant thereto, shall not be withheld from clients as a form of discipline.

C. Seclusion or restraints shall only be used in

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accordance with § 37.1-84.1 of the Code of Virginia, and the regulations promulgated thereto.

1. Seclusion is defined as the placing of a person in a room with the door secured in any manner that will not permit the person to open it.
2. The program policies and procedures shall define the purpose of the seclusion room use and the circumstances under which it may be used. The policy shall specify the qualifications of the staff who may place a client in seclusion.
3. The facility, or part of section thereof to be used for seclusion, shall meet the Uniform Statewide Building Code section for buildings designed for the detention of people under restraint.
4. The seclusion room shall be at least six feet wide by six feet long with minimum ceiling height of eight feet.
5. The seclusion room shall be free of all protrusions, sharp corners, hardware, fixtures or other devices which may cause injury to the occupant.
6. Windows in the seclusion room shall be so constructed as to minimize damage, avoid breakage and otherwise prevent the occupant from harming himself.
7. Light fixtures and other electrical receptacles in the seclusion room shall be recessed or so constructed as to prevent the occupant from harming himself. Light controls shall be located outside the seclusion room.
8. Heat shall be provided to the seclusion room with automatic controls located outside of the room.
9. Doors to the seclusion room shall be at least 32 inches wide, shall open out and shall contain observation view panels of transparent wire-glass, or its approved equivalent, not exceeding 120 square inches but of sufficient size for staff outside the door to see into all corners of the room.
10. Locks on the seclusion room doors shall be so arranged on the outside to permit exit from the room by simple operation without use of a key.
11. The seclusion room shall contain only a mattress with a washable mattress covering designed to avoid damage by tearing.
12. A client shall not be subjected to seclusion except for emergency situations in which it is evident that a client might harm himself or others.
13. The length of time of seclusion of a client shall be for no more than one hour and seclusion of a client shall not occur more than one time in a 24-hour

period.

14. Should the client's behavior continue to be unmanageable at the end of the maximum one hour period, the program director shall decide whether the continued placement in the program is appropriate. If the decision is that continued program placement is appropriate and the client's behavior is still unmanageable, either a staff member shall be placed in the locked seclusion room with the client or the door to the room in which the client is placed shall be unlocked. The staff member shall remain in the locked seclusion room with the client until the client is removed from the seclusion room or the seclusion room door is unlocked. If the decision is made that continued placement is inappropriate, the client shall be removed from the program and transported to a more suitable placement.

15. The physical and psychiatric condition of each client placed in seclusion shall be monitored at least every fifteen minutes by an appropriately trained staff member designated by the director. The client shall have bathroom privileges according to his needs.

16. Detailed documentation regarding every incident in which a client is placed in seclusion including the reasons for seclusion, length of time in seclusion, observations of the client in seclusion, and the resolution of the seclusion incident shall be documented within 24 hours of the incident. Such documentation shall become a permanent part of the client's record.

17. Petitions for reconsideration or revision of these emergency regulations may be submitted by any interested parties at any time to the Department of Mental Health and Mental Retardation for consideration and response.

D. Time out is a behavioral strategy for reducing the occurrence of inappropriate or disruptive behavior. Time out involves placing a child in a dull, isolated setting, devoid of environmental stimuli.

1. Time out shall not exceed 15 minutes at any one time.
2. Time out shall not be in a locked setting.
3. Time out shall be documented.

Indicator 1

Criteria: Presence of policies and procedures governing the management of inappropriate behavior which included criteria 1.2.2.4 B-D above.

Source: Written copy of policies and procedures for managing inappropriate and dangerous client behavior.

Indicator 2

Criteria: All inappropriate and client behavior

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managed in compliance with written policies and procedures.

Source: Client records.

- 1.2.2.5. Each client shall be placed in the least restrictive level of programming appropriate to their functioning and available services.

Indicator

Criteria: Presence of policies and procedures to ensure each client is in the least restrictive environment.

Source: Written copy of policies and procedures.

2. CLIENT INFORMATION, CLIENT RECORDS, AND PROGRAM RECORDS

G.R.T.H. 2.1. Each program shall have a complete set of written policies and procedures with respect to protecting, disseminating, and acquiring client information which shall include:

2.1.2. Procedures for securing information about clients from other agencies and for the subsequent confidentiality of that information.

2.1.3. A sample of each type of release of information form used by the program. These forms should specify to whom the information will be released and the conditions or time at which the release form will become ineffective.

2.1.4. A provision that originals or all approved release of information forms received will be stored in administrative files and copies of forms will be stored in individual case folders.

2.1.6. A provision regarding the length of time that records of terminated clients will be retained and how those records will be destroyed.

2.1.8. A provision that clients will be informed about privileged communications, including the types of information to be released and the condition under which that information must be released and to whom it will be released.

Indicator 1

Criteria: Presence of policies and procedures for the protection, dissemination, and acquisition of client information which include criteria 2.1.2 - 2.1.8 above.

Source: Written copy of client information, policies and procedures.

Indicator 2

Criteria: 100% of operations involving the acquisition and release of client information in compliance with written policies.

Source: Client records.

G.R.T.H. 2.2. Each program shall have a written policy for client records which shall include and provide for:

2.2.1. Provision that a record be maintained for each client and include:

2.2.1.1. Completed admissions and screening procedures and forms.

2.2.1.2. Necessary release forms.

2.2.1.3. Documentation of need for service.

2.2.1.4. Individualized Treatment Plans.

2.2.1.5. Results of case review (i.e., progress notes, status reports, etc.).

2.2.1.6. Drug use profile which includes:

A. History of prescription and nonprescription drugs being taken at the time of admission and for the previous six months.

B. Drug allergies, idiosyncratic and/or other adverse drug reactions.

C. Ineffective chemotherapy.

D. Drugs prescribed following admission which shall include:

1. The date prescribed.

2. Drug product name.

3. Dosage

4. Strength

5. Route

6. Schedule

7. Dates medication discontinued or changed.

2.2.1.7. Discharge forms (when appropriate).

2.2.1.8. Documentation of follow-up (when appropriate).

Indicator 1

Criteria: Presence of a complete record which includes criteria 2.2.1.1 - 2.2.1.8 above for each client.

Source: Written copy of policy on content of client records.

Indicator 2

Criteria: 100% of clients with a complete record.

Source: Client records.

2.2.2. A provision for releasing copies of clients records from the program jurisdiction and safekeeping. Such copies can be released by court order, subpoena, statute, and/or after record release forms have been signed by the client.

Indicator 1

Criteria: Presence of policy for release of client records.

Source: Written copy of policy for the release of client

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records.

Indicator 2

Criteria: 100% of client records released in compliance with written policies.

Source: Client records.

- 2.2.5. There shall be a tracking system to ensure knowledge of location of records at all times.

Indicator 1

Criteria: Presence of policies and procedures for the tracking of client records.

Source: Written copy of policies and procedures.

Indicator 2

Criteria: 100% of client records that have been signed out and returned in compliance with written policies.

Source: Sign-out sheet.

- 2.2.6. There shall be a list stating which staff positions shall have access to client records.

Indicator

Criteria: Presence of policies stating which staff positions shall have access to client records.

Source: Written copy of policies.

3. HEALTH AND PHARMACEUTICAL

- G.R.T.H. 3.1. There shall be written policies and procedures for the treatment of minor medical injuries. This shall include:

- 3.1.2. All appropriate direct service staff shall be trained to administer first aid.

- G.R.T.H. 3.2. There shall be written policies and procedures regarding the delivery and administration of prescription and nonprescription medications used by clients which shall include, require, or provide for:

- 3.2.1. In accordance with § 54-524.65 of the Code of Virginia, Durg Control Act, prescription medications can only be administered by physician, dentist, nurse, pharmacist, or medication technician.

- 3.2.2. In accordance with § 54-524.65 of the Code of Virginia, Drug Control Act, prescription medication may be delivered by any designated employee for self-administration by the client, under the supervision of the program director, and only by the order of a physician.

- 3.2.3. Only those clients judged by the program staff to have an adequate level of functioning shall be allowed to self-administer nonprescription medication.

- 3.2.4. Controlled substances brought into the program by clients shall not be administered unless they are identified and a written order to administer them has

been given by a physician or dentist.

- 3.2.5. All medications in unlabeled containers shall be removed from the client's possession.

- 3.2.6. Procedures for documenting the administration of medication, medication errors, and drug reactions.

- 3.2.10. Provisions for informing clients, families, and/or legally authorized representatives of the potential side effects of prescribed medications.

Indicator 1

Criteria: Presence of policies and procedures regarding the delivery and administration of client medications including criteria 3.2.1 - 3.2.10 above.

Source: Written copy of policies and procedures.

Indicator 2

Criteria: 100% of clients receiving medication in compliance with written policies and procedures.

Source: Client records.

- 3.3. For Substance Abuse Programs only: Programs offering detoxification treatment services shall have written policies and procedures that shall include, provide for and/or require:

- 3.3.1. Supervision of the detoxification procedures by licensed physician with either formal training or demonstrated experience in the medical treatment of substance abusers.

- 3.3.2. An individual plan which is:

- 3.3.2.1. Developed and signed by a physician.

- 3.3.2.2. Integrated into the client's overall treatment plan.

- 3.3.3. In detoxification programs longer than 21 days, the weekly review of client's progress, but more frequently if deemed appropriate by the attending physician.

- 3.3.4. The availability of staff during all operating hours who have knowledge of complications associated with withdrawal and who are legally permitted to administer drugs.

- 3.3.5. Physical examinations shall be provided immediately prior to the beginning of the detoxification procedures for acute drug detoxification, alcohol detoxification, and methadone detoxification.

- 3.3.6. In detoxification programs of less than 21 days there shall be daily review of the client's progress.

- 3.3.7. Definitions of the types of detoxification services made available to clients.

- 3.3.8. A review of the implementation of the detoxification

Emergency Regulation

policies and procedures at least semi-annually by the detoxification supervisor.

3.3.9. At least one direct staff member per shift shall be trained to administer cardiopulmonary resuscitation.

Indicator 1

Criteria: Presence of written policies and procedures regarding detoxification services including criteria 3.3.1 - 3.3.9 above.

Source: Written copy of policies and procedures.

Indicator 2

Criteria: 100% of clients who have been detoxified in compliance with written policies.

Source: Client records.

4. SERVICES

4.1. Services provided by residential child caring programs should be carefully developed, individually oriented, and designed to maximize client psychosocial functioning. The types of services provided by the program shall be adequate to meet needs and shall include, but not be limited to:

Direct

G.R.T.H. 4.1.1. Preplacement Services/Identification Services - Activities aimed at determining the need for, or the establishment of, a service relationship between the youth and responsible adult(s) and the child caring facility (service provider). These activities shall include:

4.1.1.1. Establishing formal, ongoing arrangements with referring agencies or people to provide for continuity and coordination of referrals.

4.1.1.7. Dissemination of information regarding the program and required participation by client, referral service, parent(s) or legally authorized representative.

Indicator 1

Criteria: Description of identification services/preplacement services including 4.1.1.1 and 4.1.1.7 above.

Source: Written description of services.

Indicator 2

Criteria: Evidence of clients receiving identification and preplacement services.

Source: Client records.

4.1.2. Stabilization Services - Activities aimed at the reduction of acute emotional disabilities and their physical and social manifestations. The objective of stabilization is emotional or physical equilibrium. Stabilization services shall include:

4.1.2.1. Mental Health Crisis Services - Each program shall provide directly or indirectly for the immediate

evaluation and treatment of clients in need of crisis intervention.

Crisis Intervention - Activities aimed at the rapid intervention and management of the psychological and/or social distress caused by acute mental illness or acute substance abuse related problems.

1. Crisis intervention activities shall include, but not be limited to:

- a. Telephone counseling.
- b. Face-to-face counseling.
- c. Referral and transfer to other agencies (as appropriate).
- d. Follow-up (as appropriate).

2. Program policies and procedures shall be designed to permit rapid response to client problems.

3. Services shall be available 24 hours a day, seven days a week.

4. Staff shall have demonstrated competence and/or knowledge in the following areas:

- a. Interviewing and responding to clients.
- b. Gathering mental health or substance abuse history and obtaining information about significant medical and/or emotional problems.
- c. All direct service staff shall be trained to administer first aid.
- d. Program staff shall be trained in cardiopulmonary resuscitation.
- e. The identification of observable manifestations of substance abuse and mental illness.
- f. Referral sources and community resources.

5. There shall be arrangements for referring or receiving clients with:

- a. Hospitals.
- b. Law-enforcement officials.
- c. Physicians, clergy, and schools.
- d. Mental health facilities.

6. Delivery of services to clients having conditions that by federal, state and local requirements must be reported and include:

- a. Those dead on arrival or dying during stabilization care.
- b. Those with communicable disease.

Direct

H.

Generic

G.R.T. 4.1.2.2. Emergency Medical Services - Activities beyond first aid resulting from mental illness or substance abuse related medical emergencies. (This definition excludes routine detoxification procedures.)

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The provision of emergency medical services shall adhere to the following conditions:

A. Emergency medical services shall only be provided within a hospital setting.

B. Stabilization programs in nonhospital settings shall have the capability for arranging transportation to a local hospital or other emergency service.

Indicator 1

Criteria: The presence of a written description of stabilization services which include criteria 4.1.2.1 - 4.1.2.2 above.

Source: Written description of services.

Indicator 2

Criteria: 100% of clients in need receiving stabilization services in accordance with the program description.

Source: Client records.

4.1.3. Growth Services - Activities aimed at developing and maintaining personal, interpersonal, and instrumental skills. All growth services shall be provided by or directly supervised by a qualified mental health professional. The Growth Services are:

Direct

G.R.T.H. 4.1.3.1. Social Skill Training - Activities aimed at developing and maintaining interpersonal skills.

Indicator 1

Criteria: Presence of a written description of social skills training.

Source: Program description.

Indicator 2

Criteria: Evidence that clients in need are receiving social skills training as defined in the program description.

Source: Surveyor observations and client records.

Direct

G.R.T.H. 4.1.3.2. Task and Skill Training - Activities aimed at developing nonemployment and/or preemployment related instrumental skills and includes:

A. On-site Training - activities provided in the natural environment aimed at increasing interpersonal and/or instrumental skills.

Indicator 1

Criteria: Presence of a written description of task and skill training.

Source: Program description.

Indicator 2

Criteria: Evidence that clients in need are receiving task and skill training as defined in the program description.

Source: Surveyor observations and client records.

Direct

T.H.

Generic

G.R. 4.1.3.3. Counseling/Psychotherapy - All formal counseling or psychotherapeutic interventions such as individual, family, and group activities, which provide for support, exploration, and problem-solving. Such interventions take place between program staff and client(s). Such interventions are aimed at changing and enhancing appropriate psycho-social functioning, a personal sense of well-being and ameliorating psychological disorders.

A. The provision of counseling and psychotherapeutic services shall be in compliance with all state statutes regarding these services.

B. The use of these services shall be based on an assessment of the intensity and frequency of the problem behavior, and/or the severity of the emotional problem experienced by the youth.

C. Each program shall have formal arrangements for the evaluation, assessment, and treatment of the mental health needs of their clients.

Indicator 1

Criteria: Presence of a written description of counseling and/or psychotherapy services including criteria 4.1.3.3 A-C above.

Source: Program description.

Indicator 2

Criteria: Evidence that qualified staff are performing counseling and/or psychotherapy in conformance with 4.1.3.3 A-C above.

Source: Staff interviews and client records.

4.1.5. Health Services

Direct

G.R.H.T. 4.1.5.1. Each program shall have a formal written plan for treating medical emergencies and for assuring access to acute medical care facilities.

A. Emergency medical treatment beyond the provision of first-aid shall be provided by the client's personal physician, the agency designated physician, or other emergency medical personnel.

Indicator 1

Criteria: Presence of written policies and procedures for emergency medical services which include criteria 4.1.5.1 A above.

Source: Written copy of policies and procedures for emergency medical services.

Indicator 2

Criteria: 100% of clients receiving emergency medical services in compliance with written policies.

Source: Surveyor judgment.

Direct

H.

Generic

G.R.T. 4.1.5.2. A. Medical and dental examinations may be performed by the practitioner of the client's choice or by a physician or dentist designated by the program.

Indicator 1

Criteria: Policies and procedures to ensure clients have medical and dental examinations on an annual basis.

Source: Written copy of policies and procedures.

Indicator 2

Criteria: 100% of all clients receiving medical and dental screening on an annual basis.

Source: Client records.

Direct

G.R.T.H. 4.1.5.4. Each program shall have written policies and procedures regarding the review of chemotherapy which shall ensure and provide for:

A. Quarterly review of the chemotherapy plan by a physician in conjunction with program staff.

B. Evidence of alternative strategies under consideration with documentation for continued use of chemotherapy at least quarterly.

C. Documentation of all counter-indications and effects of medications as they relate to a particular client.

D. Justification of multiple drug usage and effects for specific clients.

Indicator 1

Criteria: Written description of program policies and procedures, including 4.1.5.4 A-D above, for chemotherapy.

Source: Program records.

Indicator 2

Criteria: Written evidence that clients receiving chemotherapy are receiving it in accordance with written policies and procedures.

Source: Client records.

Direct or

Generic

G.R.T.H. 4.1.6. Recreational Services

4.1.6.1. C. Field trips and participation in community activities which are appropriate to the development level of each client.

Indicator 1

Criteria: Presence of policies and procedures for recreational activities which include criteria 4.1.6.1 C above.

Source: Written copy of policies and procedures for

recreational activities.

Indicator 2

Criteria: Evidence that clients participate in appropriate recreational activities in accordance with policies and procedures.

Source: Program records and client records.

4.1.7. Case Coordination

Direct or

Generic

G.R.T.H. 4.1.7.1. Each program shall provide for activities aimed at linking the service system to the client and coordinating the various system components in order to achieve a successful outcome. These activities shall include:

A. The ongoing process of assessing client's general needs through the use of program reports and evaluation information provided by each service.

E. Coordination and referral at the time of discharge.

F. Identification of individual or agency responsible for follow-up and aftercare.

G. Maintenance and intervention with the social network, including both the folk-support system and the professional service system.

H. Maintaining an ongoing relationship with the client and assisting in crisis-provoking situations.

Indicator 1

Criteria: Written description of care coordination activities including 4.1.7.1 A-H above.

Source: Written description of program services.

Indicator 2

Criteria: Evidence that case coordination services are being provided in accordance with written program description.

Source: Client records.

4.2. All services offered by the program shall be systematically developed and integrated.

G.R.T.H. 4.2.1. Each program shall have a written description of each of its service components, both those provided directly and those obtained generically, including:

4.2.1.1. The goals/objectives of each service component.

4.2.1.2. A description of the activities and procedures utilized to meet the goals/objectives of each service component.

4.2.1.3. The location where these activities are carried out.

Emergency Regulation

4.2.1.4. The number and category of staff regularly involved in each service component.

4.2.1.5. A description of how each service component is evaluated.

Indicator

Criteria: Presence of description of service components which include criteria 4.2.1.1 - 4.2.1.5.

Source: Written copies of description of service components and surveyor judgment.

4.2.2. Each program shall describe how all services offered by the program are integrated. Such a description shall include:

4.2.2.1. A definition of how services are functionally related to the program's overall philosophy.

4.2.2.2. A definition of how services are functionally related to each other.

Indicator

Criteria: Presence of description including criteria 4.2.2.1 and 4.2.2.2 above.

Source: Surveyor judgment.

5. INDIVIDUALIZED TREATMENT PLANS

5.1. Individualized treatment plans will be developed for each client and will include:

G.R.T.H. 5.1.1. Data Base which includes:

5.1.1.1. Necessary identifying information.

5.1.1.2. Information concerning family and other significant support systems.

5.1.1.7. Observations of client behavior.

5.1.1.8. History of previous treatment for mental health and behavioral problems.

Indicator

Criteria: Presence of complete data base in each individualized treatment plan.

Source: Client records with written copies of service plans.

G.R.T.H. 5.1.2. Individualized treatment plans include:

5.1.2.2. Individual client objectives which are based on, congruent with, and justified by the client data base.

5.1.2.6. Individual client objectives that are written so that client behaviors, psychosocial functioning and intrapsychic conflicts are explicit.

5.1.2.7. Individual client objectives that are time related.

5.1.2.8. Prescribed strategies that are appropriate for developing client objectives.

5.1.2.10. Resources to accomplish client objectives which are readily available to staff.

5.1.2.11. Appropriate service providers are specified for each part of the program plan.

5.1.2.13. Documentation that the client receives program services congruent with those prescribed under the individual treatment plan.

5.1.2.16. Documentation of treatment plan reviews.

5.1.2.20. If the case is terminated, the case closure summary or disposition.

5.1.2.21. Identification of person responsible for case coordination.

5.1.2.22. Documentation of client needs being addressed by services procured from outside the program network including resources utilized, times, places, and duration of treatment intervention being provided.

5.1.2.23. Documentation of both services being rendered from within the program boundary and of services being offered elsewhere in the system.

Indicator

Criteria: Presence of complete individualized treatment plans including criteria 5.1.2, 5.1.2.6 - 5.1.2.11, 5.1.2.13, 5.1.2.16, and 5.1.2.20 - 5.1.2.23 above for each client.

Source: Client records.

6. REVIEW PROCEDURES

G.R.T.H. 6.1. All program and administrative policies and procedures shall be reviewed and updated at least once a year.

Indicator 1

Criteria: Presence of policies for reviewing and updating the program and administrative policies and procedures on a yearly basis.

Source: Written copy of all policies.

Indicator 2

Criteria: Annual review and updating of programmatic and administrative policies and procedures manual.

Source: Programmatic and administrative policies and procedures manual.

INTERPRETIVE GUIDELINES

Service Policies and Procedures

1.1.3.2. Article III and Section VI (A) legal rights 1-8 of the Rules and Regulations to Assure the Rights of

Emergency Regulation

Patients and Residents shall be referred to for this standard.

1.1.4.1. If the case coordinator is someone other than the primary therapist then the individual shall be identified as the case coordinator in the client record. In the absence of an assigned case coordinator the primary therapist shall assume the role of case coordinator.

The case coordinator can be any program staff member who has been assigned the responsibility to ensure that the client receives the services prescribed. In addition, the case coordinator may be a primary therapist, or a social service caseworker, or a Chapter 10 Board representative.

1.1.6.3.A. The condition under which a client may be discharged shall be specifically stated.

1.1.6.3.B. There shall be specification of the violation of program rules and other types of inappropriate behavior that can lead to separation from the program. The client and/or family or authorized legal representatives shall be informed of these regulations at the time of admission.

1.1.6.8.B. This standard is to ensure some continuity of services and/or support in the community setting.

1.2.1. The procedures to be covered by this policy on intrinsic risk shall include any treatment procedures (medical, surgical, pharmacological or psychological) that involve the possibility of appreciable risk or harm to the client.

The informed consent document must describe the treatment procedure, the intrinsic risks and must include a statement for the client or legally authorized representative to sign stating that (1) the procedures have been fully described; (2) he/she understands the potential risks; and (3) he/she consents to proceed with the treatment procedure. The document must state the time and place of the aforementioned consultation and the name of the consultant.

1.2.2.1. Article III and Section VI (A) legal rights 1-8 of the Rules and Regulations to Assure the Rights of Patients and Residents shall be referred to for this standard at this time.

1.2.2.2.A. Chapter 13, §§ 37.1-234 - 37.1-238, of the Code of Virginia, relating to the Department of Mental Health and Mental Retardation pertains to Human Research.

1.2.2.4. For the purposes of these standards, dangerous client behavior is defined as behavior which is an eminent threat to the client or others.

1.2.2.4.C. Seclusion as defined in these standards, (see Glossary) is not synonymous with "time out" procedures. Time out procedures may be used as long as they do not involve locking a client in a room

from which he is unable to leave.

1.2.2.4.A-D. The guidelines in the Regulations to Assure the Rights of Patients and Residents of Hospitals, and other facilities shall be referred to for this standard.

1.2.2.5. For the purpose of these standards, least restrictive environment shall mean a setting that allows a client maximum opportunity for independent functioning.

Client Information, Client Records, and Program Records

2.1.8. In the case of programs serving alcohol or drug abusing clients, Title 42, Part 2, of the Rules and Regulations concerning the confidentiality of alcohol and drug abuse patient records may be referred to for this section.

2.2.1.3. On the basis of information gathered about the client during the intake process, there shall be a clear and demonstrable need for the services provided by the program.

Health and Pharmaceutical

3.1.2. First-aid training to staff should include cardiopulmonary resuscitation training.

3.2.3. Before clients shall be allowed to administer nonprescription medication, they shall be evaluated as to their competence to manage self-medication.

Services

4.1.3. Instrumental skills are those skills related to independent community living. A QMHP/QMRP can be a member of the administration.

4.1.3.1. Social skills training shall be those activities aimed at developing and maintaining interpersonal skills, e.g., a unit of activity may be designed to assist clients, through role-playing, to develop appropriate ways of verbalizing feelings of dissatisfaction to other family members.

4.1.3.2.A. On-site training involves task and skill training taking place in the actual setting where that skill would be later used, e.g., teaching shopping skills while actually shopping in a local supermarket.

4.1.5.2. Clients shall have medical and dental examinations on a regular basis, but the program is not required to pay for these examinations.

4. Approval of emergency regulation

11/29/84 /s/ Charles S. Robb
Governor

11/15/84 /s/ Joseph J. Bevilacqua

Emergency Regulation

Commissioner, Department of Mental Health and
Mental Retardation

Filed:

11/29/84 /s/ Joan W. Smith
3:27 p.m. Registrar of Regulations

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

VIRGINIA AUCTIONEERS BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Auctioneers Board intends to amend regulations entitled: **Rules and Regulations of the Virginia Auctioneers Board.**

The Board intends to consider proposals to revise rules and regulations for the Registration program and to consider proposals for certification of auctioneers and reciprocity with other jurisdictions.

Statutory Authority: §§ 54-824.9:2 and 54-824.9:3 of the Code of Virginia.

Written comments may be submitted until March 31, 1985 to Assistant Director, Virginia Auctioneers Board, 3600 West Broad Street, Richmond, Va. 23230.

CONTACT: Jennifer S. Wester, Assistant Director, 3600 West Broad Street, Richmond, Va. 23230, telephone (804) 257-8505, toll free 1-800-552-3016.

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BOARD FOR COMMERCIAL DRIVER TRAINING SCHOOLS

Notice of Intended Regulatory Action

Notice is hereby given that the Board for Commercial Driver Training Schools intends to promulgate regulations entitled: **Commercial Driver Training School Regulations.**

These regulations will be developed to establish entry requirements and standards of practice for tractor-trailer driving schools and instructors - Class A licenses.

Statutory Authority: § 54-145.11 of the Code of Virginia.

Written comments may be submitted until January 1, 1985.

CONTACT: Nancy T. Feldman, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8532, toll free 1-800-552-3016.

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NOTICES OF INTENDED REGULATORY ACTION

VIRGINIA STATE BOARD OF ACCOUNTANCY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Accountancy intends to amend regulations entitled: **Rules and Regulations of the Virginia State Board of Accountancy.**

The purpose of the proposed regulations is to conform with the Governor's Regulatory Review Program, by amending, deleting and clarifying regulations to the extent they are least burdensome to those in the profession of certified public accountancy.

Statutory Authority: Chapter 5, (§ 54-84, et seq) of Title 54 of the Code of Virginia.

Written comments may be submitted until January 21, 1985 to Assistant Director, Virginia State Board of Accountancy, 3600 West Broad Street, Richmond, VA 23230.

The Board would like to receive comments on the following issues:

1. To what extent is there documented evidence that the term "public accountant" is or is not linked in the public's mind with the term "certified public accountant"?
2. What protections are afforded the public, if noncertified accountants are allowed to use the term "public accountant," from incompetent persons practicing as public accountants? If none are available, do the noncertified public accounts propose any regulatory changes to address this issue?

CONTACT: Jennifer S. Wester, Assistant Director, 3600 West Broad Street, Richmond, Va. 23230, telephone (804) 257-8505, toll free 1-800-552-3016.

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General Notices/Errata

VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Statewide Health Coordinating Council intends to amend regulations entitled: **Amendment No. 4 to the Virginia State Health Plan 1980-84: Magnetic Resonance Imaging; Virginia State Health Plan 1980-84, Volume 1, pp. 528, 533-540, 545, 547-549, and Volume 2, pp. 183-193.**

The purpose of the proposed regulations is to describe and analyze the characteristics of magnetic resonance imaging (MRI) and computed tomography (CT), to set forth long range goals, objectives, and recommend actions for the development of MRI and CT services in Virginia, and to specify criteria and standards for the issuance of Certificates of Public Need for MRI and CT services in Virginia.

Statutory Authority: §§ 32.1-102.3 and 32.1-120 of the Code of Virginia.

Persons wishing to be considered for selection to serve on a technical advisory panel for the revision of this Plan component or persons wishing to receive copies of draft materials prepared by the staff during this revision should provide written notice, indicating the desired form of their participation, to the address shown below. Such notice must be received by December 28, 1984.

The proposed amendment is expected to be a comprehensive revision of the current regulations for MRI services and, if appropriate, a revision of the current regulations for CT services in recognition of the expected preference of MRI over CT for a significant portion of medical conditions that now generate demand for CT services.

CONTACT: John P. English, Health Planning Consultant, 1010 Madison Building, 109 Governor Street, Richmond, Va. 23219, telephone (804) 786-4891.

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STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board for the Certification of Librarians intends to amend regulations entitled: **State Board for the Certification of Librarians Regulations.**

This action will amend entry requirements, establish fee schedule, define scope of practice, and establish grounds for discipline.

Statutory Authority: Chapters 1.1 and 11 of Title 54, of the Code of Virginia.

Written comments may be submitted until January 1, 1985.

CONTACT: Laster G. Thompson, Jr., Deputy Director of Operations, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8574, toll free 1-800-552-3016.

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VIRGINIA DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Mental Health and Mental Retardation intends to promulgate regulations entitled: **Policies and Procedures for the Certification of Drug Abuse Division/Education Programs.**

These proposed regulations will set forth minimum criteria for operating first offender drug abuse diversion/education programs.

Statutory Authority: § 18.2-251 of the Code of Virginia. Written comments may be submitted until January 31, 1985.

CONTACT: Frank S. Patterson, Assistant Director for Justice System Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1331.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Mental Health and Mental Retardation intends to promulgate regulations entitled: **Procedures for Staff Development Planning in the Mental Health and Mental Retardation System.**

The purpose of the proposed regulations is to facilitate coordination between existing training functions; promote the sharing of training and staff development resources; initiate new and innovative training and staff development strategies, and to develop a systemwide plan which supports adequate training for department and community services board staff so that quality services are delivered to mentally disabled and substance abusing clients in the

Commonwealth.

Statutory Authority: § 37.1-198 of the Code of Virginia.

Written comments may be submitted until January 14, 1985.

CONTACT: Kenneth W. Howard, Assistant Director for Training Resource Development, Office of Prevention, Information, and Training Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-6133.

procedures; an individual program of treatment; a system of record keeping, and protection of the rights of patients.

Statutory Authority: § 37.1-179 of the Code of Virginia.

Written comments may be submitted until January 7, 1985.

CONTACT: R. Brooks Traweek, Director of Licensing, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472.

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† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health and Mental Retardation intends to promulgate and amend regulations entitled: **Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children with 2 modules (1) Mandatory Certification Standards for Treatment Programs for Residential Facilities for Children and (2) Rules and Regulations for the Licensure of Residential Treatment Facilities for Children.**

The purpose of these regulations is to establish minimum requirements for a children's residential environment to assure life safety; an organized management structure; qualifications of personnel; admission and discharge procedures; an individual program of treatment; a system of record keeping, and protection of rights of patients, residents, and clients.

Statutory Authority: §§ 37.1-179 and 37.1-199.

Written comments may be submitted until January 14, 1985.

CONTACT: Joseph W. Avellar, Ph.D., Director, Office of Quality Assurance, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-4837.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health and Mental Retardation intends to promulgate regulations entitled: **Rules and Regulations for the Licensure of Correctional Psychiatric Treatment Facilities.**

The purpose of the proposed regulations is to establish minimum requirements for a residential environment to assure life safety; an organized management structure; qualifications of personnel; admission and discharge

† DEPARTMENT OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to amend regulations entitled: **Lump Sum Ineligibility Period in the Aid to Dependent Children Program (ADC). (Proposal 1).**

These regulations are being amended to allow local agencies to shorten the established period of ineligibility when (i) the standard of need changes and the amount to which the family would be entitled changes; (ii) the lump sum becomes unavailable to the family for a reason beyond control of the family; or (iii) the family incurs medical expenses during the period of ineligibility and uses the lump sum to pay for medical services rendered. The proposed regulation is contained in § 2632 of the Deficit Reduction Act of 1984, (P.L. 98-369).

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 24, 1985, to Mr. I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699.

CONTACT: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to amend regulations entitled: **Lump Sum Ineligibility Period in the Aid to Dependent Children Program (ADC). (Proposal 2).**

These regulations are being amended to allow local agencies to consider "windfall" lump sum payments from

General Notices/Errata

nonrecurring sources as resources. Any accumulation of benefits (i.e., Social Security or Veterans Benefits), however, will be considered as lump sum income. The basis for the proposed regulation is found in § 402(a)(7) of the Social Security Act and CFR, Title 45, § 233.20(a)(3)(ii)(A)

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 24, 1985, to Mr. I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699.

CONTACT: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to amend regulations entitled: **Collection of Overpayments in the Aid to Dependent Children Program (ADC).**

These regulations are being amended to allow local agencies to forego the collection of overpayments from individuals no longer receiving ADC, except in cases involving fraud, when the total overpayment is (i) less than \$35, or (ii) equal to or greater than \$35, when it has been determined that, after reasonable efforts to collect the overpayment, further efforts would not be cost effective. The proposed regulation is contained in § 2633 of the Deficit Reduction Act of 1984, (P.L. 98-369).

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 24, 1985, to Mr. I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699.

CONTACT: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046.

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VIRGINIA STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Water Control Board intends to amend regulations entitled: **Water**

Quality Standards to Include a Chlorine Standard.

The Board intends to establish a Standard which: (i) sets forth an enforceable concentration limit for total residual chlorine in fresh water and chlorine produce oxidant in saline water that will protect aquatic life, and (ii) provides implementation criteria for the concentration limit.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Written comments may be submitted until January 9, 1985.

CONTACT: Alan E. Pollock, Water Control Engineer, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0384.

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GENERAL NOTICES

† DEPARTMENT OF HEALTH

Public Notice

The Office of Medical Assistance Services has filed the following amendments to the State Plan for Medical Assistance (Medicaid) with the Registrar of Regulations. Full copies of the amendments may be obtained from: Office of Medical Assistance Services, State Department of Health, 8th Floor, James Madison Building, 109 Governor Street, Richmond, Virginia 23219, telephone (804) 786-7933.

1. Increase in Medically Needy Resource Standards: Effective January 1, 1985, the resource standard for a medically-needy individual will increase to \$1,600.00. The standard for a medically-needy couple or for a two-person family will rise to \$2,400.00.

2. Responsibility of Parents for Blind or Disabled Children: HCFA has requested further clarification of this section of the Medicaid Plan and the wording has been altered. This does not represent any change in the implementation of this portion of the plan.

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VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

Public Notice

Notice is hereby given that the Virginia Statewide Health Coordinating Council is establishing a Notice of Intent List. Through this list the Council will solicit public

participation in the drafting of proposed new regulations or proposed changes to existing regulations such as are now contained in its **Virginia State Health Plan and State Medical Facilities Plan**.

Each time the Council determines that specific regulations need to be developed or modified, it will so notify all parties on its Notice of Intent List. Those interested in reviewing preliminary drafts of the specified regulations, possibly as members of an ad hoc advisory panel, will be asked to register their interest with the Council. Input from the respondents would then be solicited as draft materials are prepared, thus allowing for public participation prior to the Council's approval of a proposed specific regulatory text for official public comment and ultimate adoption.

Parties wishing to be placed on the Notice of Intent List should send a written request to John P. English, Health Planning Consultant, 1010 Madison Building, 109 Governor Street, Richmond, Virginia 23219. Telephone inquiries should be directed to Mr. English at (804) 786-4891.

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NOTICE TO STATE AGENCIES

A list of major meetings of various trade associations and organizations is maintained in the office of the Registrar of Regulations. Upon request, this list will be made available to you in order that you can avoid conflicts when setting up meetings and hearings.

CALENDAR OF EVENTS

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICE: Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete.

For information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

THE VIRGINIA CODE COMMISSION

EXECUTIVE

† STATE BOARD OF ACCOUNTANCY

January 16, 1985 - 10 a.m. – Open Meeting
City Council Chambers, City Hall, Albemarle Drive and Holt Street, Alexandria, Virginia

A meeting to conduct an informal fact-finding procedure regarding Helen N. Smith vs. Devinder P. Goyal.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

† VIRGINIA ALCOHOLIC BEVERAGE CONTROL COMMISSION

January 14, 1985 - 9 a.m. – Open Meeting
2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will meet to receive and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0616

† VIRGINIA APPRENTICESHIP COUNCIL

January 17, 1985 - 11 a.m. – Open Meeting
Virginia Department of Labor and Industry, Fourth Street Office Building, 205 North Fourth Street, Second Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting of the Virginia Apprenticeship Council.

Contact: Robert S. Baumgardner, Director of Apprenticeship Training, Division of Apprenticeship, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381

VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

Architects' Section

January 4, 1985 - 9 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia

A meeting to review examinations for June 1984 candidates.

Contact: J. Williams, Assistant Director, APELSCLA, Department of Commerce, 3600 W. Broad St., 5th Floor, Room 507, Richmond, Va., telephone (804) 257-8555

† VIRGINIA AUCTIONEERS BOARD

January 10, 1985 - 8:30 a.m. – Open Meeting
Empire Motor Lodge Restaurant, Interstate 81 & 11, Abingdon, Virginia.

The Board will consider status of registration program; status of certification proposal; and status of complaints. Persons planning to attend should contact the Board office.

Contact: Jennifer S. Wester, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505

† VIRGINIA AVIATION COMMISSION

January 8, 1985 - 10 a.m. – Open Meeting

Calendar of Events

Byrd International Airport, Airport Manager's Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A regular bi-monthly meeting to consider aviation matters.

Contact: Kenneth A. Rowe, 4508 S. Laburnum Ave., P. O. Box 7716, Richmond, Va., telephone (804) 786-6284

VIRGINIA BOARD OF BARBER EXAMINERS

January 28, 1985 - 9 a.m. - Open Meeting
3600 West Broad Street, Conference Room 3, 5th Floor, Richmond, Virginia

The Board will meet to review applications for licensure; review investigative reports of complaints and determine disposition; and to consider general correspondence pertinent to the operation of the Board.

Contact: Gale G. Moyer, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

VIRGINIA CAVE COMMISSION

January 5, 1985 - 10:30 a.m. - Open Meeting
5300 West Marshall Street, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will hold a regular business session that will consider any matters relating to the protection of caves in Virginia; liaison with emergency rescue agencies concerning cave rescue; management of caves on public lands; and assistance to cave owners or other state agencies to provide maximum protection to this valuable resource.

Contact: Roy Powers Jr., Chairman, Rt. 1, Box 153, Duffield, Va. 24244, telephone (703) 523-2400 ext. 261

VIRGINIA STATE BOARD FOR COMMUNITY COLLEGES

January 16, 1985 - 12 noon - Working Session
January 17, 1985 - 8:30 a.m. - Open Meeting
January 17, 1985 - 9:30 a.m. - State Board Committee Meeting
101 North 14th Street, Monroe Building, Board Room, 15th Floor, Richmond, Virginia

An agenda will be available January 10, 1985.

Contact: Mr. Don W. Galbreath or Nancy Finch, 101 N. 14th Street, Monroe Bldg., Richmond, Va., telephone (804) 225-2117

† BOARD OF CORRECTIONS

January 9, 1985 - 10 a.m. - Open Meeting
March 9, 1985 - 10 a.m. - Open Meeting
4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting for certification; sentence reductions and general business.

Contact: Vivian Toler, Board of Corrections, P. O. Box 26963, Richmond, Va. 23261, telephone (804) 257-1900

DEPARTMENT OF CORRECTIONS

February 13, 1985 - 10 a.m. - Public Hearing
Department of Corrections, Board Room, 4615 West Broad Street, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Corrections intends to adopt regulations entitled: **Public Participation Guidelines.** This regulation sets forth procedures for Public Participation in the regulatory process for the Department of Corrections.*

STATEMENT

Purpose: *These guidelines establish requirements for increased participation by interested parties in the formation, development and adoption of regulations that the Board of Corrections or the Director of Corrections is required to promulgate by state law.*

This regulation is needed to respond to public comments that are before the Governor's Regulatory Review Advisory Board for more involvement in all stages of the regulatory process which resulted in changes in the Code of Virginia. Without this regulation, the public may not be provided adequate notice and input opportunity into the regulatory process as outlined in the Code.

Estimated Impact:

1. *The Department of Corrections is the only entity affected by this regulation.*

2. *There will be no cost to other entities or the public for implementations and compliance with this regulation.*

3. *The projected cost to the Department for implementation and enforcement of this regulation is \$5,000 consisting of publication costs and partial salary and benefits for the Agency Regulatory Coordinator.*

4. *General funds will be used for the implementation and enforcement of this regulation.*

Statutory Authority: §§ 9-6.14:7, 53.1-5 and 53.1-10 of the Code of Virginia.

Calendar of Events

Written comments may be submitted until February 1, 1985.

Contact: Robert E. Cousins, Agency Regulatory Coordinator, 4615 W. Broad St., P. O. Box 23693, Richmond, Va. 23261, telephone (804) 257-1943

† VIRGINIA BOARD OF EDUCATION

March 28, 1985 - 2:45 p.m. – Public Hearing
General Assembly Building, House Room D, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Education intends to amend regulations entitled: **Certification Regulations for Teachers**. The proposed amendments establish requirements for all personnel whose employment must be certified based on the standards in the regulations.*

STATEMENT

The basis and purpose for the certification of teachers and other instructional personnel are to maintain standards of professional competence and to ensure a level of training and preparation that will lead to successful practice in the classroom. The proposed changes in the Certification Regulations for Teachers and other Instructional Personnel, which became effective in 1982, further strengthen and modify existing standards, create new standards, and clarify various interpretations of existing certification regulations.

These proposed changes in the regulations 1) clarify and broaden the requirements for instructional and supervisory personnel, 2) eliminate reading as an area of concentration in middle school endorsement, 3) allow for separate endorsements in speech, 4) eliminate data processing as a separate subject, and 5) specify the number of graduate reading hours required for an endorsement as a reading specialist. A complete and detailed description of these changes is contained in Appendix B.

In accordance with §§ 22.1-298 and 22.1-299 of the Code of Virginia the Board of Education shall, by regulation, prescribe the requirements for the certification of teachers and other instructional personnel. The Board is now proposing modifications and changes in these regulations which govern the certification of teachers and other instructional personnel. These changes will become a part of the Certification Regulations for Teachers, which became effective July 1, 1982.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia.

Written comments may be submitted until January 31, 1985 to Dr. S. John Davis, Virginia Department of Education, P. O. Box 6Q, Richmond, Va. 23216.

Contact: Dr. E. B. Howerton, Jr., Virginia Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2027

† DEPARTMENT OF EMERGENCY SERVICES

February 27, 1985 - 10 a.m. – Public Hearing
Department of Emergency Services Training Center, 308 Turner Road, Richmond, Virginia.

*Notice is hereby given to accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Emergency Services intends to adopt regulations entitled: **Guidelines for Public Participation in Regulation Development**. This regulation provides for the identification, notification and participation of parties interested in the development of substantive agency regulations.*

STATEMENT

Subject and Substance: *Proposed Guidelines for Public Participation in Regulation Development. This regulation covers substantive regulations, or substantive portions of plans, as defined by the Virginia Administrative Process Act.*

Issues: *The 1984 Virginia General Assembly amended the Administrative Process Act to provide for public participation in the development of regulations. The Department of Emergency Services' plans are considered to be regulations, and these guidelines provide for public participation when it is required or needed.*

Basis: *§ 9-6.14:7.1 of the Code of Virginia.*

Purpose: *The purpose of this regulation is to provide for public participation in regulation development and adoption.*

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until February 27, 1985.

Contact: Charles H. Kidder, Population Protection Planner, Department of Emergency Services, 310 Turner Rd., Richmond, Va. 23225, telephone (804) 323-2852

† COUNCIL ON THE ENVIRONMENT

January 17, 1985 - 10 a.m. – Open Meeting
James Monroe Building, Conference Room B, 101 North 14th Street, Richmond, Virginia. (Location accessible to handicapped.)

The Council will review environmental issues in the

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state and citizens will be given an opportunity to address Council.

Contact: Hannah Crew, Council on the Environment, 903 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-4500

† VIRGINIA FIRE COMMISSION

January 25, 1985 - 9 a.m. – Open Meeting
Philip Morris Manufacturing Center, 3601 Commerce Road, Richmond, Virginia

The Virginia Fire Commission will hold its regularly scheduled meeting to consider matters relevant to needs and problems of the fire service.

Contact: Carl N. Cimino, Executive Director, Department of Fire Programs, James Monroe Bldg., 17th Floor, Richmond, Va. 23219, telephone (804) 225-2681

DEPARTMENT OF GENERAL SERVICES

† Art and Architectural Review Council

January 11, 1985 - 10 a.m. – Open Meeting
February 1, 1985 - 10 a.m. – Open Meeting
March 1, 1985 - 10 a.m. – Open Meeting
Virginia Museum of Fine Arts, Main Conference Room, Richmond, Virginia.

The Council will advise the Director of the Department of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

Contact: Dorothy E. Ivankoe, Department of General Services, 209 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-3311

Division of Consolidated Laboratory Services Advisory Board

February 8, 1985 - 9:30 a.m. – Open Meeting
James Monroe Building, 1 North 14th Street, Conference Room B, Richmond, Virginia

The Advisory Board will meet to lend guidance and support to programs and issues confronting the Division of Consolidated Laboratory Services.

Contact: Susan Wells, Department of General Services, Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-7905

† GOVERNOR'S EMPLOYMENT AND TRAINING DIVISION Job Training Coordinating Council

January 8, 1985 - 10:30 a.m. – Open Meeting
Richmond Marriott, 500 East Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A general meeting of the Council.

Contact: Gladys Walker, Governor's Employment and Training Division, 417 E. Grace St., P. O. Box 12083, Richmond, Va., telephone (804) 786-4470

† GOVERNOR'S REGULATORY REFORM ADVISORY BOARD

January 3, 1985 - 10 a.m. – Public Hearing
General Assembly Building, House Room C, Richmond, Virginia. (Location accessible to handicapped, interpreter for deaf provided if requested.)

The Board will hold a public hearing regarding existing regulations reviewed by the Department of Housing and Community Development and the State Water Control Board. The Board will also receive comments on the evaluations that have been completed by the Department of Labor and Industry and the Department of Conservation and Economic Development of the state's existing coal mining regulations.

Copies of the completed evaluation reports prepared by these agencies on their existing regulations are on display in the Office of the Registrar of Regulations, 2nd floor, General Assembly Building, Richmond, Virginia

The Board will also discuss its plans for proposed legislative changes it has received, as well as its schedule for the work the Board will conduct following the 1985 General Assembly session.

Contact: Philip F. Abraham, Governor's Office, State Capitol, Richmond, Va., telephone (804) 786-2211

HAZARDOUS WASTE FACILITY SITING BOARD

January 16, 1985 - 10 a.m. – Public Hearing
Henrico County Government Center, Board Room, Parham Road, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Hazardous Waste Facility Siting Board intends to adopt regulations entitled: **Public Participation Procedures for Formation and Promulgation of Regulations.***

STATEMENT

Subject and Substance: *Proposed public participation*

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procedures to be used by the Hazardous Waste Facility Siting Board in the initiation, development and adoption of all required regulations to be promulgated by the Board; proposed interim public participation procedures to be used by the Hazardous Waste Facility Siting Board in the site certification process.

Issues: 1. *Estimated Impact with Respect to Number of Persons Affected:* The proposed procedures will provide a means for all persons affected by or interested in the regulations of the Board to participate in the rule-making process.

2. *Projected Costs for Implementation and Compliance:* The estimated cost for 1984-85 fiscal year is minimal, not expected to exceed \$500.00.

Basis: Compliance with the Administrative Process Act of the Code of Virginia.

Purpose: To solicit the involvement of interested parties in the initiation, preparation and promulgation of regulations required of the Board, including hazardous waste facility siting criteria and regulations for approval of hazardous waste facility siting criteria and regulations for approval of hazardous waste facility; to provide for public notification and participation in the siting process.

Written comments may be submitted until January 16, 1985.

Contact: Barbara M. Wrenn, Executive Director, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-4169

† VIRGINIA STATE BOARD OF HEALTH

January 16, 1985 - 10 a.m. - Open Meeting
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The Board will hold a business meeting.

Contact: Sally Camp, 400 Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3562

HEALTH REGULATORY BOARDS, VIRGINIA COMMISSION

January 15, 1985 - Noon - Open Meeting
The Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia

The Commission will hold a quarterly general business meeting.

Contact: H. Bryan Tomlinson, II, 517 W. Grace St., P. O. Box 27708, Richmond, Va., telephone (804) 786-0801

February 7, 1985 - 10 a.m. - Public Hearing
Virginia Commission of Health Regulatory Boards, 517

West Grace Street, Board Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Health Regulatory Boards, Virginia Commission intends to adopt regulations entitled: **Public Participation Guidelines**. The proposed guidelines establish procedures for the identification and notification of that segment of the public interested in the regulation of health professions and occupations in Virginia.

STATEMENT

Subject and Substance: Public Participation Guidelines proposed for adoption by the Virginia Commission of Health Regulatory Boards provide the mechanism for identifying and notifying the relevant public of the formulation, development and adoption of regulations that the Commission may promulgate. The Guidelines are required by state law.

Issues: 1. *Estimated Impact with Respect to Number of Persons Affected -* The Guidelines will provide a mechanism for all persons affected by regulations of the Commission to participate in their development, formation and adoption.

2. *Projected Costs for Implementation and Compliance -* The proposed guidelines codify existing procedures for identifying and notifying the relevant public of meetings and proposed actions of the Commission of Health Regulatory Boards, thus no material increase in costs to the agency is anticipated. Additionally, no increase in costs to those affected is anticipated. Participation of the relevant public is voluntary.

Basis: § 9-6.14:7.1 of the Code of Virginia.

Purpose: To identify and solicit the participation of the affected public in the formation of regulations prior to and during the drafting, formation, revision, adoption and promulgation phases. The guidelines establish mechanisms whereby affected parties may be placed on or deleted from mailing lists used for mailing notices of intent to promulgate regulations, notices of public hearings or notices of information proceedings, and notices of final regulations adopted. The guidelines also establish mechanism for periodic review of existing regulations, for petitions for rulemaking by the public, for notification of the public regarding any meetings at which rulemaking is a subject, and for the establishment of advisory committees to provide for citizen participation by the Commission of Health Regulatory Boards.

Statutory Authority: § 54-955.1.J of the Code of Virginia.

Written comments may be submitted no later than 5:00 p.m. March 11, 1985.

Contact: Richard D. Morrison, Policy Analyst, Virginia Department and Commission of Health Regulatory Boards, 517 W. Grace St., P. O. Box 27708, Richmond,

Va. 23261, telephone (804) 786-0822

VIRGINIA DEPARTMENT OF HEALTH REGULATORY BOARDS

Virginia Substance Abuse Certification Committee

February 7, 1985 - 10 a.m. – Public Hearing
Virginia Department of Health Regulatory Boards, Board
Room, 517 West Grace Street, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Health Regulatory Boards intends to adopt regulations entitled: **Public Participation Guidelines**. The guidelines establish procedures for the identification and notification of that segment of the public interested in the regulation of health professions and occupations in Virginia.*

STATEMENT

Subject and Substance: *Public Participation Guidelines proposed for adoption by the Virginia Department of Health Regulatory Boards provide the mechanism for identifying and notifying the relevant public of the formulation, development and adoption of regulations that the Department may promulgate. The Guidelines are required by state law.*

Issues: *1. Estimated Impact with Respect to Number of Persons Affected – The Guidelines will provide a mechanism for all persons affected by regulations of the Department to participate in their development, formation and adoption.*

2. Projected Costs for Implementation and Compliance – The proposed guidelines codify existing procedures for identifying and notifying the relevant public of meetings and proposed actions of the Commission and Department of Health Regulatory Boards, thus no material increase in costs to the agency is anticipated. Additionally, no increase in costs to those affected is anticipated. Participation of the relevant public is voluntary.

Basis: § 9-6.14:7.1 of the Code of Virginia.

Purpose: *To identify and solicit the participation of the affected public in the formation of regulations prior to and during the drafting, formation, revision, adoption and promulgation phases. The guidelines establish mechanisms whereby affected parties may be placed on or deleted from mailing lists used for mailing notices of intent to promulgate regulations, notices of public hearings or notices of informational proceedings, and notices of final regulations adopted. The guidelines also establish mechanism for periodic review of existing regulations, for petitions for rulemaking by the public, for notification of*

the public regarding any meetings at which rulemaking is a subject, and for the establishment of advisory committees to provide for citizen participation by the Department of Health Regulatory Boards.

Statutory Authority: § 54-955.K of the Code of Virginia.

Written comments may be submitted no later than 5:00 p.m. March 11, 1985.

Contact: Richard D. Morrison, Policy Analyst, Virginia Department and Commission of Health Regulatory Boards, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0822

VIRGINIA HEALTH SERVICES COST REVIEW COMMISSION

January 23, 1985 - 9:30 a.m. – Open Meeting
Blue Cross and Blue Shield of Virginia, 2015 Staples Mill Road, Virginia Room, Richmond, Virginia. (Location accessible to handicapped.)

A monthly business meeting of the Commission for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

Contact: Sheryl R. Paul, Director, 805 E. Broad St., 7th Floor, Richmond, Va. 23219, telephone (804) 786-6371

VIRGINIA BOARD OF HEARING AID DEALERS AND FITTERS

January 7, 1985 - 9 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to review complaints; discussion of Public Information Article; administer examinations; and to report on meeting in St. Louis, Missouri.

Contact: Edna S. Anthony, Acting Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

† DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

January 17, 1985 - 10 a.m. – Open Meeting
Virginia Department of Highways and Transportation,
Commission Room, 1221 East Broad Street, Richmond,
Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A monthly meeting of the Highways and Transportation Commission to vote on proposals presented regarding bids; permits; additions and deletions to highway system, and any other matters

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requiring Commission approval.

Contact: J. T. Warren, Director of Administration, Virginia Department of Highways and Transportation, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2711

STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

January 16, 1985 - 10:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet for regulatory review; review of applications for examination; and discussion of continuing education.

Contact: Edna S. Anthony, Acting Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

† COMMISSION ON LOCAL GOVERNMENT

January 7, 1985 - 9 a.m. - Open Meeting
Ninth Street Office Building, Room 905, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Commission on Local Government to conduct business and discuss pending issues.

Contact: Barbara Bingham, Ninth St. Office Bldg., Room 901, Richmond, Va., telephone (804) 786-6508

† DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Ad-Hoc Committee on Trainer Certification

January 3, 1985 - 9 a.m. - Open Meeting
Training Office Conference Room, Room 303, 203 Governor Street, Richmond, Virginia. (Location accessible to handicapped.)

This meeting is being held to develop policy and procedures for certification of trainers and courses for use within the Department of Mental Health and Mental Retardation.

Contact: Ken Howard, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va., telephone (804) 786-6133

VIRGINIA STATE BOARD OF NURSING

January 28, 1985 - 1:30 p.m. - Public Hearing
Holiday Inn, I-64 and Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Nursing intends to adopt regulations entitled: **Section IX Public Participation Guidelines.**

STATEMENT

Subject and Substance: Proposed adoption by the Virginia State Board of Nursing of Public Participation Guidelines to be used to solicit participation by interested parties in the formulation, development and adoption of Regulations that the Board may promulgate as required by state law.

Issues: 1. *Estimated Impact with Respect to Number of Persons Affected:* The guidelines will provide a means for all persons affected by regulations of the agency to participate in their development, formulation and adoption.

2. *Projected Cost for Implementation and Compliance:* No material increase in costs to the agency is anticipated. The proposed guidelines reflect procedures that have been in general use for a number of years. Similarly, no increase in costs to those affected is anticipated; and in any case, their participation is voluntary.

Basis: § 9-6.14:7.1 of the Code of Virginia.

Purpose: To solicit participation of interested parties in the formation of regulations prior to and during the entire drafting, formation, promulgation and final adoption process. The guidelines set out methods for the identification and notification of interested persons and groups, specific means of seeking their participation, and when appropriate, provide for the use of advisory committees and consultation with groups and individuals registering interest in working with the agency.

Written comments may be submitted until January 28, 1985.

January 29, 1985 - 9 a.m. - Open Meeting
January 30, 1985 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Board to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under jurisdiction of the Board.

Contact: Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0377

† VIRGINIA BOARD OF OPTOMETRY

January 22, 1985 - 9 a.m. - Open Meeting
Holiday Inn-Downtown, 301 West Franklin Street, Board

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Room, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet for the review of examination, and general business.

Contact: Lawrence H. Redford, Executive Director, Virginia Board of Optometry, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

† State Board Examination and Diagnostic Pharmaceutical Agents Examination

January 23, 1985 - 8 a.m. — Examinations
Egyptian Building, 1223 East Marshall Street, Baruch Auditorium and Room 204, Richmond, Virginia

To administer Optometry State Board and Diagnostic Pharmaceutical Agents Examinations.

Contact: Lawrence H. Redford, Executive Director, Board of Optometry, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

VIRGINIA REAL ESTATE COMMISSION

† **January 3, 1985 - 10 a.m.** — Open Meeting
City Hall, City Council Chambers, Albemarle Drive and Holt Street, Chesapeake, Virginia

A meeting to conduct a formal fact-finding hearing regarding Virginia Real Estate Commission v. John Henry Martin.

† **January 8, 1985 - 10 a.m.** — Open Meeting
Department of Commerce, 3600 West Broad Street, Conference Room 1, Richmond, Virginia

An administrative hearing regarding Virginia Real Estate Commission v. William C. Sprouse, Sr. This matter is continued from October 24, 1984.

† **January 23, 1985 - 10 a.m.** — Open Meeting
Bedford County Courthouse, 129 East Main Street, Bedford, Virginia.

A meeting to conduct a formal fact-finding hearing regarding Virginia Real Estate Commission v. Kathy E. Anderson.

† **January 23, 1985 - 1 p.m.** — Open Meeting
Bedford County Courthouse, 129 East Main Street, Bedford, Virginia

A meeting to conduct a formal fact-finding hearing regarding Virginia Real Estate Commission v. David S. Wilson.

† **January 30, 1985 - 10 a.m.** — Open Meeting
City Hall, Council Chambers, 113 East Beverly Street,

Staunton, Virginia

A meeting to conduct a formal fact-finding hearing regarding Virginia Real Estate Commission v. Elizabeth A. Fultz.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

DEPARTMENT OF SOCIAL SERVICES

† **January 15, 1985 - 1 p.m.** — Public Hearing
Blair Building, Conference Room B, 8007 Discovery Drive, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Social Services intends to amend regulations entitled: Standards and Regulations for Agency Approved Providers. The proposed regulations set forth standards to be used by local social service agencies effective July 1, 1985, to approve individuals who are either in-home or out-of-home providers. This is the repeal of the existing regulations and development of new regulations.

STATEMENT

Basis: §§ 63.1-25, 63.1-55, and 63.1-56 of the Code of Virginia.

Subject: This regulation sets forth the standards for use by local social service agencies to approve certain individual providers of care and services to clients. The providers/homes for whom these standards are applicable include: Adoptive Parents, Adult Day Care homes, Adult Foster/Family Care homes, Family Day Care homes, Foster Parents, and individual providers of Chore, Companion, and In-Home Day Care services.

Substance: This regulation consolidates standards and provides more consistency among standards for providers approved and used by local social service agencies. Areas covered by the standards include: Standards for Providers and Other Persons, Standards for Care, Standards for the Home of the Out-of-Home Provider, and Client Record Requirements for the Out-of-Home Provider.

Issues: The intent of this effort has been to (i) achieve consistency among the various types of providers, (ii) reduce unnecessary, burdensome standards, forms and manual material in an effort to reduce administrative costs, and (iii) place emphasis in areas where it is necessary and appropriate to protect vulnerable clients. In consolidating existing standards into this regulation, certain types of providers will be subject to less scrutiny and other providers will be subject to more scrutiny. This regulation provides an increased emphasis on criminal

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records and child abuse and neglect records.

Purpose: The purpose of this regulation is to (i) assure a degree of safety and protection for clients and (ii) establish objective, uniform criteria across the state for minimum requirements for the suitability of providers and the adequacy of care for clients.

Statutory Authority: §§ 63.1-25, 63.1-55 and 63.1-56 of the Code of Virginia.

Written comments may be submitted until February 22, 1985.

Contact: Linda N. Booth, Functional Analysis Manager, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9638, toll free 1-800-552-7091

Division of Licensing Programs

February 13, 1985 - 9 a.m. – Public Hearing
Appalachian Power Company Auditorium, Roanoke, Virginia

February 20, 1985 - 9 a.m. – Public Hearing
Henrico Government Center, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Licensing Programs, intends to adopt regulations entitled: **Minimum Standards for Licensed Child Care Centers**. The proposed regulations set standards to provide children in child care centers with at least a minimal level of care.*

STATEMENT

Subject: Proposed revisions to the Minimum Standards for Licensed Child Care Centers. These standards are being proposed for a 60-day period of public comment.

Substance: Under the current definition and exemptions in the Code of Virginia, any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardians for part of the day must have a child care center license.

Issues: The document is comprised of the following issues which impact child care centers subject to licensure by the Department of Social Services:

Administration, personnel, supervision, physical environment, emergency, and programs and services which includes administration policies, health care, management of behavior, nutrition and food service and activities.

Basis: Chapter 10, (§ 63.1-219) of Title 63.1, of the Code of Virginia, provides the statutory basis for promulgation of child care center standards. The State Board has approved

proposed revisions for a 60-day public comment period.

Purpose: The proposed revisions are designed to better meet the needs of children in group care in a flexible enough manner to accommodate changes during the lifetime of these standards and to provide the protective oversight of children. The document has been revised with an emphasis on clarity and ease of comprehension.

Statutory Authority: § 63.1-219 of the Code of Virginia.

Written comments may be submitted to Meredyth P. Partridge.

Contact: Mrs. Meredyth P. Partridge, Standards Supervisor, Standards/Policy Unit, Department of Social Services, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9025, (toll free number 1-800-552-7091).

† VIRGINIA SOIL AND WATER CONSERVATION COMMISSION

January 17, 1985 - 9 a.m. – Open Meeting
Farm Credit Office, 6526 Mechanicsville Turnpike, Mechanicsville, Virginia

The Commission will hold a regular bi-monthly meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-2064

† DEPARTMENT OF TAXATION

February 26, 1985 - 10 a.m. – Public Hearing
General Assembly Building, House Room D, Richmond, Virginia.

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **Retail Sales and Use Tax Regulation 1-3: Advertising**. This regulation sets forth the application of the sales and use tax to the production of advertising by agencies, the media and other persons.*

STATEMENT

Basis: This regulation is issued under authority granted by § 58-48.6 (on and after January 1, 1985, § 58.1-203) of the Code of Virginia.

Purpose: This regulation sets forth the tax application to the production of advertising which results in a tangible product by agencies, the media, and by other taxpayers utilizing in-house agencies.

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Issues: The Virginia Supreme Court in WTAR Radio-TV Corp. v. Commonwealth 217 Va. 877, 234 S.E. 2d 245 (1977), ruled that the charge for the production of a television advertisement by a television station constituted the sale of tangible personal property, the total charge for which, including concept development and other services, was subject to the sales tax. The existing regulation relative to advertising, Virginia Retail Sales and Use Tax Regulation 1-3, has not been revised since 1969 and does not incorporate the 1977 decision. As a result of this decision, significant changes are required to the current regulation, published on January 1, 1979.

Substance: The regulation specifies that the total charge for the production of an advertisement which is a tangible product, e.g., a film or an ad paste-up, is taxable in full, including charges for concept development, talent acquisition, scripting and editing and similar charges, regardless of whether the resulting ad is placed in the media. Advertisements developed by the media are taxable only to the extent that a charge is made for the production of the ad above standard "airtime" and "space" charges.

Statutory Authority: § 58-48.6 of the Code of Virginia (On or after January 1, 1985, § 58.1-203).

Written comments may be submitted until February 26, 1985.

Contact: Danny M. Payne, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

† February 26, 1985 - 10 a.m. - Public Hearing
General Assembly Building, House Room D, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **Retail Sales and Use Tax Regulation: Computer Software.** This regulation sets forth the application of the sales and use tax to the sale, lease or use of computer software, to software support services, and to purchases of tangible personal property used in the production of computer software.

STATEMENT

Basis: This regulation is issued under authority granted by § 58-48.6 (on and after January 1, 1985, § 58.1-203) of the Code of Virginia.

Purpose: This regulation sets forth the tax application to the sale, lease or use of computer software, to software support services, and to purchases of tangible personal property used in the production or transfer of computer software.

Issues: The Virginia Supreme Court in WTAR Radio-TV

Corp. v. Commonwealth 217 Va. 877, 234 S.E. 2d 245 (1977) set forth the true object concept for application in determining whether a transaction is a sale or service for sales and use tax purposes. If the object of the transaction is the tangible object produced, the total charge for the resulting property, including services and connection with its production are subject to the tax. The key issue is whether the object of a transaction resulting in the transfer of computer software is a taxable sale or a nontaxable service.

Substance: Utilizing a true object analysis, the proposed regulation would exempt custom software on the basis that it is intangible personal property composed of the personal services of the seller's programmers, the tangible medium of transmittal being an inconsequential element of the transaction. Conversely, prewritten software is deemed to be tangible personal property since all personal service that led to its development was rendered at a time remote from the sale. Additionally, additional charges for support services and modifications must be included in the sales price of taxable software.

Statutory Authority: § 58-48.6 of the Code of Virginia. (On or after January 1, 1985, § 58.1-203.)

Written comments may be submitted until February 26, 1985.

Contact: Danny M. Payne, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

† VIRGINIA BOARD OF VETERINARY MEDICINE

January 15, 1985 - 9 a.m. - Open Meeting
517 West Grace Street, Board Room, Richmond, Virginia.

A general business meeting and review of the veterinarian examination to be administered in February, 1985.

Contact: Lawrence H. Redford, Virginia Board of Veterinary Medicine, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

January 9, 1985 - 11 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly Board meeting to review policy and procedures of the Virginia Department for the Visually Handicapped; and the board will review and approve the Department's Budget, Executive Agreement, and Operating Plan.

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Contact: Wanda D. Tompson, Confidential Secretary, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3145

VIRGINIA WATER AND SEWER ASSISTANCE AUTHORITY

February 8, 1985 - 10 a.m. — Public Hearing
State Water Control Board, Board Room, 2107 North Hamilton Street, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Water and Sewer Assistance Authority intends to adopt regulations entitled: **Guidelines for Public Participation in the Promulgation of Regulations.** The proposed regulation establishes guidelines and procedures to be followed by the Authority to elicit public comment on proposed regulations.*

STATEMENT

Statement of Subject, Substance, Issues, Basis and Purpose:
In order to elicit public input in the formation, promulgation and adoption of its regulations, the Virginia Water and Sewer Assistance Authority proposes to adopt guidelines for public participation in the promulgation of regulations. These guidelines set forth procedures to be followed by the Authority in its regulatory process and will apply to all regulations of the Authority except emergency regulations.

Statutory Authority: § 62.1-203 of the Code of Virginia.

Written comments may be submitted until February 7, 1985.

Contact: Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23210, telephone (804) 788-8174

February 8, 1985 - 10 a.m. — Public Hearing
State Water Control Board, Board Room, 2107 North Hamilton Street, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Water and Sewer Assistance Authority intends to adopt regulations entitled: **Criterion for Eligibility to Participate in Initial Financing.** The proposed regulation establishes the criterion for eligibility of local governments to participate in the initial financing of the Authority to fund local governmental water and sewer projects.*

STATEMENT

Subject, Substance, Issues, Basis and Purpose: *Virginia Water and Sewer Assistance Authority intends to issue an*

initial series of its bonds to finance water and sewer projects of local governments. The initial issuance is expected to finance projects of local governments whose credit ratings are sufficient to enable the Authority more readily to establish a market presence and acceptability at a financing cost acceptable to the Authority. Having thus issued bonds, the Authority will then be able to finance projects of local governments requiring an existing ability on the part of the Authority to issue its bonds. The proposed regulation establishes the eligibility criterion for local governments whose water and sewer projects will be financed by the Authority's initial issuance of bonds and requires only that the local government have a A rating or better from either Standard & Poor's Corporation or Moody's Investors Service for its utility systems or its general obligation indebtedness.

Statutory Authority: § 62.1-203 of the Code of Virginia.

Written comments may be submitted until February 7, 1985.

Contact: Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23210, telephone (804) 788-8174

LEGISLATIVE

† HOUSE COMMITTEE FOR COURTS OF JUSTICE

January 4, 1985 - 10 a.m. — Public Hearing
General Assembly Building, House Room C, Richmond, Virginia.

A subcommittee meeting to receive testimony from opponents and proponents of the coal slurry pipeline in the Commonwealth. (HB 479 - carryover) Additional information may be obtained from Oscar Brinson, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

Contact: Anne R. Howard, House of Delegates Committee Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681

SENATE COMMITTEE FOR COURTS OF JUSTICE

January 9, 1985 - 2 p.m. — Open Meeting
General Assembly Building, Senate Room A, Richmond, Virginia

A regular meeting regarding continued legislation.

Contact: Robert F. Douth, Deputy Clerk of the Senate, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638

CHRONOLOGICAL LIST OPEN MEETINGS

- December 24**
State offices will be closed
- December 25**
Holiday - Christmas
- December 31**
State offices will be closed
- January 1, 1985**
Holiday - New Year's Day
- January 3**
Mental Health and Mental Retardation, Department of
Real Estate Commission, Virginia
- January 4**
APELSCLA - Architects' Section
- January 5**
Cave Commission, Virginia
- January 7**
Hearing Aid Dealers and Fitters,
Virginia Board of
Local Government, Commission on
- January 8**
Aviation Commission, Virginia
Governor's Employment and Training Division
Real Estate Commission, Virginia
- January 9**
Corrections, Board of
Courts of Justice, Senate Committee for
Visually Handicapped, Virginia Department for the
- January 10**
Auctioneers Board, Virginia
- January 11**
General Services, Department of
- January 14**
Alcohol and Beverage Control Commission, Virginia
- January 15**
Health Regulatory Boards, Commission of
Veterinary Medicine, Virginia Board of
- January 16**
Accountancy, State Board of
Community Colleges, Virginia State Board for
Health, Virginia State Board of
Librarians, State Board for the Certification of
- January 17**

Apprenticeship Council, Virginia
Community Colleges, Virginia State Board for
Environment, Council on the
Highways and Transportation, Department of
Soil and Water Conservation Commission, Virginia

- January 22**
Optometry, Virginia Board of
- January 23**
State Board Examination and Diagnostic
Pharmaceutical
Agents, Examinations
Health Services Cost Review Commission, Virginia
Real Estate Commission, Virginia
- January 25**
Fire Commission, Virginia
- January 28**
Barber Examiners, Virginia Board of
- January 29**
Nursing, Virginia State Board of
- January 30**
Nursing, Virginia State Board of
Real Estate Commission, Virginia
- February 1**
General Services, Department of
- February 8**
General Services, Department of,
Division of Consolidated Laboratory
Services Advisory Board
- March 1**
General Services, Department of
- March 9**
Corrections, Board of

PUBLIC HEARINGS

- January 3**
Governor's Regulatory Reform Advisory Board
- January 4, 1985**
Courts of Justice, House Committee for
- January 15**
Social Services, Department of
- January 16**
Hazardous Waste Facility Siting Board

Calendar of Events

January 28

Nursing, Virginia State Board of

February 7

Health Regulatory Boards, Virginia Commission of
Health Regulatory Boards, Virginia Department of

February 8

Water and Sewer Assistance Authority, Virginia

February 13

Corrections, Department of
Social Services, Department of,
Division of Licensing Programs

February 20

Social Services, Department of,
Division of Licensing Programs

February 26

Taxation, Department of

February 27

Emergency Services, Department of

March 28

Education, Virginia Board of