

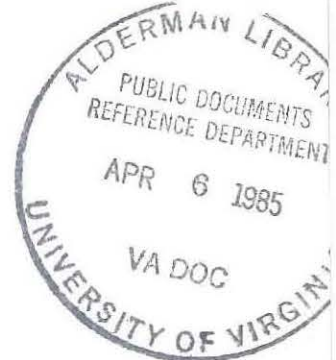
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THE VIRGINIA REGISTER

OF REGULATIONS



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APRIL 1
1985

PAGES 887 THROUGH 934

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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Members of the Virginia Code Commission: Theodore V. Morrison, Jr., Chairman, Delegate; Dudley J. Emick, Jr., Vice Chairman Senator; A. L. Philpott, Speaker of the House of Delegates; James P. Jones, Senator; Russell M. Carneal, Circuit Judge; John Wingo Knowles, Retired Circuit Judge; William G. Broaddus, Chief Deputy Attorney General; John A. Banks, Jr., Secretary, Director of the Division of Legislative Services.

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
Feb. 4	Jan. 18	Feb. 1
Feb. 18	Feb. 1	Feb. 15
Mar. 4	Feb. 15	Mar. 1
Mar. 18	Mar. 1	Mar. 15
Apr. 1	Mar. 15	Mar. 29
Apr. 15	Mar. 29	Apr. 12
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May 13	Apr. 26	May 10
May 27	May 10	May 24
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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.

BOARD OF EDUCATION

PART II. EXEMPTIONS.

Title of Regulation: VR 270-01-0004. Regulations Governing the Approval of Correspondence Courses for Home Instruction.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Summary:

In accordance with §§ 22.1-16 and 22.1-254.1 of the Code of Virginia, the Board of Education intends to promulgate regulations for the approval of correspondence courses for use by parents who elect to teach their children at home as an alternative to compulsory attendance at a regular public or private school. Courses currently in use are approved in accordance with emergency regulations expiring June 30, 1985. The proposed regulations are consistent with those emergency regulations and state and federal statutes and include definitions, exemptions, approval criteria and other appropriate matters.

VR 270-01-0004. Regulations Governing the Approval of Correspondence Courses for Home Instruction.

PART I. DEFINITIONS.

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

"Board" means the Virginia Board of Education.

"Correspondence school" means a school, organization, or other entity, no matter how titled, that teaches nonresident students by mailing them lessons and exercises which, upon completion, are returned to the school for grading. The lessons or exercises may also be transmitted and graded through electronic means.

"Course" means presentation of an orderly sequence of material dealing with an individual subject area such as mathematics, biology, etc.

"Department" means the Department of Education.

"Home instruction" means the teaching of a child or children in the home as an alternative to compulsory attendance as defined in § 22.1-254 of the Code of Virginia.

"School" means a correspondence school.

§ 2.1. The following instructional programs or institutions shall be exempt from these regulations:

1. Any public or private elementary or secondary school accredited or recognized as such by the Board;
2. Courses or materials offered for sale by organizations for use in instruction by teachers, parents or other individuals;
3. Any course offered by a school which is vocational, recreational, or otherwise not considered to be academic in nature;
4. Any school approved under other laws or agencies of this Commonwealth.

PART III. APPROVAL CRITERIA.

§ 3.1. Schools seeking approval of the academic courses offered shall annually on or before June 1 submit the following:

1. An affidavit, on forms provided by the Department, certifying that (i) the courses offered by the school are not in conflict with federal or state laws or regulations; (ii) the school is, in fact, a correspondence school as defined in these regulations; and (iii) the school evaluates the students' work periodically and maintains a permanent record of that work.
2. Verification of approval or exemption from regulation from the appropriate government agency in its state of domicile.
3. A schedule of tuition and fees.
4. A catalog or documents containing the following information:
 - a. Ownership or control of the institution;
 - b. A description of the evaluative method used; and
 - c. Narrative descriptions of courses offered by the institution.

Proposed Regulations

5. Such additional information as the Board or Department may deem necessary.

PART IV. DISCLAIMER.

§ 4.1. The Board of Education's approval of correspondence courses does not mean an endorsement of the program as a substitute for public school programs nor is it an endorsement of the educational or operational philosophy of the school. Additionally, the approval of courses is not a determination of the quality of the courses nor is it a determination that they are appropriate to meet the educational needs of the student or the assessment required by § 22.1-254.1 of the Code of Virginia.

It is manifest that parents who choose to educate their children at home through a correspondence course are directly responsible for the educational progress of their children and the adequacy of instruction. The General Assembly has provided a mechanism to ensure that a child is receiving adequate instruction at home by requiring annual competency testing or evaluation. This testing program or evaluation is a measure of educational adequacy and the determining factor in the decision regarding the continuation of home study.

The approval of the Board does not guarantee that a school has a refund policy for uncompleted courses. The Board of Education assumes no liability for damages or financial loss to parents using any course to meet Option iii of § 22.1-254.1 of the Code of Virginia relating to home study.

PART V. LISTING OF APPROVED COURSES.

§ 5.1. The Department shall maintain a list of schools whose courses are approved under the provisions of these regulations for dissemination to the public upon request.

PART VI. RESTRICTIONS.

§ 6.1. No school whose courses are approved for home instruction shall advertise in any way that the courses have the endorsement, recommendation, accreditation, recognition, or any other similar term, of the Board, the Department, or the Commonwealth of Virginia.

PART VII. REVOCATION OR SUSPENSION OF APPROVAL.

§ 7.1. Approval of courses offered by a school may be revoked or suspended by action of the Board which shall be reported and preserved in writing. The action shall not take place prior to a hearing as provided for in Section XVII of Regulations Governing Operation of Proprietary Schools and Issuing of Agent Permits.

PART VIII. TRANSMITTING DOCUMENTS AND OTHER MATERIALS.

§ 8.1. The mailing of applications, forms, letters, or other papers shall not constitute receipt of the same by the Department unless sent by registered or certified mail, return receipt requested. Such materials should be sent to the Associate Director of Proprietary School Service, Department of Education, P. O. Box 6-Q, Richmond, VA 23216.

VIRGINIA STATE LIBRARY BOARD

Title of Regulation: VR 440-01-137.6. Standards for Plats.

Statutory Authority: §§ 17-68 and 42.1-82 of the Code of Virginia.

Summary:

Sections 17-68 and 42.1-82 of the Code of Virginia provide the statutory basis for the promulgation of regulations governing the quality of all plats and maps submitted for recordation in the circuit courts of the Commonwealth. The proposed regulations will provide minimum standards for the size and quality of the recording medium, the size and quality of inscriptions, format and recordation inscriptions.

VR 440-01-137.6. Standards for Plats.

§ 1. Statement of Applicability.

These standards shall apply to all plats and maps submitted for recordation in the circuit courts of the Commonwealth.

§ 2. Recording Medium.

Documents size shall be between 8 1/2 x 11 and 18 x 24 inches, and the scale shall be appropriate to the size of the paper. Original plats shall be inscribed on either translucent or opaque paper, polyester or linen. The background quality for opaque paper shall be uniformly white, smooth in finish, unglazed, and free of visible watermarks or background logos. Only the original or a first generation un-reduced black line copy of the original plat drawing, which meets the quality inscription standards noted below and has the stamp and original signature of the preparer, shall be submitted for recordation.

§ 3. Quality Inscription Standards.

Color of original inscription (including signatures) shall be black and be solid, uniform, dense, sharp, and unglazed. Lettering shall be no less than 1/10 inch or 2.54 mm in height. Lettering and line weight shall be no less than .013 inches or .3302 mm. Letter and line spacing for

Proposed Regulations

control pencil drawings shall be no less than .050 inches and for ink drawings no less than .040 inches. The drawing substance must be either wet ink or control pencil but not a combination thereof. Good drafting practices shall be followed when eliminating ghost lines and when doing erasures, and all shading and screening shall be eliminated over written data. Inscriptions shall meet standards established herein, and Line Conventions and Lettering (ANSI Y14.2M-1979), Drawing Sheet Size and Format (ANSI Y14.1-1975), and Modern Drafting Techniques for Quality Microreproduction (NMA Reference Series No. 3) shall be consulted as guidelines.

§ 4. Format for Copies.

Margins shall be at least 1/4 inch on all sides, and inscriptions are to be made on only one side of the paper. All drawings shall have centering marks on each side. Match lines or grid tics delineating 8 1/2 x 11 inch sections shall be inscribed on all plats larger than 8 1/2 x 11 inches. Continuation sheets of multi-sheet drawings shall be the same size as the first sheet.

§ 5. Recording Standards.

Recordation inscriptions shall be by clerk's printed certificate, stamping, typing or handwriting and shall conform to the quality inscription standards noted above.

§ 6. Exclusion.

A first generation copy of an original plat drawing dated prior to the adoption of these standards shall be admitted to record.

§ 7. Note.

Where a plat is submitted as part of an instrument, these plat standards shall apply to such plat.

Title of Regulation: VR 440-01-137.7. Standards for Recorded Instruments.

Statutory Authority: §§ 17-60, 42.1-82 and 55-108 of the Code of Virginia.

Summary:

Sections 17-60, 42.1-82 and 55-108 of the Code of Virginia provide the statutory basis for the promulgation of regulations governing the quality of all writings required by law to be recorded and retained permanently in the clerk's office of the circuit courts of the Commonwealth. The proposed regulations will provide minimum standards for the size and quality of the recording medium, the size and quality of inscriptions, format and recordation inscriptions.

VR 440-01-137.7. Standards for Recorded Instruments.

§ 1. Statement of Applicability.

These standards shall apply to all writings required by law to be recorded and retained permanently in the clerk's office of the circuit courts of the Commonwealth. As noted in the section on exclusions, wills are exempt from the requirements of these standards.

§ 2. Recording Medium.

Instruments shall be recorded on paper that is uniformly white, smooth in finish, unglazed, and free of visible watermarks and background logos. The size of the paper shall be no less than 8 1/2 x 11 or larger than 8 1/2 x 14 inches. Positive (black on white background) copies may be substituted provided the copies meet the paper and quality inscription standards noted herein, and can be microfilmed and capable of producing a legible image from microfilm. Negative (white on black background) and carbon copies are not acceptable.

§ 3. Inscription Standards.

All inscriptions (including signatures) shall be black and shall be solid, uniform, dense, sharp, and unglazed. Inscriptions are solid when the lines forming each letter do not have blank or light spots, and they are uniform when the entire letter is the same darkness. To be dense, each letter must be dark, and to be sharp, the demarcation between each letter and the background must be abrupt. Inscriptions are unglazed if they are nonreflective.

§ 4. Inscription Size.

Printing shall be nine point or larger. Typing shall be elite (12 characters per inch) or pica (10 characters per inch) or larger.

§ 5. Format.

Instruments shall contain inscriptions on one side of the paper only. A one inch, minimum, margin shall be provided on the left, top, and bottom margins and one-half inch on the right margin.

§ 6. Recording Standards.

Recordation inscriptions shall be by clerk's printed certificate, stamping, typing or handwriting and shall conform to the quality inscription standards noted above.

§ 7. Exclusion.

These standards do not apply to wills, nonpermanent disposable forms, such as Uniform Commercial Code forms, and Juvenile and Domestic Relations District Court and General District Court judgments and warrants. Original documents executed prior to adoption of these standards shall be admitted to record. Where a plat is submitted as part of an instrument, the standards for plats shall apply.

Proposed Regulations

VIRGINIA MARINE RESOURCES COMMISSION

Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. The Regulations printed below are voluntarily published by the Marine Resources Commission for the public's benefit and for informational purposes only.

Title of Regulation: VR 450-01-0033. Pertaining to Crab Pots.

Statutory Authority: § 28.1-23 of the Code of Virginia.

VR 450-01-0033. Pertaining to Crab Pots.

NOTICE OF PROPOSED REGULATORY ACTION

The Marine Resources Commission invites public comment on a proposed regulation pertaining to crab pots. The text of the proposed regulation is as follows:

PREAMBLE

This regulation is designed to minimize gear conflicts existing between crab pot fishermen and crab scrape fishermen in the Chesapeake Bay near Tangier Island. This regulation prohibits the setting of crab pots in a small area north of Tangier Island.

§ 1. Authority, Prior Regulations, Effective Date.

A. This regulation is promulgated pursuant to the authority contained in § 28.1-23 of the Code of Virginia.

B. No prior regulations pertain to crab pots.

C. The effective date of this regulation is May 1, 1985.

§ 2. Purpose.

The purpose of this regulation is to minimize gear conflicts existing between crab pot fishermen and crab scrape fishermen in an area of Chesapeake Bay north of Tangier Island.

§ 3. Gear Limitation, Closed Area.

A. No crab pot shall be set or fished in the designated closed area.

B. The closed area is defined as follows: Beginning at the northern most point of Fishbone Island, 37°-53'-10" North/76°-00'-10" West; thence in a northerly direction approximately 4.1 miles to a point in the center of Tyler Creek Channel, East of Fishing Creek Marsh, on the

Maryland-Virginia Line, marked by Red Day Marker Number 4, 37°-57'-12" North/76°-00'-47" West; thence westerly along the Maryland-Virginia Line approximately 1.06 miles to the overhead powerline, 37°-57'-12" North/76°-02'-08" West; thence southerly along the overhead powerline to the northern most point of Sedge Island, 37°-56'-34" North/76°-02'-07" West; thence in a southwesterly direction to a point, 37°-56'-13" North/76°-02'-21" West; thence in a southerly direction, along the overhead powerline approximately 0.95 miles to the western most point of Shanks Island, 37°-55'-20" North/76°-02'-32" West; thence in southeasterly direction along the overhead powerline approximately 2.35 miles to Upper Tump, 37°-52'-50" North/76°-00'-47" West; thence in a northeasterly direction approximately 0.60 miles to the northern most point of Fishbone Island, the point of beginning.

§ 4. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class I misdemeanor.

Commonwealth of Virginia
Marine Resources Commission

William A. Pruitt, Commissioner
March 13, 1985

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.

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.

Effective Date: May 1, 1985

Summary and Analysis:

This regulation sets out procedures for the identification, notification and participation of parties interested in the development of agency 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 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 shall] 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 MARINE RESOURCES COMMISSION

Title of Regulation: VR 450-01-8501. "Closed Public Oyster Season."

Statutory Authority: § 28.1-85 of the Code of Virginia.

Effective Date: April 1, 1985

PREAMBLE

The following order of the Marine Resources Commission closes all public oyster rocks, grounds, and shoals within certain designated areas of the Commonwealth in order to promote and protect the oyster fishery.

VR 450-01-8501. "Closed Public Oyster Season."

§ 1. Authority, Prior Regulations, Effective Date:

A. This order is promulgated pursuant to the authority contained in § 28.1-85 of the Code of Virginia.

B. This order repeals Marine Resources Commission orders number 84-1 and number 84-2 which were promulgated and made effective April 1, 1984.

C. The effective date of this order is April 1, 1985.

§ 2. Purpose: The purpose of this order is to rescind prior Marine Resources Commission orders number 84-1 and number 84-2; thereby, closing all public oyster rocks, grounds and shoals to the taking of oysters within certain designated areas of the Commonwealth.

§ 3. Designated Areas: The following areas in the Commonwealth, where public oyster rocks, grounds, and shoals are located, are closed to the taking of oysters:

A. Seaside of Eastern Shore;

B. All "clean cull" areas of the Commonwealth.

§ 4. Rescinded Orders: Marine Resources Commission orders number 84-1 and number 84-2 are hereby rescinded.

§ 5. Expiration Date: This order shall terminate on October 1, 1985.

/s/ William A. Pruitt, Commissioner
Date: February 26, 1985

GOVERNOR

EXECUTIVE ORDER NUMBER 54 (85)

FEDERAL LIMIT ON PRIVATE ACTIVITY BONDS

WHEREAS, the Congress of the United States has adopted, and the President of the United States has signed, the Deficit Reduction Act of 1984 (the "Act"); and

WHEREAS, the Act imposes restrictions on the issuance of industrial development bonds and student loan bonds designated in the Act as "private activity bonds," among which restrictions are limitations on the aggregate amount (termed therein as state ceilings) of "private activity bonds" issued in each state in any calendar year, commencing January 1, 1984, that may be regarded as exempt from Federal income taxation, such limitations being set forth in Section 621 of the Act which adds subsection (n) to Section 103 of the Internal Revenue Code of 1954 (the "Code"); and

WHEREAS, for the Commonwealth of Virginia (the "State"), such state ceiling (the "State Ceiling") for 1985 and 1986 is \$150 multiplied by the most recent estimated resident population of the State last published by the Bureau of Census prior to the commencement of the calendar year, which estimated population, according to the United States Bureau of the Census, United States Department of Commerce News No. CB84-233, issued December 28, 1984, was 5,636,000 producing an estimated 1985 State Ceiling of \$845,400,000 or such amount as determined pursuant to Section 103 (n) (4) of the Code or any ruling of the United States Treasury; and

WHEREAS, such "private activity bonds" are defined in Section 103 (n) of the Code as any obligation the interest on which is exempt from tax under Section 103 (a) of the Code, and which is:

- o an industrial development bond, or
- o a student loan bond,

but excluding:

- o obligations described in Section 103 (b) (4) (A) of the Code (multifamily residential rental property) and housing program obligations under Section 11 (b) of the United States Housing Act of 1937;
- o obligations described in Section 103 (b) (4) (C) or (D) of the Code, but only if the property described in such subparagraphs is owned by or on behalf of a governmental unit and constitutes (a) convention or trade show facilities, or (b) airports, docks, wharves, mass commuting or storage and training facilities directly related to the foregoing;
- o obligations issued to refund other obligations to the extent that the amount of such obligations does not exceed the amount of the refunded obligations (but in the case of student loan bonds, only if the maturity date of the refunding obligation does not exceed the later of 17 years from issuance or the maturity of the original obligation refunded),

and excluding also, by reason of the effective date provisions of Section 631 of the Act:

- o obligations issued before June 19, 1984;
- o obligations issued before January 1, 1985, pursuant to an inducement resolution or other comparable preliminary approval before June 19, 1984; and
- o obligations referred to in Section 631 (d) (1), (2) or (3) of the Act; and

WHEREAS, the Act provides for an allocation of the state ceiling in each state among the issuers of such bonds within the state but with provision that a state legislature may, by law enacted after the enactment of the Act, provide a different formula for allocating the state ceiling and that, in the interim prior to any such action by a state legislature, the governor of a state may proclaim a different formula for allocating the state ceiling; and

WHEREAS, in order to allocate the State Ceiling among all issuers of such bonds in a manner which will promote the public purposes and maximize the public benefits created by the issuance of such bonds;

NOW, THEREFORE, I, Charles S. Robb, by virtue of the authority vested in me as Governor, under Section 103 (n) of the Internal Revenue Code of 1954, as amended, and the laws of the

Governor

Commonwealth of Virginia, and subject always to my continuing and ultimate responsibility and authority to act in such matters and reserve powers, do hereby proclaim the following formula for the allocation of the 1985 and 1986 State Ceiling and the remaining 1984 State Ceiling on Private Activity Bonds in accordance with the Deficit Reduction Act of 1984 as signed into law by the President of the United States on July 18, 1984:

- A. Purpose: The purpose of this Executive Order is to allocate Virginia's total bond issuing authority to those Issuing Authorities, both state and local, which are empowered to issue Private Activity Bonds.
- B. Definitions: As used herein, these definitions shall apply.
 - 1. "Act" shall mean that public law signed by the President of the United States on July 18, 1984, known as the "Deficit Reduction Act of 1984."
 - 2. "Allocation Administrator" shall mean the Virginia Department of Housing and Community Development.
 - 3. "Basic Employment Projects" shall mean those facilities that bring new income into Virginia's economy, stimulate additional employment, and are the basis for further economic growth. Goods or services which are sold outside the boundaries of an area or are paid for with funds from outside an area are considered "exports." Export industries are considered to be the Commonwealth's basic employers. Examples of Basic Employment Projects are: manufacturing, mining, regional distribution or warehousing centers, research and development firms, corporate headquarters or regional offices, major tourist facilities, large-scale agricultural or fishing operations, and port-related activities.
 - 4. "Code" shall mean the Internal Revenue Code of 1954, as amended, together with the regulations and rulings issued pursuant thereto.
 - 5. "Exempt Projects" for the purposes of the State Ceiling shall mean the following activities described in Section 103(b)(4) and 103(b)(5) of the Code which are subject to the State Ceiling:
 - (a) Sport facilities;
 - (b) Convention or trade show facilities;

- (c) Airports, docks, wharves, mass commuting facilities, and parking facilities;
 - (d) Sewage and solid waste disposal facilities, and facilities for the local furnishing of electric energy or gas;
 - (e) Air or water facilities, including pollution control facilities;
 - (f) Certain facilities for the furnishing of water;
 - (g) Qualified mass commuting vehicles;
 - (h) Local district heating and cooling facilities;
 - (i) Industrial parks.
- 6. "Governing Body" shall mean the Board of Supervisors of each county and the Council of each city and of each town.
 - 7. "Issued" shall mean that the private activity bonds have been issued within the meaning of Section 103 of the Code.
 - 8. "Issuing Authority" shall mean any political subdivision, governmental unit, authority, or other entity of the Commonwealth which is empowered to issue Private Activity Bonds.
 - 9. "Local Allocation" shall mean that portion of the State Ceiling allocated to each Locality in Virginia according to Section C.1. hereof.
 - 10. "Localit(y)(ies)" shall mean the individual and collective cities and counties of the Commonwealth of Virginia.
 - 11. "Population" shall mean the most recent estimate of resident population for Virginia and the counties, cities, and towns published by the United States Bureau of the Census or the Tayloe Murphy Institute of the University of Virginia before January 1, 1985 for calendar year 1985 and before January 1, 1986 for calendar year 1986.
 - 12. "Private Activity Bonds" shall mean those obligations issued by the Commonwealth and its Issuing Authorities which constitute Private

Activity Bonds, as defined in Section 103 (n) of the Code, and which are not exempt from the State Ceiling.

13. "State Allocation" shall mean that portion of the State Ceiling allocated to State Issuing Authorities or projects of state or regional interest as determined by the Governor.
14. "State Ceiling" shall mean the amount of Private Activity Bonds that the Commonwealth of Virginia may issue in 1985 or 1986, as the case may be, under the provisions of the Act.
15. "State Reserve" shall mean that portion of the State Ceiling, as determined pursuant to Section C.3. hereof.
16. "Supporting Employment Projects" shall mean those facilities which primarily serve the local economy, such as retail and wholesale trade, contract construction, insurance, real estate, medical and other services.

C. Allocation of State Ceiling: This Executive Order shall apply to all Private Activity Bonds Issued by Issuing Authorities in 1985 and 1986. The State Ceiling for calendar year 1985 and 1986 shall be initially allocated as follows.

1. "Local Allocation." For each of the calendar years 1985 and 1986, each Locality in Virginia is allocated \$75 per capita but not less than \$1 million of the State Ceiling. To retain its Local Allocation for each year, the Governing Body of each Locality shall notify the Allocation Administrator by letter, sent by certified mail or delivered by hand, of its intent to reserve its Local Allocation. If such notification is not received by May 15 of each year, that Locality's allocation for the same year shall be reallocated to the State Reserve. The estimated total of all Local Allocations for calendar year 1985 is \$428,250,000.

The Local Allocation is only available for projects located within the boundaries of the Locality but the bonds for such projects may be issued by any Issuing Authority empowered to do so.

Each county having incorporated town(s) within its borders shall allocate a portion of its Local Allocation to any town in which the Governing Body of such town requests such allocation by March 1 of each year. Upon receipt of such request by its Governing Body, a county, shall allocate to the town at least a pro rata share of the county's Local Allocation based on the town's percentage of the county's Population. Any town receiving a Local Allocation, pursuant to this provision, may at any time prior to October 16 of each year, return the unused portion of such allocation to the county.

Each Governing Body, by resolution or ordinance, may allocate or reallocate its Local Allocation to Issuing Authorities pursuant to such method as the Governing Body shall determine.

The Allocation Administrator shall prepare and distribute a list stating the amount of the Local Allocation to which each Locality shall be entitled.

Any portion of the Local Allocation for which Private Activity Bonds have not been Issued by October 16 of each year shall revert to the State Reserve. The Allocation Administrator may grant an extension of such date for a particular project for a maximum of five (5) days for good cause shown.

2. "State Allocation." For each of the calendar years 1985 and 1986, State Issuing Authorities and projects of state or regional interest, as determined by the Governor, are allocated from the State Ceiling a total of \$15 per capita multiplied by the Population of Virginia. The estimated amount of the State Allocation for calendar year 1985 is \$84,540,000.

Each State Issuing Authority or project of state or regional interest shall be allocated, as prescribed by the Governor, a portion of the State Allocation. The Governor may transfer any portion of the State Allocation to the State Reserve.

3. "State Reserve." For each of the calendar years 1985 and 1986, the remainder of the State Ceiling, after deducting the Local Allocation and the State Allocation, shall be placed in a State Reserve for allocation pursuant to this Executive Order to

Localities or State Issuing Authorities. The amount of the initial State Reserve for calendar year 1985 is an estimated \$332,610,000.

- D. Allocation of the State Reserve: The primary purpose of the State Reserve is to assist in the economic development of the Commonwealth of Virginia. It will be administered as an integral part of the state's economic development effort. The secondary purpose of the State Reserve is to assist political subdivisions, public utilities, and private enterprise in obtaining tax exempt financing for projects defined in (d), (e), and (f) under Exempt Projects.

(1) A State Issuing Authority, with the approval of the Governor, or (2) a Governing Body of any Locality may file an application with the Allocation Administrator to request an allocation from the State Reserve. The State Issuing Authority or Governing Body must have allocated its entire State or Local Allocation prior to requesting an allocation from the State Reserve. To be considered valid, such application shall be accompanied by the following:

1. A full identification, as specified by the Allocation Administrator, of each project which has received an allocation from the Local Allocation or the State Allocation.
2. Copies of IRS Form 8038 for each project for which bonds have been Issued from the Local Allocation or the State Allocation, unless such Form(s) have been previously filed with the Allocation Administrator in accordance with Section F.2. of this Executive Order.
3. Copies of the following for each project for which an allocation is being requested from the State Reserve and for each project which has been assigned an allocation from the Local Allocation or the State Allocation but for which bonds have not been Issued, unless such information has previously been submitted.
 - o inducement resolutions or other preliminary approvals,
 - o documentation of the appropriate elected body's or official's approval of such projects as required by Section 103(k) of the Code,

- o written opinion of bond counsel that the bonds are required to be included under the State Ceiling, and
 - o a letter of intent from a bond purchaser(s) agreeing in principle to purchase the bond(s) subject to appropriate contingencies.
4. Such additional information as may be requested by the Allocation Administrator.

Allocations from the State Reserve shall be made on the following schedule:

<u>Period</u>	<u>Last Date for Request Submission</u>	<u>Approximate Allocation Award Date</u>	<u>Initial Amount of Issuing Authority to be Awarded</u>
Jan/Feb	Feb 28	Mar 15	\$ 80,000,000*
Mar/Apr/May	May 15	Jun 1	100,000,000*
Jun/Jul/Aug	Aug 15	Sep 1	100,000,000*
Sep/Oct	Oct 16	Nov 1	52,610,000*

* To be adjusted appropriately for 1986.

The Allocation Administrator shall increase the initial amount of the State Reserve to be awarded in any period by the amount of any Local Allocation returned to the State Reserve, or any unused issuing authority from the prior period(s).

A request from a Governing Body of a Locality for an allocation from the State Reserve which meets all of the following criteria, as determined by the Allocation Administrator, shall receive an immediate allocation from that portion of the State Reserve allotted to the period as set forth above, or from any unallocated amounts remaining in the State Reserve during the period between November 1 and November 14, until all amounts have been allocated:

1. The project is a Basic Employment Project.
2. Except to the extent that a Locality has reverted its Local Allocation to the State Reserve, the Governing Body of the Locality has allocated at least 90% of its Local Allocation for projects required to be given a priority allocation by Section 631(a)(3) of the Act or for Basic

Employment Projects, which may include the project for which the allocation from the State Reserve is requested.

3. The project will create or retain, as specified below in Criteria 3 of the State Reserve Point System, a minimum of one hundred jobs.

The following State Reserve Point System shall be utilized for each of the four periods for bond issuing authority allocations from the State Reserve. The Allocation Administrator shall assign points to each project according to the State Reserve Point System. At the conclusion of each period, all projects for which an allocation is requested will be ranked, from highest to lowest, based on the number of points assigned. The project receiving the highest number of points will be ranked first, and the project receiving the lowest number of points will be ranked last. The Allocation Administrator will allocate bond issuing authority to projects in the order of their ranking until the maximum amount of bond issuing authority for that period has been allocated.

STATE RESERVE POINT SYSTEM

<u>Criteria</u>	<u>Relative Weight</u>	<u>Maximum Points</u>
1. Project Type	20%	300
Basic Employment	20%	300
Exempt	10%	150
Supporting Employment	0	0
2. Use of State or Local Allocation	13%	200
90% or more reallocated to State Reserve or allocated for Basic Employment Projects or for projects required to be given a priority allocation by the Act.	13%	200
66% to 89% allocated for Basic Employment Projects or for projects required to be given a priority allocation by the Act.	7%	100

Criteria	Relative Weight	Maximum Points
Less than 66% allocated for Basic Employment Projects or for projects required to be given a priority allocation by the Act.	0%	0
Subtotal	<u>33%</u>	<u>500</u>
3. Number of Jobs Created (Net) or Retained	25%	375
<p>The net number of jobs created that are new to Virginia will be counted. Jobs resulting from a proposed project or individual entities within a project which are relocating within Virginia will not be counted. Where there is a significant threat that existing jobs will be lost to Virginia due to relocation or obsolescence, the preservation of such jobs shall be counted as if they were new jobs.</p>		
4. Local Unemployment Rate	15%	225
5. Wages Per Employee	10%	150
6. Percent of Total Project to be Financed with Other than Private Activity Bonds	10%	150
7. Increased Assessed Value of Real Property	7%	100
<p>Scoring for this factor will involve ranking the projects according to the projected increase in assessed value of real property involved in each project in terms of land and buildings. This</p>		

Governor

<u>Criteria</u>	<u>Relative Weight</u>	<u>Maximum Points</u>
factor will give special emphasis to those projects which entail the largest investment; this will produce the greatest tax revenues for the Locality.		
Subtotal	67%	1,000
Total	<u>100%</u>	<u>1,500</u>

Bonus Criteria

- | | | |
|---|----|----|
| 8. Virginia Community Certification Program | 5% | 75 |
|---|----|----|

Bonus points will be given if the project is to be located in a Locality that is certified under the Department of Economic Development's Community Certification Program. This bonus provision will help reward those communities that have demonstrated an interest in attracting economic development by successfully completing this program. A smaller bonus of fifteen (15) points will be given if the project is to be located in a community that has enrolled in the program.

- | | | |
|--------------------------------------|----|----|
| 9. Location in Urban Enterprise Zone | 5% | 75 |
|--------------------------------------|----|----|

Bonus points will be awarded to those projects which propose to locate in areas designated by the Governor as urban enterprise zones. This bonus criteria will offer an additional incentive to those firms willing to

Criteria	Relative Weight	Maximum Points
locate in depressed areas of the Commonwealth, where business investment and the resulting jobs opportunities are desperately needed to help revitalize the community.		
10. Multi-Jurisdictional Basic Employment or Exempt Projects	7%	100

Bonus points will be given to Basic Employment or Exempt projects jointly supported by two or more contiguous Localities if one or more of the Localities revert a portion of their Local Allocation to the State Reserve to be reallocated to the Locality in which the project will be located. This bonus measure will encourage Localities in a region to work together in providing financial support for larger projects. This "leveraging" of their Local Allocation will be rewarded with bonus points towards an allocation from the State Reserve.

The assignment of points for the above ten criteria shall be calculated according to two methodologies. For criteria 1 "Project Type" (300 points), criteria 2 "Use of State or Local Allocation" (200 points), criteria 8 "Virginia Community Certification Program" (75 points), criteria 9 "Location in Urban Enterprise Zone" (75 points), and criteria 10 "Multi-Jurisdictional Basic Employment or Exempt Project" (100 points), the points specified for each will be awarded if the conditions of the criteria are met. For example, if the project type is an Exempt Project, it will receive 150 points; if it is located in an urban enterprise zone, it will receive 75 points. These five criteria can provide a maximum of 750 points.

Points based on criteria 3 "Number of Jobs Created (Net) or Retained" (375 points), criteria 4 "Local Unemployment Rate" (225 points), criteria 5 "Wages per Employee (150 points), criteria 6 "Percent of Total Project to be Financed with Other Than Private Activity Bonds" (150 points), and criteria 7 "Increased Assessed Value of Real Property" (100 points), shall be assigned points according to a ranking process. Relevant information on each project or on the Locality in which the project will be sited shall be ranked from highest to lowest for each criteria. The total points for each criteria will be segmented into point groups that have a 25 point differential. The highest point group shall receive the maximum points for each criteria. The Allocation Administrator shall assign the highest ranking project(s) to the highest point group. The remaining projects shall receive points according to the point group to which the project is assigned. The lowest point group for criteria 4 and criteria 7 will be 25 points, for criteria 3, 5 and 6 it will be 0 points. If the project will not create any new jobs or retain any existing jobs, no points will be assigned to the project for criteria 3. Similarly, if no jobs are to be created or retained, no new wages will be paid, and therefore no points will be assigned to the project for criteria 5. These five criteria can yield a maximum of 1,000 points.

For all purposes of applications for and allocations from the State Reserve under this Order, the minimum pro rata share allocated by the county to a town pursuant to Section C.1. hereof shall not be taken into account unless the project under consideration is located within the town.

No project shall receive an allocation of more than \$10 million from the State Reserve prior to November 15 of each year.

Any project not receiving an allocation from the State Reserve in any period may reapply in a subsequent period by reaffirming by letter its prior request.

Allocations from the State Reserve made prior to September 12 shall be valid for ninety days provided, however, that allocations made on or after September 12 but before November 15 will remain valid only through December 12. If bonds are not Issued within the specified ninety days (or by December 12, for allocations awarded on or after September 12 but before November 15) the allocation shall revert to the State Reserve.

Any bond issuing authority remaining in or accruing to the State Reserve after November 14 shall be awarded beginning on November 15 by the Allocation Administrator to projects having requests on file with the Allocation Administrator before November 1 in the following priority order:

1. Local government projects of the type which are defined in (d), (e), and (f) under Exempt Projects, provided the requesting Governing Body shall have allowed to revert to the State Reserve a portion of its Local Allocation equal to 10 percent of the project, or 10 percent of the Local Allocation, whichever is the lesser.
2. Exempt Projects of the Virginia Port Authority.
3. Public utility projects of the type which are defined in (d), (e), and (f) under Exempt Projects.
4. Private sector projects of the type which are defined in (d), (e), and (f) under Exempt Projects.
5. All other Exempt Projects.
6. All other projects ranked according to the State Reserve Point System.
7. Student loan bonds.

If the amount in the State Reserve is insufficient to award allocations to all projects within one of the above priorities, project allocations within the priority shall be approved by the Governor.

Bonds for projects awarded allocations from the State Reserve after November 15 may be Issued during that calendar year or the allocations may be carried forward to such future years if and as permitted by the Act.

E. Carryforward of Private Activity Bond Issuing Authority from one Calendar Year to the Next:

The Allocation Administrator has the responsibility and the authority to allocate the State Reserve and to execute all carryforward elections or otherwise make allocations for carryforward from one calendar year to another, including calendar year 1984. The objective shall be to ensure maximum utilization of the State Ceiling.

F. Reporting Requirements:

1. The Locality and State Issuing Authority shall submit all requests to the State Reserve in the form and manner prescribed by the Allocation Administrator.
2. Within five days of Issue of any Private Activity Bonds, each Issuing Authority shall submit a copy of Internal Revenue Service Form 8038 to the Allocation Administrator.

G. Administration:

1. The Virginia Department of Housing and Community Development shall be the state administering agency for this Executive Order.
2. All other state agencies shall, upon request, provide assistance to the Virginia Department of Housing and Community Development for the purposes of this Executive Order.

This Executive Order shall become effective on its signing and shall remain in full force and effect until January 1, 1987 unless amended or rescinded by further Executive Order or statute.

Given under my hand and the Seal of the Commonwealth of Virginia this twenty-third day of January, nineteen hundred and eighty-five.

Governor

Secretary of the Commonwealth

GOVERNOR

EXECUTIVE ORDER NUMBER 55 (85)

CONTINUING THE COMMONWEALTH INTERGOVERNMENTAL REVIEW PROCESS

Pursuant to § 2.1-41.1 of the Code of Virginia and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Commonwealth Intergovernmental Review Process as the Commonwealth's official response to Federal Executive Order 12372, which establishes federal policy regarding consultation and cooperation with state and local governments.

The goal of the Commonwealth Intergovernmental Review Process is to simplify and reduce the costs of governmental administrative processes and regulations. The objective of the Process is to foster effective planning and coordination among state and local officials in order to have positive effects on issues concerning planned and proposed federal financial assistance and direct federal development activities.

I hereby designate the Department of Housing and Community Development to serve as the Single Point of Contact (SPOC) for the Commonwealth of Virginia under the Process.

This Executive Order will become effective on February 15, 1985 and will remain in full force and effect unless rescinded or amended by further Executive Order.

This Executive Order supersedes and rescinds Executive Policy Memorandum No. 2-83 issued on September 30, 1983; Secretary of Administration and Finance Directive No. 3-83 issued on October 1, 1983; and Secretary of Administration and Finance Directive No. 4 issued on January 30, 1978.

Given under my hand and under the Seal of the Commonwealth of Virginia at Richmond this 11th day of February, nineteen hundred and eighty-five.

/s/ Charles S. Robb
Governor

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **Rules and Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products.** The purpose of the proposed regulations is to allow the use of dry whey, reduced minerals whey, whey protein concentrate and reduced lactose whey as ingredients in the formulation of powder or dry imitation frozen dessert mixes, and require that these wheys used in the formulation of these mixes shall have been pasteurized or subjected to any other method of process demonstrated to be equally efficient.

Statutory Authority: § 3.1-562.1 of the Code of Virginia.

Written comments may be submitted until April 17, 1985 to Raymond D. Vaughan, Secretary of the Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Virginia 23209.

CONTACT: William R. Crump, Jr., Chief, Bureau of Dairy Services, Virginia Department of Agriculture and Consumer Services, Division of Dairy Foods, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452.

VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects intends to consider the

repeal of its current regulations and to promulgate new regulations consistent with the Governor's Regulatory Review Program so as to ensure that they represent the least burdensome alternative to meet clearly established and justified regulatory needs.

Statutory Authority: §§ 54-1.28, 54-25; 9-6.14:7 and 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until April 12, 1985.

CONTACT: Johnsie Williams, Assistant Director, Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects Board, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8555, toll-free 1-800-552-3016.

BOARD FOR CONTRACTORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Contractors intends to consider amending regulations entitled: **Rules and Regulations Relating to the Regulation of the Practice of Contracting in Virginia.** The purpose of the proposed amendment to the regulations is to raise revenue sufficient to meet projected costs of the Department of Commerce in the regulation of the contracting profession.

Statutory Authority: §§ 54-119 and 54-1.28(4) of the Code of Virginia.

Written comments may be submitted until April 16, 1985.

CONTACT: E. G. Andres, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8511, toll free number (1-800) 552-3106

BOARD OF DENTISTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of

Dentistry intends to consider the promulgation of a regulation to allow the use of trade names by dentists.

Statutory Authority: § 54-184 of the Code of Virginia.

Written comments may be submitted until April 17, 1985.

CONTACT: Nancy T. Feldman, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0311.

GOVERNOR'S EMPLOYMENT AND TRAINING DIVISION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Governor's Employment and Training Division intends to consider amending regulations entitled: **Management Requirements for Job Training Partnership Act (JTPA) Programs and Activities**. The purpose of the proposed regulations is to amend and update existing regulations governing the administration of JTPA activities. This is part of a routine periodic review process.

Statutory Authority: § 2.1-708(3) of the Code of Virginia.

Written comments may be submitted until April 17, 1985.

CONTACT: Patricia Walsh, Supervisor, Technical Assistance Unit, Governor's Employment and Training Division, P. O. Box 12083, Richmond, Virginia 23241, telephone (804) 786-2254.

HAZARDOUS WASTE FACILITY SITING BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Hazardous Waste Facility Siting Board intends to consider the promulgation of regulations entitled: **Application for and Use of the Technical Assistance Fund**. The purpose of the proposed regulations is to establish guidelines for local government applications to receive monies from the Technical Assistance Fund, and for use of such.

Statutory Authority: § 10-186.1 et seq. of the Code of Virginia.

Written comments may be submitted until April 30, 1985.

CONTACT: Harry E. Gregori, Jr., Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-3235.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Hazardous Waste Facility Siting Board intends to consider the promulgation of regulations entitled: **Hazardous Waste Facility Site Certification**. The purpose of the proposed regulations is to (i) establish siting criteria that prevent or minimize adverse impacts on the environment and natural resources; and significant adverse risks to public health, safety or welfare from the location, construction or operation of a hazardous waste facility; (ii) establish requirements for information to be provided by the applicant in the Notice of Intent and Application for Certification; and (iii) establish a schedule of fees for application review and certification procedures.

Statutory Authority: § 10-186.1 et seq. of the Code of Virginia.

Written comments may be submitted until April 30, 1985.

CONTACT: Harry E. Gregori, Jr., Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-3235.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider the promulgation of regulations entitled: **Home Health Agency Utilization Control and Home Health Agency Reimbursement Procedure**. The purpose of the proposed regulations is to (i) establish policies for utilization control of Home Health agencies; and (ii) to develop alternate reimbursement methodologies.

Statutory Authority: § 32.1-383 of the Code of Virginia.

Written comments may be submitted until April 15, 1985.

CONTACT: James M. Brown, Director, Reimbursement Policy, Department of Medical Assistance Services, 109 Governor St., 8th Floor, Richmond, Va. 23219, telephone (804) 786-6114.

General Notices/Errata

DEPARTMENT OF SOCIAL SERVICES

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Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Social Services is considering the promulgation of regulations entitled: **Grant Diversion Program**. The purpose of the proposed regulations is to provide a mechanism in the Department's Employment Services Program which permits the Commonwealth to convert public assistance grants of participating recipients into wage subsidies to employers who hire these participants.

Statutory Authority: Deficit Reduction Act (DEFRA) of 1984 (P. L. 98-369)

Written comments may be submitted until April 2, 1985.

CONTACT: Rick Pond, Assistant Employment Services Supervisor, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9032, toll-free 1-800-552-7091.

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DEPARTMENT OF THE TREASURY AND THE TREASURY BOARD

Notice of Intended Regulatory Action

Notice is hereby given that the Department of the Treasury and the Treasury Board is considering the promulgation of regulations entitled: **Guidelines for Public Participation in Regulation Development and Promulgation**. The purpose of the proposed regulations is to establish public participation in the development of all regulations permitted by statutes and issued by the Department of the Treasury for itself and for the Treasury Board as staff to that Board.

Statutory Authority: Code of Virginia:

§ 2.1-180.1. Department of the Treasury. re: Depositing money.

§ 55-210.27. Department of the Treasury, Unclaimed Property Division. re: Reporting and disposition of unclaimed property.

§ 55-200.1. Department of the Treasury, Unclaimed Property Division. re: Escheats, generally.

Written comments may be submitted until April 1, 1985.

CONTACT: Joseph K. Reid, Director of Planning, P. O. Box 6-H, 101 N. 14th St., Richmond, Va. 23215, telephone (804) 225-2142.

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Water Quality Standards, Section 2.02. Fecal Coliform Bacteria - Other Waters**. The purpose of the proposed amendments is to revise this section of the Standards to incorporate wording that would specify what conditions must be met prior to elimination of the Standard for bacteria when recreational use is unattainable.

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

Written comments may be submitted until May 1, 1985.

CONTACT: Jean W. Gregory, Water Resources Ecologist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6985.

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GENERAL NOTICES

VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

Notice to the Public

Notice is given that the Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, in accordance with the provisions of its Public Participation Guidelines, requests that any individual or organization interested in participating in the development of Regulations or Rules of Practice notify the Board.

Upon notification, the names of such persons or organizations will be added to the Board's General Mailing List and will receive notices of proposed actions on Regulations or Rules.

* * * * *

General Notices/Errata

STATE CORPORATION COMMISSION Bureau of Insurance

Administrative Letter 1985-5

Date: February 25, 1985

Administrative Letter 1985-4

Date: February 21, 1985

TO: All Companies Licensed to Sell Life Insurance in Virginia

RE: Misstatement of Age or Sex Adjustments in Universal Life Insurance Policies

The Virginia Bureau of Insurance has recently received numerous requests, from insurers issuing Universal Life insurance policies, to consider accepting the misstatement of age or sex adjustment which complies substantially with the adjustment found in the Model Regulation on Universal Life insurance adopted by the NAIC in December, 1983. The Bureau conducted a study of this adjustment and concluded that it should be accepted on the basis that it provides equitable and reasonable results for policyowners, and it can be administered accurately and proficiently. Therefore, in accordance with Section 38.1-404 of the Code of Virginia, the Bureau will accept either of the following provisions for age or sex misstatements in Universal Life contracts, effective immediately.

1) If there is an error in the age or sex of the insured, the proceeds payable shall be adjusted by the difference between the monthly deductions deducted, and the monthly deductions which should have been deducted, accumulated at the interest rates that were credited to the cash value from the date of issue of the policy or;

2) If there is a misstatement of age or sex in policy, the amount of the death benefit shall be that which would be purchased by the most recent mortality charge at the correct age or sex.

It should be emphasized that Virginia has not adopted the model regulation on Universal Life insurance. Acceptance of this particular provision should not be construed as acceptance or endorsement of any other requirement referenced in the Regulation.

Any questions concerning the misstatement of age or sex adjustments for Universal Life contracts should be directed, in writing to:

Jacqueline Cunningham
Senior Policy Examiner
Bureau of Insurance
P. O. Box 1157
Richmond, Virginia 23209

/s/ James M. Thomson
Commissioner of Insurance

TO: All Companies and Rate Service Organizations Licensed for General Liability Insurance in the Commonwealth of Virginia

RE: Liability Policies - Defense Costs/Claims Expenses Included in the Limit of Liability
Liability Policies - Deductible Applying to Defense Costs/Claims Expense

We have recently received general liability policies which stipulate that defense costs/claims expenses are not supplementary payments but are to be included in the Limit of Liability. In addition, policy filings have been received which contain a deductible provision requiring the deductible be applied to defense costs/claims expenses.

It is the Bureau's position that these provisions are misleading unless the Declarations page prominently displays a notification to the insured outlining these restrictions in coverage.

Please review your currently approved filings and make the changes necessitated by the Bureau's requirements as outlined in this Administrative Letter by filing amended Declarations for our review.

/s/ James M. Thomson
Commissioner of Insurance

Administrative Letter 1985-6

Date: March 1, 1985

TO: All Health Maintenance Organizations Licensed in Virginia

RE: Copayment Requirements

Section 38.1-863 of the Code of Virginia defines "copayment" as a nominal payment required of enrollees as a condition of the receipt of specific health services. During the past few months, many HMOs in Virginia have made filings or expressed in meetings with the Bureau of Insurance the position that HMOs should be allowed to market "low option" benefit packages which contain copayment amounts far above those normally contained in the benefit package of an HMO and far above what may reasonable be construed as "nominal". This has led the Bureau to a review of its requirements in this area. The following guidelines are offered to clarify what will be accepted by the Bureau of Insurance as being "nominal" copayments as required by Section 38.1-863 of the Code of Virginia, as amended.

General Notices/Errata

It should be emphasized that these copayments requirements apply only to the basic benefits outlined below, and not to any supplement health care services. It is our position that since supplemental health care services are not required to be provided by a health maintenance organization, no minimum standards for copayments for these services should be imposed.

The following is a listing of specific services and maximum copayment amounts that will be deemed to be in compliance with Section 38.1-863 of the Code of Virginia.

<u>Specific Services</u>	<u>Maximum Copayment</u>
1. physician services, including consultation and referral services;	lesser of 20% of the cost of the service provided, or \$25.00.
2. inpatient hospital services;	lesser of 10% of the total cost of the inpatient services for the hospital stay, regardless of the length of stay, or \$100.00.
3. outpatient medical services; (including surgery)	lesser of 20% of the cost of the service provided, or \$25.00.
4. diagnostic laboratory and diagnostic and therapeutic radiologic services;	included in the other specific services listed.
5. preventive health services, including well-child care from birth, periodic health evaluations, immunizations, services for infertility, family planning, and eye and ear examinations for children 17 and under; and	lesser of 20% of the cost of the service provided, or \$25.00.
6. emergency health care services, including but not limited to, ambulance and out-of-area services	lesser of 20% of the cost of the service provided, or \$25.00.
Total Aggregate Copayments for Basic Health Care Services for the Calendar Year	\$500.00 for each member.

Supplemental Health Care Services

No maximum copayment requirements.

The Evidence of Coverage issued by an HMO must provide for a specified dollar copayment amount for each specific basic health care service for which the HMO will require a copayment. Copayment amounts may not be expressed as a percentage of the cost of the service provided. Aggregate copayment amounts shall be expressed in the Evidence of Coverage.

These requirements will make it necessary for all HMOs licensed in Virginia to review their group agreements and evidences of coverages (whether issued on a group or individual basis) to make sure that they are in compliance with these requirements.

1. As of the date of this letter, the Bureau of Insurance will not approve any HMO policy forms, agreements, or evidences of coverage that do not conform to the copayment requirements set forth in this letter.
2. Effective 90 days from the date of this letter, any group agreements or evidences of coverage not in compliance with these requirements will be considered to be disapproved and cannot be marketed subsequent to that date. In view of this, those HMOs with forms that do not meet these requirements must withdraw them from use and file forms in compliance with these requirements within this 90 day period.
3. With regard to group contracts already in force, these may remain in force only until the anniversary date next following the expiration of 90 days from the date of this letter. At that time, all group agreements must be brought into compliance with these requirements.
4. Any evidence of coverage marketed on an individual basis prior to the expiration of 90 days from the date of this letter may stay in force, or may be amended, subject to the consent of all parties, using a form approved by the Bureau of Insurance.

Each health maintenance organization licensed in Virginia is requested to review the contents of this letter and its policy forms to ensure compliance. Please acknowledge receipt of this letter, and direct any questions concerning its contents, in writing, to:

Robert L. Wright, CLU, Supervisor
Forms and Rate Section
Life and Health Division
State Corporation Commission
Bureau of Insurance
P. O. Box 1157
Richmond, Virginia 23209

/s/ James M. Thomson
Commissioner of Insurance

DEPARTMENT OF HEALTH
Medical Assistance Program

Notice to the Public

Notice is hereby given that although the Office of Medical-Assistance is not required by statute to conform to all the provisions of the Administrative Process Act (§ 9-6.14:20), it is our intention to keep the public informed of amendments to the State Plan for Medical Assistance. The following is a summary of the latest amendment. Full copies may be obtained from: Office of Medical Assistance, State Department of Health, 8th Floor, James Madison Building, 109 Governor Street, Richmond, Virginia 23219, telephone (804) 786-7933. Please reference the number of the amendment.

Amendment 85-01:

On January 16, 1985, the State Board of Health gave final approval to the requirement that Medicaid recipients have Social Security numbers as a condition of eligibility. This amendment is required by the Federal Deficit Reduction Act of 1984 and will become effective April 1, 1985.

BOARD OF HOUSING AND COMMUNITY
DEVELOPMENT

† Notice to the Public

The Board of Housing and Community Development and the Director of the Department of Housing and Community Development, in accordance with their Public Participation Guidelines, request that any individual or organization interested in participating in the development or amendment of the agency's regulations notify the Board and the Director through the undersigned contact person. Upon notification, the names will be added to the mailing lists of those who will receive notices of proposed actions on the agency's regulations.

Regulations currently adopted or proposed include: (i) Virginia Uniform Statewide Building Code, consisting of Volume I - New Construction Code, Volume II - Building Maintenance Code, and Volume III - Fire Prevention Code; (ii) Virginia Public Building Safety Regulations; (iii) Virginia Industrialized Building and Mobile Home Safety Regulations; (iv) Virginia Liquefied Petroleum Gas Regulations; (v) Solar Energy Criteria for Tax Exemptions; and (vi) Standards to be Used by Counties, Cities and Towns in Determining the Ability, Proficiency and Qualifications of Applicants for Certification as Plumbers, Building-Related Mechanical Workers and Electricians.

CONTACT: C. S. Mullen, Deputy Director, Department of

General Notices/Errata

Housing and Community Development, 205 N. 4th St.,
Richmond, Va. 23219, telephone (804) 786-4751.

* * * * *

NOTICE TO STATE AGENCIES

Re: Forms for filing material on dates for publication in
The Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in The Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Ann M. Brown, Assistant Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

Proposed (Transmittal Sheet) RR01
Final (Transmittal Sheet) RR02
Notice of Meeting RR03
Notice of Intended Regulatory Action RR04
Notice of Comment Period RR05
Agency Response to Legislative or Gubernatorial Objections
RR06

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. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional 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

† April 2, 1985 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

To conduct an informal fact-finding proceeding regarding State Board of Accountancy v. Charles B. Howard.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8424

May 14, 1985 - 7 p.m. - Public Hearing
Travelers Building, 3600 West Broad Street, Conference Room 395, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

May 15, 1985 - 7:30 p.m. - Public Hearing
Northern Virginia Community College, Annandale Campus, 8333 Little River Turnpike, Science Building, Annandale, Virginia

May 16, 1985 - 7 p.m. - Public Hearing
City Hall Building, Court House Drive, Council Chambers, Virginia Beach, Virginia

May 16, 1985 - 7 p.m. - Public Hearing
Municipal Building, 215 Church Avenue, Council Chambers, Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Accountancy intends to amend regulations entitled:

Regulations of the Board of Accountancy. The regulations govern the practice of public accountancy, including entry qualifications, standards of practice, and provisions for revoking and reinstating licenses and certificates.

STATEMENT

The Virginia State Board of Accountancy proposes to repeal current regulations, and adopt new regulations consistent with the Commonwealth's policy of intruding as little as possible into the legitimate operations of the Commonwealth's businesses and citizens. The Board is proposing to delete those requirements considered procedural or informational only. Regulations which merely repeat applicable statutes is also being proposed for elimination. A complete listing of the changes is on file in the Board's office and at the office of the Registrar of Regulations, General Assembly Building, Richmond, Virginia.

The proposed regulations are grouped into three major parts or categories: General, Entry, and Standards of Practice.

Part I, General, describes definitions, fees, license renewal requirements and appeals.

Part II, Entry, describes the education requirements to become eligible to sit for the CPA examination; the examination and passing requirements for licensure; and requirements for applicants applying from other jurisdictions.

Part III, Standards of Practice, describes practice requirements for individual licenses and CPA professional corporations. Included in Part III are the requirements for maintaining independence, integrity and objectivity, for maintaining conformity with Generally Accepted Auditing Standards (GAAS) and Generally Accepted Accounting Principles (GAAP), for maintaining confidentiality of client information, for release of clients' documents, and for revocation, suspension, fines and reinstatement of licenses and certificates.

1. Part I of the proposed regulations incorporate and modify definitions. Policy statements and sections which relate to the structure of the Board of Accountancy are being deleted as they are informational in nature. Proposed § 1.3 adds new language so as to provide a better explanation of the renewal procedure. Part I deals with general provisions involving license requirements, a definition of the practice of public accountancy, and the use of professional designations and titles. The Board is revising the definition of the term "practice of public accountancy" to include, not only the rendering of opinions

Calendar of Events

and disclaimers, but also the use of language so similar to that used by CPAs that it could be misunderstood by the public. The Board also intends to retain its prohibition against the use of the term "public accountant" by individuals who are not CPAs, since the term may be confusing to the public. These provisions are considered both significant and controversial. Comments on these provisions will be sought at the scheduled public hearings.

2. Part II of the proposed regulations outlines the education requirements for the Uniform CPA Examination, examination conduct, the work experience required for licensing, and the endorsement requirements for applicants from other jurisdictions seeking licensure in Virginia. Part II incorporates much of the requirements outlined in current § 5.00 of the regulations, with major modifications in the education and certification requirements. Education requirements for the CPA examination are being modified to provide that an applicant may have: a degree in accounting; a degree with a concentration in accounting; 120 semester hours (which must include 60 semester hours of designated business and accounting courses); or a written examination demonstrating the equivalent of a bachelor's degree plus 27 semester hours of accounting subjects. The current requirement, a bachelor's degree of any kind, plus 27 semester hours of accounting subjects, is being given a three-year extension period. Under the proposed regulations a candidate who completes the CPA examination and an ethics examination will be eligible for certification. Under current regulations, certification is granted after an experience requirement has been met. The proposal provides that experience must be documented for obtaining a license if the applicant wishes to practice as a CPA. These changes are expected to have a positive effect on those seeking to enter the profession by eliminating the experience requirement for certification.

3. Part III of the proposed regulations provides for a substantial modification in the licensing requirements for firms. The proposed regulations eliminate temporary permits, which are considered unnecessary, and should result in less burdensome requirements and lessen the administrative requirements for the regulatory program. Part III of the proposed regulations also describes revocation, suspension, censure, fines and probation, which are restated from current regulations. Procedural requirements for hearings and reinstatement found in current regulations are being deleted.

Purpose: The aim of the proposed regulations is to clarify, simplify and reduce regulations wherever possible.

Statutory Authority: §§ 54-84 and 54-1.28 of the Code of Virginia.

Written comments may be submitted until May 24, 1985, to the office of the Board of Accountancy.

Contact: Jennifer S. Wester, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505, (toll-free number 1-800-552-3016)

STATE AIR POLLUTION CONTROL BOARD

† April 1, 1985 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

The Board will act on a permit request for the installation of an air curtain destructor and will receive reports about the visibility state implementation plan; the 1985 General Assembly; the agency's budget; the city of Alexandria ordinance; and the U. S. Gypsum Company.

Contact: Dick Stone, State Air Pollution Control Board, Ninth Street Office Bldg., Room 801, Richmond, Va. 23219, telephone (804) 786-5478

VIRGINIA ALCOHOLIC BEVERAGE CONTROL COMMISSION

April 8, 1985 - 9 a.m. - Open Meeting
April 22, 1985 - 9 a.m. - Open Meeting

† May 6, 1985 - 9 a.m. - Open Meeting
† May 13, 1985 - 9:30 a.m. - Open Meeting
† May 20, 1985 - 9 a.m. - Open Meeting
† June 3, 1985 - 9 a.m. - Open Meeting
† June 10, 1985 - 9:30 a.m. - Open Meeting
† June 17, 1985 - 9 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

Meetings to receive and discuss reports on activities from staff members. Other matters are not yet determined.

Contact: Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0616

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS

† April 4, 1985 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to conduct an informal fact-finding proceeding regarding APELSCLA v. S. Leigh Lohman, Jr.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8424

COMMISSION FOR THE ARTS

May 17, 1985 - 9 a.m. - Open Meeting

May 18, 1985 - 9 a.m. - Open Meeting

Hyatt Richmond, 6624 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will meet to award grants. The planned agenda will be available at the Commission office one week prior to the date of the meeting.

Contact: Gloria J. Hatchel, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-3132

VIRGINIA AVIATION COMMISSION

† April 17, 1985 - 10 a.m. - Open Meeting

Byrd International Airport, Airport Manager's Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss current aviation matters.

Contact: Kenneth A. Rowe, Director, Department of Aviation, 4508 S. Laburnum Ave., P. O. Box 7716, Richmond, Va. 23231, telephone (804) 786-6284

INTERDEPARTMENTAL COMMITTEE ON RATE-SETTING FOR CHILDREN'S FACILITIES

† April 2, 1985 - 10 a.m. - Open Meeting

The Koger Executive Center, Blair Building, Conference Rooms A and B, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The Committee will receive and consider the feedback from the State Boards of the Departments of Corrections, Education and Social Services on the Committee's rules and forms as related to § 2.1-703 of the Code of Virginia.

Contact: Thomas W. Riddick, 307 Worthington Square, Portsmouth, Va. 23704, telephone (804) 393-0061

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Division of Historic Landmarks' State Review Board

† April 16, 1985 - 10 a.m. - Open Meeting
221 Governor Street, Richmond, Virginia

A meeting to consider the addition of the following properties to the Virginia Landmarks Register and their nominations to the National Register of Historic Places. The meeting is open to the public:

Allied Arts Building, Lynchburg;
Cambria Station, Christiansburg, Montgomery County;
Carter Family Thematic Nomination, Scott County;
Clifton Historic District, Fairfax County;
Conjurors Field Archaeological Site, Colonial Heights;
Home for Needy Confederate Women, Richmond;
Seaboard Coastline Building, Portsmouth;
Southwest Historic District, Roanoke;
Williamsville, Hanover County.

Contact: Margaret T. Peters, Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

STATE BOARD FOR CONTRACTORS

† April 10, 1985 - 10 a.m. - Open Meeting

Kirn Memorial Library, Kirn Memorial Building, Martin Room, 301 East City Hall Avenue, Norfolk, Virginia

To conduct a formal fact-finding hearing regarding State Board for Contractors v. Metropolitan Construction Co., Inc.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8424

BOARD OF CORRECTIONS

April 10, 1985 - 10 a.m. - Open Meeting

May 15, 1985 - 10 a.m. - Open Meeting

4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Board will conduct its regular monthly meeting to consider such matters as may be presented to the Board of Corrections.

Contact: Vivian Toler, Secretary to the Board, P. O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

May 14, 1985 - 9 a.m. - Public Hearing

Division of Motor Vehicles, 2300 West Broad Street, Room 131, Richmond, Virginia

Title of Regulation: **Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.**

NOTICE: Please refer to Notice of Comment Period listed under the Department of Social Services.

CRIMINAL JUSTICE SERVICES BOARD

† April 3, 1985 - 11 a.m. - Open Meeting

Ninth Street Office Building, 9th and Grace Streets, Cabinet Conference Room, 6th Floor, Richmond, Virginia. (Location accessible to handicapped.)

Calendar of Events

A meeting to consider matters related to the Board's responsibilities for criminal justice training and improvement of the criminal justice systems.

Committee on Criminal Justice Information Systems

† April 18, 1985 - 10 a.m. - Open Meeting
Ninth Street Office Building, 9th and Grace Streets,
Cabinet Conference Room, 6th Floor, Richmond, Virginia.
(Location accessible to handicapped.)

The committee will consider matters related to coordinating the development and operation of the Criminal Justice Information Systems.

Committee on Training

† April 3, 1985 - 9 a.m. - Open Meeting
Ninth Street Office Building, 9th and Grace Streets,
Cabinet Conference Room, 6th Floor, Richmond, Virginia.
(Location accessible to handicapped.)

A meeting to discuss matters related to training for criminal justice personnel.

Contact: Joseph R. Marshall, Executive Assistant,
Department of Criminal Justice Services, 805 E. Broad
St., Richmond, Va. 23219, telephone (804) 786-4000

BOARD OF DENTISTRY

April 17, 1985 - 9 a.m. - Open Meeting
Board of Dentistry, 517 West Grace Street, Board Room,
Richmond, Virginia. (Location accessible to handicapped.)

The Virginia Board of Dentistry will hold a special meeting for the purpose of reconsideration of the proposed regulation to allow the use of trade names.

Contact: Nancy T. Feldman, Executive Director, 517 W.
Grace St., Box 27708, Richmond, Va. 23261, telephone
(804) 786-0311

BOARD OF EDUCATION

April 19, 1985 - 10 a.m. - Public Hearing
James Monroe Building, 101 North 14th Street, Conference
Room D, Richmond, Virginia. (Location accessible to
handicapped; interpreter for deaf provided if requested.)

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: Proposed Regulations Governing Adult High School Programs. The purpose of the proposed amendment is to upgrade the standards governing adult high school programs.

STATEMENT

Subject, Substance, Issues, Basis and Purpose: In accordance with Chapter 13, Article 3, §§ 22.1-223 through 22.1-226 of the Code of Virginia, the Board of Education intends to promulgate appropriate standards and guidelines for adult education programs. The Board is now proposing amendments which will make the adult education regulations consistent with regulations for high school graduation.

The proposed changes are consistent with existing federal and state statutes, regulations, and judicial decisions.

The proposed regulations are needed in order for the Board of Education to strengthen and clarify existing instructional requirements for adults who wish to receive a high school diploma in the Commonwealth of Virginia.

The amendments have been prepared and reviewed by a committee consisting of local adult education specialists, local administrative personnel, and state adult education staff members. Alternative approaches to these regulations were considered; the proposed changes will have a minimum impact on school divisions and students.

Statutory Authority: Chapter 13, Article 3, §§ 22.1-223 through 22.1-226 of the Code of Virginia.

Written comments may be submitted until April 18, 1985.

Contact: Dr. Maude P. Goldston, Associate Director of Adult Education, Virginia Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2024

† April 19, 1985 - 3 p.m. - Open Meeting
Ingleside Conference Center, and The Virginia School for the Deaf and Blind, Staunton, Virginia

A planning session in which the Board of Education will discuss future program priorities. The meeting will begin at 3 p.m. on Friday, April 19, and end at noon on Sunday, April 21.

Contact: Margaret N. Roberts, Associate Director for Board/Staff Relations, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, Va., telephone (804) 225-2540

April 22, 1985 - 10 a.m. - Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

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 adopt regulations entitled: Regulations Governing the Educational Programs for Gifted Students.

STATEMENT

Subject and Substance: *The proposed Regulations Governing the Educational Programs for Gifted Students provide the required guidelines for the Board of Education to implement differentiated programs for identified gifted students in kindergarten through grade 12. Each local school division will be required to submit an annual plan to be approved by the Board of Education that includes (i) a statement of philosophy, goals and objectives; (ii) a process for identification and placement of students into appropriate programs; (iii) a program design; (iv) a process for selection and training of personnel; and (v) a design for the evaluation of such programs.*

Basis and Purpose: *The purpose of the proposed regulations is to provide specific requirements for local school divisions to follow when implementing Standard 5 of the Standards of Quality for Public Schools in Virginia and for the receipt of state funds to support programs for the education of gifted students.*

Statutory Authority: Chapter 13.1, § 22.1-253.5 of the Code of Virginia.

Written comments may be submitted until April 19, 1985.
Contact: Dr. William H. Cochran, Deputy Superintendent of Public Instruction, Virginia Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2024

May 14, 1985 - 9 a.m. - Public Hearing
Division of Motor Vehicles, 2300 West Broad Street, Room 131, Richmond, Virginia

Title of Regulation: Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

NOTICE: Please refer to Notice of Comment Period listed under the Department of Social Services.

† **June 6, 1985 - 10 a.m. - Public Hearing**
James Monroe Building, 101 North 14th Street, Conference Room E, 1st Floor, Richmond, Virginia. (Location accessible to handicapped.)

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 adopt regulations entitled: Regulations Governing the Approval of Correspondence Courses for Home Instruction. The proposed regulations outline the criteria, definition and procedures for approval of certain correspondence courses.

STATEMENT

Subject, Substance, Issues, Basis and Purpose: *In accordance with § 22.1-16 of the Code of Virginia, the Board of Education intends to promulgate regulations for*

the approval of correspondence courses for use by parents who elect to teach their children at home as an alternative to compulsory attendance at a regular public or private school. Courses currently in use are approved in accordance with emergency regulations expiring June 30, 1985.

The proposed regulations are necessary for the Board of Education to comply with the requirements of Option (iii) of § 22.1-254.1 of the Code of Virginia relating to home instruction.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Written comments may be submitted until May 29, 1985.
Contact: Charles W. Finley, Associate Director, Proprietary Schools, Virginia Department of Education, P. O. Box 6-Q, Richmond, Va. 23216, telephone (804) 225-2081

COUNCIL ON THE ENVIRONMENT

April 9, 1985 - 10 a.m. - Open Meeting
State Capitol, House Room 1, Richmond, Virginia.
(Location accessible to handicapped.)

The Council will review environmental issues in the state. Citizens will be given an opportunity to address the Council during the Citizen Forum portion of the meeting.

Contact: Hannah Crew, 903 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-4500

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **April 9, 1985 - 7:30 p.m. - Open Meeting**
† **April 10, 1985 - 9:30 a.m. - Open Meeting**
Holiday Inn - Midtown, 3200 West Broad Street, Richmond, Virginia

Certification of candidates for examinations and a general Board Meeting.

† **May 13, 1985 - 9 a.m. - Open Meeting**
† **May 14, 1985 - 9 a.m. - Open Meeting**
Radisson Hotel Charlottesville, 223 West Main Street, Charlottesville, Virginia

Examinations and Board meeting.
Contact: Mark L. Forberg, Executive Secretary, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0076

Calendar of Events

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Council

April 5, 1985 - 10 a.m. - Open Meeting
May 3, 1985 - 10 a.m. - Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenues, 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

May 10, 1985 - 9:30 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The Advisory Board is comprised of representatives from state agencies served by the lab, as well as individuals in private practice. This Board lends guidance and support to programs and issues confronting the Division of Consolidated Laboratory Services.

Contact: Dr. A. W. Tiedemann, Jr., Director, Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-7905

VIRGINIA STATE BOARD OF GEOLOGY

† April 2, 1985 - 9 a.m. - Open Meeting
3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss geology certification examination with other state Boards.

Contact: Johnnie Williams, Assistance Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Room 507, Richmond, Va. 23230, telephone (804) 257-8555

HAZARDOUS WASTE FACILITY SITING BOARD

† April 10, 1985 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to prepare draft siting criteria.

Contact: Harry E. Gregori, Jr., James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-3235

DEPARTMENT OF HEALTH

Division of Biologics and Drugs

April 8, 1985 - 10 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Auditorium, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health, Division of Biologics and Drugs, intends to amend regulations entitled: **Virginia Voluntary Formulary**. The amended regulations are a list of drugs of accepted therapeutic value, commonly prescribed and available from more than one source of supply.

STATEMENT

Statement of Subject, Substance, Issues, Basis and Purpose:

The purpose of the Virginia Voluntary Formulary is to provide a list of drugs of accepted therapeutic value, commonly prescribed within the Commonwealth which are available from more than one source of supply, and a list of chemically and therapeutically equivalent drug products which have been determined to be interchangeable. Utilization of the Formulary by practitioners and pharmacists enables citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards.

The proposed revised Virginia Voluntary Formulary adds and deletes drugs and drug products to the Formulary that became effective July 1, 1984. These additions and deletions are based upon recommendations of the Virginia Voluntary Formulary Council following its review of scientific data submitted by pharmaceutical manufacturers. The Council makes its recommendations to the State Board of Health.

The Virginia Voluntary Formulary is needed to enable citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards. Without the Formulary, physicians, dentists, and pharmacists in Virginia would not have the assurance that those generic drug products that may be substituted for brand name products have been evaluated and judged to be interchangeable with the brand name products.

Statutory Authority: §§ 32.1-12 and 32.1-79 et seq. of the Code of Virginia.

Written comments may be submitted no later than 5 p.m., April 8, 1985.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, James Madison Building, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

April 3, 1985 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Council Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

May 1, 1985 - 9 a.m. - Open Meeting
Virginia Military Institute, Lexington, Virginia

The Council will hold its monthly meeting.

Contact: State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2137

HIGHWAY AND TRANSPORTATION COMMISSION

April 18, 1985 - 10 a.m. - Open Meeting
Virginia Department of Highways and Transportation, 1221 East Broad Street, Commission Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

Monthly meeting of Highway and Transportation Commission to vote on proposals presented regarding bids, permits, additions and deletions to the highway system and any other matters 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

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

April 2, 1985 - 1:30 p.m. - Public Hearing
Lynchburg District Highway Office Building, Lynchburg, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

April 4, 1985 - 1:30 p.m. - Public Hearing
Bristol District Highway Office Building, Bristol, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

April 5, 1985 - 10 a.m. - Public Hearing
Salem District Highway Office Building, Salem, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

April 11, 1985 - 10 a.m. - Public Hearing
Staunton District Highway Office Building, Staunton, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

April 15, 1985 - 9 a.m. - Public Hearing
Culpeper District Highway Office Building, Culpeper, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

April 15, 1985 - 1:30 p.m. - Public Hearing
Fairfax City Hall, Fairfax, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The Department will conduct a public hearing to receive comments on highway allocations for the coming year and on updating the six-year improvement program for the interstate, primary and urban systems.

Contact: J. T. Warren, Director of Administration, Virginia Department of Highways and Transportation, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2711

VIRGINIA HISTORIC LANDMARKS COMMISSION

† April 16, 1985 - 2 p.m. - Open Meeting
221 Governor Street, Richmond, Virginia

A general business meeting.

Contact: Margaret T. Peters, Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Board of Commissioners

† April 16, 1985 - 10 a.m. - Open Meeting
13 South 13th Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting of the Board of Commissioners of the Virginia Housing Development Authority. The Board will review and, if appropriate, approve the minutes from the prior monthly meeting; consider for approval and ratification mortgage loan commitments under its various programs; review the Authority's operations for the prior month; and consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

Contact: Judson McKellar, General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

VIRGINIA STATE LIBRARY BOARD

April 29, 1985 - 11 a.m. - Open Meeting
Virginia State Library, 11th Street at Capitol Square, State Librarian's Office, Richmond, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting of the Board to discuss administrative matters.

Contact: Jean Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

Calendar of Events

† June 3, 1985 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House
Committee Room C, Richmond, Virginia. (Location
accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Library Board intends to adopt regulations entitled: Standards for Plats. The proposed regulations will provide minimum standards for size and quality of recording medium, size and quality of inscriptions, format and recordation inscriptions.

STATEMENT

Subject and Substance: Standards for Plats proposed for adoption by the Virginia State Library Board provides minimum standards for plats submitted for recordation to the circuit court clerks. The standards shall apply to all plats and maps submitted for recordation in the clerk's office of the circuit courts of the Commonwealth.

Issues: 1. Quality of Plats - The regulation will provide minimum standards for the size and quality of the recording medium, size and quality of inscriptions, format and recordation inscriptions.

2. Exclusion - The standards do not apply to any plat drawings executed prior to the adoption of the standards.

Basis: §§ 17-68 and 42.1-82 of the Code of Virginia.

Purpose: To ensure that the plats when submitted for recordation are legible and recordable and when recorded on microfilm or otherwise they can be read and will produce legible copies.

Standards to become effective January 1, 1986.

Statutory Authority: §§ 17-68 and 42.1-82 of the Code of Virginia.

Written comments may be submitted until June 3, 1985.

† June 3, 1985 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House
Committee Room C, Richmond, Virginia. (Location
accessible to handicapped.)

Notice is hereby in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Library Board intends to adopt regulations entitled: Standards for Recorded Instruments. The proposed regulations will provide minimum standards for size and quality of recording medium, size and quality of inscriptions, format and recordation inscriptions.

STATEMENT

Subject and Substance: Standards for Recorded Instruments proposed for adoption by the Virginia State Library Board provides minimum standards for instruments submitted for recordation to the circuit court clerk. The standards shall apply to all writings required by law to be recorded and retained permanently in the clerk's office of the circuit courts of the Commonwealth.

Issues: 1. Quality of Instruments - The regulation will provide minimum standards for the size and quality of the recording medium, size and quality of inscriptions, format and recordation inscriptions.

2. Exclusions - The standards do not apply to wills, nonpermanent disposable forms, such as Uniform Commercial Code forms, and Juvenile and Domestic Relations District Court and General District Court judgments and warrants or any original instruments executed prior to the adoption of the standards.

Basis: §§ 17-60, 42.1-82 and 55-108 of the Code of Virginia.

Purpose: To ensure that the instruments when submitted for recordation are legible and recordable and when recorded on microfilm or otherwise they can be read and will produce legible copies.

Standards to become effective January 1, 1986.

Statutory Authority: §§ 17-60, 42.1-82, and 55-108 of the Code of Virginia.

Written comments may be submitted until June 3, 1985.

Contact: Louis H. Manarin, State Archivist, Capitol Square, 11th St., Richmond, Va. 23219-3491, telephone (804) 786-5579

STATE BOARD OF MEDICINE

April 18, 1985 - 8:30 a.m. - Open Meeting

April 19, 1985 - 8:30 a.m. - Open Meeting

April 20, 1985 - 8:30 a.m. - Open Meeting

Holiday Inn, Old Town Alexandria, 480 King Street, Alexandria, Virginia. (Location accessible to handicapped.)

The Board will meet to review reports, interview licensees and make decisions on discipline matters before the Board.

April 20, 1985 - 1:30 p.m. - Open Meeting

Holiday Inn, Old Town Alexandria, 480 King Street, Alexandria, Virginia. (Location accessible to handicapped.)

The full Board will meet in open session to conduct general Board business.

Advisory Committee on Physical Therapy

April 19, 1985 - 1:30 p.m. - Open Meeting
Holiday Inn, Old Town Alexandria, 480 King Street,
Alexandria, Virginia. (Location accessible to handicapped.)

The Advisory Committee will meet to conduct general Board business, set examination dates, and respond to correspondence.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23220, telephone (804) 786-0575

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† April 9, 1985 - 1 p.m. - Open Meeting
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly general meeting of the Board. The public is invited.

May 8, 1985 - 9 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **Home and Community-Based Care Waiver for the Mentally Retarded and the Geriatric Mentally Ill**. This waiver would allow the Medicaid Program to provide community-based services to a group of mentally retarded and geriatric mentally ill clients who are presently institutionalized in intermediate-care certified areas of state institutions.

STATEMENT

Legal Authority: The Social Security Act, § 1915(c) allows State Medicaid Programs to offer home and community-based care to individuals who are eligible for intermediate-care in certified areas of geriatric treatment centers, geriatric hospitals, and training centers for the mentally retarded. "Intermediate care" is defined to mean the provision primarily of services such as help with bathing, dressing or feeding; and other types of personal assistance which are usually provided by trained aides under the supervision of a registered nurse and/or habilitative services for the mentally retarded. Specific requirements are outlined in the Federal Register of October 1, 1981, and in the Code of Federal Regulations (42 CFR §§ 440.180, 441.300-305, 447.15).

Summary, Purpose, and Need: Within the Commonwealth of Virginia, there are currently hundreds of mentally retarded and mentally ill citizens living in state institutions who could be more appropriately served in their own

communities. Their presence in the institution is predicated on the lack of appropriate community-based services for them outside the institution, rather than on their inability to function in a community-based setting, and the lack of service dollars to fund the types of community-based services these clients need.

In response to the nationwide need for community services for mentally retarded and mentally ill persons, as well as for elderly and disabled persons, Congress responded with the enactment of § 2176 of P. L. 97-35 of the Social Security Act, entitled "The Omnibus Budget Reconciliation Act of 1981". Section 2176 allowed for waivers to be approved by the Secretary of the Department of Health and Human Services, in order to give states the opportunity for innovation in providing home and community-based services to eligible persons who would otherwise require care in a skilled nursing facility, an intermediate-care facility, or in an intermediate-care facility for the mentally retarded.

The Virginia Medicaid Program seeks to expand its existing Home and Community-Based Services Program by requesting a waiver to provide services to a group of mentally retarded and geriatric mentally ill clients who are presently institutionalized in intermediate-care certified areas of the geriatric treatment centers, geriatric hospitals, or the state training centers for the mentally retarded. The goal of the waiver is to serve clients in community-based settings at a cost equal to or less than the cost of their care in the institution.

In order to guarantee that adoption of new services under Medicaid does not result in greater expenditures of Medicaid funds than is currently being spent for care of individuals in intermediate-care facilities for the mentally retarded and geriatric mentally ill, certain administrative controls will be placed on these Home and Community-Based Care services. First, only individuals institutionalized in Central Virginia Training Center, Southside Virginia Training Center, Barrow Geriatric Treatment Center, and Piedmont Geriatric Hospital may receive these Home and Community-Based Care services. Second, no individual may receive these services without assessment of need and determination that he meets the Medicaid criteria for intermediate-care. Third, the individual's plan of care in the community must be certified by a physician and monitored at specific intervals for necessity and quality of care. In addition, this monitoring will also include an evaluation of the cost-effectiveness of the services. At the point that the cost of in-home services surpasses the cost of institutional care, the individual will no longer be eligible for the Home and Community-Based Care services.

Statutory Authority: 1983 Appropriations Act.

Written comments may be submitted until May 8, 1985.

Contact: R. Beth Lloyd, Policy Analyst, Planning/Policy Development Unit, Department of Medical Assistance Services, 109 Governor St., 8th Floor, Richmond, Va. 23219, telephone (804) 786-7933

Calendar of Events

STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

† April 24, 1985 - 10 a.m. - Open Meeting
Hampton-Newport News CSB, Charter Colonial Institute,
17579 Warwick Blvd., Newport News, Virginia. (Location
accessible to handicapped.)

A regular monthly meeting. The agenda will be published April 17 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

May 14, 1985 - 9 a.m. - Public Hearing
Division of Motor Vehicles, 2300 West Broad Street, Room 131, Richmond, Virginia

Title of Regulation: Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

NOTICE: Please refer to Notice of Comment Period listed under the Department of Social Services.

May 14, 1985 - 9 a.m. - Public Hearing
Division of Motor Vehicles, 2300 West Broad Street, Room 131, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health and Mental Retardation intends to amend regulations entitled: **Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children.** These standards are the minimum requirements for treatment programs for mentally ill, mentally retarded and substance abuse clients in residential facilities for children, except private psychiatric hospitals licensed by the department. This treatment module for treatment programs for mentally ill, mentally retarded and substance abuse clients in residential facilities for children will be reviewed along with the Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children. These standards do not apply to private psychiatric hospitals licensed by the department.

STATEMENT

Purpose: The Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children (Mandatory Standards) are designed to work in conjunction with the Core Standards for Interdepartmental

Licensure and Certification of Residential Facilities for Children (Core Standards). The State Departments of Corrections, Education, Mental Health and Mental Retardation, and Social Services are responsible under the Code of Virginia for the licensure, certification and/or approval of public and private residential facilities for children. Residential facilities for children (because of whom they serve, the sources of funds or the types of services they provided) are subject to the authority of one and often more than one of the four departments. To better coordinate their efforts, the four departments have entered into an interdepartmental agreement that provides for the application of common standards for residential care that must be met by all residential facilities for children in order to qualify for licensure/certification by one or more of these four departments.

The Mandatory Standards, originally promulgated in February, 1981, are a treatment module that delineate the areas necessary for programs to become certified/licensed as providing treatment or training for the mentally ill, mentally retarded or substance abusing client in 24-hour residential care. The purpose of the proposed regulations is to establish minimum requirements for treatment programs in residential facilities for children (except those in private psychiatric hospitals licensed by the department) in the areas of the residential environment, an organized management structure, qualifications of personnel, admission and discharge procedures, an individual program of care and a system record keeping.

Basis: Chapter 8 of Title 37.1 (§§ 37.1-179 et seq.) and § 37.1-199.

Issues and Substance: Residential care facilities in Virginia provide services to children with a wide range of needs and problems including educational difficulties, mental retardation, emotional disturbance, dysfunctional families, behavior problems and chemical dependency. Residential facilities offer a wide variety of approaches for addressing these needs and problems. Children and their families who find no appropriate services available in the community may need the intensive and comprehensive programming that is often available only in a residential setting. As courts, families and schools encounter more and more children in the community with complex difficulties, out-of-home residential care will continue to be a resource for intensive service delivery.

Residential care is inherently a high risk situation for children. Institutionalized children are typically not in regular contact with their families or others who will act as their advocates or protectors. These children are usually more disabled or dysfunctional as a group than other children; and because of their greater disabilities, they are subject to more structured, more intensive and often riskier treatment and training methods in institutions. It is imperative, therefore, to have a regulatory oversight process that thoroughly and frequently monitors treatment programming to assure that it exists and is adequate and appropriate for the clients.

The current standards were evaluated in several ways to assure that each proposed regulation was the least

burdensome available alternative. Each standard was (i) challenged on the grounds of clarity and ease to compliance determination; (ii) reviewed to assure that the requirement was the most effective way to achieve the protection of children in residential care; and (iii) examined to ascertain whether a lack of observance of the standard would negatively affect the care of children.

The proposed effective date of the regulation is November 1, 1985.

Statutory Authority: §§ 37.1-179 through 37.1-189 and § 37.1-199 of the Code of Virginia.

Written comments may be submitted until May 14, 1985.

Contact: Dr. Joseph W. Avellar, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-0070

Mental Retardation Advisory Council

† April 10, 1985 - 10 a.m. - Open Meeting
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to review current mental health issues for advisory input to State Board of Mental Health and Mental Retardation. The agenda will be available April 1, 1985.

Contact: Leslie S. Tremaine, Ed.D., Director, Office of Mental Health, Department of Mental Health and Mental Retardation, 109 Governor St., James Madison Bldg., Richmond, Va., telephone (804) 786-2991

† April 19, 1985 - 10 a.m. - Open Meeting
James Madison Building, 109 Governor Street, Board Room, 13th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting to advise the State Board on matters pertaining to mental retardation services across the Commonwealth.

Contact: Carol Singer-Metz, Director, Mental Retardation Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1746

State Human Rights Committee

† April 5, 1985 - 10 a.m. - Open Meeting
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss business relating to State Human Rights. Agenda items will be listed prior to the meeting.

Contact: Elsie D. Little, A.C.S.W., P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

Public Guardianship Task Force

† April 2, 1985 - 10:30 a.m. - Open Meeting
James Madison Building, 109 Governor Street, Board Room, 13th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to explore alternatives to current Guardianship legislation.

Contact: Carol Singer-Metz, Director, Mental Retardation Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1746

DEPARTMENT OF MINES, MINERALS AND ENERGY

April 10, 1985 - 10 a.m. - Public Hearing
Mountain Empire Community College, Dalton-Cantrell Building, Big Stone Gap, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to adopt regulations entitled: **Proposed Rules and Regulations Governing the Use of Diesel-Powered Equipment in Underground Coal Mines.** This regulation sets forth the conditions under which diesel-powered equipment can be used in underground coal mines.

STATEMENT

Basis: The regulation as proposed is being adopted pursuant to the provisions of § 45.1-90 (b) of the Code of Virginia. The amendment permits the utilization of diesel-powered equipment in underground coal mines. The amendment requires the Chief, Division of Mines, to promulgate regulations necessary to carry out the provisions of § 45.1-90 (b) of the Code of Virginia.

Purpose: The purpose of this proposed regulation is to provide for a safe and healthful working environment in underground coal mines where diesel-powered equipment is utilized.

Impact: The proposed Rules and Regulations Governing the Use of Diesel-Powered Equipment in Underground Coal Mines, will impact only those mine operators who choose to use diesel equipment. The proposed regulation provides a safe and healthful working environment for underground workers. The proposed regulation will not increase capital or operating costs. No significant costs will be encountered to implement the proposed regulation.

Summary: The proposed regulation addresses the mandate of § 45.1-90 (b) of the Code of Virginia and provides guidelines necessary to maintain a safe and healthful working environment where diesel equipment is utilized in underground coal mines.

Calendar of Events

Statutory Authority: §§ 45.1-90 (b) and 34.1-104 (b) of the Code of Virginia.

Written comments may be submitted until April 10, 1985.
Contact: Harry D. Childress, Chief, Division of Mines, 219 Wood Ave., Big Stone Gap, Va. 24219, telephone (703) 523-0335

VIRGINIA DEPARTMENT OF MOTOR VEHICLES

April 19, 1985 - 10 a.m. - Public Hearing
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Motor Vehicles intends to adopt regulations entitled: Rules and Regulations for the Motorcycle Rider Safety Training Center Program.

STATEMENT

Subject and Substance: *The proposed rules and regulations will be used by the Department of Motor Vehicles in administering the Motorcycle Rider Safety Training Program, including criteria for training center approval, curriculum, facilities and equipment approval, instructor qualification and certification, and administrative reporting requirements.*

Issues: *The Motorcycle Rider Safety Training Act authorizes the Department of Motor Vehicles to administer the operation of regional motorcycle rider safety training centers. The source of the funding for training center operation is the Motorcycle Rider Safety Training Program Fund. The Department of Motor Vehicles will approve and award contract funds to training centers that meet the requirements of the rules and regulations.*

Basis: §§ 46.1-564 through 46.1-570 of the Code of Virginia.

Purpose: *To promote the safe operation of motorcycles; to establish requirements for training center approval and basis for award of contract funds.*

Statutory Authority: §§ 46.1-564 through 46.1-570 of the Code of Virginia.

Written comments may be submitted until April 18, 1985. All persons who intend to comment at the public hearing are requested to give notice of this intent to Susan R. Metcalf by April 12, 1985.

Contact: Susan R. Metcalf, Program Coordinator, or Dan W. Byers, Manager, Division of Motor Vehicles, Room 415, P. O. Box 27412, Richmond, Va., telephone (804) 257-0410

STATE BOARD OF OPTICIANS

May 24, 1985 - 9:30 a.m. - Open Meeting
3600 West Broad Street, Conference Room 3, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to (i) review applications for examination; (ii) review investigative reports of complaints and determine disposition; and (iii) address general correspondence pertinent to the operation of the Board.

Contact: Gale G. Moyer, Assistant Director, Virginia State Board of Opticians, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

STATE BOARD OF OPTOMETRY

May 1, 1985 - 9 a.m. - Public Hearing
Department of Health Regulatory Boards, 517 West Grace Street, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Optometry intends to adopt regulations entitled: Public Participation Guidelines. These regulations will establish guidelines for soliciting participation of interested parties in the revision and adoption of regulations.

STATEMENT

Subject and Substance: *Proposed adoption by the Virginia Board of Optometry 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 or authorized 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:* Since the Board of Optometry is part of an agency that generates operating funds from licensees, any additional costs would be borne by them. At present, a one-day Board meeting cost approximately \$1,000. If additional meetings would be required to fulfill the requirement of a biennial review of regulations' effectiveness and continued need, then this cost figure need be borne in mind. The cost of a public hearing and transcript should not exceed \$500. There is no enforcement cost.

Basis: §§ 9-6.14:7.1 and 54-376 of the Code of Virginia.

Purpose: *To solicit participation of interested parties in the development of regulations prior to and during the entire drafting, formulation, promulgation, and final adoption process.*

Calendar of Events

Statutory Authority: §§ 9-6.14:7.1 and 54-376 of the Code of Virginia.

Written comments may be submitted until May 1, 1985.

Contact: Lawrence H. Redford, Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

VIRGINIA OUTDOORS FOUNDATION

April 18, 1985 - 10:30 a.m. - Open Meeting
Little River Inn, Aldie, Virginia. (Location accessible to handicapped.)

Open meeting to accept gifts and to administer the Foundation.

Contact: Tyson B. Van Auken, Director, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

April 17, 1985 - 11 a.m. - Open Meeting
3329 Shore Drive, Virginia Beach, Virginia

A meeting of the Commissioner to receive reports of any incidents; and to conduct general business.

Contact: William L. Taylor, 3329 Shore Dr., Virginia Beach, Va. 23451, telephone (804) 496-0995

BOARD OF PROFESSIONAL COUNSELORS

† April 12, 1985 - 9 a.m. - Open Meeting
517 West Grace Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to conduct general Board business; review applications for licensure; supervision; status; trainee status; respond to Board correspondence, and to make policies.

Contact: John W. Braymer, Ph.D., 517 W. Grace St., Richmond, Va., telephone (804) 786-7702

VIRGINIA REAL ESTATE COMMISSION

† April 3, 1985 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

To conduct a formal fact-finding hearing regarding the Virginia Real Estate Commission v. Hugh D. Geiger.

† April 10, 1985 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

To conduct a formal fact-finding hearing regarding the Virginia Real Estate Commission v. Edward F. Rodgers, Jr.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8424

VIRGINIA RESOURCES AUTHORITY

† April 2, 1985 - 1 p.m. - Public Hearing
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

The Board and staff will conduct a fact-finding hearing from the general public regarding the needs for funding of water and sewer projects.

Board of Directors

† April 3, 1985 - 9 a.m. - Open Meeting
1200 Mutual Building, 909 East Main Street, Richmond, Virginia

The Board will meet to approve minutes of the March 5 Board meeting; to review the Authority's operations for the prior month; and to consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

Contact: Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23210, telephone (804) 788-8174

VIRGINIA SAFETY AND HEALTH CODES COMMISSION

April 2, 1985 - 10 a.m. - Open Meeting
Fourth Street Office Building, 205 North Fourth Street, 2nd Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will meet to consider requests for a Commonwealth of Virginia special, variance from the Boiler and Pressure Vessel Code, and to address other pertinent business that might be brought before the body.

Contact: William E. Long, Chief Boiler Inspector, Virginia Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-3160

Calendar of Events

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

April 3, 1985 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia. (Location accessible to handicapped.)

April 24, 1985 - 10 a.m. - Open Meeting

May 22, 1985 - 10 a.m. - Open Meeting

June 19, 1985 - 10 a.m. - Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to hear and render a decision on all appeals of denials of On-Site Sewage Disposal System Permits.

Contact: P. M. Brooks, 502 Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1931

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† April 16, 1985 - 9 a.m. - Open Meeting
State Capitol, House Room 2, Richmond, Virginia. (Location accessible to handicapped.)

The Authority will conduct a public hearing to consider Industrial Development Bond Applications received by the Authority and for which public notice has appeared in the appropriate newspapers of general circulation. Following the public hearing, the Authority will conduct its regular business meeting.

Contact: Nic Walker, Executive Director, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

STATE BOARD OF SOCIAL SERVICES

† April 17, 1985 - To be announced - Open Meeting

† April 18, 1985 - To be announced - Open Meeting
Lynchburg Area

A work session and formal business meeting of the Board. (Time and place to be announced later.)

Contact: Phyllis Sisk, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9236

DEPARTMENT OF SOCIAL SERVICES

May 14, 1985 - 9 a.m. - Public Hearing
Division of Motor Vehicles, 2300 West Broad Street, Room 131, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Boards of Corrections, Education, Mental Health and Mental Retardation, and Social Services, intend to adopt regulations entitled: **Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.** The proposed standards will provide children in residential facilities with at least a minimal level of care.

STATEMENT

Subject: Proposed revisions to the Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

Substance: Under the current definitions and exceptions in the Code of Virginia, the Departments of Corrections, Education, Mental Health and Mental Retardation, Social Services are responsible for the licensure, certification and/or approval of public and private residential facilities for children. Such facilities are licensed, certified, or approved under the Core Standards for Interdepartmental Licensure and Certification of Children except (i) facilities which do not accept public funds, (ii) private psychiatric hospitals serving children, and (iii) residential facilities serving children which successfully meet the requirements of nationally recognized standards setting agencies.

Issues: The document is comprised of the following issues which have impact on residential facilities for children subject to licensure, certification, and/or approval: Organization and administration, personnel, residential environment, programs and services, and disaster or emergency plans.

Basis: Chapters 11 and 14 of Title 16.1, Chapters 13 and 16 of Title 22.1, Chapters 8 and 10 of Title 37.1, Chapters 3 and 10 of Title 63.1, and Chapter 14 of Title 53.1 of the Code of Virginia provide the statutory basis for promulgation of standards for licensure and certification of residential facilities for children. The State Boards of Corrections, Education, Mental Health and Mental Retardation, and Social Services have approved the proposed revisions for 60-day public comment period.

Purpose: The purpose of the proposed revisions is to establish the minimum requirements necessary to protect children in the care of residential facilities for children. The document has been revised with an emphasis on clarity and ease of comprehension.

Statutory Authority: §§ 16.1-286, 53.1-237 through 53.1-239, 16.1-310 through 16.1-314, 53.1-249, 22.1-319 through 22.1-335, 22.1-218, 37.1-179 through 37.1-189, 37.1-199, 63.1-195 through 63.1-219, and 63.1-56.1 of the Code of Virginia.

Written comments may be submitted until May 14, 1985.

Contact: Barry P. Craig, Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025. (toll-free number 1-800-552-7091)

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 amend regulations entitled: **Standards and Regulations for Licensed Homes for Adults**. These standards and regulations have been revised to (1) incorporate statutory requirements relating to resident's rights, (2) delete general licensing procedures, and (3) delete requirements relating to kitchen equipment.

STATEMENT

Subject: Proposed amendments to the following regulations: Standards and Regulations for Licensed Homes for Adults. These amendments are being proposed for a 60-day period of public comment.

Substance: The standards have been amended to incorporate new statutory requirements dealing with resident rights; to delete general licensing procedures; and to delete requirements relating to kitchen equipment.

Issues: The amendments incorporate the following issues which will impact homes for adults subject to licensure by the Department of Social Services.

Development of policies and procedures to protect rights; staff training; documentation; care and oversight of restrained residents.

Basis: Virginia Code, Chapter 9, § 63.1-182 provides the statutory basis for the promulgation of standards for homes for adults. The State Board of Social Services has approved proposed amendments for a 60-day public comment period.

Purpose: The proposed amendments are designed to protect the rights of residents of homes for adults; to delete licensing procedures from the Standards and to prevent duplication of newly promulgated Health Department regulations.

Statutory Authority: § 63.1-182.1 of the Code of Virginia.

Contact: C. A. Loveland, Program Specialist, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025, (toll-free number 1-800-552-7091)

State Refugee Advisory Council

† April 10, 1985 - 10 a.m. - Open Meeting
Department of Social Services, Northern Virginia Regional Office, 1116 Main Street, Suite 300, Fairfax, Virginia. (Location accessible to handicapped.)

A regularly scheduled quarterly meeting. The agenda

will include proposed changes to the by-laws of the Council.

Contact: Donna Douglas, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9010, (toll-free number 1-800-552-2131)

SUBSTANCE ABUSE CERTIFICATION COMMITTEE

† April 12, 1985 - 9 a.m. - Open Meeting
517 West Grace Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to conduct general Committee business, review application for certification (drug and alcoholism counselors); supervision and trainee status; respond to Committee correspondence; and to make policies.

Contact: John W. Braymer, Ph.D., 517 W. Grace St., Richmond, Va., telephone (804) 786-7702

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

† April 2, 1985 - 9:30 a.m. - Open Meeting
Department of Information Technology, 110 South 7th Street, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

A routine quarterly meeting of the Virginia Public Telecommunications Board.

Contact: Suzanne J. Piland, 110 S. 7th St., 3rd Floor, Richmond, Va. 23219, telephone (804) 344-5664

VIRGINIA BOARD OF VETERINARY MEDICINE

† April 10, 1985 - 9 a.m. - Open Meeting
Holiday Inn-Downtown, 301 West Franklin Street, Board Room, Third Floor, Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting and informal conferences.

Contact: Lawrence H. Redford, Virginia Board of Veterinary Medicine, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

VIRGINIA BOARD FOR THE VISUALLY HANDICAPPED

† April 10, 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

Calendar of Events

procedures of the Virginia Department for the Visually Handicapped. The Board reviews and approves the department's budget, executive agreement, and operating plan.

Contact: Wanda D. Thompson, Confidential Secretary, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3145

VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

† June 1, 1985 - 10:30 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly meeting of the Committee to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: George A. Koger, Executive Assistant, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3148

THE COLLEGE OF WILLIAM AND MARY

Board of Visitors

April 25, 1985 - 5 p.m. - Open Meeting
April 26, 1985 - 8 a.m. - Open Meeting
April 27, 1985 - 8 a.m. - Open Meeting
Alumni House, 500 Richmond Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William to approve the budgets and fees of the College and Richard Bland College; to receive reports from several committees of the Board; and to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the Board meeting for those individuals and/or organizations who request it.

Contact: Office of University Communications, James Blair Hall, Room 308, College of William and Mary, Williamsburg, Va. 23185, telephone (804) 253-4226

COMMISSION ON THE STATUS OF WOMEN

† April 2, 1985 - 10 a.m. - Open Meeting
State Capitol, House Room 1, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Commission to conduct general business and to receive project reports from Commission committees.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9200

LEGISLATIVE

HOUSE APPROPRIATIONS COMMITTEE

† April 3, 1985 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, 9th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., Richmond, Va. 23219, telephone (804) 786-1837

JOINT SUBCOMMITTEE STUDYING VIRGINIA'S MEDICAL MALPRACTICE LAWS

April 4, 1985 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

A continued study of Virginia's Medical Malpractice laws. HJR 209.

Contact: Oscar Brinson, Staff Attorney, Division of Legislative Services, General Assembly Building, 2nd Floor, Richmond, Va., telephone (804) 786-3591

STATE WATER COMMISSION

† April 2, 1985 - 2 p.m. - Open Meeting
State Capitol, House Room 2, Richmond, Virginia. (Location accessible to handicapped.)

The purpose of the meeting will be to determine the issues the Commission will be addressing in 1985 and to arrange a work plan and meeting schedule for the Commission's 1985 activities.

Contact: Michael D. Ward, Staff Attorney or Martin G. Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST OPEN MEETINGS

April 1, 1985

Air Pollution Control Board, State

April 2

Accountancy, State Board of
Children's Facilities, Interdepartmental
Committee on Rate-Setting for
Geology, Virginia State Board of
Mental Health and Mental Retardation, Department of
Public Guardian Task Force
Safety and Health Codes Commission, Virginia
Telecommunications Board, Virginia Public
Water Commission, State
Women, Commission on the Status of

April 3

Appropriations Committee, House
Criminal Justice Services Board
Criminal Justice Services Board
Committee on Training
Higher Education for Virginia, State Council of
Real Estate Commission, Virginia
Resources Authority, Virginia
State Sewage Handling and Disposal Appeals
Review Board

April 4

Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
Joint Subcommittee studying Virginia's Medical
Malpractice Laws

April 5

General Services, Department of
Art and Architectural Review Council
Mental Health and Mental Retardation, Department of
State Human Rights Committee

April 8

Alcoholic Beverage Control Commission, Virginia

April 9

Environment, Council on the
Funeral Directors and Embalmers, Virginia Board of
Medical Assistance Services, Department of

April 10

Contractors, State Board for
Corrections, Board of
Funeral Directors and Embalmers, Virginia Board of
Hazardous Waste Facility Board
Mental Health and Mental Retardation, Department of
Virginia Mental Health Advisory Council
Real Estate Commission, Virginia
Social Services, Department of
State Refugee Advisory Council
Veterinary Medicine, Virginia Board of
Visually Handicapped, Virginia Board for the

April 12

Professional Counselors, Board of
Substance Abuse Certification Committee

April 16

Conservation and Historic Resources, Department of
Division of Historic Landmarks
Historic Landmarks Commission, Virginia
Housing Development Authority, Virginia
Board of Commissioners
Small Business Financing Authority, Virginia

April 17

Aviation Commission, Virginia
Dentistry, Board of
Pilots, Board of Commissioners to Examine
Social Services, State Board of

April 18

Criminal Justice Services Board
Committee on Criminal Justice Information
Systems
Highway and Transportation Commission
Medicine, State Board of
Outdoors Foundation, Virginia
Social Services, State Board of

April 19

Education, Board of
Medicine, State Board of
Mental Health and Mental Retardation, Department of
Mental Retardation Advisory Council

April 20

Medicine, State Board of

April 22

Alcoholic Beverage Control Commission, Virginia

April 24

Mental Health and Mental Retardation Board
State Sewage Handling and Disposal Appeals
Review Board

April 25

William and Mary, Board of Visitors

April 26

William and Mary, Board of Visitors

April 27

William and Mary, Board of Visitors

April 29

Library Board, Virginia State

May 1

Higher Education for Virginia, State Council of

Calendar of Events

- May 3**
General Services, Department of
Art & Architectural Review Board
- May 6**
Alcoholic Beverage Control Commission, Virginia
- May 10**
General Services, Department of
Division of Consolidated Laboratory Services
Advisory Board
- May 13**
Alcoholic Beverage Control Commission, Virginia
Funeral Directors and Embalmers, Virginia Board of
- May 14**
Funeral Directors and Embalmers, Virginia Board of
- May 15**
Corrections, Board of
- May 17**
Arts, Commission for the
- May 18**
Arts, Commission for the
- May 20**
Alcoholic Beverage Control Commission, Virginia
- May 22**
State Sewage Handling and Disposal Appeals
Review Board
- May 24**
Opticians, State Board of
- June 1**
Visually Handicapped, Virginia Department for
Advisory Committee on Services
- June 3**
Alcoholic Beverage Control Commission, Virginia
- June 10**
Alcoholic Beverage Control Commission, Virginia
- June 17**
Alcoholic Beverage Control Commission, Virginia
- June 19**
State Sewage Handling and Disposal Appeals
Review Board

PUBLIC HEARINGS

- April 2, 1985**
Highways and Transportation, Department of
Resources Authority, Virginia
- April 4**
Highways and Transportation, Department of
- April 5**
Highways and Transportation, Department of
- April 8**
Health, Department of
Division of Biologics and Drugs
- April 10**
Mines, Minerals and Energy, Department of
- April 11**
Highways and Transportation, Department of
- April 15**
Highways and Transportation, Department of
- April 19**
Education, Board of
Motor Vehicles, Virginia Department of
- April 22**
Education, Board of
- May 1**
Optometry, State Board of
- May 8**
Medical Assistance Services, Department of
- May 14**
Accountancy, State Board of
Corrections, Board of
Education, Board of
Mental Health and Mental Retardation, Department of
Social Services, Department of
- May 15**
Accountancy, State Board of
- May 16**
Accountancy, State Board of
- June 3**
Library Board, Virginia State
- June 6**
Education, Board of