

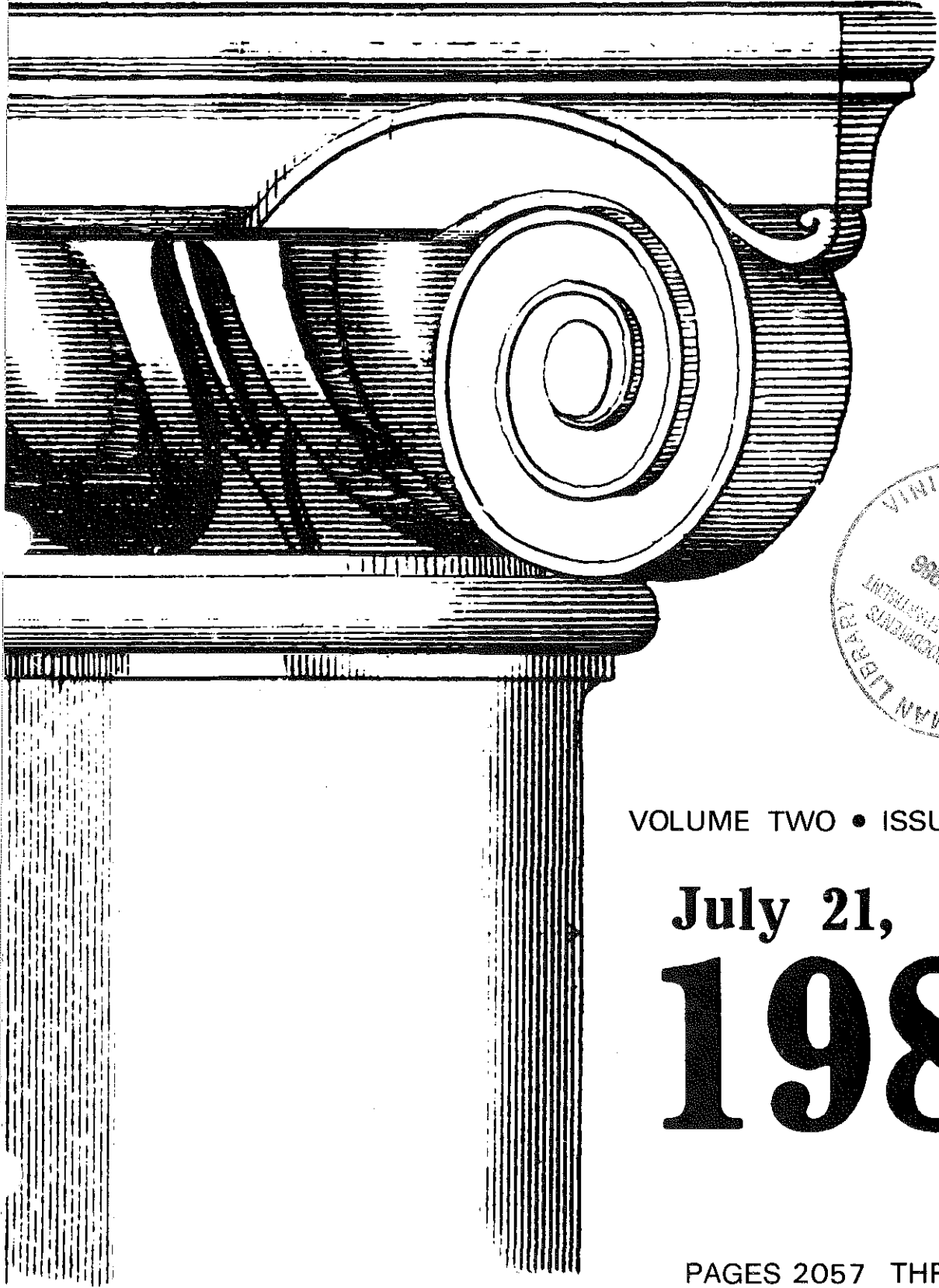
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# VIRGINIA REGISTER

OF REGULATIONS



VOLUME TWO • ISSUE TWENTY—ONE

July 21,  
**1986**

PAGES 2057 THROUGH 2136

# 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.

**Virginia Register of Regulations.** Published bi-weekly, with an index published quarterly by the Commonwealth of Virginia, Virginia Code Commission, P.O. Box 3-AG, Richmond, Virginia 23208, pursuant to Article 7 of Chapter 1.1:1 (§ 9-6.14:2 et seq.) of the Code of Virginia. Subscriptions \$85 per year, postpaid to points in the U.S., 3rd-Class postage paid at Richmond, Virginia and individual copies \$4 each. Direct all mail to Registrar of Regulations, P.O. Box 3-AG, Richmond, Virginia 23208, Telephone (804) 788-3591.

**Members of the Virginia Code Commission:** Theodore V. Morrison, Jr., Chairman, Delegate; Dudley J. Emlck, 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; H. Lane Kneedler, Chief Deputy Attorney General; John A. Banks, Jr., Secretary, Director of the Division of Legislative Services.

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VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

PUBLICATION DATE	MATERIAL SUBMITTED BY 12 noon Wednesday
July 7	June 18
July 21	July 2
Aug. 4	July 16
Aug. 18	July 30
Sept. 1	Aug. 13
Sept. 15	Aug. 27
Sept. 29	Sept. 10
Final Index - Volume II	
Oct. 13	Sept. 24
Oct. 27	Oct. 8
Nov. 10	Oct. 22
Nov. 24	Nov. 5
Dec. 8	Nov. 19
Dec. 22	Dec. 3
Index - 1st Issue, Volume III	
1987	
Jan. 5	Dec. 17
Jan. 19	Dec. 31
Feb. 2	Jan. 14
Feb. 16	Jan. 28
Mar. 2	Feb. 11
Mar. 16	Feb. 25
Index - 2nd Issue	
Mar. 30	Mar. 11
Apr. 13	Mar. 25
Apr. 27	Apr. 8
May 11	Apr. 22
May 25	May 6
June 8	May 20
June 22	June 3
Index - 3rd Issue	
July 6	June 17
July 20	July 1
Aug. 3	July 15
Aug. 17	July 29
Aug. 31	Aug. 12
Sept. 14	Aug. 26
Sept. 28	Sept. 9
Final Index - Volume III	

# TABLE OF CONTENTS

## PROPOSED REGULATIONS

### VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

Advertising. (VR 125-01-2) .....	2059
Tied-House. (VR 125-01-3) .....	2060
Requirements for Product Approval. (VR 125-01-4) ...	2063
Retail Operations. (VR 125-01-5) .....	2064
Manufacturers and Wholesalers Operators. (VR 125-01-6) .....	2065
Other Provisions. (VR 125-01-7) .....	2066

### VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

Standards for Evaluating Certificate of Public Need Applications to Establish or Expand Ambulatory Surgical Services. (VR 360-01-04) .....	2067
--	------

### DEPARTMENT OF SOCIAL SERVICES

Entitlement Date in the General Relief Program. (VR 615-01-14) .....	2072
--	------

## FINAL REGULATIONS

### STATE AIR POLLUTION CONTROL BOARD

Regulations for the Control and Abatement of Air Pollution. (VR 120-01) .....	2074
---	------

### STATE BOARD OF EDUCATION

Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia. (VR 270-01-0007) .....	2075
---	------

### MARINE RESOURCES COMMISSION

Marking of Oyster Planting Ground. (VR 450-01-0038) .....	2076
---	------

### DEPARTMENT OF SOCIAL SERVICES

Collection of Overpayments in the Aid to Dependent Children (ADC) and Refugee Other Assistance	
--	--

Programs. (VR 615-01-5) .....	2077
-------------------------------	------

### STATE WATER CONTROL BOARD

Regulation No. 6, National Pollutant Discharge Elimination System (NPDES) Permit Program - Subpart G, Pretreatment and Industrial User Control Program. ....	2078
--	------

## EMERGENCY REGULATIONS

### BOARD OF EDUCATION

Standards for Accrediting Schools in Virginia. ....	2080
---	------

### STATE BOARD OF MEDICINE

Regulations Governing the Practice of the Health Arts. (VR 465-02-1) .....	2093
Regulations Governing the Practice of the Health Arts. (VR 465-02-1) .....	2093

### VIRGINIA BOARD OF PSYCHOLOGY

Regulations Governing the Practice of Psychology. (VR 565-01-2) .....	2094
---	------

### DEPARTMENT OF SOCIAL SERVICES

Aid to Dependent Children - Working Parents Program. (VR 615-01-15) .....	2094
Treatment of Casual and Inconsequential Income in the Aid to Dependent Children (ADC) Program. (VR 615-01-16) .....	2096
Emergency Regulation Governing Semi-Mobile Residents in Homes for Adults. (VR 615-22-03) .....	2097

## GOVERNOR

### GOVERNOR'S COMMENTS

#### Department of Social Services

Virginia Fuel Assistance Program. (VR 615-08-1) .....	2104
State Income Tax Intercept for Child Support. (VR 615-70-1) .....	2104

# Table of Contents

---

Application Fee Scale. (VR 615-70-2) .....	2104
Separate Fee Charged for Child Support Enforcement Services. (VR 615-70-3) .....	2104

## GENERAL NOTICES/ERRATA

NOTICES OF INTENDED REGULATORY ACTION ...	2105
---	------

### GENERAL NOTICES

#### Department of Health

Notice to Persons Desiring to Participate in Rule-Making .....	2111
Notice to State Agencies .....	2111

### ERRATA

#### Department of Agriculture and Consumer Services

Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores. (VR 115-05-11) .....	2112
---	------

## CALENDAR OF EVENTS

### EXECUTIVE

Open Meetings and Public Hearings .....	2113
---	------

### LEGISLATIVE

Open Meetings and Public Hearings .....	2131
---	------

### CHRONOLOGICAL LIST

Open Meetings .....	2133
Public Hearings .....	2135

# PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

## Symbol Key

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

## VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

**Title of Regulation:** VR 125-01-2. Advertising.

**Statutory Authority:** § 4-11 of the Code of Virginia.

**Public Hearing Date:** September 23, 1986 - 10 a.m.  
(See Calendar of Events section  
for additional information)

### Summary:

*The proposed amendment to § 3 will remove the limit of two directional signs to any farm winery or winery with a winery off premises license. Wineries will be allowed to have as many directional signs as the state and local rules, regulations and ordinances permit. However, the dimensions of these signs are limited to eight feet in height and width.*

*The proposed amendments to § 9 will allow wine wholesalers to attach refund coupon pads on holders to case cards at the retail premises, if done for all retail licensees equally and after obtaining the consent, which may be a continuing consent, of each retailer or his representative; and will limit the value of spirits, wine or beer refund coupons to not more than 50% of the normal retail price.*

VR 125-01-2. Advertising.

§ 3. Advertising; exterior, signs, trucks, uniforms.

Outdoor alcoholic beverage advertising shall be limited to signs and is otherwise discretionary except as follows:

A. Manufacturers and wholesalers, including wineries and farm wineries:

1. No more than one sign upon the licensed premises, no portion of which may be higher than 30 feet above ground level on a wholesaler's premises;
2. No more than two signs, which must be directional in nature, not farther than 1/2 mile from the licensed establishment limited in dimension to eight feet in height or width, with advertising limited to brand names;
3. If the establishment is a winery also holding a winery off-premises license or is a farm winery, ~~no more than two~~ additional directional signs limited in dimensions to eight feet in height or width with advertising limited to brand names, may be erected in

*accordance with state and local rules, regulations and ordinances .*

4. Only on vehicles and uniforms of persons employed exclusively in the business of a manufacturer or wholesaler.

B. Retailers, including mixed beverage licensees, other than carriers and clubs:

1. No more than two signs at the establishment and, in case of establishments at intersections, three signs, the advertising on which, including symbols approved by the United States Department of Transportation relating to alcoholic beverages, shall be limited to 12 inches in height or width and not animated and, in the case of signs remote from the premises, subordinate to the main theme and substantially in conformance with the size and content of advertisements of other services offered at the establishment.

2. Limited only to words and terms appearing on the face of the license describing the privileges of the license and, where applicable: "Mixed Drinks," "Mixed Beverages," "Cocktails," "Exotic Drinks," "Polynesian Drinks," "Cocktail Lounge," "Liquor," "Spirits" and not including any reference to or depiction of "Bar," "Bar Room," "Saloon," "Speakeasy," "Happy Hour" or references or depictions of similar import nor to prices of alcoholic beverages, including references to "special" or "reduced" prices or similar terms when used as inducements to purchase or consume alcoholic beverages.

§ 9. Advertising; coupons.

Coupons may be advertised in accordance with the following conditions and restrictions:

A. Manufacturers of spirits, wine and beer may use only refund, not discount coupons. The coupons *may not exceed 50% of the normal retail price and may not be honored at a retail outlet but must be mailed directly to the manufacturer or its designated agent.* Such agent may not be a wholesaler or retailer of alcoholic beverages. Coupons are permitted in the print media, by direct mail to consumers or as part of, or attached to, the package. Coupons may be part of, or attached to, the package only if the winery or brewery put them on at the point of manufacture; *however, wine wholesalers may attach coupon pads on holders to case cards at the retail premises, if done for all retail licensees equally and after obtaining the consent, which may be a continuing consent,*

# Proposed Regulations

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of each retailer or his representative. Wholesale Licenses in Virginia may not put them on the package at the wholesale premises and coupons may not be shipped in the case to retailers.

B. Manufacturers offering coupons on distilled spirits and wine sold in state government stores must notify the board at least 45 days in advance of issuance of the coupons of its amount, its expiration date and the area of the state *Commonwealth* in which it will be primarily used, if not used statewide.

C. Wholesale licensees of the board are not permitted to offer coupons.

D. Retail licensees of the board may offer coupons on wine and beer sold for off-premises consumption. Retail licensees may offer coupons in the print media, at the point-of-sale or by direct mail to consumers. Coupons offered by retail licensees must appear in an advertisement with nonalcoholic merchandise and conform in size and content to the advertising of such merchandise.

E. No retailer may be paid a fee by manufacturers or wholesalers of alcoholic beverages for display or use of coupons; the name of the retail establishment may not appear on any coupons offered by manufacturers and no manufacturer or wholesaler may furnish any coupons or materials regarding coupons to retailers.

F. Retail licensees or employees thereof may not receive refunds on coupons obtained from the packages before sale at retail.

G. No coupons may be honored for any individual below the legal age for purchase.

\* \* \* \* \*

**Title of Regulation:** VR 125-01-3. Tied-House.

**Statutory Authority:** § 4-11 of the Code of Virginia.

**Public Hearing Date:** September 23, 1986 - 10 a.m.  
(See Calendar of Events section for additional information)

**Summary:**

*The proposed amendments to § 2 will allow wholesalers to move the merchandise of other wholesalers: (i) when the products of one wholesaler have been erroneously placed in an area previously assigned by the retailer to another wholesaler, and (ii) when a floor display area previously assigned by the retailer to one wholesaler has been reassigned by the retailer to another wholesaler. This allows wholesalers flexibility to move other wholesalers' merchandise in order to place their stock in its assigned position in the retail establishment. It allows wholesalers to mark or affix retail prices to their cut case cards; and will*

*make the regulation applicable to wine as well as beer. It will allow wholesalers to exchange their wines, on an identical quantity, brand and package basis, for quality control purposes.*

*The amendment to § 6 will eliminate the requirement that wholesalers report to the board on or before the 15th day of each month any invalid checks received during the preceding month.*

*The amendments to § 9 will permit wine wholesalers, bottlers and manufacturers to sell wine tapping equipment to retailers and to distribute wine clip-ons and table tents to retailers. The amendments would also permit the beer industry to use cut case cards as their wine counterparts are already doing. These amendments also set the limits on how the above activities may be conducted.*

*The amendment to § 10 expands the regulation to encompass manufacturers so that manufacturers, like wholesalers, may provide routine business entertainment to retailers.*

VR 125-01-3. Tied-House.

§ 2. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.

A. Permitted acts. For the purpose of maintaining the freshness of the stock and the integrity of the products sold by him, a wholesaler may perform, except on Sundays, the following services for a retailer upon consent, which may be a continuing consent, of the retailer:

1. Rotate, repack and rearrange wine or beer in a display (shelves, coolers, cold boxes, and the like, and floor displays in a sales area).
2. Restock beer and wine.
3. Rotate, repack, rearrange and add to his own stocks of wine or beer in a storeroom space assigned to him by the retailer.
4. Transfer beer and wine between storerooms, between displays, and between storerooms and displays.
5. Create or build original displays using wine or malt beverage products only.
6. Exchange beer or wine, for quality control purposes, on an identical quantity, brand and package basis. Any such exchange shall be documented by the word "exchange" on the proper invoice.

B. Prohibited acts. A wholesaler may not:

1. Alter or disturb in any way the merchandise sold by another wholesaler, whether in a display, sales

# Proposed Regulations

area or storeroom , *except in the following cases:*

a. *When the products of one wholesaler have been erroneously placed in the area previously assigned by the retailer to another wholesaler;*

b. *When a floor display area previously assigned by a retailer to one wholesaler has been reassigned by the retailer to another wholesaler .*

2. Mark or affix retail prices to products with exception of cut case cards .

3. Sell or offer to sell alcoholic beverages to a retailer with the privilege of return, except for ordinary and usual commerical reasons as set forth below:

a. Products defective at the time of delivery may be replaced;

b. Products erroneously delivered may be replaced or money refunded;

c. Resaleable draft beer or beverages may be returned and money refunded;

d. Products in the possession of a retail licensee whose license is terminated by operation of law, voluntary surrender or order of the board may be returned and money refunded upon permit issued by the board;

e. Products which have been condemned and are not permitted to be sold in this state may be replaced or money refunded upon permit issued by the board;

f. Beer or wine may be exchanged on an identical quantity, brand or package basis for quality control purposes.

§ 6. Certain transactions to be for cash; "cash" defined, reports by sellers; payments to the board.

A. Generally. Sales of wine, beer or beverages between wholesale and retail licensees of the board shall be for cash paid and collected at the time of or prior to delivery, and each invoice covering such a sale or any other sale shall be signed by the purchaser at the time of delivery.

B. "Cash," defined. "Cash," as used in this section, shall include legal tender of the United States, a money order issued by a duly licensed firm authorized to engage in such business in Virginia or a valid check drawn upon a bank account in the name of the licensee or in the trade name of the licensee making the purchase.

C. Checks and money orders. If a check or money order is used, the following provisions apply:

1. If only alcoholic beverages merchandise is being sold, the amount of the check or money order shall be no larger than the purchase price of the alcoholic beverage or beverages.

2. If nonalcoholic merchandise is also sold to the retailer, the check or money order may be in an amount no larger than the total purchase price of the alcoholic beverages and nonalcoholic beverage merchandise. A separate invoice shall be used for the nonalcoholic merchandise and a copy of it shall be attached to the copies of the alcoholic beverage invoices which are retained in the records of the wholesaler and the retailer.

D. Reports by seller. Wholesalers shall report to the board on or before the ~~fifteenth~~ 15th day of each month any invalid checks received during the preceding month in payment of wine, beer or beverages. Such reports shall be upon a form provided by the board and in accordance with the instructions set forth in such form and if no invalid checks have been received, ~~the report shall so indicate~~ no report shall be required .

E. Payments to the board. Payments to the board for the following items shall be for cash as herein defined:

1. State license fees.

2. Purchases of alcoholic beverages from the board by mixed beverage licensees.

3. Wine taxes collected pursuant to § 4-22.1 of the Code of Virginia.

4. Registration and certification fees collected pursuant to these regulations.

5. Monetary penalties and costs imposed on licensees by the board.

6. Forms provided to licensees at cost by the board.

§ 9. Inducements to retailers; tapping equipment; bottle or can openers; banquet licenses; cut case cards; *clip-ons and table tents* .

A. Beer tapping equipment. Any manufacturer, bottler or wholesaler may sell, rent, lend, buy for or give to any retailer, without regard to the value thereof, the following:

1. Draft beer knobs, containing advertising matter which must include the brand name and may further include only trademarks, housemarks and slogans and shall not include any illuminating devices or be otherwise adorned with mechanical devices which are not essential in the dispensing of draft beer.

2. Tapping equipment, defined as all the parts of the mechanical system required for dispensing draft beer in a normal manner from the carbon dioxide tank



# Proposed Regulations

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through the beer faucet excluding the following:

- (a) The carbonic acid gas in containers, except that such gas may be sold only at the reasonable open market price in the locality where sold;
- (b) Gas pressure gauges (may be sold at cost);
- (c) Draft arms or standards;
- (d) Draft boxes;
- (e) Refrigeration equipment or components thereof.

Further, a manufacturer, bottler or wholesaler may sell, rent or lend to any retailer, for use only by a purchaser of draft beer in kegs or barrels from such retailer, whatever tapping equipment may be necessary for the purchaser to extract such draft beer from its container.

*B. Wine tapping equipment. Any manufacturer, bottler or wholesaler may sell to any retailer and install in the retailer's establishment tapping accessories such as standards, faucets, rods, vents, taps, tap standards, hoses, cold plates, washers, couplings, gas gauges, vent tongues, shanks, and check valves, if the tapping accessories are sold at a price not less than the cost of the industry member who initially purchased them, and if the price is collected within 30 days of the date of sale.*

*Wine tapping equipment shall not include the following:*

- (a) *Draft wine knobs, which may be given to a retailer;*
- (b) *Carbonic acid gas, nitrogen gas, or compressed air in containers, except that such gases may be sold in accordance with the reasonable open market prices in the locality where sold and if the price is collected within 30 days of the date of the sales.*

*B. C. Bottle or can openers. Any manufacturer, bottler or wholesaler of wine or beer may sell or give to any retailer beer bottle or can openers upon which advertising matter regarding alcoholic beverages may appear, provided the wholesale value of any such openers given to a retailer by an individual manufacturer, bottler or wholesaler does not exceed \$1 \$2 . Openers in excess of \$1 \$2 in wholesale value may be sold, provided the reasonable open market price is charged therefor.*

*C. D. Banquet licensees. Manufacturers or wholesalers of wine or beer may sell at the reasonable wholesale price to banquet licensees paper or plastic cups upon which advertising matter regarding wine or beer may appear.*

*D. E. Cut case cards. Any manufacturer, bottler or wholesaler of wine or beer may sell, lend, buy for or give to any retailer of wine or beer cut case cards, which are*

*defined as promotional, nonmechanical, two-dimensional printed matter no larger than double the largest single dimension of the case product to which they refer and supported entirely by the case, for use in displaying and advertising in the interior of his establishment other than in show exterior windows, the sale of wines having an alcoholic content of 21% or less by volume, provided such manufacturer, bottler or wholesaler in furnishing such cards conforms with the regulations of the appropriate federal agency, relating to inside signs. Such printed matter must be supported by or affixed to, and be an integral part of, the case display. Such printed matter may be supported by a device other than the case itself. With the consent of the retail licensee, which may be a continuing consent, a wholesaler may mark or affix retail prices on such cut case cards.*

*F. Wine clip-ons and table tents. Any manufacturer, bottler or wholesaler of wine may sell, lend, buy for or give to any retailer of wine, clip-ons and table tents containing the listing of not more than four wines.*

*E. G. A retail licensee who consents to any violation of this section shall also be in violation.*

§ 10. Routine business entertainment; definition; permitted activities; conditions.

A. Generally. Nothing in these regulations shall prohibit a wholesaler or manufacturer of alcoholic beverages licensed in Virginia from providing to a retail licensee of the board "routine business entertainment" which is defined as those activities enumerated in subsection B. below.

B. Permitted activities.

1. Meals and beverages;
2. Concerts, theatre and arts entertainment;
3. Sports participation and entertainment;
4. Entertainment at charitable events; and
5. Private parties.

C. Conditions. The following conditions apply:

1. Such routine business entertainment shall be provided without a corresponding obligation on the part of the retail licensee to purchase alcoholic beverages or to provide any other benefit to such wholesaler or manufacturer or to exclude from sale the products of any other wholesaler or manufacturer.
2. Wholesaler or manufacturer personnel shall accompany the personnel of the retail licensee during such business entertainment.
3. Except as is inherent in the definition of routine

# Proposed Regulations

business entertainment as contained herein, nothing in this regulation shall be construed to authorize the providing of property or any other thing of value to retail licensees.

4. Routine business entertainment that requires overnight stay is prohibited.

5. ~~Manufacturers of alcoholic beverages shall not entertain retail licensees nor assist a wholesaler in providing entertainment to retail licensees.~~

6. 5. No more than \$200 may be spent per 24-hour period on any employee of any retail licensee, including a self employed sole proprietor, or, if the licensee is a partnership, on any partner or employee thereof, or if the licensee is a corporation, on any corporate officer, director, shareholder of 10% or more of the stock or other employee, such as a buyer. Expenditures attributable to the spouse of any such employee, partner or stockholder, and the like, shall not be included within the foregoing restrictions.

7. 6. No person enumerated in subsection B.6. above may be entertained more than six times by a wholesaler *and six times by a manufacturer* per calendar year.

8. 7. Wholesale licensees *and manufacturers* shall keep complete and accurate records for a period of three years of all expenses incurred in the entertainment of retail licensees. These records shall indicate the date and amount of each expenditure, the type of entertainment activity and retail licensee entertained.

9. 8. This regulation shall not apply to personal friends of wholesalers as provided for in VR 125-01-7 § 10 (formerly § 43).

\*\*\*\*\*

**Title of Regulation:** VR 125-01-4. Requirements for Product Approval.

**Statutory Authority:** § 4-11 of the Code of Virginia.

**Public Hearing Date:** September 23, 1986 - 10 a.m.  
(See Calendar of Events section for additional information)

**Summary:**

*The proposed amendment will permit artificial coloring in wine coolers containing 14% or less alcohol by volume and sangria-type wines.*

VR 125-01-4. Requirements for Product Approval.

§ 2. Wines, qualifying procedures; disqualifying factors; samples; exceptions.

A. Qualifying procedures. All wines sold in the state *Commonwealth* shall be first approved by the board as to content, container and label.

1. A certification acceptable to the board or on a form prescribed by the board describing the merchandise may accompany each new brand and type of wine offered for sale in the state *Commonwealth*. A certification fee and a registration fee in such amounts as may be established by the board shall be included with each new certification.

2. In lieu of the aforementioned certification, there shall be submitted a sample and registration and analysis fees in such amounts as may be established by the board; provided, however, that wine already offered for sale by another state with which this state *Commonwealth* has an analysis and certification exchange agreement and wine sold through government stores shall be subject only to a registration fee in such amount as may be established by the board.

3. All wine sold in this state *Commonwealth* shall conform with regulations adopted by the appropriate federal agency, relating to labels, definitions and standards of identity. Applicants shall submit a certified copy of the approval of the label by such federal agency.

4. Subsequent sales under an approved label shall conform to the certification and analysis of the wine originally approved by the board.

5. The board may approve a wine without benefit of a certification or analysis for good cause shown. Good cause includes, but is not limited to, wine which is rare.

B. Disqualifying factors as to contents. While not limited thereto, the board shall withhold approval of any wine:

1. Which is an imitation or substandard wine as defined under regulations of the appropriate federal agency;

2. To which fruit juice, or artificial coloring has been added, except fruit juice *and artificial coloring* may be contained in wine coolers containing 14% or less alcohol by volume and in sangria-type wines;

3. If the alcoholic content exceeds 21% by volume;

4. Which is a wine cocktail containing any ingredient other than wine.

C. Disqualifying factors as to labels. While not limited thereto, the board shall withhold approval of any label:

1. Which contains the name of a cocktail generally understood to contain spirits;

# Proposed Regulations

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2. Where the name of a state is used as a designation of the type of wine, but the contents do not conform to the wine standards of that state;

3. Which contains the word "cocktail" without being used in immediate conjunction with the word "wine" in letters of the same dimensions and characteristics, except labels for sherry wine;

4. Which contain the word "fortified" or implies that the contents contain spirits, except that the composition and alcoholic content may be shown if required by regulations of an appropriate federal agency.

5. Which contains any subject matter or illustration of a lewd, obscene or indecent nature.

6. Which contains subject matter designed to induce minors to consume alcoholic beverages, or is suggestive of the intoxicating effect of wine;

7. Which contains any reference to a game of chance;

8. Which contains any design or statement which is likely to mislead the consumer.

D. Samples. A person holding a license as a winery, farm winery or a wholesale wine distributor shall upon request furnish the board without compensation a reasonable quantity of such brand sold by him for chemical analysis; provided, however, that the board may require recertification of the merchandise involved in lieu of such a sample. A fee in such amount as may be established by the board shall be included with each recertification.

E. Exceptions. Any wine whose content, label or container does not comply with all requirements of this section shall be exempt therefrom provided that such wine was sold at retail in this state *Commonwealth* as of December 1, 1960, and remains the same in content, label and container.

\* \* \* \* \*

**Title of Regulation:** VR 125-01-5. Retail Operations.

**Statutory Authority:** § 4-11 of the Code of Virginia.

**Public Hearing Date:** September 23, 1986 - 10 a.m.  
(See Calendar of Events section for additional information)

**Summary:**

*The proposed amendment to § 2 sets forth that identification cards from a college or university may not be used as bona fide proof of age for purchase of alcoholic beverages.*

*The proposed amendment to § 17 will provide guidelines and clarifications concerning requirements for a mixed beverage caterer's license.*

VR 125-01-5. Retail Operations.

§ 2. Determination of legal age of purchaser.

A. In determining whether a licensee, or his employee or agent, has reason to believe that a purchaser is not of legal age, the board will consider, but is not limited to, the following factors:

1. Whether an ordinary and prudent person would have reason to doubt that the purchaser is of legal age based on the general appearance, facial characteristics, behavior and manner of the purchaser.

2. Whether the seller demanded, was shown and acted in good faith in reliance upon bona fide evidence of legal age, as defined herein, and that evidence contained a photograph and physical description consistent with the appearance of the purchaser.

B. Such bona fide evidence of legal age shall include a valid Virginia operator's or chauffeur's license, a valid operator's or chauffeur's license issued by any other state or the District of Columbia, Armed Forces identification card, United States passport or foreign government visa, valid special identification card issued by the Virginia Division of Motor Vehicles, or any valid identification issued by any other federal or state government agency which identification contains a photograph and signature of the subject, with the subject's height, weight and date of birth. ~~Valid identification cards issued by a college or university which contains a photograph and signature of the subject, with the subject's height, weight, and date of birth, shall also be deemed bona fide evidence of legal age.~~

C. It shall be incumbent upon the licensee, or his employee or agent, to scrutinize carefully the identification, if presented, and determine it to be authentic and in proper order. Identification which has been altered so as to be apparent to observation or has expired shall be deemed not in proper order.

§ 17. Caterer's license.

A. Qualifications. Pursuant to § 4-98.2 (e) of the Code of Virginia the board may grant a caterer's license to any person:

1. Engaged on a regular basis in the business of providing food and beverages to persons for service at private gatherings, or at special events as defined in § 4-2 of the Code of Virginia or as provided in § 4-98.2(c) of the Code of Virginia; and

2. With an established place of business with catering gross sales average of at least \$5,000 per month and

# Proposed Regulations

who has complied with the requirements of the local governing body concerning sanitation, health, construction or equipment and who has obtained all local permits or licenses which may be required to conduct such a catering business.

## B. Privileges. The license authorizes the following:

1. The purchase of spirits, vermouth and wine produced by farm wineries from the board.
2. The purchase of wine and cider from licensed wholesalers or farm wineries or the purchase of beer or 3.2 beverages from licensed wholesalers.
3. The retail sale of alcoholic beverages or mixed beverages to persons who sponsor the private gatherings or special events described in subsection A. above or directly to persons in attendance at such events. No banquet or mixed beverage special events license is required in either case.
4. The storage of alcoholic beverages purchased by the caterer at the established and approved place of business.

C. Restrictions and conditions. In addition to other applicable statutes and regulations of the board, the following restrictions and conditions apply to persons licensed as caterers:

1. Alcoholic beverages may be sold only for on-premises consumption to persons in attendance at the gathering or event.
2. The records required to be kept by § 9 of VR 125-01-7 shall be maintained by caterers. If the caterer also holds other alcoholic beverages licenses he shall maintain the records relating to his caterer's business separately from the records relating to any other license additionally, the records shall include the date, time and place of the event and the name and address of the sponsoring person or group of each event catered.
3. The annual gross receipts from the sale of food cooked and prepared for service at gatherings and events referred to in this regulation and nonalcoholic beverages served there shall amount to at least 45% of the gross receipts from the sale of alcoholic beverages, mixed beverages, beverages as defined in § 4-99 of the Code of Virginia, and food.
4. The caterer shall notify the board in writing at least two calendar days in advance of any events to be catered under his license for the following month. The notice shall include the date, time, location and address of the event and the name of the sponsoring person, group, corporation or association.
5. Persons in attendance at a private event at which

alcoholic beverages are served but not sold under the caterer's license may keep and consume their own lawfully acquired alcoholic beverages.

6. The private gathering referred to in subsection A. above shall be a social function which is attended only by persons who are specifically and individually invited by the sponsoring person or organization, not the caterer.

7. The licensee shall insure that all functions at which alcoholic beverages are sold are ones which qualify for a banquet license, for a special event license, or a mixed beverage special events license. Licensees are entitled to all services and equipment now available under a banquet license from wholesalers.

8. A photocopy of the caterer's license must be present at all events at which the privileges of the license are exercised.

9. The caterer's license shall be considered a retail license for purposes of § 4-79 of the Code of Virginia.

\* \* \* \* \*

Title of Regulation: VR 125-01-6. Manufacturers and Wholesalers Operators.

Statutory Authority: § 4-11 of the Code of Virginia.

Public Hearing Date: September 23, 1986 - 10 a.m.  
(See Calendar of Events section for additional information)

## Summary:

The proposed amendments to § 4 will eliminate federal, state and municipal bonds in lieu of surety for wholesale wine distributors, and provide for a waiver of bond and surety by wholesale wine distributors, if requested in writing and granted by the board.

The proposed amendment to § 6 is to require that all persons, who apply for the the issuance or renewal of a wine importer's license, shall file with the board a list of the brands of wine they intend to sell and deliver or ship into the Commonwealth along with a corresponding list of the names of the owners of such brands and a copy of the written permission from the brand owner, or its designated agent. Also, subsequent to the issuance or renewal of a wine importer's license, the licensee shall make a supplemental filing with the board identifying such additional brands, brand owner and providing the required evidence of authorization by the brand owner.

VR 125-01-6. Manufacturers and Wholesalers Operators.

§ 4. Indemnifying bond required of wholesale wine

# Proposed Regulations

distributors.

No wholesale wine distributor's license shall be issued unless there shall be on file with the board an indemnifying bond running to the Commonwealth of Virginia in the penalty of \$1,000, with the licensee as principal and some good and responsible surety company authorized to transact business in the Commonwealth of Virginia as surety, conditioned upon the faithful compliance with requirements of the Alcoholic Beverage Control Act and the regulations of the board.

*A wholesale wine distributor may request in writing a waiver of the surety and the bond by the board. If the waiver is granted, the board may withdraw such waiver of surety and bond at any time for due cause.*

*In lieu of surety on the aforesaid bond, a licensee may deposit with the board as security for the performance of the conditions of the bond, United States government bonds, Commonwealth of Virginia bonds, or the bonds of any municipality or county in the State.*

§ 6. Wine or beer importer licenses; conditions for issuance and renewal.

In addition to complying with the requirements of § 4-25(g) of the Code of Virginia relating to wine importers' licenses, and of § 4-25(e) of the Code of Virginia, relating to beer importers' licenses, and to other requirements of law applying to board licensees generally, all persons applying to the board for the issuance or renewal of a wine or beer importer's license shall file with the board a list of the brands of wine or beer they intend to sell and deliver or ship into this state Commonwealth, along with a corresponding list of the names of the owners of such brands and a copy of the written permission of the brand owner, or its duly designated agent, authorizing such applicant to sell or deliver or ship the indicated brands of wine or beer into this state Commonwealth. In the event that, subsequent to the issuance or renewal of a wine or beer importer's license, the licensee makes arrangements to sell and deliver or ship additional brands of wine or beer into this state Commonwealth, the licensee shall make a supplemental filing with the board identifying such additional brands and brand owners providing the required evidence of authorization by the brand owner, or its duly designated agent, for the licensee to sell and deliver or ship such additional brands of wine or beer into this state Commonwealth.

\* \* \* \* \*

Title of Regulation: VR 125-01-7. Other Provisions.

Statutory Authority: § 4-11 of the Code of Virginia.

Public Hearing Date: September 23, 1986 - 10 a.m.  
(See Calendar of Events section for additional information)

## Summary:

*The proposed amendment will eliminate the requirement of a transportation permit, which is currently required to accompany the shipment of alcoholic beverages to the permittee. With this amendment only one yearly permit for transportation will be required. In lieu of this requirement, the permittees shall submit a valid copy of the invoice covering the transaction to the board. This amendment will also eliminate references to "markup" and replace "markup" with "permit fee".*

VR 125-01-7. Other Provisions.

§ 6. Alcoholic beverages for hospitals, industrial and manufacturing users.

A. Permits. The board may issue a yearly permit authorizing the shipment and transportation direct to the permittee of orders placed by the board for alcohol or other alcoholic beverages for any of the following purposes:

1. For industrial purposes.
2. For scientific research or analysis.
3. For manufacturing articles allowed to be manufactured under the provisions of § 4-48 of the Code of Virginia.
4. For use in a hospital or home for the aged (alcohol only).

*Upon receipt of alcohol or other alcoholic beverages, one copy of the bill of lading or shipping invoice, accurately reflecting the date received and complete and accurate records of the transaction, shall be forwarded to the board by the permittee.*

The application for such permits shall be on forms provided by the board.

B. ~~Permit fees and markup~~. Applications for alcohol shall be accompanied by a fee of \$10, where the order is in excess of 110 gallons during a calendar year, or a fee of \$5.00 for lesser amounts. Applications for other alcoholic beverages shall be accompanied by a ~~markup~~ fee of 5.0% of the delivered cost to the place designated by the permittee. No fee ~~or markup~~ shall be charged agencies of the United States or of the Commonwealth of Virginia or eleemosynary institutions.

C. Storage. A person obtaining a permit under this section shall:

1. Store such alcohol or alcoholic beverages in a secure place upon the premises designated in the application separate and apart from any other articles kept on such premises.

# Proposed Regulations

2. Maintain accurate records of receipts and withdrawals of alcohol and alcoholic beverages.

3. Furnish to the board within 10 days after the end of calendar year for which he was designated a permittee a statement setting forth the amount of alcohol or alcoholic beverages on hand at the beginning of the previous calendar year, the amount purchased during the year, the amount withdrawn during the year, and the amount on hand at the end of the year.

D. Refusal of permit. The board may refuse to designate a person as a permittee if it shall have reasonable cause to believe either that the alcohol or alcoholic beverages would be used for an unlawful purpose, or that any cause exists under § 4-31 of the Code of Virginia for which the board might refuse to grant the applicant any license.

E. Suspension or revocation of permit. The board may suspend or revoke the designation as a permittee if it shall have reasonable cause to believe that the permittee has used or allowed to be used any alcohol or alcoholic beverages obtained under the provisions of this section for any purpose other than those permitted under the Code of Virginia, or has done any other act for which the board might suspend or revoke a license under § 4-37 of the Code of Virginia.

F. Access to storage and records. The board and its agents shall have free access during business hours to all places of storage and records required to be kept pursuant to this section for the purpose of inspection and examining such place and such records.

## VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

**Title of Regulation:** VR 360-01-04. Standards for Evaluating Certificate of Public Need Applications to Establish or Expand Ambulatory Surgical Services.

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

**Public Hearing Date:** September 19, 1986 - 10 a.m.  
(See Calendar of Events section for additional information)

### Summary:

*This proposed regulation revises the existing Virginia State Health Plan with respect to ambulatory surgical services. It provides specific minimum standards for Certificate of Public Need approval including current area utilization of and charges for ambulatory surgical services, proposed capital and operating costs, professional accreditation, and quality assurance.*

VR 360-01-04. Standards for Evaluating Certificate of Public

Need Applications to Establish or Expand Ambulatory Surgical Services.

## PART I. GENERAL PROVISIONS.

### § 1.1. Authority.

*General criteria for evaluating all Certificate of Public Need applications are set forth in § 32.1-102.3 of the Code of Virginia. Section 32.1-102.3 provides that "any decision to issue or approve the issuance of a certificate shall be consistent with the most recent applicable provisions of the State Health Plan and the State Medical Facilities Plan". The specific provisions within the State Health Plan or State Medical Facilities Plan that are to be used by the State Health Commissioner in determining public need for a proposed project by a medical care facility shall be adopted as official regulations of state government, following procedures specified by the Administrative Process Act.*

### § 1.2. Application of regulations.

*This regulation provides specific standards to be used by the State Health Commissioner to determine whether a public need exists for a proposed project to establish or expand ambulatory surgical services. This regulation shall apply to the evaluation of Certificate of Public Need applications which propose to add operating rooms, intended to be used solely or principally for ambulatory surgery, to a planning district's current total inventory of operating rooms for inpatient and ambulatory surgery. This regulation, except § 2.1 ("Need for additional operating rooms"), shall also apply to Certificate of Public Need applications which propose relocation of existing operating room capacity for the purpose of providing ambulatory surgical services.*

*This regulation supersedes, for Certificate of Public Need applications for operating rooms to be used solely or principally for ambulatory surgery only, portions of Volume 1, Virginia State Health Plan 1980-84, adopted July 30, 1980, and effective December 15, 1980, dealing with ambulatory surgical service; specifically, parts of the text found on pages 468-470 and 472-475 would be superseded. This regulation does not apply to the Certificate of Public Need applications for construction of operating rooms which are to be used solely or principally for inpatient surgery; the current regulations, cited in the previous sentence, shall continue to be applied to such applications.*

*The Statewide Health Coordinating Council will evaluate this regulation within two years after its effective date.*

### 2.2.2 Ambulatory Surgery

*Outpatient surgery is presently performed in all but 12 of the 114 hospitals reporting surgical facilities. The amount of surgery being performed on an outpatient basis (based on the number of outpatient operations that were*

# Proposed Regulations

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reported on the licensure survey; refer to Appendix A) ranges widely but averages for the State as a whole approximately 15% of all surgery done in Virginia. Of the 102 hospitals with ambulatory surgery programs, forty hospitals had a percentage of ambulatory surgery greater than or at the level of 15%. Estimates obtained from several studies of the number of surgical procedures that could be performed on an outpatient basis range from 20%-40%. (Finarelli, 1970). This would suggest under utilization of the ambulatory surgery within the existing surgical facilities in Virginia. There are four licensed outpatient surgical hospitals which did not report on the licensure survey: Ambulatory Surgical Center, Norfolk; Fairfax Surgery Center, Fairfax; Hampton General Outpatient Emergency Center, Hampton; and Virginia Heart Institute, Richmond. Data that should be available in 1981 from these outpatient surgical hospitals could significantly alter the statewide average of 15%.

The appropriateness of ambulatory surgery for the individual patient depends upon an number of factors. These factors include the patient's physical status and consent, the decision of the physician or surgeon, the type of surgical procedure, anesthesia requirements, and the resources of the ambulatory surgery unit or facility.

Based on 33,000 same day surgeries performed at Surgicenter in Phoenix, Arizona, the ten most frequently performed procedures in an ambulatory facility setting include: dilation and curettage (D + C); laparoscopy; myringotomy; inguinal herniography; adenoidectomy; excision of skin lesions; ganglionectomy; vasectomy; cystoscopy; and eye muscle operations. (Finarelli, 1970)

There are no procedures that can be performed on an ambulatory basis in every case. However, the types of surgical procedures that can be performed on a same day basis will continue to increase as surgical techniques and the state of the art of anesthesiology advances. Other than cost reduction, there are some significant advantages that are frequently cited:

- 1) generally less psychological stress than inpatient hospitalization;
- 2) more effective use of physicians' time;
- 3) less medication required, including less painkillers; and,
- 4) less risk of acquiring hospital induced infections due to reduced exposure to the hospital environment but not necessarily fewer wound infections will occur.

Conversely, there are many factors that contribute to the continued utilization of inpatient surgery over ambulatory surgery, some of which are as follows:

- 1) many patients feel that inpatient care is of superior quality and that they are entitled to that;

- 2) third party reimbursement policies;
- 3) the practical difficulties for physicians to change practice patterns;
- 4) the physician's fear of malpractice if the "optimal" level of care under direct professional supervision is not provided;
- 5) no uniformly accepted standards of quality control for ambulatory services;
- 6) the potential impact on hospital bed utilization with its economic ramifications; and,
- 7) The unavailability of needed pre- and post operative areas appropriate for ambulatory patients.

Increased utilization of ambulatory surgery in Virginia will not be realized until there is increased patient acceptance of this type of surgery and medical and financial support for its appropriate utilization.

In summary, it is not possible at this time to effectively examine utilization of surgical resources in Virginia. It is possible to conclude that there is substantial diversity in the utilization of inpatient and outpatient surgical resources, and in some areas of the State substantial under utilization of the capacity for surgical services in Virginia does appear probable. To what extent under utilization is acceptable in some areas of the State as necessary to the quality delivery of surgical services cannot be determined.

Medical appropriate ambulatory surgical services have been encouraged by all the Virginia Health Systems Plans as an option that should be available to any person whose physical condition and need for surgical services are appropriate, because of the potential for ambulatory surgery to provide quality care at reduced cost. It should be emphasized, however, that expanding or building new surgical facilities should be avoided while present hospital facilities remain under utilized. The limitations imposed by the scarcity of reliable and uniform data to assess both inpatient and ambulatory surgical utilization and to determine the impact of expanded ambulatory surgery on inpatient facilities and medical/surgical bed occupancies preclude complete analysis of this issue.

There is significant debate as to the extent of cost savings associated with an ambulatory surgery program. Further research into this issue is necessary.

NOTE: Reference is made to the Virginia State Health Plan: 1980-1984.

### 3.0. Findings and conclusions.

The availability of surgeons and surgical capacities in Virginia has been examined and from the information presented in this plan the following can be summarized:

# Proposed Regulations

-there are 1,944 surgeons in Virginia who represent 26% of the licensed physicians in the State Commonwealth ;

-58% of the Virginia surgeons are certified by an American Surgical Specialty Board;

-general surgeons and obstetrician/gynecologists are available in every planning district;

-the distribution of surgeons is consistent with the distribution of operating facilities, with greater availability of services and more specialized surgical services in urban areas;

-there has been 14.5% increase in the number of surgeons since 1984, an increase greater than the population rate increase for 1978 over 1974 or 5.6%;

-surgical facilities are available in 114 Virginia hospitals and only 12 of these hospitals do not have outpatient surgery programs.

-the adequacy of surgical facilities has been broadly agreed upon by the health systems agencies and the range of 1,000-1,400 operations per operating room per year has been recognized as a guide for decision-making on the need for additional inpatient surgical facilities until more accurate data is available.

-ambulatory surgery represents an average of 15% of all surgery performed in the State, as compared to national estimates that 20-40% of all surgery could be performed on a same day basis.

It has not been possible with the available information to effectively examine or determine the appropriate utilization of surgical services in Virginia. Substantial diversity and under utilization in the use of inpatient and ambulatory surgical capacities in some areas of the States appear probable and merits closer examination.

Medically appropriate ambulatory surgical services have been encouraged as an option that should be available because of the potential for cost-savings without sacrificing quality surgical care. However, it is emphasized that expanding or building new surgical facilities should be avoided if the utilization of existing inpatient and outpatient resources remain under utilized within the same medical service area.

## SU 1.2.

A. The SHCC, under the Certificate of Public Need law, should recommend approval of additional inpatient and ambulatory operating room capacity only in those cases where it is clearly demonstrated that the demand for surgical care cannot be met by existing facilities and that additional facilities would contribute to more cost-effective use of all surgical resources within the area to be served and be consistent with the provision of quality care.

The range of 1,000-1,400 operations per operating room per year should be one of the factors considered in determining the need for additional inpatient surgical capacity. The use of existing facilities for medically appropriate ambulatory surgery should also be considered in determining need for additional facilities.

## § 1.3. Definitions.

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

"Ambulatory (outpatient) surgical services" means the provision of surgery to patients who are not expected to require inpatient (overnight) hospitalization but who require treatment in a medical environment exceeding the normal capability found in a physician's office. For the purposes of this regulation, ambulatory surgical services refers only to surgical services that are provided in operating rooms in licensed general or outpatient surgical hospitals, and does not include surgical services provided in outpatient departments, emergency rooms or treatment rooms, or in physician offices.

"Ambulatory surgical operating room" means an operating room in a licensed general or outpatient surgical hospital, which is intended to be used solely or principally for the provision of surgery to ambulatory patients.

"Licensed" means facilities that have been licensed as general or outpatient surgical hospitals in accordance with the Rules and Regulations for the Licensure of Hospitals in Virginia, Virginia Department of Health.

"Operating room capacity" means 1,600 available service hours per operating room per year. This is based on 80% utilization of an operating room that is available 40 hours per week, 50 weeks per year.

"Operating room use" means the amount of time that a patient occupies an operating room, plus estimated or actual preparation and cleanup time.

"Operating room visit" means one session in one operating room in a licensed general or outpatient hospital, which may involve several procedures. Operating room visit may be used interchangeably with "operation". Operating room visit and related data employed in this regulation are collected in annual surveys, conducted by the Department of Health, of licensed general hospitals and outpatient surgical hospitals.

"Population" means population figures shown in the final estimates of population prepared by the Tayloe Murphy Institute, University of Virginia, for those years for which such estimates have been published. For later years, population means the most current series of population projections published by the Virginia Department of Planning and Budget.



# Proposed Regulations

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"Surgical services" means the provision of surgery to inpatients or ambulatory patients in licensed general or outpatient surgical hospitals.

## PART II. STANDARDS FOR EVALUATING CERTIFICATE OF PUBLIC NEED APPLICATIONS.

A Certificate for Public Need for the addition of ambulatory surgical operating rooms may be issued only if the following standards regarding need, costs and charges, and quality assurance are met, as documented by information supplied by the applicant or information developed by the Virginia Department of Health.

### § 2.1. Need for additional operating rooms.

Need for additional ambulatory surgical operating rooms shall be demonstrated only if the conditions described in subsection A, B, or C are found to exist.

The Commissioner may issue a public notice identifying planning districts in which a need for ambulatory surgical services, as defined in the following criteria, is found to exist, and inviting submission of Certificate of Public Need applications within a specified period of time.

#### A. Projected demand exceeds supply.

Need for additional operating room capacity shall be demonstrated if the number of existing and approved operating rooms, in the planning district where the proposed project will be located, is less than the number of operating rooms that will be necessary to meet the projected demand for all (inpatient and outpatient) surgical services within 36 months after the initiation of the applicant's review cycle. The number of existing and approved operating rooms shall be based on the inventory presented in the most current State Medical Facilities Plan or amendment thereof, and may also include any subsequent reductions or additions of operating rooms for which acceptable documentation is available to the department. The number of operating rooms required to meet projected demand shall be computed according to the following method:

1. Determine projected operating room visits: sum the total inpatient and outpatient operating room visits for the most recent three years, for all licensed facilities in the planning district. Sum the planning district's total population for the corresponding three years. Divide the sum of visits by the sum of the population. Express the resulting rate as visits per 1,000 population. Then multiply the visits per 1,000 population rate by the projected population of the planning district (expressed in 1,000's) for the appropriate year.

2. Determine future operating room use in hours per year: multiply the total number of projected operating room visits by the average hours per operating room

visit (expressed to the nearest one-tenth hour) in the planning district or health service area if planning district data are not available. Average time per operating room visit is computed from the most recent data collected by the Department of Health.

3. Compare the future operating room use in hours per year in the planning district with the existing and approved operating room capacity: if the projected use exceeds capacity, determine the net additional hours per year of operating room capacity needed in the planning district.

4. Determine the number of additional operating rooms needed: divide the net additional hours by 1,600. The result shall be the maximum increase in operating rooms in the planning district allowable under the condition of subsection A.

#### B. Proportion of outpatient surgery too low.

Need for additional operating room capacity shall be demonstrated if less than 45% of total operating room visits in the planning district where the proposed project will be located were outpatient operating room visits, based on annual data collected most recently by the Department of Health. No additional ambulatory surgical operating rooms shall be allowed under the conditions of this subsection B if the total number of existing or approved operating rooms in the planning district exceeds 125% of the number of existing or approved operating rooms reported by the Department of Health for the 1985 annual period. The number of additional operating rooms allowed under this subsection B shall be computed according to the following method:

1. Determine the targeted number of additional outpatient operating room visits: multiply the reported total number of operating room visits in the planning district by 15%, or the difference between 45% and the proportion of surgery performed on an outpatient basis, whichever is lower. The result is expressed as the targeted number of additional outpatient operating room visits.

2. Determine the operating room equivalent of the targeted number of additional outpatient operating room visits: divide the targeted number of additional outpatient operating room visits by 1,200. The result shall be the maximum allowable increase in operating rooms in the planning district.

#### C. Current area charges excessive. (This subsection will become effective January 1, 1988.)

Need for additional operating room capacity shall be demonstrated if the index of current charges for ambulatory surgical procedures in the planning district exceeds the comparable index of reasonable charges by more than 10%. This shall apply only if 45% or more of total operating rooms visits in the planning district were

# Proposed Regulations

outpatient visits. Current charges shall be determined from the results of annual surveys of charges conducted by or on behalf of the Virginia Health Services Cost Review Council. If adequate current charge data are not available from the Virginia Health Services Cost Review Council, the Commissioner of Health shall specify the method or source for obtaining current charge data to be used. No additional ambulatory surgical operating rooms shall be allowed under the conditions of this subsection C if the total number of existing or approved operating rooms in the planning district exceeds 125% of the number of existing or approved operating rooms reported by the Department of Health for the 1985 survey period. The index of reasonable charges and index of current charges and allowable number of operating rooms will be computed by the following methods:

**1. Index of reasonable charges.**

a. Determine the reasonable charge for each surgical procedure in the index: average, for each procedure listed below, the prospective outpatient payment rates established by the U.S. Health Care Financing Administration (HCFA) for Medicare and by Blue Cross and Blue Shield of Virginia.

(1) If either HCFA or Blue Cross and Blue Shield of Virginia has not established a prospective outpatient payment rate for a procedure, use the rate established by the other source as the reasonable charge.

(2) If different outpatient prospective payment rates are established for general hospitals and outpatient surgical hospitals, use the rate for general hospitals.

b. Determine the index of reasonable charges: multiply each procedure's reasonable charge by the relative weight for that procedure, as listed in the relative weight table below. (The relative weight reflects the estimated relative frequency of that procedure as an outpatient surgical procedure compared to the other procedures included in the index.) Sum the products; this sum is the index of reasonable charges.

**2. Index of current charges.**

a. Determine the current charge for each surgical procedure in the index: average for each procedure, the current charges at facilities in the planning district as determined by the Virginia Health Services Cost Review Commission (VHSCRC) in its most recent survey of outpatient surgical charges. If information is not available from VHSCRC, the Commissioner of Health shall specify another source of charges to be used in computing the index of current charges.

b. Determine the index of current charges: multiply each procedure's current charge by the relative

weight for that procedure, using the same weights used in the computation of the reasonable charge index. Sum the products; this sum is the index of current charges.

3. Number of additional operating rooms allowed under this subsection C: multiply the number of existing or approved operating rooms in the planning district, reported by the Department of Health for the 1985 survey period, by 10%. The result shall be the maximum allowable increase in operating rooms in the planning district.

**RELATIVE WEIGHT TABLE**

Procedure Code	Procedure Name	Relative Weight
69.09	Diagnostic D&C (as a single procedure)	.212
20.01	Myringotomy with insertion of tube	.141
13.11- 13.69 w/13.71	Cataract extraction with intraocular lens implant	.141
86.3	Local excision lesion skin	.114
54.21	Diagnostic laparoscopy (without D&C)	.084
85.12	Biopsy of breast, diagnostic	.073
57.32	Cystoscopy/ Cystourethroscopy (as a single procedure)	.068
04.43	Release of carpal tunnel	.042
14.34	Repair of retinal tear by laser photocoagulation	.035
45.23	Colonoscopy with biopsy	.034
80.26	Diagnostic arthroscopy of knee (as a single procedure)	.032
82.21	Excision of ganglion, wrist	.024
		1.000

**§ 2.2. Capital and operating costs and proposed charges.**

A. Capital and operating costs. Proposed capital and operating costs shall be reasonable and comparable to these costs in similar facilities. Applications which propose relocation of existing operating room capacity shall also

# Proposed Regulations

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demonstrate that the projected operating costs and charge structure are comparable to or less than those associated with maintaining services in the existing location, and shall show, in specific detail, changes in the existing facility's costs and charge structure that are expected to result from the shift in location of operating rooms.

**B. Proposed charges.** The proposed charges for the surgical procedures to be performed in the proposed facility shall be in reasonable conformity with the reasonable charges for such procedures as defined in § 2.1.C, as applicable.

## § 2.3. Quality assurance.

**A. State licensure requirements.** Assurance shall be given that the proposed facility will be designed to comply with applicable state licensure regulations.

**B. Professional accreditation.** The application shall state that within six months after the facility begins providing surgical services, it will have a presurvey for accreditation by either the Joint Commission on Accreditation of Hospitals or the Association for Accreditation of Ambulatory Health Centers, and within 12 months will meet accreditation requirements.

**C. Utilization review.** The application shall document written policies and procedures for a quality assurance program and a utilization review program, including:

1. A written agreement with the professional review organization which has a contract with the Health Care Financing Administration, or other private review organization, to conduct on-going utilization review;
2. A provision that physicians with a financial interest in the facility shall not make up a majority of members in utilization review, medical audit, or the medical staff committee responsible for tissue review.

## § 2.4. Additional considerations.

In addition to the requirements set forth in §§ 2.1, 2.2 and 2.3 of these regulations, consideration shall be given to the following:

1. Intent of the applicant to obtain Medicare certification as an ambulatory surgery center.
2. Stated agreement of the applicant to hold proposed charges constant for at least the first two years of operation.
3. The array and distribution of operating rooms by surgical specialty in the applicant's proposed service area.
4. Access to services, including travel time and waiting periods for scheduling ambulatory surgical procedures.

5. The probable effect of the proposed project in terms of fostering competition and promoting cost-effectiveness.

## DEPARTMENT OF SOCIAL SERVICES

**Title of Regulation:** VR 615-01-14. Entitlement Date in the General Relief Program.

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

**Written Comments By:** September 19, 1986  
(See Calendar of Events section for additional information)

### Summary:

The current regulation, governing the entitlement date for maintenance assistance from the general relief program, specifies one situation where an individual or family eligible for maintenance must receive assistance for the month of application. The amended regulation includes a second situation where an individual or family eligible for maintenance must receive assistance for the month of application.

VR 615-01-14. Entitlement Date in the General Relief Program.

### § 1. Definitions.

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

"Agency action or action" means action taken by the superintendents/director or local board certifying the individual or family is eligible for maintenance.

"Entitlement date or entitlement" means the date eligibility for maintenance begins.

"General relief program (GR)" means a program supervised by the Virginia Department of Social Services and administered by local social services departments, in accordance with each locality's approved general relief plan, which provides financial assistance to eligible individuals and families.

"Maintenance payments or maintenance" means ongoing financial assistance from the general relief program.

### § 2. Maintenance payments.

#### A. Entitlement date.

When an individual or family has been found by agency action to be eligible, entitlement shall begin no later than the first day of the month following the month of

application, provided the individual or family meets all eligibility conditions at that time. If eligibility is determined and action taken during the month in which application is made, the date of entitlement to financial assistance shall be the first of the month in which application is made. In the following situations, the date of entitlement shall be the first of the month in which the application was made:

1. Action is taken during the month of application.
2. Action is taken in a month later than the month of application:
  - a. For reasons beyond the control of the applicant, as determined by the agency, and
  - b. The applicant received general relief maintenance from another locality in Virginia for the month prior to the month of application.

# 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.

## STATE AIR POLLUTION CONTROL BOARD

**Title of Regulation:** VR 120-01. Regulations for the Control and Abatement of Air Pollution.

**Statutory Authority:** § 10-17.18(b) of the Code of Virginia

**Effective Date:** October 1, 1986

**NOTICE:** Due to its length, the proposed Regulations for the Control and Abatement of Air Pollution (VR 120-01), filed by the State Air Pollution Control Board is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Air Pollution Control Board.

### Summary:

*The regulation amendments concern provisions covering documents incorporated by reference. The amendments consist of two elements. First, at each location where a document is mentioned, it has been updated as necessary for title and reference number. In cases where the edition is noted it has been deleted and replaced by a note to see Appendix M. Second, a new Appendix M has been established which lists all of the nonstatutory documents (those other than federal and state laws and regulations) and the primary federal regulations incorporated by reference. This consolidated list provides the name, reference number and edition for each document. The edition is the latest available. Also included for each document is the name and address of the organization from which it can be obtained.*

*The documents incorporated fall into two broad categories: statutory (federal and state laws and regulations) and nonstatutory (all others, primarily consisting of technical and scientific reference documents). The requirement for these technical evaluations already exists in the current regulations and the use of the latest edition ensures that such evaluations are soundly based. It is not expected that the regulation amendments will result in any cost to the board beyond that currently in the budget.*

### Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, a copy of the documents incorporated by reference is available only at either the office of the Registrar of Regulations or at the State Air Pollution Control Board, Room 825, Ninth Street Office Building, Richmond, Virginia. There are no copies of the documents at the agency's regional offices. For this reason, these documents will not be printed in the Virginia Register of Regulations.

Code of Federal Regulations

U.S. Environmental Protection Agency Technical Manuals and Guideline Documents.

U.S. Government  
Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-006 and 003-005-00176-1, respectively).

American Society for Testing and Materials (ASTM)  
D 323-82, Test Method for Vapor Pressure of Petroleum Products (Reid Method) from § 5, Volume 05.01 of the "1985 Annual Book of ASTM Standards."  
D 97-66 (reapproved 1978), Test Method for Pour Point of Petroleum Oils from § 5, Volume 05.01 of the "1985 Annual Book of ASTM Standards."

American Petroleum Institute (API)  
API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Second Edition, February 1980.

American Conference of Governmental Industrial Hygienists (ACGIH)  
ACGIH Handbook - Threshold Limit Values® for Chemical Substances in the Work Environment Adopted by ACGIH for 1985-1986.

National Fire Prevention Association (NFPA)  
NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, 1985 Edition.  
NFPA 30, Flammable and Combustible Liquids Code, 1984 Edition.  
NFPA 30A, Automotive and Marine Service Station Code, 1984 Edition.

Copies of these documents are available for inspection in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia and in the following local offices of the State Air Pollution Control Board:

Southwestern Virginia Regional Office  
State Air Pollution Control Board  
121 Russell Road  
Abingdon, Virginia 24210  
Ph: (703) 628-7841

Valley of Virginia Regional Office  
State Air Pollution Control Board  
Executive Office Park - Suite A  
5338 Peters Creek Road  
Roanoke, Virginia 24019  
Ph: (703) 982-7328

Central Virginia Regional Office  
State Air Pollution Control Board  
7701-03 Timberlake Road  
Lynchburg, Virginia 24502

# Final Regulations

Ph: (804) 528-6641

State Capital Regional Office  
State Air Pollution Control Board  
8205 Hermitage Road  
Richmond, Virginia 23228  
Ph: (804) 265-3067

Hampton Roads Regional Office  
State Air Pollution Control Board  
Pembroke Four - Suite 409  
Pembroke Office Park  
Virginia Beach, Virginia 23462  
Ph: (804) 499-6845

## STATE BOARD OF EDUCATION

**Title of Regulation:** VR 270-01-0007. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.

**Statutory Authority:** § 22.1-215 of the Code of Virginia.

**Effective Date:** August 20, 1986

**NOTICE:** Due to its length the proposed regulation governing special education programs for handicapped children and youth in Virginia, filed by the State Board of Education is not being published, however, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the Department of Education and at the office of the Registrar of Regulations.

### Summary:

*These regulations provide for a system of free and appropriate public education for handicapped persons from ages two to 21 years of age, inclusive. The provisions of these regulations apply to all public and private schools and agencies in the Commonwealth which provide special education and related services to handicapped children and youth. For the purpose of the Administrative Process Act, PART V - Procedures for Identification of Children in Mental Health and Mental Retardation Facilities Eligible to be Appropriately Placed in Public School Programs - is open to public comment and review.*

### PART I. Definitions.

This section contains a glossary of terms most commonly used throughout this document.

### PART II. Responsibilities of the State Department of Education.

The Virginia Department of Education shall ensure that all handicapped persons from two to 21 years of age are identified, evaluated and have available free

appropriate public education. In order to fulfill these responsibilities, the Department of Education shall perform the following functions:

- A. Review annual six-year plans submitted by LEA's.
- B. Prepare an amended annual program plan which contains assurances and procedures related to all aspects of programs for handicapped persons.
- C. Develop procedures for implementing state and federal laws and regulations.
- D. Provide technical assistance to LEA's and other state agencies.
- E/F. Monitor the compliance of LEA's and private schools with state and federal laws and regulations.
- G. Establish a state advisory committee.
- H. Develop and implement personnel development plans.
- I. Develop procedures for disseminating information derived from research and demonstration projects.
- J. Support interagency cooperation.
- K. Disburse funds.
- L. Ensure that other public agencies are in compliance with federal and state laws and regulations.
- M. Establish tuition costs and reasonable charges for private schools serving the handicapped.
- N. Report to appropriate federal agencies, the number of handicapped persons receiving special education and related services.
- O. Publish an annual report summarizing special education and related services provided.
- P. Review, investigate and take action on reported violations of laws and regulations.
- Q. Report the results of all due process hearings.
- R. Establish procedures to inform parents and handicapped children of educational rights and due process procedures.
- S. Provide private schools with copies of all regulations and standards.
- T. Afford private schools the right to participate in the development and revision of regulations which apply to them.

# Final Regulations

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## **PART III. Responsibilities of Local School Divisions and State Agencies.**

The requirements set forth in this section are applicable to local school divisions and state agencies providing education and related services for handicapped children and youth.

The requirements, developed in accordance with state and federal laws and regulations, are consistent with the Department of Education's responsibilities outlined as follows:

### **A. Identification, evaluation, and eligibility**

1. Target ages and eligibility
2. Definitions of handicapping conditions
3. Child find
4. Screening
5. Referral
6. Evaluation
7. Assessment components
8. Eligibility
9. Termination of services
10. Child's status pending determination of eligibility

### **B. Service delivery**

1. Free appropriate public education
2. Individualized education program

### **C. Procedural safeguards**

1. Due process
2. Confidentiality of information
3. Complaint procedure

**D. Requirements for establishing surrogate parent procedures for local school divisions, and applicable state agencies and institutions**

1. Role of surrogate parents
2. Appointment of surrogate parents
3. Identification and recruitment of surrogate parents
4. Qualifications of surrogate parents
5. Rights of surrogate parents
6. Responsibilities of surrogate parents
7. Responsibilities of local education agencies

### **E. Administration and governance**

1. Plans, applications, and reports
2. Personnel development
3. Local advisory committee
4. Regional programs

### **F. Funding**

1. Reimbursement to local school divisions and state-operated programs
2. State funds

### **3. Federal funds**

4. Funds to assist with the education of handicapped children residing in state-operated facilities
5. Funding, withholding, and recovery of funds
6. Appeal of administrative decisions

**PART IV. Responsibilities of State Boards, Agencies, and Institutions for Education and Training of Children in Residence of Custody.**

**A. Each state board agency and institution shall provide education and training comparable to that provided by LEA's.**

**B. Such training or education may be provided directly or in cooperation with a local school division or private school.**

**C. Each state board, agency or institution having responsibility for providing such education/training will submit a program plan to the Board of Education annually.**

**D. Programs of education for children served by state boards, agencies, and institutions shall be designed to aid each child, consistent with his abilities, interests and educational needs.**

**E. Each state board, agency and institution shall maintain an up-to-date policy manual for educational employees.**

**F. All children, ages two to 21 inclusive, residing in state-operated programs, requiring special education and related services, shall have been identified, evaluated and educationally placed in accordance with state regulations.**

**G. Each state board, agency and institution shall ensure that educational programs are provided in accordance with established provisions.**

**H. Program personnel must meet established requirements.**

## **MARINE RESOURCES COMMISSION**

NOTE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

**Title of Regulation:** VR 450-01-0038. Marking of Oyster Planting Ground.

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

**Effective Date:** July 1, 1986

# Final Regulations

## Preamble:

Section 28.1-109 (6)(c) of the Code of Virginia requires that no lessee of oyster planting ground shall mark such grounds otherwise than in accordance with the rules and regulations established by the Marine Resources Commission. This regulation establishes the required manner and methods of marking oyster planting ground. While all oyster grounds are not required to be marked at all times, it is the intent of this regulation to insure that when the ground is marked, the boundary lines are properly and accurately delineated and safe navigation is maintained.

VR 450-01-0038. Marking of Oyster Planting Ground.

### § 1. Authority, repeal of prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23, 28.1-109, and 28.1-134 of the Code of Virginia.

B. VMRC Regulation XXVII, § 3, also pertains to marking of oyster planting ground and is hereby repealed.

C. The effective date of this regulation is July 1, 1986.

### § 2. Purpose.

The purpose of this regulation is to describe the proper manner and method of marking leased oyster planting ground during such times when the ground is required to be marked or for such other instances when a lessee may desire to mark his ground.

### § 3. Leased oyster planting ground.

Leased oyster planting ground shall be marked by the lessee if the oyster planting ground is being worked. No harvesting or planting of leased oyster planting ground shall occur unless the lessee first has properly designated and marked his lease in accordance with the provisions of this regulation.

### § 4. Method and manner of marking.

#### A. Marking requirements.

When leased oyster planting ground is marked, it shall be marked with stakes or buoys so as to delineate accurately the boundary lines of the lease and to prevent any unnecessary restriction to navigation.

1. Corner markers. The corner of leased oyster planting ground shall be marked.

2. Boundary line markers. Markers shall be placed at intervals no smaller than 150 feet.

#### B. Description of markers.

1. Stakes. Stakes shall be no longer than two inches in diameter at the mean low water line and shall extend at least four feet above the mean high water line. The stake shall be of such materials not so rigid as to harm a boat if accidentally struck. Bamboo, white oak, cedar, or gum saplings are commonly used, but not required. If polyvinyl chloride (PVC) pipe is used, and driven into the bottom, the diameter of the PVC pipe shall be two inches or less. Metal pipe markers are prohibited.

2. Buoys. Buoys shall be constructed of wood, PVC, or other suitable material, shall be no larger than six inches in diameter, and shall be anchored with sufficient weight to prevent their moving during adverse weather conditions. Buoys shall be constructed and anchored so as to extend at least four feet above the water line at all times.

### § 5. Maintenance.

When oyster planting ground is marked, suitable stakes or markers shall be kept by the lessee in their proper places at all times so as to conform accurately to the survey. Should such stakes or markers be removed, knocked down, or be carried away, the lessee shall replace them in their proper location.

### § 6. Exception.

The Marine Resources Commission may require its chief engineer to describe a plan for the proper marking of any designated oyster planting ground when it finds exceptional circumstances exist. In such cases the chief engineer shall direct the leaseholder where to place the appropriate markers.

/s/ William A. Pruitt, Commissioner

## DEPARTMENT OF SOCIAL SERVICES

Title of Regulations: VR 615-01-5. Collection of Overpayments in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs.

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

Effective Date: October 1, 1986

### Summary:

The Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) mandated states collect all overpayments of assistance in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs, including those resulting from assistance paid pending appeal hearing decisions. With passage of the Deficit Reduction Act of 1984 (Public Law 98-369), however, states may elect to forego collection of



# Final Regulations

overpayments to former recipients which are less than \$35. This provision also gives states latitude to determine when it is no longer cost-effective to proceed with action to collect overpayments from former recipients which are \$35, or more.

In response to comments received during the public comment period, the regulation has been amended to allow local social services agencies to notify former recipients of overpayments to them which are less than \$35.

VR 615-01-5. Collection of Overpayments in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs.

## PART I. DEFINITIONS.

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

*"Former recipient"* means an individual who is not presently receiving an assistance payment through the Aid to Dependent Children (ADC) or Refugee Other Assistance Program.

*"Overpayment"* means an assistance payment made by a local department of social services which is incorrect because: (i) the assistance unit does not meet eligibility requirements and is ineligible for an assistance payment in a given month, or (ii) the payment is greater than the amount to which the assistance unit is entitled.

*"Reasonable effort"* means attempting to notify the former recipient of the amount of the overpayment, the reason the overpayment occurred and that repayment is required.

*"Recoupment"* means withholding all or part of an assistance payment to a current assistance unit for the purpose of repaying a prior overpayment.

*"Recovery"* means a voluntary or court ordered arrangement with a current or former recipient for repayment of all or a portion of an overpayment.

## PART II. WAIVER OF CERTAIN OVERPAYMENTS.

§ 2.1. A local department of social services is to promptly recoup or recover any overpayment from a current recipient of Aid to Dependent Children (ADC) or Refugee Other Assistance, including overpayments which are the result of assistance paid pending an appeal hearing decision in which the adverse action taken by the agency is upheld by the hearing authority. All overpayments which were made to former recipients which are less than \$35 shall be waived [ and no collection action is to be taken after the local agency has notified the former

recipient, in writing, that an overpayment has occurred which must be repaid and the former recipient fails to respond to the initial request for repayment. No further action to collect the overpayment is to be taken. ] In cases where an overpayment to a former recipient is \$35, or more, the agency may elect to forego collection activity if, after reasonable efforts, it is determined that further action to collect the overpayment would not be cost-effective. To ensure reasonable efforts have been made to collect the overpayment, the agency must: (i) have documentary evidence that they cannot locate the former recipient, or (ii) determine that the former recipient has no means by which to repay the overpayment, or (iii) secure a written statement from the former recipient that they refuse to repay the overpayment. The agency must maintain information for three years concerning former recipients who received an overpayment, including overpayments which are less than \$35, and must initiate recoupment procedures should one or more of those individuals again be found eligible to receive assistance.

[ § 2.2. ] In instances where the overpayment is based on alleged fraud, the case shall be referred to the Commonwealth's Attorney for review. No collection action is to be taken pending a determination by the Commonwealth's Attorney as to whether criminal proceedings will be initiated. In situations involving fraud, the agency shall not forego collection of an overpayment to a former recipient which is less than \$35, or \$35, or more, as set forth in § 2.1.

## STATE WATER CONTROL BOARD

Title of Regulation: Regulation No. 6, National Pollutant Discharge Elimination System (NPDES) Permit Program - Subpart G, Pretreatment and Industrial User Control Program.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Effective Date: September 30, 1986

NOTICE: Due to its length, Regulation No. 6, National Pollutant Discharge Elimination System (NPDES) Permit Program, filed by the State Water Control Board, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the proposed amendments to Regulation No. 6 (NPDES), is being published. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Water Control Board.

### Summary:

The regulation is designed to protect Publicly Owned Treatment Works (POTWs) and the environment from

*nondomestic wastewater that could either cause a treatment plant malfunction or contaminate receiving streams. Congress directed EPA to establish national standards for pretreatment of this wastewater. Municipalities are required to develop and implement plans for enforcing federal standards which govern industrial discharges of toxic pollutants to POTWs. These municipal plans must include industrial waste surveys; legal authorities; compliance monitoring; procedures for program administration and resources to carry out and maintain the program. Industries must comply with national standards; report the effectiveness of their pretreatment facilities; submit baseline monitoring reports; submit compliance schedules to meet the standards; and submit compliance progress reports. The Commonwealth of Virginia will become the approval authority for the municipalities pretreatment program and retain responsibility for administering National Pretreatment Standards until the municipality has an approved program.*

*There were no changes to the regulation resulting from the public hearings. The inconsequential changes include, expanding Section 6.72 to incorporate all of the promulgated EPA pretreatment standards and guidelines, use of the symbol for section instead of the word, and editorial changes which do not impact the meaning or intent of the regulation.*

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# EMERGENCY REGULATION

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## BOARD OF EDUCATION

**Title of Regulation:** Standards for Accrediting Schools in Virginia.

**Effective Date:** July 1, 1986 through June 30, 1987.

**Preamble:**

A. The Department of Education and the State Board of Education, pursuant to Virginia Code 22.1-19, approved in July 1983 the standards appended hereto regarding the accreditation of public schools in the Commonwealth of Virginia.

B. Further, the Superintendent of Public Instruction found that an emergency situation existed necessitating the immediate promulgation of the following standards. Such emergency precluded promulgation by the procedures under the Virginia Administrative Process Act (APA) (§ 9-6.14:1 et seq.). Accordingly, regulations were promulgated on an emergency basis with the approval of Governor Robb on December 7, 1983 and were filed with Joan W. Smith, Registrar of Regulations, on December 19, 1983.

The basis for this emergency exclusion was the need for new regulations to be effective immediately. The new standards were scheduled to become effective for the school year 1984-85 and entailed substantial changes from the standards by which schools were accredited in the past. It was necessary that local school divisions have ample time to plan for changes required by the new standards, such as acquiring additional equipment and hiring additional staff. Delay of these planning processes would have caused hardship, and administrative and financial burdens for the localities involved.

The new standards were drafted by a statewide committee over a six-month period in 1982, and reviewed at public sessions of the Board of Education on December 9, 1982, and January 21, 1983. Four regional public hearings, each chaired by a member of the board, were held by the state on March 14, 1983, and the proposed standards were the subject of extensive review by local school boards, PTAs, and other groups during the period of February through June, 1983.

The emergency regulations will expire on June 30, 1986. With the appointment of the Governor's Commission on Excellence in Education, the Board of Education decided to maintain the standards until the Commission has made its report. It is necessary, therefore, to continue in effect the existing regulations until such time as new standards, responsive to the Commission's report, can be adopted.

In light of the foregoing circumstances, the Board of Education promulgates the following emergency

regulation, subject to the approval of the Governor, continuing the current Accreditation Standards for Public Schools in effect for the period July 1, 1986, to June 30, 1987.

It is the intention of the board, upon receipt of the recommendations of the Governor's Commission on Excellence in Education, to promulgate permanent regulations pursuant to the provisions of the Administrative Process Act at the earliest possible opportunity.

In the interim, the board will receive, consider and respond to petitions by any interested persons at any time for reconsideration or revision of this regulation.

**Title of Regulation:** Standards for Accrediting Schools in Virginia.

# Standards for Accrediting Schools in Virginia

ADOPTED BY THE BOARD OF EDUCATION  
July 1983



Commonwealth of Virginia  
Department of Education  
Richmond, Va. 23216

## FOREWORD

The program for accrediting schools, as set forth in this bulletin, is regarded as an important instrument for the further strengthening of education throughout the Commonwealth of Virginia. In fulfilling its responsibilities to the citizenry of Virginia, the Board of Education constantly studies the needs, problems, and progress of public education, and in light of its continuing appraisal, adopts policies for implementing educational programs that are consistent with the demands of today's society. One of the outcomes of this process is the new standards set forth in this bulletin.

A committee of public and private school representatives was appointed by the State Superintendent of Public Instruction to review, revise, and strengthen accreditation standards for schools K-12. The contents of this bulletin reflect their efforts to reconcile ideas and theories of what constitutes quality with the practical application and implementation of standards that will provide a foundation on which to build a strong educational program for all students.

Appreciation is expressed to the members of this committee and to the many school board members, professional educators, and other individuals throughout the state who contributed to the revision of the standards.

S. JOHN DAVIS  
Superintendent of Public Instruction

**TABLE OF CONTENTS**

	<i>Page</i>
Introduction .....	1
Purpose of Accreditation .....	1
Procedures for Accreditation .....	2
Reports and Accreditation Status .....	2
Evaluation and Review .....	3
Application of the Standards .....	3
Philosophy and Objectives .....	4
Instructional Program .....	5
Length of School Year .....	5
Length of School Day .....	5
Elementary School Instructional Program .....	5
Middle School Instructional Program .....	5
Computer Literacy .....	6
Secondary School Offerings .....	6
Unit of Credit .....	6
Summer School .....	7
Elective Courses .....	7
Experimental and Innovative Programs .....	7
Full-day Schedule .....	8
Homework .....	8
Advanced Education .....	8
Homebound Instruction .....	8
Correspondence Courses .....	8
Extracurricular Activities .....	9
Competitive Sports—Elementary Schools .....	9
Staffing .....	10
Middle or Secondary Schools .....	10
Elementary Schools .....	10
Guidance Counselors .....	10
Alternative Staffing Plan .....	11
Elementary Classroom Membership .....	11
Teaching Load—Middle and Secondary Schools .....	11
Instructional Leadership .....	13
Delivery of Instruction .....	15
Guidance Programs .....	15
Library Media Center .....	16
Student Achievement .....	18
Goals of Education .....	18
20-Credit Diploma .....	18
22-Credit Diploma .....	19
8th Grade Credit .....	19
Transferred Students .....	20
Community Relations .....	21

**STANDARDS FOR ACCREDITING SCHOOLS IN  
VIRGINIA ADOPTED BY THE  
BOARD OF EDUCATION**

July 1983

**INTRODUCTION**

These standards shall become effective beginning with the 1984-85 school year. However, students who complete the ninth grade prior to that year may earn a diploma by meeting the 18-credit graduation requirement in effect when they entered the ninth grade. Beginning with the graduating class of 1985, the 22-credit diploma and seal shall be available to those students who qualify for it. The requirement for one unit of science or mathematics to be taken in the eleventh or twelfth grade shall be effective with the class of 1986. These standards will be reviewed again in 1986 or sooner if deemed necessary by the Board of Education.

**PURPOSE OF ACCREDITATION**

The purpose of standards for accreditation of schools in Virginia is to provide a foundation for quality education. Accreditation standards provide guidance and direction to assist schools in their continuing efforts to offer educational programs to meet the needs, interests, and aspirations of all students. The accreditation standards are designed to ensure that schools have the capability of providing a sound educational program and to encourage continuous appraisal and improvement.

The Major Functions of Accreditation of Schools are as follows:

1. To meet the requirement of Section 22.1-19 of the Code of Virginia which includes the following statement:

*Accreditation of elementary and secondary schools; nursery schools.*

The Board shall provide for the accreditation of public elementary and secondary schools in accordance with standards prescribed by it. The Board may provide for the accreditation of private elementary and secondary schools in accordance with standards prescribed by it, taking reasonably into account the special circumstances and factors affecting such private schools. The Board in its discretion may recommend provisions for standards for private nursery schools. Any such accreditation shall be at the request of the private school only.

2. To meet the requirement of the *Standards of Quality* as follows:

Each school division shall maintain schools which meet accrediting standards adopted by the Board of Education.

3. To encourage school improvement;
4. To foster public confidence;
5. To assure recognition by other institutions of learning.

### PROCEDURES FOR ACCREDITATION

#### Reports and Accreditation Status

The principal of each school shall submit school accreditation reports, through the division superintendent, to the Department of Education. A Summer School Accreditation Report shall be submitted for each secondary summer program conducted and shall be a part of the accreditation report for the regular school session immediately following the summer session. Report forms will be provided by the Department of Education. Failure to submit the reports on time will constitute grounds for withholding accreditation.

Information included in the reports as well as that obtained through other records and through visits by Department of Education personnel or other designated representatives of the Board of Education, will be used to determine the accreditation status of each school in accordance with tolerances approved by the Board of Education. Schools found to be deficient in meeting the standards will be accredited without condition, accredited with advisement, accredited with a warning, or unaccredited, depending on the extent of the deficiencies. Each school division shall develop by July first of the next school year an accreditation plan, acceptable to the Board of Education, for any school that is unaccredited or accredited with a warning. In instances where compliance with accreditation standards would cause extreme hardship, the Board of Education may grant provisional accreditation.

Schools will be accredited on a two-year cycle, with approximately half of the schools being accredited each year. All schools in a division will be reviewed for accreditation during the same cycle. The Board of Education may require immediate corrective action or change of accreditation status whenever significant deficiencies are reported by representatives of the Department of Education. Schools losing accredited status shall be considered for reaccreditation when subsequent reports and visits by Department of Education personnel reveal that prescribed standards are being met.

When a school applies for initial accreditation, a representative of the Department of Education shall visit the school to review the accreditation standards and procedures with the principal. A school with the number of deficiencies which would place it in the warned status will not be accepted for initial accreditation. No schools will be permitted to maintain accreditation in the warned status for more than two consecutive years.

#### Evaluation and Review

A self-study followed with an evaluation by a visiting committee is required for all schools every ten years. This will be followed by a written progress report two years after the evaluation and an administrative review of accreditation standards within five years after the progress report.

The evaluation process will be conducted using established criteria designated by the Department of Education. A request for a school to be scheduled for evaluation shall be submitted by the division superintendent to the Department of Education at least two years prior to the preferred evaluation date.

The local school board shall review in public session the implementation of accreditation standards biennially and shall inform the Board of Education of the date this action was taken.

#### Application of the Standards

These standards apply to schools for all grade levels, K-12, except as otherwise noted. For purposes of accreditation, schools organized as middle schools with no grade below the 6th and no grade above the 9th shall complete the middle school report. Schools with grades above the 8th grade and below the 6th grade are referred to as combined schools and shall complete the secondary report for grades 8-12 and the elementary report for grades K-7 or the secondary report for grades 9-12, the middle school report for grades 6-8, and the elementary report for grades K-5.

In schools for the handicapped, standards which are not appropriate to the special nature of the school program may be waived so long as state regulations governing services to handicapped students are met.

Nonpublic college preparatory secondary schools with a philosophy and purpose which differ from those of a comprehensive school may deviate from these standards with respect to vocational education and special education when admission policies ensure that enrollment is limited to students without needs in these areas. Such deviations must be consistent with the schools' purposes, must not diminish the quality of the schools' offerings, and must be specifically approved by the Department of Education.

**PHILOSOPHY AND OBJECTIVES**

**STANDARD A**

**Each School Shall Have Current Written Statements of Philosophy and Objectives Which Shall Serve as the Basis for All School Policies and Practices.**

*Criteria:*

1. The philosophy and objectives shall be developed cooperatively by professional and lay people who are concerned with and are interested in the students and community served.
2. The individual school philosophy and objectives shall be consistent with the *Standards of Quality* and the philosophy and objectives of the local school division.
3. A realistic and systematic needs assessment shall be the basis for the individual school philosophy and objectives.
4. The objectives for students shall be stated in terms of skills, abilities, and attitudes to be developed.
5. The school staff and community representatives shall review biennially the philosophy and objectives of the school and shall revise them as needed.
6. Copies of the school's philosophy and objectives shall be available to staff members, students, and parents.
7. The philosophy and objectives shall be the basis for the biennial school plan.

**INSTRUCTIONAL PROGRAM**

**STANDARD B**

**Each School Shall Provide a Planned and Balanced Program of Instruction Which is in Keeping With the Abilities, Interests, and Educational Needs of Students and Which Promotes Individual Student Achievement.**

*Criteria:*

1. The school shall provide at least 180 days of instruction.
2. The school shall operate an instructional program, excluding intermission for meals, that shall average at least 5½ hours for students in grades 1-12 and a minimum of 3 hours for kindergarten.
3. Standards of Learning Objectives shall be used as references for designing local curriculum and instructional programs.
4. Schools shall offer opportunities for students to participate in planned and comprehensive programs of study designed to be challenging and consistent with Virginia's Goals of Education.
5. Each school with any combination of grades K-7 shall provide instruction in the following subjects:

Art	Music
Health	Physical Education
Language Arts*	Science
Mathematics	Social Studies

\*Language arts includes listening, speaking, reading, composition, handwriting, spelling, grammar and usage, thinking and study skills, and library skills.

6. Each middle, intermediate, or junior high school should be organized to provide a basic program of learning experiences which recognize the unique intellectual, physical, social, and emotional characteristics of early adolescence and shall provide instruction in the following subjects:

Art	Music
Health	Physical Education
Language Arts*	Science
Mathematics	Social Studies
Vocational Education	

\*Language arts includes listening, speaking, reading, composition, handwriting, spelling, grammar and usage, thinking and study skills, and library skills.

Each year the 8th grade shall provide a minimum of 8 offerings which shall include instruction in 5 academic areas—(language

arts, mathematics, science, social studies, and electives), and also in health and physical education, fine arts, and vocational education. A foreign language shall be available to all 8th-grade students with needs or interests in this area.

7. By graduation each student shall be provided educational experiences directed toward objectives outlined in *Computer Literacy for Students in Virginia* issued by the Department of Education.
8. Each secondary school shall offer options for students to pursue a program of studies in several academic and vocational areas. These offerings shall include:
  - a. Vocational education choices which prepare the student with a marketable skill in one of three or more occupational areas;
  - b. Academic choices which prepare the student for entry into technical or pre-professional programs of higher education;
  - c. Liberal arts choices which prepare the student for college-level studies in the arts and sciences;

Minimum course offerings for each secondary school shall be as follows:

	<u>8-12</u>	<u>9-12</u>
Academic Subjects .....	27	23
English .....	(5)	(4)
Mathematics .....	(5)	(4)
Science .....	(5)	(4)
Social Studies .....	(5)	(4)
Foreign Language .....	(3)	(3)
Electives .....	(4)	(4)
Vocational Education .....	11	11
Fine Arts .....	2	2
Health and Physical Education .....	<u>3</u>	<u>2</u>
Total Units .....	43	38

The content of these courses shall be developed in reference to Standards of Learning Objectives as provided in Standard B3.

When health and physical education are taught as a combination class, at least 40 percent of the instructional time shall be devoted to health education. Classroom driver education may count for 36 class periods of health education. Students should not be removed from classes in required courses other than health and physical education for the in-car phase of driver education.

The social studies offering shall include at least one-half unit in economics.

9. The standard unit of credit for graduation shall be based on a minimum of 150 clock hours of instruction. When credit is

awarded in less than whole units, the increment awarded must be no greater than the fractional part of the 150 hours of instruction. To award credit on a basis other than that of the standard unit of credit, the locality shall develop a written policy approved by the superintendent and school board which ensures: (1) that the scope of the course for which credit is awarded is comparable to 150 clock hours of instruction; and (2) that upon completion, the student will have met the aims and objectives of the course through the mastery of certain predetermined skills, knowledge, and values as indicated by such measures as criterion-referenced or standardized tests.

10. The summer school program shall be administered by local school authorities and shall be equal in quality to that offered during the regular school term.
  - a. One unit of new credit per summer session shall be the maximum for which a student may enroll, except that high school seniors who lack two units in meeting graduation requirements may be allowed to enroll in two subjects with approval of the principal and superintendent.
  - b. Credit for repeated work ordinarily will be granted on the same basis as that for new work. In justifiable instances, certain students may be allowed to enroll in two repeat subjects to be completed in not less than 75 clock hours of instruction per unit of credit.
  - c. Students repeating courses and who are taught for less than 150 clock hours shall be responsible for demonstrating competency in the same subject matter and/or skills as those students who are enrolled in a new course for 150 clock hours.
  - d. Students desiring to do summer school work in an accredited secondary school, other than that in which they are regularly enrolled, shall obtain prior approval from their principal for any credits that are to be transferred to apply toward graduation requirements.
11. Each school shall provide a variety of materials and equipment to support the instructional program.
12. Locally developed elective courses given for credit towards graduation shall be approved by the division superintendent and school board. Elective courses should offer a varied program to meet individual student needs. When suitable course code numbers for reporting purposes cannot be found in the *School Administrators Handbook of Course Codes and Endorsement Codes*, they will be assigned, upon request, through the Division of Research, Evaluation, and Testing.
13. Experimental and innovative programs which are in conflict with accreditation standards shall be submitted to the Department of



Education for approval prior to implementation. The request shall include purpose, objectives, outline, evaluation procedures, and approval of the local school board.

14. All students in grades 1-12 shall maintain a full-day schedule of classes (5½ hours); unless a waiver is granted by the local superintendent of schools.
15. Homework is an important aspect of the educational experience and shall be governed by a local policy which has been developed in cooperation with parents and teachers and which includes guidelines on the amount and timing of homework.
16. Students who begin advanced education prior to high school graduation, after having been accepted by an accredited college or university, may receive credit toward high school graduation when the following conditions are met:
  - a. Prior approval of the high school principal has been obtained;
  - b. All requirements for high school graduation are completed at the end of the first year of college;
  - c. At least 10 of the 14 specified courses (units) have been completed in an accredited high school;
  - d. The course(s) for which high school credit is to be issued corresponds to that needed for high school graduation (i.e., one year of college English for one credit of English);
  - e. The college course(s) for which high school credit is to be granted is part of the student's program leading to college graduation, as evidenced by an official transcript.
17. Homebound instruction shall be made available to students who are confined for periods of time that would prevent normal educational progress. Homebound instruction shall be approved for credit, provided the Board of Education regulations governing such instruction are met.
18. Students may be allowed to enroll in supervised correspondence courses in subjects not available to them through the school's present schedule when approved by local school authorities. Credit may be awarded for the successful completion of such courses when the work is done under the supervision of a certified teacher approved by local school authorities.
19. The secondary school vocational program shall be competency-based so that students can develop the knowledge, skills, and attitudes required for employment and/or advanced occupational preparation.
20. Gifted and talented students shall be identified and offered a curriculum generally appropriate to their talents.

21. Special education students shall be identified and offered a curriculum appropriate to their handicapping conditions to the extent required by law.
22. School-sponsored extracurricular activities shall be under the direct supervision of the staff and should contribute to the educational objectives of the school. They must be evaluated periodically and organized so that interruptions of the instructional program are avoided. They should not be permitted to interfere with the individual's required instructional activities. Extracurricular activities and eligibility requirements shall be established and approved by the superintendent and the school board.
23. Competitive sports of a varsity nature (scheduled league games) shall be prohibited as a part of the elementary school program.

**STAFFING**

**STANDARD C**

**Each School Shall Have Adequate Staff With Proper Certification and Endorsement.**

*Criteria:*

1. The following shall be the minimum staffing in a middle or secondary school, based on school membership:

School Membership	Principal	Assistant Principal	Librarian	Clerical
1- 299	1	—	½	1
300- 599	1	—	1	1
600- 899	1	1	1	*
900-1199	1	1	2*	*
1200-1500	1	2	2	*

\*The equivalent of one full-time additional clerical and/or secretarial person shall be provided for each additional 600 students beyond 200. In addition, a library secretary shall be provided when enrollment reaches 750 students and the second librarian when enrollment reaches 1000 students.

2. The following shall be the minimum staffing in an elementary school based on school membership:

School Membership	Principal	Assistant Principal	Librarian	Clerical
1- 299	½	—	Part-time	Part-time
300- 599	1	—	1	1
600- 899	1	½	1	1
900-1199	1	1	1	1
1200-1500	1	1	1	1

3. The principal of each middle school and each secondary school shall be employed on a 12-month basis, and principals of all schools shall be responsible for the instructional leadership of the school.
4. Guidance counselors shall be provided as follows:
  - a. Elementary schools may employ elementary school guidance counselors and are encouraged to do so wherever possible.
  - b. Each middle school shall have at least one full-time guidance counselor for the first 400 students and shall provide one period of counseling for each additional 75 students or major fraction thereof.
  - c. Each secondary school shall have at least one full-time guidance counselor for the first 350 students and provide one period of counseling for each additional 70 students, or major fraction thereof;

- d. Each secondary school with 350 or more students and each middle school with 400 or more students shall employ at least one member of the guidance staff for 11 months.

At the discretion of local school authorities an alternative staffing plan (Criteria 1-4) may be developed which ensures that the services set forth in these standards are met. Any locality electing to exercise this option shall develop a written policy approved by the division superintendent and local school board and shall submit it to the Department of Education for approval. An alternative staffing plan which reduces the number of staff positions will not be acceptable.

5. Teachers in departmentalized programs in grades 6 and/or 7 may be endorsed in the appropriate grade level or in specific subject areas assigned. Teachers in departmentalized programs in grades 6-8 with a middle school endorsement (4-8) shall be assigned according to their area(s) of concentration.
6. The ratio of pupils in Average Daily Membership in elementary schools to certified instructional personnel shall be that which is required by the *Standards of Quality*.
7. The maximum number of students in Average Daily Membership per certified classroom teacher for grades K-3 shall be that which is required by *Standards of Quality*.
8. The maximum number of students in Average Daily Membership per certified classroom teacher for grades 4-7 in elementary schools shall not exceed 35.
9. Each middle and secondary school shall have a student-teacher ratio (based on full-time equivalent teachers and excluding administrators, librarians, and guidance personnel) which does not exceed 25-1. Persons teaching less than full-time are considered part-time and are equated by the number of periods taught.
10. Middle school teachers with a 7 period day may teach 30 class periods per week provided all teachers with more than 25 class periods per week have 1 period per day unencumbered of all teaching and/or supervisory duties.
11. No secondary teacher shall teach more than 25 class periods per week, except teachers of block programs and teachers of very small classes. Teachers of block programs with no more than 90 students per day may teach 30 class periods per week. Teachers who teach very small classes may teach 30 class periods per week provided the teaching load does not exceed 75 students per day. One class period each day, unencumbered by supervisory or teaching duties, should be provided for every full-time instructional person for instructional planning.

**INSTRUCTIONAL LEADERSHIP**

**STANDARD D**

**The Administrative Staff Shall be Responsible for Instructional Leadership and Effective School Management Which Promotes Achievement of Individual Students.**

*Criteria:*

1. An atmosphere of mutual respect and courtesy shall be a primary goal of the school, and the administrative staff shall make every effort to achieve it.
2. The staff shall protect instructional time from interruptions and intrusions.
3. The scope of the regular school day shall be limited to teaching and learning activities.
4. The staff shall monitor instruction and evaluate its quality through:
  - a. Establishment of specific and mutually developed objectives for each teacher;
  - b. A systematic program of classroom observation and follow-up consultation with the individual teacher;
  - c. Professional assistance, in-service training, and other support based on the needs of teachers;
  - d. Analysis and use of data on pupil achievement.
5. Each member of the administrative staff shall participate annually in state and/or local in-service programs designed specifically for administrators.
6. The staff shall prepare and follow a biennial school plan approved by the division superintendent, which is consistent with the school philosophy and objectives and the divisionwide plan.
7. The staff shall be responsible for utilizing the resources of the community and involving parents and citizens as indicated in Standard G.
8. Each school division shall establish procedures for students' scholastic achievements to be recognized and rewarded.
9. The administrative staff shall demonstrate high expectations for all students.
10. The administrative staff, in cooperation with the instructional staff, shall establish rules of acceptable student conduct.
11. The staff shall maintain a school handbook of policies and procedures which includes the school division's standards of

12. Middle or secondary school teachers shall teach no more than 750 student periods per week, except that physical education and music teachers may teach 1,000 student periods per week.
13. Every effort shall be made to provide staff members with an unencumbered lunch period.
14. The number of students in special and vocational education classrooms shall comply with regulations issued by the Department of Education.
15. The school plant and grounds shall be kept safe and clean. Custodial services shall be available as necessary for health and safety.
16. Students and staff shall share in the responsibility for care of buildings and grounds.
17. Health services, as determined by the local school board, shall be provided to care for students who become ill or injured during the school day.
18. The services of school psychologists, visiting teachers, and/or school social workers shall be available, as necessary, to comply with regulations of the Board of Education.

student conduct and procedures for enforcement, along with other matters of interest to parents and students.

12. Each school shall maintain records of receipts and disbursements of funds handled. These records shall be audited annually by a professional accountant approved by the local school board.
13. Each school shall maintain a current record of certification, endorsement, and in-service training of the staff.
14. At least 40 percent of the time of the principal and assistant principal(s) shall be devoted to supervision of instruction and curriculum development.
15. Fire drills shall be held once a week during the first month of school and at least once per month for the remainder of the school term.
16. The principal and teachers shall be responsible for making daily fire and safety inspections. At least two fire inspections, one during each semester, shall be conducted in accordance with regulations contained in the *Fire Inspection Guide for Schools*.
17. School sponsored fund-raising activities which involve elementary students in door-to-door solicitation shall be prohibited.

## DELIVERY OF INSTRUCTION

### STANDARD E

**The Staff Shall Provide Instruction Which is Educationally Sound in an Atmosphere Which is Conducive to Learning and in Which Students are Expected to Achieve.**

#### Criteria:

1. An atmosphere of mutual respect, courtesy, and a genuine concern for all students in the learning environment should be maintained.
2. Staff members shall serve as personal models for effective communication through language usage, grammar, and spelling.
3. Daily teaching objectives shall be established that:
  - a. Identify and inform students of the learning expected;
  - b. Keep students engaged in learning tasks;
  - c. Allow the teacher to spend the maximum time possible in the teaching/learning process by keeping disruptions, clerical responsibilities, and student absences (out-of-class time) to a minimum.
4. The staff shall provide for individual differences through the use of varied materials and activities suitable for students with different interests and abilities.
5. The staff shall assess the progress of students and report to student and parents by:
  - a. Evaluating students' work promptly and constructively;
  - b. Certifying whether each student has mastered appropriate learning objectives.
6. The staff shall demonstrate a high expectation of learning for all students.
7. Classroom activities shall be structured and monitored to minimize disruptive behavior.
8. Inappropriate behavior shall be responded to quickly and consistently without demeaning the student responsible for the behavior.
9. Guidance programs and services shall be provided at appropriate grade levels, K-12, to achieve the following:
  - a. Ensure that individual curriculum planning is provided to assist each student to select appropriate courses;

- b. Provide opportunities for parents, teachers, and other adults to participate in planned activities which encourage the personal, social, educational, and career development of students;
  - c. Include employment counseling and placement services to furnish information relating to the employment opportunities available to students graduating from or leaving school;
  - d. Provide for the coordination of a testing program which includes orientation to test-taking, use of test data, and the interpretation and use of student records data;
  - e. Provide for the evaluation of the guidance program by the principal, counselor(s), staff, and parents;
  - f. Ensure that at least 60 percent of the guidance staff's time shall be devoted to counseling of students.
  - g. Ensure that each student has a balanced program of studies each year, including at least one mathematics or laboratory science course in the 11th or 12th grade.
  - h. In elementary schools not employing guidance counselors, appropriate guidance services may be provided by classroom teachers or other staff members.
10. The library media center shall be organized as the resource center of the school and shall provide a unified program of media services and activities for students and teachers before, during, and after school. The library media center shall have the following characteristics:
- a. An average monthly circulation equal to at least 60 percent of the school membership;
  - b. Schedule that provides for library utilization by all students;
  - c. A policy for the selection and evaluation of all instructional materials purchased by the school division, with clearly stated procedures for handling challenged controversial materials;
  - d. Cataloging of all library media in the school, which promotes accessibility and ease of retrieval, including a functional loan system, an annual inventory of materials and equipment, and a procedure for screening and discarding media;
  - e. An information file that reflects curriculum needs and contains pamphlets, clippings, pictures, and information about local resources;
  - f. A minimum of two complete sets of encyclopedias, one of which has been copyrighted within the last five years;
  - g. An unabridged dictionary and abridged dictionaries;
  - h. Newspaper subscription(s) providing daily, local, state, and national news;
  - i. Fifteen subscriptions to periodicals for elementary schools and 25 subscriptions for middle and secondary schools which are pertinent to various phases of the school program;
  - j. A current and accessible professional library in each school or in a centralized instructional media center in the school division;
  - k. Nonbook materials such as prints, charts, posters, recordings (disc and tape), filmstrips, multimedia kits, models, study prints, slides, transparencies, videotapes, videodiscs, computer software, maps and globes which are carefully selected to meet the needs of the instructional program.
11. Book requirements (20% of which may be nonprint instructional material) for each library media center shall be as follows:
- a. 10 books per student in elementary schools;
  - b. In middle and secondary schools a basic collection of 1,000 well-selected titles, (In schools with more than 150 enrolled there shall not be fewer than 7 books per student).
12. Fifty percent of the minimum basic collection shall be available for circulation during the first semester in a new school seeking accreditation.
13. Services of the library media center shall be documented in the State Annual Instructional Media Report which includes circulation statistics, financial expenditures, collection and equipment inventories, and staff personnel.
14. Librarians shall be involved in curriculum planning with teachers and administrators.
15. Each school shall have necessary equipment to support utilization of audiovisual materials.

**STUDENT ACHIEVEMENT**

**STANDARD F**

**Each School Shall Provide Specific Learning Objectives to be Achieved by Students at Successive Levels of Development and Shall Continually Assess the Progress of Each Student in Relation to These Objectives and the Goals of Education in Virginia.**

*Criteria:*

1. The school shall aid each student, consistent with his or her abilities and educational needs, to:
  - a. Develop competence in the basic learning skills;
  - b. Progress on the basis of achievement;
  - c. Qualify for further education and/or employment;
  - d. Develop ethical standards of behavior and participate in society as a responsible family member and citizen;
  - e. Develop a positive and realistic concept of self and others;
  - f. Enhance the beauty of the environment;
  - g. Respond to aesthetic experiences through the arts;
  - h. Practice sound habits of living and personal health;
  - i. Acquire a basic understanding of and an appreciation for the free enterprise system.
2. To graduate from high school, a student shall meet the minimum requirements for the 20-credit diploma as outlined below for grades 9-12. Students who graduate with an average grade of "B" or better will receive a Board of Education Seal on the diploma.

	<u>9-12</u>
English .....	4
Mathematics* .....	2
Laboratory Science* .....	2
Math or Science** .....	1
Social Studies: .....	3
United States and Virginia History—1	
United States and Virginia Government—1	
World Studies—1 (History and/or Geography)	
Health and Physical Education .....	2
Electives	
(Academics, Fine Arts, and Vocational Education) .....	6
<b>Total Units .....</b>	<b>20</b>

\*Must be selected from a list of courses approved for graduation requirements by the Board of Education.

\*\*Must be selected from a list of courses approved for graduation requirements by the Board of Education or, as an alternative, this requirement may be met by completing the sequence of courses needed for occupational preparation in one of the following programs:

- Agriculture
- Business
- Distribution
- Health Occupations
- Occupational Home Economics
- Trade and Industrial Education

3. As an elective for students, each high school shall offer an Advanced Studies Program which requires a minimum of 22 units of credit as outlined below for grades 9-12. Students who graduate with an average grade of "B" or better will receive a Governor's Seal on the diploma.

	<u>9-12</u>
English .....	4
Mathematics .....	3
Laboratory Science .....	3
Social Studies: .....	3
United States and Virginia History—1	
United States and Virginia Government—1	
World Studies—1 (History and/or Geography)	
Foreign Language .....	3
(3 years of one language or 2 years each of 2 languages)	
Health and Physical Education .....	2
Electives .....	4
<b>Total Units .....</b>	<b>22</b>

To earn an Advanced Studies Diploma, students must complete a mathematics sequence which includes Algebra I and two courses above the level of Algebra I, and a science sequence which includes three units from earth science, biology, chemistry, and physics.

4. In addition to the units of credit specified, each student must demonstrate mastery of minimum competencies as prescribed by the Board of Education, except as otherwise provided for certain handicapped students receiving special education.
5. When 8th grade students successfully complete subjects identified as 9th, 10th, 11th or 12th grade subjects, credit shall be counted for the specified subjects required for graduation, but not for meeting the total number of units required for graduation in grades 9-12. Students who are able to do so should be encouraged to take such courses in foreign language, science, or mathematics in the 8th grade.

6. Students shall be encouraged to take a course which provides an appreciation of the American economic system and a course in vocational education.
7. Students completing graduation requirements in a summer school accredited under these standards shall be eligible for a diploma. The last school attended during the regular session shall award the diploma.
8. The secondary school shall accept credits received from other accredited secondary schools, including summer school. Students entering an accredited high school from a nonaccredited school may establish credits through an examination given by the receiving school or by other means as determined by local school authorities.
9. Records of transferred students shall be sent directly to the school receiving the student upon request of the receiving school.
10. The transcript of a student who graduates or transfers from a Virginia secondary school shall show that a minimum of 20 units of credit in 9th-12th grade courses are required for graduation.
11. Students transferring from outside of Virginia shall be required to accrue 20 units of credit or the equivalent for graduation. Each student's prior record shall be evaluated to determine the number and content of additional credits required for graduation. Students transferring from states not giving credit for health and physical education shall not be required to repeat these courses. Specified courses normally taken at lower grade levels shall not be required, provided the student has completed the courses required at those grade levels by the state from which the individual transferred.

## COMMUNITY RELATIONS

### STANDARD G

**Each School Shall Have in Effect a School and Community Interaction Plan That Fosters Mutual Understanding of the Role of Each in Providing Quality Education.**

*Criteria:*

1. Parents, citizens, and representatives from business and industry shall be provided opportunities to participate on advisory committees, in curriculum study, and in cooperative evaluation of the total educational program.
2. A comprehensive and continuing program for interpreting the total school to the community shall be provided.
3. A close working relationship shall be established and maintained between the school and other community agencies related to student services.
4. Schools shall seek active cooperation with business and industry in formulating educational programs and conducting joint enterprises involving the use of such resources as personnel, facilities, and training programs.
5. The staff shall be responsible for utilizing the resources of the community and involving parents and citizens in:
  - a. Evaluating the school program;
  - b. Developing the biennial school plan;
  - c. Volunteer services and programs of supplemental instruction as may be deemed appropriate.
6. The school shall encourage and support the establishment of a Parent-Teacher Association/Organization and shall form a cooperative relationship with it.

# Emergency Regulation

## Approval of emergency regulation

- /s/ S. John Davis, Superintendent of Public Instruction  
Date: June 27, 1986
- /s/ Donald J. Finley, Secretary of Education  
Date: June 27, 1986
- /s/ Gerald L. Baliles, Governor of Virginia  
Date: June 29, 1986
- /s/ Joan W. Smith, Registrar of Regulations  
Date: June 30, 1986 - 4:47 p.m.

## STATE BOARD OF MEDICINE

Title of Regulation: VR 465-02-1. Regulations Governing the Practice of the Healing Arts.

Statutory Authority: § 54-291 of the Code of Virginia.

Effective Date: July 1, 1986.

### PART II. LICENSURE: GENERAL REQUIREMENTS AND LICENSURE BY EXAMINATION.

§ 2.4. Supervision of unlicensed persons practicing as psychologists in exempt settings by statutory authority of § 54-291.

#### A. Supervision.

Pursuant to § 54-944 (d) of the Code of Virginia, supervision by a licensed [clinical] psychologist shall mean that the supervisor shall:

1. Provide supervision of unlicensed personnel who are providing psychological services as defined in § 54-936 and who are functioning in practice and title as professional psychologists, including the review of assessment protocols, intervention plans and psychological reports, with review denoted by countersignature on all client records and reports as specified in the required protocols within thirty days of origination;
2. Determine and carry out instructional and evaluative consultation with supervisees appropriate to their levels of training and skill, and adjust their service delivery according to current standards of professional practice; and
3. Supervise only those psychological services that fall within the supervisors area of competence as demonstrated by his/her own professional practice and experience.

#### B. Reporting.

A clinical psychologist who is providing supervision, as provided for in § 54-944 (d), shall:

1. Submit to the board, within 120 days of the effective date of this regulation, a copy of the supervisory protocol established for each unlicensed supervisee and signed by the supervisor, supervisee, and authorized representative of the institution or agency.
2. Notify the board of any changes in supervisory relationships, including terminations or additions, prior to or within 10 days of such change, with copies of supervisory protocol for all new supervisory relationships to follow within 30 days of such notice.

## Approval of emergency regulation

- /s/ Bernard L. Henderson, Jr., Director  
Department of Health Regulatory Boards  
Date: June 27, 1986
- /s/ Gerald L. Baliles, Governor  
Date: June 27, 1986
- /s/ Joan W. Smith, Registrar of Regulations  
Filed: June 27, 1986 - 4:04 p.m.

\*\*\*\*\*

Title of Regulation: VR 465-02-1. Regulations Governing the Practice of the Healing Arts.

Statutory Authority: § 54-291 of the Code of Virginia.

Effective Date: July 1, 1986.

### PART VII. FEES REQUIRED BY THE BOARD.

§ 7.1. Fees required by the board are:

L. The fee for a limited license issued pursuant to § 54-311.3 shall be \$10 a year.

## Approval of emergency regulation

- /s/ Bernard L. Henderson, Jr., Director  
Department of Health Regulatory Boards  
Date: June 6, 1986
- /s/ Gerald L. Baliles, Governor  
Date: June 26, 1986
- /s/ Joan W. Smith, Registrar of Regulations  
Date: June 27, 1986 - 1:44 p.m.



# Emergency Regulation

## VIRGINIA BOARD OF PSYCHOLOGY

**Title of Regulation:** VR 565-01-2. Regulations Governing the Practice of Psychology.

**Statutory Authority:** § 54-944 (d) of the Code of Virginia.

**Effective Date:** July 1, 1986

### PART IV. TECHNICAL ASSISTANTS.

§ 6.5. Supervision of unlicensed persons practicing as psychologists in exempt settings.

#### A. Supervision.

Pursuant to § 54-944 (d) of the Code of Virginia, supervision by a licensed psychologist shall mean that the supervisor shall:

1. Provide supervision of unlicensed personnel who are providing psychological services and who are functioning in practice and title as a professional psychologist, including the review of assessment protocols, intervention plans and psychological reports, with review denoted by countersignature on all records and reports as specified in the required protocols within 30 days;

2. Determine and carry out instructional and evaluative consultation with supervisees appropriate to their levels of training and skill, and adjust their service delivery according to current standards of professional practice; and

3. Supervise only those psychological services that fall within the supervisor's area of competence as demonstrated by his/her own professional practice and experience.

#### B. Reporting.

A licensed psychologist who is providing supervision, as provided for in § 54-944 (d), shall:

1. Submit to the board, within 120 days of the effective date of this regulation, a copy of the supervisory protocol established for each unlicensed supervisee and signed by the supervisor, supervisee, and authorized representative of the institution or agency; and

2. Notify the board of any changes in supervisory relationships, including terminations or additions, prior to or within 10 days of such change, with copies of supervisory protocol for all new supervisory relationships to follow within thirty days of such notice.

#### Approval of emergency regulation

/s/ Bernard L. Henderson, Jr., Director

Department of Health Regulatory Boards of Virginia  
Date: June 27, 1986

/s/ Gerald L. Baliles, Governor  
Date: June 27, 1986

/s/ Joan W. Smith, Registrar of Regulations  
Filed: June 27, 1986 - 4:04 p.m.

## DEPARTMENT OF SOCIAL SERVICES

**Title of Regulation:** VR 615-01-15. Aid to Dependent Children - Working Parents Program.

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

**Effective Date:** July 1, 1986

#### Preamble:

The 1984 session of the Virginia General Assembly appropriated \$1.7 million to fund an Emergency Assistance for Two-Parent Unemployed Families Program during the 1984-1986 biennium. The program, operated on a test-pilot basis in 15 localities throughout the Commonwealth, provided temporary (three months) assistance to unemployed two-parent families who were eligible for, and who had exhausted entitlement to, unemployment benefits. The department's FY 1986-87 budget contains a \$500,000 authorization to continue funding for an assistance program to aid unemployed two-parent families.

An analysis of the current program revealed the need to modify the basic program design to enhance the program's effectiveness. The findings of the analysis revealed that the Emergency Assistance for Two-Parent Unemployed Families Program did not serve the most needy two-parent families due to the requirement that the family must be in an emergency situation, having been eligible for, and exhausted entitlement to, unemployment benefits. As such, program guidelines are being amended to reflect the fact that language was stricken from the department's 1986-1988 biennium budget which required families to be in an emergency situation, thus, enabling the department to better serve the target population of needy unemployed two-parent families.

The Department of Social Services finds that a situation necessitating immediate promulgation of an emergency regulation exists. Such emergency will preclude the usual procedures set forth for the promulgation of regulations in the Administrative Process Act, § 9-6.14:4.1 of the Code of Virginia.

Emergency approval of the Governor is needed to allow the department to implement the amended program requirements effective July 1, 1986. The 1986

# Emergency Regulation

session of the Virginia General Assembly appropriated monies to continue an assistance program to aid unemployed two-parent families. Funding authorization for the program expires on that date. The inability of the department to promulgate this emergency regulation will result in the continuation of an assistance program which has proven to be ineffective in meeting the needs of Virginia's unemployed two-parent families.

The Department of Social Services will receive, consider, and respond to any petitions to reconsider or revise the emergency regulation contained herein which might be filed by interested persons or groups prior to the regulation's expiration.

## Summary:

Pursuant to § 63.1-25 of the Code of Virginia, the State Board of Social Services has been delegated authority to promulgate rules and regulations necessary for operation of public assistance programs in Virginia. As set forth herein, the State Board of Social Services intends to amend regulations in the Emergency Assistance for Two-Parent Unemployed Families Program.

The Emergency Assistance for Two-Parent Unemployed Families Program is currently operating as a test-pilot program in 15 localities throughout the Commonwealth. The purpose of the program is to provide short-term (three months) assistance to families who are not eligible for assistance through the Aid to Dependent Children (ADC) Program because both parents are living in the home. To qualify, both parents must be unemployed and at least one parent must have exhausted entitlement to unemployment benefits.

In response to an analysis of the current program's effectiveness, the program guidelines are being modified to reflect changes necessary to better serve the target population. The number of localities participating is being reduced from 15 to 10. Further, the basic program design is being restructured to resemble the Aid to Families with Dependent Children - Unemployed Parents (AFDC-UP) Program found at § 233.100 of Title 45 of the Code of Federal Regulations. Also, the program's name is being changed to the Aid to Dependent Children - Working Parents Program.

VR 615-01-15. Aid to Dependent Children - Working Parents Program.

## PART I. DEFINITIONS.

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

"Exempt resources" means the home in which the assistance unit lives and its contents; one motor vehicle with an equity value of \$1,500 or less; income producing farm and business equipment; cash and other assets, the total of which does not exceed the established resource maximum of \$1,000; one burial plot per assistance unit member; and burial funds and/or funeral arrangements with an equity value of \$1,500 or less per assistance unit member.

"Principal wage earner" means the parent in the home who earned the greater amount of income in the 24-month period, the last month of which immediately precedes the month in which an application is filed for assistance.

"Resource" means real and personal property, both liquid and nonliquid, including cash, bank accounts, the cash value of bank accounts, the cash value of life insurance, trust funds, stocks, bonds, mutual funds, or any other financial instruments, which the assistance unit has the right, authority, or power to liquidate.

"Standard of assistance" means the dollar amount, based on the family size, which has been established to cover predetermined monthly maintenance needs.

"Unemployed" means employed less than 100 hours a month; or if the 100 hour rule is exceeded for a particular month, the work must be intermittent as evidenced by the fact that the 100 hour rule was not violated during the prior two months and is expected to be under the standard during the next month.

## PART II. HOUSEHOLD COMPOSITION.

§ 2.1. Eligibility in the Emergency Assistance for Two-Parent Unemployed Families Program is limited to those families which contain at least one child under 18 and in which both parents are in the home:

- A. have been unemployed for at least 30 days;
- B. have not voluntarily quit his last job;
- C. at least one parent has exhausted unemployment compensation.

Aid to Dependent Children - Working Parents Program is limited to those families with a child under 18, or under 19 if enrolled in a full-time secondary, vocational, or technical school and is expected to graduate before reaching the age of 19, who would be eligible for assistance through the Aid to Dependent Children Program except that he is not deprived due to the continued absence, death, or incapacity of at least one parent, as long as the principal wage earner:

- A. Has been employed for 30 days prior to receipt of assistance;

# Emergency Regulation

B. Has not without good cause, within such 30-day period prior to receipt of assistance, refused a bona fide offer of employment or training;

C. Has six or more quarters of work within any 13-calendar-quarter period ending within one year prior to application for assistance, or within such one-year period, received unemployment compensation under an unemployment compensation law of a state or of the United States or would have "qualified" for unemployment compensation under the State's unemployment compensation law if he had filed application for same, or he performed work not covered by such law, which if it had been covered, would (together with any covered work he had performed) have made him eligible to receive such benefits upon filing an application.

## PART III. FINANCIAL ELIGIBILITY.

§ 3.1. The family's total income must be below the Aid to Dependent Children Program's Standard of Assistance for the appropriate family size. Income disregards used in the General Relief Aid to Dependent Children (ADC) Program are also applicable.

## PART IV. EMPLOYMENT SERVICES.

§ 4.1. The family must register and cooperate with the Employment Services Program in order to be eligible for assistance. In order for the family to be eligible for assistance, the principal wage earner must participate in a program of employment services which will consist of the following components:

A. Job search.

B. Work experience.

## PART V. RESOURCES.

§ 5.1. The total nonexempt resources of the family cannot exceed the amount applicable in the General Relief Program \$1,000 .

§ 5.2. The family will be ineligible for assistance if they improperly transfer or improperly dispose of their legal or equitable interest in nonexempt resources within two years from the date of application.

## PART VI. APPLICATION PROCESS.

§ 6.1. The application must be acted upon as quickly as possible, however, in all instances a determination regarding eligibility must be made within 30 45 days from the date the signed application is received in the agency. The application must be signed by both parents.

## PART VII. ENTITLEMENT.

§ 7.1. Entitlement to assistance is limited to three six months during the period beginning July 1, 1986 and ending June 30, 1987 .

## PART VIII. MEDICAL ASSISTANCE.

§ 8.1. Recipients of assistance through the Aid to Dependent Children - Working Parents Program will not automatically be eligible for medical assistance through the Medicaid Program.

### Approval of emergency regulation

/s/ William L. Lukhard, Commissioner  
Date: June 6, 1986

/s/ Gerald L. Ballles, Governor of Virginia  
Date: June 29, 1986

/s/ Joan W. Smith, Registrar of Regulations  
Date: June 30, 1986 - 10:54 a.m.

\* \* \* \* \*

Title of Regulation: VR 615-01-16. Treatment of Casual and Inconsequential Income in the Aid to Dependent Children (ADC) Program.

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

Effective Date: July 1, 1986 through June 30, 1987.

### Preamble:

Federal regulations permit states to disregard casual and inconsequential income, which is received from gifts on special occasions, in determining eligibility and the amount of payment in the Aid to Dependent Children (ADC) Program.

The Federal Register dated March 18, 1986, issued a regulation mandating that this disregard not exceed \$30 per quarter, per person in the assistance unit. Prior to these revised federal regulations, there was no limit on the amount to be disregarded under this provision.

The original intent of this federal regulation was to allow some latitude in disregarding small monetary gifts which were actually not available to meet the living expenses of a family and were administratively difficult to tract. However, due to wide variations in the definition of casual and inconsequential income among those states disregarding such income, federal regulations were revised to impose a maximum on the amount that could be disregarded.

# Emergency Regulation

Under Virginia's current Aid to Dependent Children (ADC) Program, recipients who receive monetary gifts for special occasions are not restricted to a specific amount to be disregarded because Virginia's policy allows each local agency to define casual and inconsequential income. As a result of the revised regulations, all recipients of the Aid to Dependent Children (ADC) Program will be subjected to the same definition of casual and inconsequential income.

The revised federal regulations at 45 CFR 233.20(a)(3)(iv) were effective March 18, 1986. Thus, the department must take action to bring Virginia's Aid to Dependent Children (ADC) Program policy into compliance with this regulation.

The Department of Social Services finds that an emergency situation exists necessitating immediate promulgation of this regulation, that such emergency precludes the usual procedures set forth for the promulgation of regulations in the Virginia Administrative Process Act, Virginia Code § 9-6.14:1 et seq., and that emergency promulgation of this regulation is permitted in accordance with § 9-6.14:4.1 of the Code of Virginia.

Emergency approval by the Governor is necessary in order to avoid a delay of several months in issuing revised policy to local welfare/social services agencies. Such a delay would result in noncompliance with federal regulations and quality control errors, which could cause the State to suffer federal fiscal sanctions.

The emergency regulation shall be in effect July 1, 1986, and will expire on June 30, 1987, or upon the earlier effective date of similar regulations to be promulgated under the Administrative Process Act.

The Department of Social Services will receive, consider, and respond to any petitions to reconsider or revise this emergency regulation which might be filed by interested persons or groups prior to its expiration.

VR 615-01-16. Treatment of Casual and Inconsequential Income in the Aid to Dependent Children (ADC) Program.

## PART I. DEFINITIONS.

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

"Aid to Dependent Children (ADC) Program" means the program, administered by the Virginia Department of Social Services, through which a relative can receive monthly cash assistance for the support of his dependent children.

"Assistant unit" means those persons who have been determined categorically and financially eligible to receive

an assistance payment.

"Department" means the Virginia Department of Social Services.

"Disregard" means that income which is not considered when determining eligibility for the Aid to Dependent Children (ADC) Program.

"Determination of eligibility" means the screen procedure to determine the need for assistance and the amount of the monthly assistance payment. This includes the 185% screen, determination of need, and grant computation.

## PART II. TREATMENT OF MONETARY GIFTS.

§ 2.1. ~~Negligible~~ The first \$30 in monetary gifts for special occasions such as birthdays, Christmas, etc., received per person in the assistance unit per calendar quarter, shall not be counted as income. ~~Negligible will be determined by the agency and complete documentation is required.~~ Calendar quarters are January through March, April through June, July through September, and October through December. Any amount in excess of the \$30 per quarter will be counted in the proper payment month.

### Approval of emergency regulation

/s/ William L. Lukhard, Commissioner  
Department of Social Services  
Date: June 6, 1986

/s/ Gerald L. Baliles, Governor  
Date: June 29, 1986

/s/ Joan W. Smith, Registrar of Regulations  
Filed: June 30, 1986 - 10:54 a.m.

\* \* \* \* \*

Title of Regulation: VR 615-22-03. Emergency Regulation Governing Semi-Mobile Residents in Homes for Adults.

Statutory Authority: Section 63.1-174.1 of the Code of Virginia was amended and reenacted during the 1986 General Assembly Session. The following Emergency Regulation is necessary to implement this section. Chapter 9 of Title 63.1, and specifically § 63.1-174, of the Code of Virginia authorizes the State Board of Social Services to promulgate regulations for homes for adults.

Effective Date: July 1, 1986, through July 1, 1987.

### Preamble:

House Bill 654 placed in the law the definitions of ambulatory and nonambulatory. The statute divides ambulatory into two subcategories, independently mobile and semi-mobile.

# Emergency Regulation

Under the statute as amended, effective July 1, 1986, semi-mobile residents, meaning those who require a single verbal command or the assistance of a mechanical device to exit the building in an emergency, may reside in an I-2 facility or in any facility which has a licensed capacity of twenty or less if they are able to exit in three minutes or less and if they are assigned to a first floor bedroom which is less than 50 feet from a ground level or ramped exit. Under the regulations as previously promulgated, such residents were considered nonambulatory and could reside only in I-2 facilities, which meet fire safety standards designed to protect persons who are unable to make an emergency exit.

In the absence of clarifying regulations, the department must either enforce the letter of the law or operate without reasonable procedural boundaries. Since the issue involves the health and safety of admittedly vulnerable residents, the department is concerned with immediate protection of these residents through emergency regulations while it has time to promulgate permanent regulations with the benefit of public comment.

Recognizing the need to protect these residents, the State Board of Social Services, acting under the authority of § 63.1-174 of the Code of Virginia, does hereby promulgate this emergency regulation.

The effective date of this emergency regulation is July 1, 1986.

These emergency regulations shall terminate July 1, 1987, or upon the earlier effective date of similar regulations to be promulgated through the full Administrative Process Act.

The following are proposed emergency revisions and additions to the Standards and Regulations for Licensed Homes for Adults which were promulgated and effective on September 1, 1985. They have been written to provide regulatory guidance on a temporary basis for those homes for adults licensed for a capacity of twenty or fewer and which elect to admit or retain "semi-mobile" residents, according to the provisions of House Bill 654, (Chapter 430, 1986 Acts of Assembly) which becomes effective July 1, 1986.

The regulations, as here proposed, are submitted as emergency regulations in order that the safety of residents be protected until time is available to satisfy the requirements of the Administrative Process Act, including full public participation and comment.

VR 615-22-03. Emergency Regulation Governing Semi-Mobile Residents in Homes for Adults.

## PART I. INTRODUCTION.

### Article 1. Definitions.

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

\* "Ambulatory" means the condition of a person who is physically and mentally capable of making an exit from a building in an emergency including the ascent and descent of stairs, without the assistance of another person or without being dependent on the use of any device, such as, but not limited to, a wheel chair, walker, or leg prosthesis, either independently mobile or semi-mobile as defined below. The determination of whether a person is ambulatory shall be based on information contained in the medical report. (See § 5.7.2.b.(5))

"Assisted exit" means that in order to exit a building within three minutes in an emergency the resident must receive repeated verbal prompts or commands or be physically touched, led, or moved by another person or object.

\* "Independently mobile" means the condition of a person who is mentally and physically capable of making an unassisted exit from the home in an emergency. The ability to ascend and descend stairs (if present in any necessary exit path) is an essential part of this condition. The determination of whether a person is independently mobile shall be based on information contained in the medical report. (See § 5.7.2.b.(5))

\* "Nonambulatory" means the condition of a person, who, because of physical or mental impairment, must be let or carried by another person, or is dependent upon the use of a device, such as but not limited to, a walker, wheelchair, or leg prosthesis to make an exit from a building in an emergency requires an assisted exit from the building in an emergency. The determination of whether a person in nonambulatory shall be based on information contained in the medical report (See § 5.7.2.b.(5)) or shall be determined by the demonstrated inability of a semi-mobile person to exit the building in three minutes where applicable (See §§ 3.9.C and 5.7.2.b.(5)). Persons who are nonambulatory may be accepted for care and residents who become nonambulatory may remain in care providing that the relevant provisions of these standards and regulations are met.

\* "Semi-mobile" means the condition of a person who is:

1. Mentally and physically capable in an emergency of always exiting within three minutes from any area of the home normally available to residents with the help of a wheelchair, walker, cane, prosthetic device, or with the aid of a single verbal command;

and

# Emergency Regulation

2. Able to ascend and descend stairs (if present in any necessary exit path from areas normally available to residents).

The determination of whether a person in semi-mobile shall be based upon information contained in the medical report and upon timed observation of the resident's ability to exit a building within three minutes where applicable. (See §§ 3.9.C and 5.7.2.b.(5))

## PART III. ADMISSION AND DISCHARGE POLICIES.

### Article 1. Admission Policies.

§ 3.9. Admission and retention of nonambulatory and semi-mobile residents (See Appendix A) .

§ 3.9.C. Semi-mobile residents shall be admitted to or retained in the home only when the following conditions are met:

1. In facilities with a licensed capacity greater than twenty, all building code requirements and standards and regulations governing housing for nonambulatory residents shall be met.

2. In facilities with a licensed capacity of twenty or fewer:

a. The resident is permanently assigned to a bedroom that is on the first floor and no more than 50 feet from an exit that is at ground level or ramped.

b. Prior to admission, and during each required fire drill, the resident exhibits the ability to exit the building within three minutes from any area normally available to semi-mobile residents. This includes the ability to ascend and descend stairs if any are present in an exit path from areas normally to be used by the resident.

c. The record of the physical examination contains a statement that the semi-mobile resident is potentially capable of exiting a building within three minutes.

### Article 2. Discharge Policies.

§ 3.15. The licensee or administrator shall transfer or discharge a resident from the facility when:

or

1.f. Any semi-mobile resident in a home not licensed for nonambulatory residents is unable, at any time or for any reason, to make a three minute exit from any area of the building normally available to semi-mobile residents, or who at any time impedes other from

making a three minute exit in an emergency or drill.

## PART IV. SERVICES.

### Article 1. Resident Rights.

§ 4.10. Research and experimentation.

A. § 4.10 Residents have the right to refuse to participate in human subject research or experimentation or to participate in any research in which their identity can be determined (see Definitions, § 1.1).

B. § 4.11 The licensee and/or administrator may release statistical information about the residents of the home without the residents' permission only when names have been deleted and the information has been organized so that individual identities cannot be determined.

C. § 4.12 The licensee and/or administrator shall allow residents to be observed only when the resident and/or his legal guardian have been notified of such observation and its purpose and have given consent.

D. § 4.13 The licensee and/or administrator shall verify that any human subject experimentation or research involving residents is conducted in accordance with applicable state and federal laws and complies with recognized professional human subject experimentation standards.

(NOTE: The licensee/administrator has the option of denying research groups access to the facility.)

§ 4.11. No resident, for reasons of mobility status, shall be denied access to the use of living areas equivalent to those available to all residents.

## PART V. RECORDS.

§ 5.7.2.b.(5). The individual is or is not considered to be physically and mentally capable of making an exit from the building in an emergency, including the ascent or descent of stairs, without assistance of another person or without being dependent on use of any device such as, but not limited to, a wheelchair, walker, or leg prosthesis. The individual is considered to be independently mobile, potentially semi-mobile, or nonambulatory. (See Definitions, § 1.1)

(a) The pre-admission medical examination shall contain a statement that the semi-mobile resident is potentially capable of making a three minute exit from the building in an emergency, including the ascent and descent of stairs if any are present in an exit path from areas normally available to semi-mobile residents, with the use of a device such as, but not limited to, a wheelchair, walker, or leg

# Emergency Regulation

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prosthesis, or with a single verbal command.

(NOTE: This statement is not required in homes which are licensed for nonambulatory residents.)

## PART VI. BUILDINGS AND GROUNDS.

### Article 1. Buildings.

#### § 6.8. Housing for nonambulatory and semi-mobile residents.

##### A. In homes where nonambulatory residents are housed:

1. Ramp(s) shall be provided at ground level;
2. Doorways shall permit passage of wheelchairs, if used.

##### B. In homes not licensed for nonambulatory residents but where semi-mobile residents are housed:

1. Two first floor exits shall be at ground level or ramped;
2. Doorways in areas commonly used by semi-mobile residents shall permit passage of wheelchairs or walkers, if used.

## PART IX. FIRE AND EMERGENCY PROTECTION.

#### § 9.5. Fire drills.

C. Additional fire drills may be held at the discretion of the administrator, fire official, or licensing specialist, and must be held in homes not licensed for nonambulatory residents but which house semi-mobile residents when there is any reason to question whether all residents can evacuate the building within three minutes. (See also § 3.15.1.f.)

D. The required drills (§§ 3.9.C.2, 9.5.A.1-3 and 9.5.C) shall be planned and each required drill shall be announced in advance unannounced in homes not licensed for nonambulatory residents but which house semi-mobile residents.

(NOTE: Homes licensed for nonambulatory residents or which restrict their admissions and retentions to independently mobile residents may announce fire drills at their discretion.)

H. In homes not licensed for nonambulatory residents but which house semi-mobile residents, all residents must evacuate the building within three minutes on each drill required by §§ 3.9.C.2, 9.5.A.1-3 and 9.5.C.

I. In homes not licensed for nonambulatory residents but

which house semi-mobile residents, if the building is not evacuated within three minutes, the administrator/licensee shall attach to the fire drill report the following:

1. Names of residents unable to evacuate the building within three minutes and reasons therefor;
2. Facility's plan for rapidly re-establishing ability to evacuate the building within three minutes to include the discharge of those residents who are unable to exit the building within three minutes or who impede others' exit. (See § 3.15.1.f)

J. In homes not licensed for nonambulatory residents but which house semi-mobile residents, all fire drills shall be timed with an instrument which indicates seconds; the three-minute time interval begins when the first signal is given.

#### § 9.6. Housing of semi-mobile and nonambulatory residents.

A. In buildings or portions of building subject to Virginia Fire Safety Regulations, all residents must be ambulatory independently mobile if occupancy is restricted to ambulatory persons under the Virginia Public Building Safety Code: unless the licensed capacity of the facility is twenty or fewer and all regulations regarding housing of semi-mobile residents are met.

B. In buildings subject to the Uniform Statewide Building Code, all residents must be ambulatory independently mobile unless the building or portions of the building have been approved in the I-2 classification: or unless the licensed capacity of the facility is twenty or fewer and all regulations regarding housing of semi-mobile residents are met.

## APPENDIX A TO STANDARDS AND REGULATIONS FOR LICENSED HOMES FOR ADULTS NON-AMBULATORY RESIDENTS IN HOMES FOR ADULTS

### INTRODUCTION

The purpose of the Appendix is to provide a summary of the Standards and Regulations which pertain to the acceptance and care of persons who are non-ambulatory in licensed homes for adults. This Appendix does not contain any additional standards and regulations. It simply summarizes the requirements found in these Standards and Regulations, which must be met if non-ambulatory persons are to reside in homes for adults.

### WHEN IS A PERSON NON-AMBULATORY?

The definition of a non-ambulatory person is found in Part I, Article 1, Definitions of these Standards. Simply stated, a person is considered to be non-ambulatory if he must be led or carried by another person or is dependent

# Emergency Regulation

on a device such as, but not limited to, a leg prosthesis, walker or wheelchair in order to make an exit from a building in an emergency.

## HOW IS A PERSON DETERMINED TO BE NON-AMBULATORY?

This determination will be based on the medical report which is required at the time a person applies for admission to the home (see § 5.7) and the medical report which may be requested on any resident at any time. (See § 5.11)

## CAN A PERSON WHO IS NON-AMBULATORY RESIDE IN A HOME FOR ADULTS?

The definition of "non-ambulatory", Part I, Article 1, Definitions and the admission policy in § 3.0 address this point. This Section identifies the specific requirements which must be met if non-ambulatory persons are accepted into care or remain in care in a licensed home for adults. These specific requirements (standards) are listed and summarized below. If a facility meets these requirements, non-ambulatory residents may reside in the facility.

A. § 3.10 requires that the home be able to meet the needs of each resident who is admitted for care. The home, therefore, must be able to meet all needs of any non-ambulatory person who is admitted for care.

B. § 5.7 identifies the medical information which must be obtained on each person prior to that person being accepted into care. This information must be obtained by means of a physical examination by a licensed physician and within the time period specified in § 3.2. § 5.7 also requires that ten specific areas be addressed as part of the physical examination required for admission. These ten areas, as they appear in § 5.7 are reprinted below. This information, particularly Item 5.7.b.5, provides the basis for determining whether or not a person is non-ambulatory:

1. The date of the physical examination;
2. Any diagnoses or significant problems;
3. Any recommendations for care, including medication, diet and therapy;
4. Separate statements that
  - a. The individual has no evidence of communicable disease;
  - b. Nursing and/or convalescent care is not needed;
  - c. The individual is not bedfast;
  - d. The individual is or is not considered to be physically and mentally capable of making an exit

from the building in an emergency, including the ascent and descent of stairs, without assistance of another person or without being dependent on the use of any device such as, but not limited to, a wheelchair, walker or leg prosthesis.

e. The person's needs can or cannot be met in a home for adults including assistance with all activities of daily living which the person can perform only with difficulty.

f. The individual is or is not capable of administering his own medicine.

C. § 5.11 provides that a medical report can be requested on any resident by the Department any time there is reason to believe the condition of the resident has changed and a physical examination is needed to determine the extent of change. Therefore, if there is reason to believe that the resident is no longer ambulatory, the Department can require a physical examination. This report would then be used as the basis for determining whether or not a resident is non-ambulatory.

D. § 6.18 is part of the Building and Grounds Section. It requires that homes in which non-ambulatory residents are housed have doorways which permit passage of wheelchairs if wheelchairs are used, and have ramps, at ground level.

E. § 9.6 is part of the fire and emergency protection requirements. It contains the Standards which address the housing of non-ambulatory residents and is reprinted below:

### § 9.6 Housing of Non-Ambulatory Residents

A. In buildings or portions of building subject to Virginia Public Building Safety Regulations, all residents must be ambulatory if occupancy is restricted to ambulatory persons under the Virginia Public Building Safety Regulations.

B. In buildings subject to the Uniform Statewide Building Code, all residents must be ambulatory unless the building or portions of the building have been approved in the I-2 Classification.

Two types of buildings are addressed in these Standards; those subject to Virginia Public Building Safety Regulations (paragraph A); those subject to the Uniform Statewide Building Code (paragraph B). All homes for adults will fall into one of these types of buildings and therefore, must meet the applicable Standard(s) contained in § 9.6 before non-ambulatory residents may be accepted or remain in care.

## IS A PERSON WHO IS BEDFAST NON-AMBULATORY?

A person who is bedfast, as defined in Part I, Article 1,



# Emergency Regulation

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Definitions of these Standards and Regulations, would be considered non-ambulatory. However, a non-ambulatory person would not always be bedfast.

§ 3-7 prohibits admission of a person who is bedfast to a home for adults. Part I, Article 1, Definitions identifies the Standards which must be met for a resident who becomes bedfast to remain in care. Specifically, a resident who becomes bedfast may not remain in the home for adults unless the provision of § 3-8 and § 5-14 of these Standards and Regulations are met.

## APPENDIX B A TO STANDARDS AND REGULATIONS FOR LICENSED HOMES FOR ADULTS

### RESIDENT ACTIVITIES

#### INTRODUCTION

This Appendix describes the requirements of the Standards and Regulations contained in Part IV, Article 6, Resident Activities. These standards do not require the employment of an activities director. Facilities should not have to provide an elaborate or complex program to meet these requirements. The purpose of the standards is simply to insure that residents are not left without anything to do or without anything to occupy their time. This Appendix does not contain any additional Standards and Regulations. It does provide some additional explanation of the Resident Activities Program which is required in licensed homes for adults.

#### WHAT KINDS OF ACTIVITIES MUST THE PROGRAM INCLUDE?

§ 4.55 requires that the Activities Program include activities which fall into one or more of four broad types. These are social, recreational, religious and diversional. A brief discussion of each type of activity, with some examples of each, follows:

A. *Social Activities* - Social activities encourage interests and friendships, help minimize self-consciousness and promote and increase self-confidence. They involve other people and group efforts and encourage each resident to interact with other people. Typical examples include dancing, bingo, group singing, birthday parties, community group such as senior citizens, group outings in parks, museums, etc.

B. *Recreational Activities* - Recreational activities emphasize doing what a person likes to do. They make the resident feel good about himself and may or may not involve other people. Often recreational activities involve only the individual. These types of activities include gardening, reading, walks, individuals hobbies, etc.

C. *Religious Activities* - Religious activities provide a means to meet the spiritual needs of the resident. These

types of activities are often very important to residents of a home for adults. Typical religious activities might include planning or arranging transportation to permit attendance at local place of worship, arranging for religious services or study to be conducted in the home, with optional attendance, and informing appropriate clergy of these residents' whereabouts and condition, in order that the clergy may visit with the residents.

D. *Diversional Activities* - Diversional activities place emphasis on individual accomplishment rather than socialization. Activities of this type serve to take a resident's mind off worries and focus efforts on things which lead to a productive, satisfying accomplishment. Some examples of diversional activities include sewing, painting, braiding of rugs, knitting, repairing or refinishing furniture, crocheting, woodworking, etc.

The program described above, by type of activity, does not need to be costly in terms of money or additional staff. It must, however be a planned program and based on the abilities, physical condition, needs and interest of the residents (See § 4.57). This is very important since the success of the program will depend largely on the residents' interest in the activities provided. There are a number of publications available which provide information on activities appropriate for aged, infirm, disabled adults. Two are available at not cost and provide good reference information. There are, "The Activity Coordinators Guide, A Handbook for Activities Supervisors in Long Term Care Facilities," prepared by the Department of Health, Education, and Welfare, and "The Therapeutic Recreation Activity Guide in Long Term Care Facilities," developed by the Office of Recreation Services, Commission of Outdoor Recreation. Copies of these publications may be obtained from the Regional Offices of the Department of Social Services.

#### HOW MANY ACTIVITIES MUST THE PROGRAM INCLUDE?

§ 4.55 requires that the home provide at least one activity each day for the residents. This standard also requires that this daily activity be at least one hour in length.

#### WHAT ACTIVITIES PLANNING IS REQUIRED?

The activities program, while not intended to be elaborate, costly and complex, must be varied (See § 4.57). This requires that enough advance planning be done to insure that the minimum requirement of one activity per day for one hour each day is not limited to the same activity day after day. Activities must also be planned for one week in advance (See § 4.56). This does not prohibit the same activity from being offered each day as long as there are other activities planned and available so that activities provided are varied and consider the abilities, physical condition, needs and interests of all residents (See § 4.57).

# Emergency Regulation

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A written schedule of activities available must be prepared and posted in advance of the period covered by the schedule in a place where all residents can see and read it. Residents must also be informed of the activities program (See § 4.58). This is required so that all residents will know what activities are available and when these activities will take place. § 4.59 requires that activities schedules for the past three months be kept for inspection by the Department of Social Services representative.

## MUST EACH RESIDENT PARTICIPATE?

Each resident must be encouraged to participate in the program. No resident shall be forced to participate (See § 4.60).

## CAN OUTSIDE COMMUNITY RESOURCES BE USED?

It is not intended that the home conduct the required activities program totally using its own resources if there are community resources available and willing to help. Facilities are encouraged to explore the capabilities and willingness of any available local organization to assist in the activities program. However, when community resources are used, it is the responsibility of the licensee to insure that the activity provided is of a type that meets the requirements of Part IV, Article 6.

## Approval of emergency regulation

/s/ William L. Lukhard, Commissioner  
Department of Social Services

/s/ Gerald L. Baliles, Governor

/s/ Joan W. Smith, Registrar of Regulations  
Filed: 6/27/86 - 2:28 p.m.

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

### DEPARTMENT OF SOCIAL SERVICES

**Title of Regulation: VR 615-08-1. Virginia Fuel Assistance Program.**

**Governor's Comment:**

No objections to the proposed regulations as presented.

/s/ Gerald L. Baliles  
Date: June 23, 1986

\* \* \* \* \*

**Title of Regulation: VR 615-70-1. State Income Tax Intercept for Child Support.**

**Governor's Comment:**

No objections to the proposed regulation as presented.

/s/ Gerald L. Baliles  
Date: July 1, 1986

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**Title of Regulation: VR 615-70-2. Application Fee Scale.**

**Governor's Comment:**

No objections to the proposed regulation as presented.

/s/ Gerald L. Baliles  
Date: July 1, 1986

\* \* \* \* \*

**Title of Regulation: VR 615-70-3. Separate Fee Charged for Child Support Enforcement Services.**

**Governor's Comment:**

No objections to the proposed regulation as presented.

/s/ Gerald L. Baliles  
Date: July 1, 1986

# 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 promulgating regulations entitled: **Recordkeeping and Biosecurity by Poultry Dealers for the Control of Avian Influenza and Other Contagious and Infectious Diseases of Poultry**. The purpose of the proposed regulations is to require the registration of dealers in poultry and their agents doing business in Virginia as a means of tracing poultry disease to its source, and thus as a means of enhancing disease-eradication capability.

Statutory Authority: §§ 3.1-726, 3.1-727, 3.1-735, and 3.1-736 of the Code of Virginia.

Written comments may be submitted until October 1, 1986, to Poultry Dealers, Bureau of Veterinary Services, Virginia Department of Agriculture and Consumer Services, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219

Contact: Dr. A. J. Roth, Chief, Bureau of Veterinary Services, Washington Building, Suite 600, 1100 Bank Street, Richmond, Va. 23219, telephone (804) 786-2483

#### 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: **VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds Into Virginia**. The purpose of the proposed regulations is to set standards governing the importation of llamas into the Commonwealth of Virginia from other states, so as to prevent introduction through llamas of the tuberculosis, brucellosis, and bluetongue diseases.

Statutory Authority: §§ 3.1-723 through 3.1-741 of the Code of Virginia.

Written comments may be submitted until September 1, 1986, to Llamas, Bureau of Veterinary Services, Virginia Department of Agriculture and Consumer Services, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219

Contact: Dr. A. J. Roth, Chief, Bureau of Veterinary Services, Washington Bldg., Suite 600, 1100 Bank Street, Richmond, Virginia 23219

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to reconsider regulations entitled: **VR 115-04-12. Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law**. The purpose of the proposed regulations is to assure consumers that all motor fuel offered for sale is accurately labeled and meets established minimum specifications by prescribing minimum specifications for distillation, Reid vapor pressure, water and sediment and gum in gasoline; flash point, water and sediment, sulfur, cetane, distillation and corrosion in diesel fuel. It provides the requirements for registration and labeling of gasoline and diesel fuel; it prescribes the regulatory action to be taken when motor fuels are found not to conform to minimum specifications and it requires the publication of information filed in connection with registration and results of tests of official samples.

The State Board of Agriculture and Consumer Services conducted a public hearing on February 26, 1986, to consider amendments to the Rules and Regulations for the Enforcement of the Virginia Motor Fuels Law (VR 115-04-12).

During the public participation period, a comment was received that suggested further amendments to the proposed regulations published in the December 9, 1985, edition of the Virginia Register of Regulations. The commentor suggested two additional amendments to "§ 2. Specifications for gasoline and diesel fuel."

A. Gasoline.

Test ..... ASTM Method

1. Distillation. .... D86

The commentor proposed an additional distillation specification that reads:

# General Notices/Errata

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Percent evaporated at 77°C (170°F)  
Maximum ..... 50%

The commentor recommended an amendment to Item No. 2 in the gasoline test procedure related to Reid Vapor Pressure. The current test and method reads:

Reid Vapor Pressure 100°F PSI ..... D323

The proposed amendment, for clarity only, would be added to the test method. The amended regulation would read:

Reid Vapor Pressure 100°F PSI ..... D323  
..... or Division of  
..... Consolidated  
..... Laboratories  
..... dry method for  
..... oxygenated fuels.

There were no further comments supporting or opposing the regulations during the public hearing. At the recommendation of the department staff, the board voted unanimously to adopt the regulations including the proposed amendments.

The final regulation, including the recommended amendments, was scheduled to be published in "final form" in the May 26, 1986, edition of the Virginia Register of Regulations. However, the ethanol industry believes one of the amendments [Percent evaporated at 77°C (170°F)] recommended during the participation period and adopted by the board February 26, 1986, adversely affected that industry and was significant enough to be reconsidered by the board before the planned effective date of June 25, 1986.

The staff agreed and on May 16 the Commissioner requested the Registrar of Regulations to delay the publication of "Final Regulation" until further notice. The Registrar received the request after the type for the May 26, 1986, issue had been set. However, the regulation with overlaid statement "Regulations Temporarily Withdrawn by Agency" were printed in the May 26 edition of the Virginia Register of Regulations.

At the May 22, 1986, board meeting the board moved and adopted to have the regulations become effective 30 days following publication in the Virginia Register of Regulations, with the exception of that portion of § 2.A.1. which reads "Percent evaporated at 77°C (170°F) maximum 50%."

The board moved and adopted that the exception to the regulations effective date be delayed until January 1, 1987. The board instructed the department to publish in the Virginia Register of Regulations a notice providing at least 45 days for additional written comments with regard to the exception.

Statutory Authority: §§ 59.1-153 and 59.1-156 of the Code of

Virginia.

Written comments may be submitted until 5 p.m., August 21, 1986, to Raymond Vaughan, Secretary, Board of Agriculture and Consumer Services, 1100 Bank Street, P.O. Box 1163, Richmond, Virginia 23209

Contact: W. P. Zentmeyer, Supervisor, Fertilizer, Lime and Motor Fuel Section, 1100 Bank St., P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3511

## STATE AIR POLLUTION CONTROL BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR120-01. Regulations for the Control and Abatement of Air Pollution: Permits for Stationary Sources (Part VIII)**. The primary purpose of this notice is to seek comment on the pros and cons of two proposals (and any possible alternatives) the agency is considering regarding its regulations concerning permits for stationary sources. They are as follows:

1. To establish a requirement for a renewable permit to operate for all existing stationary sources currently subject to the agency's regulations.
2. To establish a requirement that a fee be required for the proposed permit to operate specified above and the permit to construct for new stationary sources currently in the agency's regulations.

In addition to the primary purpose specified above, the secondary purpose will be to undertake a review and seek comment on all aspects of the regulations covering permits for stationary sources. Consideration will be given to any suggestions that are received by the agency prior to September 15, 1986.

Statutory Authority: § 10-17.18(b) of the Code of Virginia.

Written comments may be submitted until September 15, 1986, to Director of Program Development, State Air Pollution Control Board, P.O. Box 10089, Richmond, Virginia 23240

Contact: M. E. Lester, Division of Program Development, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-7564

## VIRGINIA BOARD OF DENTISTRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Dentistry intends to consider promulgating new and repealing existing regulations entitled: **Rules and Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed regulations is to establish the requirements for licensure as dentists and dental hygienists in Virginia, to regulate the licensure of dentists and dental hygienists, and to discharge the duties required of the board by § 54-163 of the Code of Virginia in the protection of the health, safety and welfare of the citizens of the Commonwealth.

Statutory Authority: Chapter 8 (§ 54-146 et seq.) and Chapter 8.1 (§ 54-200.1 et seq.) of Title 54 of the Code of Virginia.

Written comments may be submitted until August 6, 1986.

Contact: Nancy T. Feldman, Executive Director, P. O. Box 27708, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-0311 (toll-free number 1-800-533-1560)

## STATE EDUCATION ASSISTANCE AUTHORITY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Education Assistance Authority intends to consider promulgating regulations entitled: **Regulations Governing the Virginia Guaranteed Student Loan Program and PLUS Loan Program**. The purpose of the proposed regulation is to establish policies governing the administration of the Virginia student loan programs.

Statutory Authority: § 23-38.64 (2) of the Code of Virginia.

Written comments may be submitted until August 12, 1986.

Contact: Regina D. Williams, Director, Marketing/Communications, State Education Assistance Authority, 6 N. 6th St., Suite 300, Richmond, Va. 23219, telephone (804) 786-2035 (toll-free number 1-800-792-5626)

## VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Funeral Directors and Embalmers intends to consider promulgating regulations entitled: **VR 320-01-1. Regulations Governing the Practice of Funeral Services in the Commonwealth**. The purpose of the proposed regulations is to begin the promulgative process of board rules and regulations governing funeral practice in the Commonwealth. Substantial amendments and proposals include (i) reorganization of regulations in accordance with § 9-6.20 of the Code of Virginia; (ii) deletion of unnecessary, archaic, or duplicative language; (iii) promulgation of Public Participation Guidelines; and (iv) proposal of a fee increase for professional licenses and permits.

Statutory Authority: § 54-260.69 of the Code of Virginia.

Written comments may be submitted until July 23, 1986.

Other pertinent information: The board has completed a comprehensive study of these rules and regulations in conjunction with the Governor's Regulatory Review Process.

Contact: Mark L. Forberg, Executive Secretary, 517 W. Grace St., P.O. 27708, Richmond, Va. 23261, telephone (804) 786-0076 (toll-free number 1-800-533-1560)

## DEPARTMENT OF LABOR AND INDUSTRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Labor and Industry intends to consider promulgating regulations entitled: **Virginia Field Sanitation Standard**. The purpose of the proposed regulations is to require agricultural employers to provide potable drinking water and handwashing and toilet facilities for agricultural workers involved in hand labor operations in the field. Comments are requested on the intention to establish a standard as well as the appropriate minimum number of workers to be covered by the standard.

Statutory Authority: § 40.1-22 (5) of the Code of Virginia.

Written comments may be submitted until August 18, 1986, to Carol A. Amato, Commissioner, Virginia Department of Labor and Industry, 205 North Fourth Street, P.O. Box 12064, Richmond, Virginia 23241

# General Notices/Errata

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Contact: Jay Withrow, VOSH Chief Administrator, Virginia Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-8011

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

## VIRGINIA BOARD OF OPTOMETRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Optometry intends to consider promulgating, amending and repealing regulations entitled: **Regulations of the Virginia Board of Optometry**. The purpose of the proposed regulations is to provide standards for the practice of optometry in Virginia and to establish requirements for candidates for examination and licensure as optometrists. The board proposes to act on argument and testimony received during the period of regulatory review since August 1, 1984. The board intends to formulate regulations based upon a comprehensive review of its existing regulations ordered by Executive Order 52-84 from the Office of the Governor.

Statutory Authority § 54-376 of the Code of Virginia.

Written comments may be submitted until August 7, 1986, to Virginia Board of Optometry, P.O. Box 27708, Richmond, Virginia.

Contact: Moira C. Lux, Executive Director, Virginia Board of Optometry, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

## DEPARTMENT OF TAXATION

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-2-300 et seq. Individual Income Tax and VR 630-3-300 et seq. Corporation Income Tax**. The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly, Chapters 221, (HB 1475 Technical corrections to recodification) and 560, (SB 712 Conservation tillage credit), and the 1986 Acts of Assembly, Chapter 407, (SB 50 Extend Neighborhood Assistance Act) and other appropriate amendments as may be suggested.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-2-322. Virginia Taxable Income (Virginia Individual Income Tax Regulations)**. This regulation is being amended to conform to the changes made by the 1986 General Assembly to § 58.1-322 of the Code of Virginia (Chapters 474 and 515). This Code section was amended to provide an additional \$1,000 deduction for each child under permanent foster care residing in a taxpayer's home for the entire taxable year, provided that the child qualifies as that taxpayer's dependent under § 151 of the Internal Revenue Code. This Code section was also amended to provide an exclusion from the income tax for benefits paid by retirement plans organized by public institutions of higher education under § 51-111.28 of the Code of Virginia.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-8-1712. Virginia Tax on Wills and Administration**. The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly, Chapter 474, (HB 1521 Raise threshold to \$500) and other appropriate amendments as may be suggested.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled:

**VR 630-9-3809. Virginia Writ Taxes.** The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly, Chapters 106, (HB 1393 Exempt appeal of involuntary commitment order) and 221, (HB 1475 Technical corrections to recodification) and other appropriate amendments as may be suggested.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-22.1. Churches (Virginia Retail Sales and Use Tax Regulations).** This regulation is being amended to conform to the change made by the 1986 General Assembly to § 58.1-608.38 of the Code of Virginia (Chapter 605, Senate Bill 192). This Code section was amended to expand the exemption for nonprofit churches to include purchases of baptistries, certain printed materials used in carrying out the work of the church and gifts for use outside church buildings.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-24.1. Commercial Watermen (Virginia Retail Sales and Use Tax Regulations).** This regulation is being amended to conform to the changes made by the 1985 and 1986 sessions of the General Assembly to § 58.1-608.28 of the Code of Virginia (1985 Acts, Chapter 471 and 1986 Acts, Chapter 605). This Code section was amended to expand the exemption granted to commercial watermen.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until August 11, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va.

23282, telephone (804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-28. Credit and Installment Sales (Virginia Retail Sales and Use Tax Regulations).** The proposed amendments to the regulations will set forth the application of the sales and use tax to persons making conditional, charge or installment sales.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until August 11, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-32. Dealer's Withdrawals from Inventory (Virginia Retail Sales and Use Tax Regulations).** The purpose of the proposed amendment is to reflect 1986 legislative changes concerning the application of the Virginia Retail Sales and Use Tax to tangible personal property withdrawn from inventory for donation to a nonprofit organization or for donation to the state.

Statutory Authority: § 58.1-204 of the Code of Virginia.

Written comments may be submitted until August 10, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-74. Nonprofit Organizations (Virginia Retail Sales and Use Tax Regulations).** The purpose of the proposed regulations is to reflect 1985 and 1986 legislative changes concerning the application of the Virginia Retail Sales and Use Tax to tangible personal property purchased for use or consumption by certain nonprofit organizations, and any other changes necessary to clarify the regulations.

Statutory Authority: § 58.1-204 of the Code of Virginia.



## General Notices/Errata

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Written comments may be submitted until August 10, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-86. Printing (Virginia Retail Sales and Use Tax Regulations)**. The purpose of the proposed revision is to reference legislation enacted by the 1986 session of the General Assembly exempting high speed electrostatic duplicators and other duplicators which have a printing capacity of 4000 or more impressions per hour from the sales and use tax when purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-96. Schools and Colleges, Certain Education Institutions and Other Institutions of Learning (Virginia Retail Sales and Use Tax Regulations)**. The purpose of the proposed regulation is to reflect 1986 legislative changes concerning the application of the Virginia Retail Sales and Use Tax to tangible personal property purchased for use or consumption or sale at retail by a Parent Teacher Association.

Statutory Authority: § 58.1-204 of the Code of Virginia.

Written comments may be submitted until August 10, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-10-102.11. Taxidermists (Virginia Retail**

**Sales and Use Tax Regulations)**. This regulation will set forth the application of the sales and use tax to taxidermists.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-14-800 et seq. Virginia Recordation Tax**. The purpose of the proposed amendments is to incorporate legislative changes made by the 1985 Acts of Assembly Chapters 134, (HB 1697 Deeds conveying property to the original beneficiaries of a deed in trust) and 246, (HB 1637 Deed claiming exemption from tax must cite code section granting exemption) and other appropriate amendments as may be suggested.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-18-796.11:3. Levy of Tax; Rules and Regulations; and VR 630-18-796.11:4. Handler to Deduct Tax from Payment to Farmers; Report and Payment of Tax by Handler. (Virginia Egg Excise Tax)**. The purpose of the proposed amendments is to reflect 1985 legislative changes to § 3.1-796.11:3 of the Code of Virginia which narrowed the levy of the egg excise tax to eggs produced or sold in Virginia.

Statutory Authority: §§ 3.1-796.11:3 and 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 15, 1986.

**Contact:** Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. box 6-L, Richmond, Va. 23281, telephone (804) 257-8010

## VIRGINIA BOARD OF VETERINARY MEDICINE

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Veterinary Medicine intends to consider promulgating, amending and repealing regulations entitled: **Regulations Governing the Practice of Veterinary Medicine**. The purpose of the proposed regulations is to provide standards for the practice of veterinary medicine and surgery in Virginia, and to establish the requirements for licensure as veterinarians, certification as animal technicians, and registration of animal facilities. The board proposes to act on information and argument received during its period of regulatory review since August 1, 1984.

Statutory Authority: § 54-784.03 of the Code of Virginia.

Written comments may be submitted until August 21, 1986.

Other pertinent information: The board intends to formulate regulations based upon a comprehensive review of existing regulations ordered by Executive Order 5284 from the office of the Governor

Contact: Moria C. Lux, Executive Director, Virginia Board of Veterinary Medicine, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

## GENERAL NOTICES

### DEPARTMENT OF HEALTH

#### Notice to Persons Desiring to Participate in Rule-Making.

The Virginia Department of Health under its Rules and Regulations for Public Participation is required to periodically publish in the Virginia Register of Regulations, in a newspaper published at Richmond, and in other newspapers, a request that any individual or organization interested in participating in the development of specific rules and regulations so notify the Office of the Commissioner. Individuals and organizations identified through this process will be incorporated into the mailing lists maintained by the divisions and bureaus of the department, and will be notified at such time as the department may amend any of its regulations.

This notice applies to the following rules and regulations:

Blood Banks  
Campgrounds  
Certificate of Public Need  
Chemical Substances, Reporting of

Crab Meat  
Cremators  
Crippled Children's Services, Plan  
Diseases, Reporting and Control of  
Eligibility Standards and Charges for Medical Care Services  
Emergency Medical Services  
Emergency Medical Services, Financial Aid for  
Hospitals  
Hotels  
Marinas  
Maternal High-Risk Hospitalization  
Midwifery (non-nurse)  
Migrant Labor Camps  
Nursing Homes  
Oysters, Clams, and Other Shellfish  
Phenylketonuria (PKU)  
Radiation, Ionizing  
Restaurants  
Scholarships, State Dental  
Scholarships, State Medical  
Service Stations  
Sewage Handling and Disposal  
Sewerage  
Summer Camps  
Swimming Pools, for Tourist Establishments  
Vital Records & Health Statistics  
Voluntary Formulary  
Voluntary Formulary, Implementation of Law  
Waterworks (Public Drinking Water)  
WIC Program

Individuals or organizations wishing to be placed on the mailing list should submit their name and address and the title of the specific regulation in which they have an interest to:

Office of the Commissioner  
State Health Department  
400 James Madison Building  
109 Governor Street  
Richmond, Virginia 23219

Names should be submitted on or before August 30, 1986.

### 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:

# General Notices/Errata

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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

## ERRATA

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Dairy and Foods

Title of Regulation: VR 115-05-11. Rules and Regulations  
Pertaining to the Sanitary and Operating Requirements  
in Retail Food Stores.

Issue: 2:14 V.A.R., pages 1782 through 1795, June 9, 1986

Corrections to the final regulation are as follows:

Page 1782, definitions, column two, "Sanitation" should  
read:

"Sanitization"

Page 1783, Section 2.3, A. 1. reads "...sanitized hoods..."  
should read:

"...sanitized hooks..."

Page 1784, Section 2.3, B. 3. reads "(approx. +18°C)"  
should read:

"(approx. -18°C)"

Page 1787, Section 4.2 A. 2. reads "Equipment designed to  
recieved lubrication..." should read:

"Equipment designed to receive lubrication..."

Page 1788, Section 4.2 E. reads "nonfood-contact  
thermometers:" should read:

"non-food-contact surfaces:"

Page 1795, Section 7.7 C. 2., end of last paragraph reads  
"...does not prohibit the convenient availability or  
detergent sanitizers,..." should read:

"...does not prohibit the convenient availability of  
detergent sanitizers,..."

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# CALENDAR OF EVENTS

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**Symbol Key †**

† Indicates entries since last publication of the Virginia Register  
☒ Location accessible to handicapped

## THE VIRGINIA CODE COMMISSION

**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.

## EXECUTIVE

### STATE BOARD OF ACCOUNTANCY

**July 21, 1986 - 10 a.m. - Open Meeting**

**July 22, 1986 - 10 a.m. - Open Meeting**

Department of Commerce, Travelers Building, 3600 West Board Street, Richmond, Virginia. ☒

The board will (i) review applications for certification and licensure, (ii) review disciplinary cases; and (iii) conduct general business.

**† August 11, 1986 - 11 a.m. - Open Meeting**

Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to discuss comments from the public hearing regarding proposed amendments to the Virginia State Board of Accountancy's rules and regulations relating to fee increases, and to adopt these final regulations. Other business will be considered.

**August 11, 1986 - 10 a.m. - Public Hearing**

Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the State Board of Accountancy intends to amend regulations entitled: **Virginia State Board of Accountancy Rules and Regulations**. These regulations govern the profession of certified public accountants.

Statutory Authority: §§ 54-1.28 (5) and 54-84 of the Code of Virginia.

Written comments may be submitted until August 8, 1986.

**Contact:** Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505 (toll-free number 1-800-552-3016)

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**September 8, 1986 -** Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to adopt regulations entitled: **VR 115-02-13. Rules and Regulations Governing the Transportation of Companion Animals**. These regulations establish standards for transportation of impounded companion animals and companion animals moving in commerce.

Statutory Authority: § 29-213.37 of the Code of Virginia.

Written comments may be submitted until September 8, 1986 to Tonya K. Higgins, D.V.M., Animal Welfare Veterinarian, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219-3639

**Contact:** Tonya K. Higgins, D.V.M., Animal Welfare Veterinarian, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219-3639, telephone (804) 786-2483

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**September 8, 1986 -** Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to adopt regulations entitled: **VR 115-02-14. Rules and Regulations Governing the Transportation of Horses**. These regulations establish standards for transportation of loads of horses being transported to a commercial slaughter facility.

# Calendar of Events

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Statutory Authority: § 29-213.37 of the Code of Virginia.

Written comments may be submitted until September 8, 1986 to Tonya K. Higgins, D.V.M., Animal Welfare Veterinarian, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219

Contact: Tonya K. Higgins, D.V.M., Animal Welfare Veterinarian, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

\* \* \* \* \*

**September 22, 1986 - 2 p.m. - Public Hearing**  
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia ☐

Notice is hereby given in accordance with § 9-6.14:17.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to repeal regulations entitled: **Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Condensed and Dry Milk Products and Grade "A" Condensed and Dry Whey.** These regulations govern the production, packing, labeling, storage, transportation, handling and sale of condensed and dry milk products and condensed and dry whey for use in commercial preparation of Grade "A" pasteurized milk products.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Written comments may be submitted until September 5, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

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

\* \* \* \* \*

**September 22, 1986 - 2 p.m. - Public Hearing**  
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-05-01. Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products.** These regulations prescribe the production, processing, labeling and distribution of Grade "A" Market Milk, and Grade "A" Market Milk

Products within the Commonwealth of Virginia.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Written comments may be submitted until September 5, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

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

\* \* \* \* \*

**September 22, 1986 - 2 p.m. - Public Hearing**  
Washington Building, 2nd Floor Board Room, 1100 Bank Street, Richmond, Virginia ☐

Notice is hereby given in accordance with § 9-6.14:17.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-05-02. Rules and Regulations Governing the Cooling or Storage of Milk on Dairy Farms; The Sampling and Sample Handling of Milk From the Farm to the Laboratory; The Handling Transferring, Hauling and Delivery of Milk From the Farm to the Processing Plant.** These regulations govern the cooling and storage of milk on dairy farms, sampling and handling of milk samples and the hauling, transferring, storage, handling and delivery of milk from the farm to the processing plant within the Commonwealth of Virginia.

Statutory Authority: § 3.1-530.1 of the Code of Virginia.

Written comments may be submitted until September 5, 1986, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23209

Contact: W. R. Crump, Jr., Chief, Bureau of Dairy Services, Department of Agriculture and Consumer Services, Division of Dairy and Foods, P.O. Box 1163, Richmond, Va. 23208, telephone (804) 786-1452

## STATE AIR POLLUTION CONTROL BOARD

† **July 30, 1986 - 10 a.m. - Open Meeting**  
City Hall Council Chambers, 605 East Main Street, Charlottesville, Virginia. ☐ (Interpreter for deaf provided if requested)

A meeting to allow public comment on a request for a permit from the University of Virginia to construct two 107 x 10<sup>6</sup> BTU/hr, input coal/gas fired boilers at its Jefferson Park Avenue facility located in Charlottesville, Virginia.

Contact: Thomas L. Henderson, State Air Pollution Control Board, 7701-03 Timberlake Rd., Lynchburg, Va. 24502, telephone (804) 528-6641

## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

July 29, 1986 - 9:30 a.m. - Open Meeting  
2901 Hermitage Road, Richmond, Virginia. ☒

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

† September 23, 1986 - 10 a.m. - Public Hearing  
2901 Hermitage Road, 1st Floor Hearing Room, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Alcoholic Beverage Control intends to adopt and amend regulations concerning the manufacture, sale and advertising of alcoholic beverages. These amendments are to provide clarification of various issues; to establish guidelines and to deregulate the following areas:

Advertising (VR 125-01-2);

Tied-House (VR 125-01-3);

Requirements for Product Approval (VR 125-01-4);

Retail Operations (VR 125-01-5);

Manufacturers and Wholesalers Operators (VR 125-01-6);

Other Provisions (VR 125-01-7).

### Title of Regulation: VR 125-01-2. Advertising.

Basis: This amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w) and 4-98.14 of the Code of Virginia.

§ 3. Advertising; exterior, signs, trucks, uniforms.

Purpose: The amendment to subsection A, paragraph 3, is the deletion of language which limits the number of directional signs to wineries and farm wineries to engage in additional advertising and increase their visibility to the public. It would also serve as a tourist attraction.

Issue: Is the current restriction of two directional signs not farther than one-half mile from the licensed establishment sufficient for advertising to the general public or would additional advertising cause an unsightly proliferation of signage?

Substance: The farm wineries are in support of this deregulation because it would help introduce the winery and its products to the public and thus increase business. Wineries should be able to advertise in the same manner as any other retail business in the Commonwealth in compliance with the rules, regulations and ordinances of the county, city or town in which the establishment is located.

Impact: It would allow wineries to do unlimited roadside directional advertising in accordance with the laws of the local governing body. It would not cause an unsightly proliferation of signage because the winery would only put up as many directional signs as permitted by local governing bodies. This is deregulation and would have little or no effect on the agency.

§ 9. Advertising; coupons.

Basis: The amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69, 4-79, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

Purpose: 1. To provide another source for the public to obtain refund coupons. Currently, refund coupons may be obtained from the product, in the print media, or by direct mail to the consumer from the manufacturer. This amendment would permit wholesalers, on behalf of manufacturers, to attach refund coupons to cut case cards.

2. To limit the value of a refund coupon to not more than 50% of the normal retail price.

Issues: 1. Should wholesalers be permitted to provide this additional service for retailers and the general public?

2. Is it in the best interest of the public to place a limit on the value of refund coupons?

3. Would a refund of more than 50% of the normal retail price constitute an inducement to purchase alcoholic beverages?

Substance: 1. Beer wholesalers are opposed to the regulation because they are in competition with wine wholesalers. The wine wholesalers favor the regulation because it would help balance the competition between large wineries and small wineries, which do not have the facilities to attach refund pads prior to their reaching the retail establishment. Also since coupons are allowed to be attached to case cards in the State A.B.C. stores, they should be permitted in the general marketplace.

2. This amendment would limit the amount of the refund where no such limitation currently exists. Refund coupons cannot exceed 50% of the normal retail value of the product. The Beer Wholesalers Association opposed the regulation. It favored manufacturers being permitted to affix coupons of an unlimited value.

Impact: 1. There may be a slight cost of enforcement,

# Calendar of Events

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making sure retailers consented to the coupons and that coupons were offered to all retail licensees equally. The implementation will cause an additional cost to those wine wholesalers who desire to attach such coupons, but it will not affect the agency other than as noted above.

2. Implementation and enforcement of this regulation will cause an insignificant cost to the agency.

\* \* \* \* \*

## Title of Regulation: VR 125-01-3. Tied-House.

§ 2. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.

Basis: This amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-22.1, 4-33(d), 4-37(e), 4-79, 4-103(b) and 4-115 of the Code of Virginia.

Purpose: 1. To allow wholesalers to remove from their assigned positions the misplaced merchandise of other wholesalers.

2. To permit wholesalers to provide additional services to retailers and further deregulation by the board.

3. To permit wine wholesalers to exchange wine on an identical quantity, brand or package basis for quality control purposes and to ensure that fresh stock is maintained in retail establishments.

Issues: 1. Does permitting a wholesaler to remove another wholesaler's product from an area which the first wholesaler has been assigned by the retailer constitute a resetting which is in violation § 4-79 of the Code of Virginia.

2. Should the board authorize wholesalers to engage in this activity?

3. Would this place an additional burden on small wholesalers?

4. Should wine wholesalers be permitted to exchange wine for quality control purposes, now permitted by beer wholesalers?

Substance: 1. The Beer Wholesalers Association proposed the relaxation in the regulation regarding wholesalers moving the merchandise of other wholesalers. These amendments would permit wholesalers greater flexibility in keeping their assigned space in the retail establishment free from the merchandise of other wholesalers.

2. This deregulation would permit wholesalers to perform a service which is currently prohibited.

3. The Virginia Winery Association is greatly in favor of this amendment because wines have a short shelf life and need to be exchanged to protect the integrity of the

product.

Impact: 1. The cost of enforcement and implementation of this amendment would be minimal to this agency. The cost incurred would be by those wineries and wholesalers who wish to engage in this activity. This is deregulation which will allow wholesalers more flexibility in providing services for retailers.

§ 6. Certain transactions to be for cash; "cash" defined; reports by sellers; payments to the board.

Basis: The amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-33, 4-44, 4-60(h) and (j), 4-98.11, 4-98.18, 4-98.19, 4-103 (b) and 4-107 of the Code of Virginia.

Purpose: Wholesalers would no longer be required to submit an invalid check report when no such checks have been received from retail licensees. This is deregulation.

Issues: Should a wholesaler be required to submit an invalid check report to the board when there are no such invalid checks to report to the board?

Substance: When a wholesaler has not received any invalid checks he would no longer be required to submit an invalid check report to the board.

Impact: This is deregulation which would enhance both administrative and industrial efficiency. It would eliminate unnecessary paper work for the agency, as well as the wholesaler.

§ 9. Inducement to retailers; tapping equipment; bottle or can openers; banquet licenses; cut case cards; *clip-ons and table tents*.

Basis: These amendments are proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69.2, 4-79(f) and (h) and 4-98.14 of the Code of Virginia.

Purpose: To clarify and define the limitations and restrictions in which these materials and equipment may be furnished to retailers by manufacturers and wholesalers of alcoholic beverages resulting from a statutory change in § 4-79 of the Code of Virginia, as amended by the 1986 General Assembly.

Issue: Should wholesalers be restricted to the furnishing of such equipment and materials to retailers as presently provided in § 9 of VR 125-01-3?

Substance: 1. The first amendment inserts a new subsection B. which permits wine tapping equipment. The amendment defines what is and is not considered part of the equipment.

2. The second major amendment to the section permits beer manufacturers, bottlers or wholesalers to sell, lend, buy for or give to any retailer beer cut case cards. The

cut case cards must be supported by or affixed to an integral part of the case display and the wholesaler may mark or affix retail prices on them with the consent of the retailer.

3. The third amendment permits wine wholesalers to sell, lend, buy for or give to any retailer wine clip-ons and table tents. The amendments limit the number of wines to be listed on these items to four.

**Impact:** The regulation will permit the wine and beer wholesalers more flexibility in assisting retailers in advertising wine and beer products. The agency will not have to increase staff to enforce this regulation; thus, there should be no significant costs of implementation or enforcement.

§ 10. Routine business entertainment; defintion; permitted activites; conditions.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-79, 4-98.14 and 4-103(b) of the Code of Virginia.

**Purpose:** To permit manufacturers to entertain retailers in a similar manner as wholesalers are permitted to do by § 4-79 (a2) of the Code of Virginia and § VR 125-01-3 and pursuant to § 4-79 of the Code of Virginia, as amended by the 1986 General Assembly.

**Issues:** Should a licensed manufacturer of alcoholic beverages be allowed to furnish entertainment to licensed retailers?

**Substance:** See purpose.

**Impact:** This regulation will affect those manufacturers who provide the entertainment and the retailers who are recipients of the entertainment. It will impose no costs on any retailer and a very minor record keeping requirement on the manufacturer. No additional costs to this agency are anticipated with respect to implementation and enforcement of this regulation.

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**Title of Regulation:** VR 125-01-4. Requirements for Product Approval.

§ 2 Wines; qualifying procedures; disqualifying factors; samples; exceptions.

**Basis:** The regulation is proposed under the authority contained in §§ 4-7(h) and (l) and 4-11(a) of the Code of Virginia.

**Purpose:** Allows manufacturers of wine coolers and sangria-type wines to use artificial coloring. The language of this regulation is the same as adopted in Emergency Regulation A-245, effective August 7, 1985.

**Issues:** Should manufacturers of wine coolers and sangria-type wines be permitted to add artificial coloring which is now allowed by the federal authorities?

**Substance:** See purpose.

**Impact:** This has been in effect since August 1985. All costs will be incurred by industry. This amendment will have no affect on this agency with respect to implementation and enforcement.

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**Title of Regulation:** VR 125-01-5. Retail Operations.

§ 2. Determination of legal age of purchaser.

**Basis:** This regulation is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-62, 4-98.14 and 4-103(b) of the Code of Virginia.

**Purpose:** To reduce the types of valid identification acceptable by retail licensees as proof of age.

**Issues:** 1. Will the elimination of college and university identification cards reduce the instances of sales of alcoholic beverages to persons less than the legal drinking age?

2. Will the elimination of such identification cards cause a hardship to those persons not possessing operator's licenses?

3. Can college and university identification cards be easily altered or forged to procure alcoholic beverages?

**Substances:** Reduce the sources of valid identification that may be used to procure alcoholic beverages. Reduce the potential for false identification as most college identifications fail to meet the specifications of height and weight.

**Impact:** This may place a greater burden on retailers when purchasers do not possess a driver's license. However, the amendment should reduce incidents of sales of alcoholic beverages to persons less than the legal age. Thus, the costs to this agency for implementation and enforcement will be reduced.

§ 17. Caterer's license.

**Basis:** This regulation is proposed under the authority contained in §§ 4-7(1), 4-11(a), 4-69 and 4-98.2(c) of the Code of Virginia, amended by Senate Bill 254, of the 1986 General Assembly.

**Purpose:** To permit and define mixed beverage caterer's licenses and qualifications.

**Issues:** 1. To whom should such a license be issued?



# Calendar of Events

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2. What specific restrictions should be placed on such a license?

**Substance:** The proposed regulation is Emergency Regulation A-247, effective July 1, 1986, with the following amendments. The proposed amendment to subsection A, paragraph 2, requires the caterer to have gross sales averaging at least \$5,000 per month.

Subsection B, paragraph 4, is proposed to be amended so that the established place of business where the caterer may store alcoholic beverages must also be approved by the board.

The proposed amendments to subsections C.2 and C.6 will expand the regulations to include sponsoring groups or organization as well as persons.

The proposed amendment to subsection C.4 will reduce the number of times the caterer will have to notify the board of catered events, but requires the caterer to plan his schedule by the month. The caterer should notify the board in writing at least two calendar days in advance of any events to be catered under his license for the following month.

Subsection C.5 will be limited by the proposed amendment to private events at which alcoholic beverages are served, but not sold.

The proposed amendment to subsection C.7 would replace the present language with the following language: "The licensee shall insure that all functions at which alcoholic beverages are sold are ones which qualify for a banquet license, for a special event license or a mixed beverage special events license. Licensees are entitled to all services and equipment now available under a banquet license from wholesalers."

The proposed amendment to subsection C.8 eliminates the requirement that the caterer's license, which must be present at the catered event, be certified.

The proposed amendment to subsection C.9 would make the exceptions to § 4-79 of the Code of Virginia that provide for banquet or mixed beverage special events licenses inapplicable to a caterer's license.

**Impact:** The license tax on such a license is \$1,300 per annum; however, this new license category will cause this agency additional costs for processing applications, licensing and monitoring. At this time it cannot be predicted how great an impact this new regulation will have.

\* \* \* \* \*

**Title of Regulation:** VR 125-01-6. Manufacturers and Wholesalers Operators.

§ 4. Indemnifying bond required of wholesale wine

distributors.

**Basis:** This amendment is proposed under the authority contained in §§ 4-7(a), (b) and (1), 4-11(a) and 4-31(g) of the Code of Virginia.

**Purpose:** To eliminate federal, state and local bonds in lieu of surety bond and authorize the board to waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility as provided by a change in § 4-31 of the Code of Virginia, as amended by the 1986 General Assembly.

**Issues:** Whether the board should waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility.

**Substance:** See purpose.

**Impact:** This is deregulation. This will result in administrative efficiency by reducing paperwork when a wholesaler requests and is granted such a waiver for good cause shown.

§ 6. Beer, importer licenses; conditions for issuance and renewal.

**Basis:** The amendment is proposed under the authority contained in §§ 4-7(b) and (1), 4-11 and 4-25(g)(1) and (e) of the Code of Virginia.

**Purpose:** To eliminate unauthorized persons shipping wine into the Commonwealth to wholesalers without the brand owner's approval.

**Issues:** 1. Will requiring wine importers to provide the board with a list of the brands of wines they will import and written authorization of those brand owners to import their brand into the state preventing transshipping of wine to wholesalers in Virginia?

2. Do wine importers and wholesalers need the same safeguards now afforded to beer importers?

**Substance:** The Virginia Wine Wholesalers Association supports this regulation because of the risk of product adulteration and product liability resulting in higher issuance premiums. The regulation would protect wineries.

**Impact:** The costs of implementation and enforcement are insignificant. The amendment will require wine importers to do more paper work to prove they are authorized to import the wine into the Commonwealth.

\* \* \* \* \*

**Title of Regulation:** VR 125-01-7. Other Provisions.

§ 6. Alcoholic beverages for hospitals, industrial and

manufacturing users.

**Basis:** This amendment is proposed under the authority contained in §§ 4-7(a), (b) and (1), 4-11(a), 4-15.02 (effective July 1, 1986), 4-48(a) and 4-72.1 B. of the Code of Virginia.

**Purpose:** To remove the current regulatory burden on shipper or carrier of a transportation permit.

2. Regulatory clarification as a result of the removal of the board's authority to sell wine.

**Issues:** 1. Will the elimination of the transportation permit to the shipper or carrier create an enforcement problem relating to the control of alcohol or alcoholic beverages coming into or through Virginia?

2. Will a bill of lading or a complete and accurate memorandum accompanying the shipment of alcoholic beverages to the permittee be sufficient as is the current practice in the marketplace?

3. Should a copy of the bill of lading or memorandum be submitted to the board by the permittee after delivery?

4. Is the elimination of references to "markup," which applied to wine sales by the board, appropriate since the board no longer has authority to sell wines other than Virginia farm winery wines or vermouth?

**Substance:** 1. This amendment would reduce the burdens of shippers having to get transportation permits for every shipment. Instead, the shipper would only be required to get a yearly permit. However, the permittee shall submit a valid copy of the invoice covering the transaction to the board.

2. The word "markup" usually refers to wine sales. The board can no longer sell wines other than Virginia farm winery wines or vermouth; therefore, "markup" should be changed to "permit fee" to be used with regards to other alcoholic beverages.

**Impact:** 1. Cost of implementation would be insignificant. The amendment would enhance administrative efficiency, for there would be less paper work.

2. This is merely a clarification in the regulation. No additional costs will be incurred by the agency to implement and enforce this regulation. Also it will have no substantial impact on the alcoholic beverage industry.

Statutory Authority: §§ 9-6.14:7.1 and 9-6.12:22 of the Code of Virginia.

Written comments may be submitted until September 23, 1986.

**Contact:** Robert N. Swinson, Assistant Secretary to the Board, Department of Alcoholic Beverage Control, P. O.

Box 27491, Richmond, Va. 23261, telephone (804) 257-0617

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

### State Board of Architects

**August 26, 1986 - 9 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, 5th Floor,  
3600 West Broad Street, Richmond, Virginia 23230. ☐

The board will meet to (i) approve minutes of May 2, 1986, (ii) review investigative cases, and (iii) review applications.

**Contact:** Jennifer S. Wester, Acting Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555

### Virginia Board of Land Surveyors

**August 1, 1986 - 9 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, 5th Floor,  
3600 West Broad Street, Richmond, Virginia. ☐

The board will meet to (i) approve minutes of the February 21, 1986 meeting; (ii) review applications for fall exams; (iii) discuss NCEE Part IV exam; (iv) discuss VAS letter-Study Committee; (v) discuss Harlan Onsrud letter; and (vi) discuss pending cases.

### Board of Professional Engineers

**July 30, 1986 - 9 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, 5th Floor,  
3600 West Broad Street, Richmond, Virginia. ☐

The board will meet to (i) approve minutes of the February 19, 1986, meeting; (ii) review investigative cases; (iii) review applications; (iv) conduct oral examinations; and (v) possibly discuss regulations.

**Contact:** Johnsie Williams, Assistant Director, APELSCLA, Department of Commerce, Travelers Bldg., Room 507, 3600 W. Broad St., Richmond, Va. 23220, telephone (804) 257-8512

### VIRGINIA ATHLETIC BOARD

† **July 28, 1986 - 10 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, Board Room  
2, 3600 West Broad Street, Richmond, Virginia. ☐

# Calendar of Events

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An annual board meeting in addition to reviewing existing regulations, and the appointment of boxing officials.

Contact: Doug Beavers, Assistant Director, Room 505, 3600 West Broad Street, Richmond, Va. 23230, telephone (804) 257-8507

## VIRGINIA AVIATION BOARD

† August 13, 1986 - 9:30 a.m. - Open Meeting  
Ramada Renaissance Hotel, Washington-Dulles International Airport, 13889 Park Center Road, Herndon, Virginia. ☒

Presentation of Fiscal Year '87 Airport Funding Applications and Tentative Allocations. This board meeting is being held in conjunction with the 13th Annual Virginia Aviation Conference.

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

## DEPARTMENT OF AVIATION

† August 13, 1986 - 9:30 a.m. - Open Meeting  
† August 14, 1986 - 9 a.m. - Open Meeting  
† August 15, 1986 - 9 a.m. - Open Meeting  
Ramada Renaissance Hotel, Washington-Dulles International Airport, 13889 Park Center Road, Herndon, Virginia. ☒

13th Annual Virginia Aviation Conference.

Provides a forum for exchange of ideas with varied aviation interests. Provides an update for Virginia's aviation community on current topics of interest.

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

## INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

### Coordinating Committee

† August 8, 1986 - 8 a.m. - Open Meeting  
Department of Social Services, Blair Building, 2nd Floor, Conference Room A, 8007 Discovery Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to consider (i) structured interim monitoring strategies for residential facilities; and (ii)

advisory committee report.

Contact: Sandra G. Davis, Blair Building, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

## DEPARTMENT OF COMMERCE

August 26, 1986 - 10 a.m. - Public Hearing  
Department of Commerce, Travelers Building, Room 395, 3600 West Broad Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Commerce intends to adopt, amend and repeal regulations entitled: VR 190-04-1. Private Security Services Business Regulations. These regulations affect businesses offering private security services and their employees.

Statutory Authority: Chapter 17.3 (§ 54-729.27 et seq.) of Title 54 of the Code of Virginia.

Written comments may be submitted until August 22, 1986.

Contact: David E. Dick, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515 (toll-free number 1-800-552-3016)

\* \* \* \* \*

September 17, 1986 - 10 a.m. - Public Hearing  
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Commerce intends to adopt regulations entitled: VR 190-01-1. Rules and Regulations Governing Employment Agencies. These regulations regulate individuals, partnerships and corporations offering employment agency services.

Statutory Authority: § 54-872.23:1 of the Code of Virginia.

Written comments may be submitted until September 5, 1986.

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

## STATE BOARD FOR CONTRACTORS

† July 22, 1986 - 10 a.m. - Open Meeting  
Department of Commerce, Travelers Building, Conference Room 2, 5th Floor, 3600 West Broad Street, Richmond,

# Calendar of Events

Virginia. ☐

The board will meet to conduct a formal administrative hearing: State Board for Contractors v. John Watson.

**July 24, 1986 - 10 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, Conference Room 3, 3600 West Broad Street, Richmond, Virginia. ☐

The board will meet to conduct a formal administrative hearing: State Board of Contractors v. Arthur S. McGurn.

**Contact:** Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

**July 24, 1986 - 10 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, Board Room 1, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

A quarterly meeting to review applications, complaints, findings on disciplinary hearings conducted, imposition of sanctions, Contractor Recovery Fund Report, and to discuss existing regulations of the board and to consider alternatives.

**Contact:** E. G. Andress, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8511

## BOARD OF CORRECTIONS

**August 13, 1986 - 10 a.m. - Open Meeting**  
**September 17, 1986 - 10 a.m. - Open Meeting**  
Department of Corrections, 4615 West Broad Street, Richmond, Virginia. ☐

A regular monthly meeting to consider such matters as may be presented to the Board of Corrections.

**Contact:** Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

## VIRGINIA BOARD OF COSMETOLOGY

† **August 18, 1986 - 9 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, Conference Room 3, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to review investigative reports of complaints and determine disposition, and to consider general correspondence pertinent to the operation of the board.

**Contact:** Olliver O. Trumbo, II, Assistant Director, Department of Commerce, Travelers Bldg., 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

## VIRGINIA BOARD OF DENTISTRY

**July 30, 1986 - 2 p.m. - Open Meeting**  
**July 31, 1986 - 9 a.m. - Open Meeting**  
Sheraton Inn Airport, Ball Room, 4700 South Laburnum Avenue, Richmond, Virginia. ☐

The board will consider proposed changes to the regulations governing the practice of dentistry and dental hygiene heard at its public hearing on April 10, 1986.

† **July 31, 1986 - 8 a.m. - Open Meeting**  
Sheraton Inn Airport, 4700 South Laburnum Avenue, Richmond, Virginia. ☐

A formal hearing regarding Lord Cecil Rhodes, D.D.S.

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

## STATE BOARD OF EDUCATION

**July 31, 1986 - 1 p.m. - Open Meeting**  
**August 1, 1986 - 9 a.m. - Open Meeting**  
General Assembly Building, Senate Room B, 1st Floor, Capitol Square, Richmond, Va. ☐ (Interpreter for deaf provided if requested)

The State Board of Education will hold its regularly scheduled meeting on July 31 and August 1. Business will be conducted according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

**Contact:** Margaret N. Roberts, James Monroe Bldg., 25th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2540

## STATE EDUCATION ASSISTANCE AUTHORITY

**September 3, 1986 - 10 a.m. - Public Hearing**  
State Capitol, House Room 1, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the State Education Assistance Authority intends to adopt regulations entitled: **Regulations Governing the Virginia Guaranteed Student Loan Program and PLUS Loan Program.** These regulations establish policies

# Calendar of Events

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governing the administration of the Federal Guaranteed Student Loan Program and PLUS Loan Program in the Commonwealth of Virginia.

Statutory Authority: § 23-38.64 of the Code of Virginia.

Written comments may be submitted until September 3, 1986.

**Contact:** Regina D. Williams, Director, Marketing/Communications, State Education Assistance Authority, Suite 300, 6 N. 6th St., Richmond, Va. 23219, telephone (804) 786-2035 (toll-free number 1-800-792-5626)

## GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

**July 24, 1986 - 10 a.m. - Open Meeting**  
General Assembly Building, Speaker's Conference Room, 6th Floor, Capitol Square, Richmond, Virginia. ☐  
(Interpreter for deaf provided if requested)  
**September 17, 1986 - 10 a.m. - Open Meeting**  
**October 15, 1986 - 10 a.m. - Open Meeting**  
**November 18, 1986 - 10 a.m. - Open Meeting**  
**December 17, 1986 - 10 a.m. - Public Hearing**  
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

The Governor's Commission on Efficiency in Government has established its 1986 meeting schedule as follows:

7/24/86: Work session and discussion of recommendations and procedures.  
9/17/86: Implementation of commission procedures and July meeting decisions.  
10/15/86: Implementation of commission procedures and September meeting decisions.  
11/18/86: Review results of work conducted in September and October; prepare recommendations.  
12/17/86: Public hearing on recommendations to Governor and 1987 General Assembly; finalize recommendations.

**Contact:** Alan Albert OR Leonard Hopking, Office of the Governor, State Capitol, Richmond, Va. 23219, telephone (804) 786-2211

## STATE BOARD OF ELECTIONS

† **July 30, 1986 - 10 a.m. - Open Meeting**, Ninth Street Office Building, Room 101, Richmond, Virginia. ☐

A meeting to hear appeal(s) by candidates for Soil and Water Conservation Districts as to their qualification status for appearing on the November 4, 1986, general election ballot. The meeting will not be

held if no candidate appeals.

**Contact:** M. Debra Mitterer, Ninth Street Office Bldg., Room 101, Richmond, Va. 23219, telephone (804) 786-6551

## GOVERNOR'S COMMISSION ON EXCELLENCE IN EDUCATION

**July 30, 1986 - 9 a.m. - Open Meeting**  
**July 31, 1986 - 9 a.m. - Open Meeting**  
General Assembly Building, Senate Room B, 1st Floor, Capitol Square, Richmond, Virginia. ☐ (Interpreter for deaf provided if requested)

The commission will meet to consider recommendations which it has received from the public and professional groups concerning educational excellence.

**Contact:** Margaret N. Roberts, James Monroe Bldg., 25th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2540

## VIRGINIA FIRE SERVICES BOARD

† **July 31, 1986 - 7:30 p.m. - Public Hearing**  
Wise Fire Department, U.S. Route 23-Business, Wise, Virginia ☐

A meeting to discuss fire training, fire policies and open discussion with the public.

† **August 1, 1986 - 9 a.m. - Open Meeting**  
Holiday Inn, 551 Highway 58, Norton, Virginia. ☐

A regular business meeting to discuss fire training and fire policies. The meeting is open to the public for their input.

**Contact:** Anne J. Bales, Department of Fire Program, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681

## COMMISSION OF GAME AND INLAND FISHERIES

**July 25, 1986 - 9:30 a.m. - Public Hearing**  
Hyatt Richmond, 6624 West Broad Street, Richmond, Virginia. ☐

The commission will establish Migratory Game Bird Seasons for 1986-87 hunting season, as prescribed under the U.S. Fish & Wildlife Service Framework. The Commission will consider a change in the regulation pertaining to hunting deer with dogs in King George County, as requested by the County Board of

# Calendar of Events

Supervisors. General administrative matters will be considered also.

**Contact:** Norma G. Adams, Administration, Commission of Game and Inland Fisheries, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000

## DEPARTMENT OF GENERAL SERVICES

### Art and Architectural Review Board

† **August 1, 1986 - 10 a.m.** – Open Meeting  
† **September 13, 1986 - 10 a.m.** – Open Meeting  
Virginia Museum of Fine Arts, Main Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

A meeting of the board to 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, Ninth Street Office Bldg., Room 209, Richmond, Va. 23219, telephone (804) 786-3311

### Division of Consolidated Laboratory Services Advisory Board

† **September 5, 1986 - 9:30 a.m.** – Open Meeting  
James Monroe Building, Conference Room D, 101 North 14th Street, Richmond, Virginia. ☐

A meeting to discuss programs and issues confronting the Division of Consolidated Laboratory Services.

**Contact:** Dr. A. W. Tiedemann, Jr., Director, Division of Consolidated Laboratory Services, 101 N. 14th St., Richmond, Va. 23219, (804)786-7905

## INTERAGENCY COORDINATING COUNCIL ON DELIVERY OF RELATED SERVICES TO HANDICAPPED CHILDREN

**July 22, 1986 - 1:30 p.m.** – Open Meeting  
Commission for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia ☐

A regular monthly meeting of the 10 agency representatives that comprise the council. The council is designed to facilitate the timely delivery of appropriate services to handicapped children and youth in Virginia.

**Contact:** Dr. Michael M. Fehl, Department of Mental

Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3710

## DEPARTMENT OF HEALTH

### Bureau of Pharmacy Services

**August 26, 1986 - 10 a.m.** – Public Hearing  
James Madison Building, Main Floor Auditorium, 109 Governor Street, Richmond, Virginia. ☐

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

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

Written comments may be submitted until August 26, 1986.

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

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

**July 23, 1986 - 9:30 a.m.** – Open Meeting  
† **August 27, 1986 - 9:30 a.m.** – Open Meeting  
Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. ☐

A monthly business meeting of the council for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

**Contact:** Ann Y. McGeë, Director, 9th Floor, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-6371

## VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

† **September 19, 1986 - 10 a.m.** – Public Hearing  
James Madison Building, Main Floor Auditorium, 109 Governor Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Statewide Health Coordinating Council intends to amend regulations entitled: **Virginia State Health Plan**

# Calendar of Events

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1980-1984, Volume 1, pp. 474-475. Standards for evaluating Certificate of Public Need applications to establish or expand ambulatory surgical services.

## STATEMENT

**Issues:** Ambulatory (outpatient) surgery refers to the provision of surgery to patients who are not expected to require overnight hospitalization. In most cases, state law requires that medical facilities wishing to add to the total number of operating rooms in an area must obtain a Certificate of Public Need. A major reference document pertaining to the evaluation of Certificate of Public Need applications is the State Health Plan, as amended, which presently contains standards applicable to both inpatient and ambulatory surgical services. The relative amount of ambulatory surgery performed, and the organization and reimbursement of these services, however, has changed substantially since the promulgation of these standards.

The proposed new standards for ambulatory surgical services specify conditions under which additional capacity can be approved, specify methods for determining the amount of new capacity that is allowable, and provide standards for evaluating an applicant's proposed charges, costs, and quality assurance program.

The present standards require evidence that existing operating room capacity cannot meet the demand for surgical services before additional capacity can be approved, and use a minimum annual utilization of 1,000-1,400 operations per operating room as a measure of available capacity. The proposed standards would delete the latter as a measure of capacity and substitute a measure of available operating room hours. Additionally, the proposed standards would allow consideration of the level of ambulatory surgery currently being performed and the charges for services, in determining whether additional capacity would be allowed.

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

Written comments may be submitted until September 19, 1986.

Contact: Ellen Zagorin, Health Planning Consultant, James Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4891

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

August 6, 1986 - 9 a.m. - Open Meeting  
James Monroe Building, Conference Room, 9th Floor, 101 North 14th Street, Richmond, Va. ☒

Monthly council meeting. Agenda available on request.

Contact: Grace I. Lessner, James Monroe Bldg., 9th Floor,

101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

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September 22, 1986 - 10 a.m. - Public Hearing  
James Monroe Building, 9th Floor Conference Room, 101 North 14th Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Council of Higher Education for Virginia intends to adopt regulations entitled: **VR 380-01-01. Regulations for the Senior Citizen Higher Education Program.** These regulations will stipulate the requirements under which senior citizens may take courses at Virginia's state-supported institutions of higher education without paying tuition or fees. The Senior Citizens Higher Education Act, as amended in 1984, provides that courses taken for credit are free if a senior citizen has a taxable income of less than \$7,500. Noncredit courses may be taken without charge regardless of income. Effective July 1, 1986, institutions may count these enrollments in their census of full-time equivalent students (FTES).

Statutory Authority: §§ 23-9.6:1 and 23-38.56 of the Code of Virginia.

Written comments may be submitted until September 12, 1986.

Contact: Barry M. Dorsey, Associate Director, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2632

## DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

† July 21, 1986 - 1:30 p.m. - Open Meeting  
General Assembly Building, 6th Floor Conference Room, Capitol Square, Richmond, Virginia. ☒

A subcommittee meeting to discuss the Virginia Department of Highways and Transportation funding procedures.

Contact: Jewel Paige, Administrative Assistant, 10th Floor, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-2437

## STATE HIGHWAY AND TRANSPORTATION BOARD

August 21, 1986 - 10 a.m. - Open Meeting  
Department of Highways and Transportation, Annex Building, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ Interpreter for deaf provided if requested.

# Calendar of Events

Monthly meeting of the State Highway and Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

**Contact:** Albert W. Coates, Jr., Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

## STATE INSURANCE ADVISORY BOARD

† **September 12, 1986 - 9:30 a.m.** - Open Meeting  
Ninth Street Office Building, Room 209, Conference Room of the Director of the Department of General Services, Richmond, Virginia. ☐

A quarterly meeting of the State Insurance Advisory Board.

**Contact:** Charles F. Scott, Director, Department of General Services, Division of Risk Management, Room 117, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-5968

## STATE LAND EVALUATION ADVISORY COMMITTEE

† **August 29, 1986 - 10 a.m.** - Open Meeting  
† **September 8, 1986 - 10 a.m.** - Open Meeting  
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. ☐

A meeting to set suggested ranges of values for agricultural, horticultural, forest and open-space land use under the use value assessment program.

**Contact:** Otho C. W. Fraher, Director, Property Tax Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23220, telephone (804) 257-8020

## VIRGINIA STATE LIBRARY BOARD

**July 30, 1986 - 11 a.m.** - Open Meeting  
State Librarian's Office, Virginia State Library, 11th Street at Capitol Square, Richmond, Virginia. ☐

A regular meeting to discuss administrative matters.

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

## COMMISSION ON LOCAL GOVERNMENT

**July 21, 1986 - 10:30 a.m.** - Open Meeting  
General District Courtroom, Ground Floor, Richmond County Office Building, Warsaw, Virginia

Oral presentation regarding the Town of Warsaw - Richmond County Agreement Defining Annexation Rights.

**July 21, 1986 - 3 p.m.** - Open Meeting  
General District Courtroom, Ground Floor, Richmond County Office Building, Warsaw, Virginia

A regular bimonthly meeting of the Commission on Local Government to consider such matters as may be presented.

**July 21, 1986 - 7:30 p.m.** - Public Hearing  
General District Courtroom, Ground Floor, Richmond County Office Building, Warsaw, Virginia

Public hearing regarding the Town of Warsaw - Richmond County Agreement Defining Annexation Rights.

**Contact:** Barbara Bingham, Room 901, Ninth Street Office Building, Richmond, Va. 23219, telephone (804) 786-6508

## VIRGINIA'S LONG-TERM CARE COUNCIL

**July 24, 1986 - 9:30 a.m.** - Open Meeting  
† **September 16, 1986 - 9:30 a.m.** - Open Meeting  
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. ☐ (Interpreter for the deaf provided if requested)

A meeting to discuss issues relevant to the development and provision of long-term care services in the Commonwealth. The council will also hear a report on the development of a statewide uniform intake, assessment and tracking mechanism for use by all publicly-funded human services agencies.

**Contact:** Catherine Saunders, Staff, Virginia Department for the Aging, 18th Floor, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-2271/2912

## MARINE RESOURCES COMMISSION

† **July 22, 1986 - 9:30 a.m.** - Open Meeting  
2401 West Avenue, Newport News, Virginia

The Marine Resources Commission normally meets on the fourth Tuesday each month, at 9:30 a.m., at the agency office, 24th Street and West Avenue, Newport News, Virginia. It hears and decides cases on fishing



## Calendar of Events

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licensing, oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery Management and Conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within 5 days.

**Contact:** Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

### VIRGINIA STATE BOARD OF MEDICINE

#### Informal Conference Committee

**July 24, 1986 - 9:30 a.m. - Open Meeting**  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia

**July 25, 1986 - 9 a.m. - Open Meeting**  
Arlington Hospital, John T. Hazel, M.D. Conference Center, 1701 North George Mason Drive, Arlington, Virginia. ☒

An Informal Conference Committee, composed of three members of the Virginia Board of Medicine, will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia pertaining to executive or closed meetings.

**Contact:** Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

### DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

#### Forensic Issues Advisory Committee

† **August 8, 1986 - 10 a.m. - Open Meeting**  
Virginia Beach Community Services Board, 2nd Floor Conference Room, Pembroke Six-Suite 218, Virginia Beach, Virginia

A meeting to discuss issues related to the delivery of forensic mental health services at the state hospital and community services board levels.

**Contact:** Frank Patterson, Office of Forensic Services,

Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-4837

#### State Human Rights Committee

**July 23, 1986 - 9 a.m. - Open Meeting**  
University of Virginia School of Law, Caplin Auditorium, Charlottesville, Virginia

Regular meeting of the State Human Rights Committee to discuss business relating to human rights issues. Agenda items will be listed prior to meeting.

**Contact:** Elsie D. Little, ACSW, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

### STATE BOARD OF NURSING

**July 28, 1986 - 9 a.m. - Open Meeting**  
**July 29, 1986 - 9 a.m. - Open Meeting**  
**July 30, 1986 - 9 a.m. - Open Meeting**  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia

Regular meeting of the Virginia State Board of Nursing to consider matters related to nursing education programs, discipline of licensees, licensing by examination, and endorsement and other matters under jurisdiction of the board.

#### Task Force for the Study of Definitions of Nursing

† **September 11, 1986 - 7 p.m. - Public Hearing**  
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Pursuant to House Joint Resolution 12 of the 1986 General Assembly, the Department of Health Regulatory Boards' Task Force for the Study of the Definitions of Nursing will hold a public hearing on the need to revise statutory definitions of professional nursing practice. The public is invited to appear at this hearing to present testimony or submit written comments by September 15, 1986, to Corinne F. Dorsey, Executive Director, Virginia State Board of Nursing, P.O. Box 27708, Richmond, Virginia, 23261. Additional public hearings are scheduled in Wytheville (October 2) and Northern Virginia (October 9). Details on these hearings will appear in the Virginia Register of Regulations commencing with the next issue.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0377

## STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

July 31, 1986 - 10 a.m. - Open Meeting  
August 1, 1986 - 10 a.m. - Open Meeting  
Municipal Building, Council Chambers, 55 West Church Street, Martinsville, Virginia

The board will meet to conduct a formal administrative hearing: Virginia Board for Nursing Home Administrators v. Nancy L. Ritter.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Board St., Richmond, Va. 23230, telephone (804) 257-8524

## VIRGINIA STATE BOARD OF OPTICIANS

† August 12, 1986 - 10 a.m. - Open Meeting  
Department of Commerce, Travelers Building, Conference Room 395, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to review comments from public hearing and to adopt final regulations; and to consider general correspondence pertinent to the operation of the board.

Contact: Olliver O. Trumbo, II, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-5809

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August 12, 1986 - 9:30 a.m. - Public Hearing  
Department of Commerce, Travelers Building, Conference Room 1, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia, that the Virginia State Board of Opticians intends to amend regulations entitled: **Rules and Regulations of the Board of Opticians.** The proposed amendment will decrease the license renewal fee from \$80 to \$65.

Statutory Authority: § 54-1.28(5) of the Code of Virginia.

Written comments may be submitted until August 8, 1986.

Contact: Olliver O. Trumbo, II, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

## VIRGINIA BOARD OF OPTOMETRY

August 20, 1986 - 8:30 a.m. - Open Meeting  
Department of Health Regulatory Boards, Board Room, 517

West Grace Street, Richmond, Virginia.

General business of the Virginia Board of Optometry.

Contact: Moria C. Lux, Executive Director, Virginia Board of Optometry, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

## VIRGINIA PEANUT BOARD

† July 24, 1986 - 12:30 p.m. - Open Meeting  
Inland Cove Restaurant, Highway 688, Franklin, Virginia. ☐

A meeting to (i) review the Chairman's report of 1985-86 and the 1986-87 budget; and (ii) elect the chairman and secretary for 1986-87.

Contact: R. C. Schools, P.O. Box 149, Capron, Va. 23829, telephone (804) 658-4573

## STATE BOARD OF PHARMACY

† August 5, 1986 - 9 a.m. - Open Meeting  
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia

Board meeting.

Contact: J. B. Carson, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0182

## VIRGINIA BOARD OF PSYCHOLOGY

July 24, 1986 - 2 p.m. - Open Meeting  
John Marshall Hotel, 5th and Franklin Streets, Richmond, Virginia. ☐

To conduct board business; review applications; respond to correspondence; and regulatory review.

Contact: John W. Braymer, Executive Director, 517 W. Grace Street, Richmond, Va. 23220, telephone (804) 786-3434

## VIRGINIA REAL ESTATE BOARD

† July 22, 1986 - 11 a.m. - Open Meeting  
Department of Commerce, Travelers Building, Conference Room 1, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

Third regulatory review work session. A general

# Calendar of Events

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discussion by the board and interested parties regarding revisions to regulations of the Virginia Real Estate Board.

**July 22, 1986 - 1 p.m. - Open Meeting**  
Department of Commerce, Travelers Building, Conference Room 1, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

Virginia Real Estate Board organizational meeting - the board's annual business meeting.

**July 23, 1986 - 9 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, Conference Room 1, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

Regular business meeting of the board. Agenda will consist of (i) investigative cases (files) to be considered; (ii) files to be reconsidered; (iii) matters relating to fair housing; and (iv) property registration and licensing issues (e.g. reinstatement eligibility requests).

**Contact:** Florence R. Brassier, Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8552

## BOARD OF REHABILITATIVE SERVICES

**July 25, 1986 - 10 a.m. - Open Meeting**  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☐

The board will hold a regular meeting to conduct the business of the department.

**† August 29, 1986 - 10 a.m. - Open Meeting**  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☐

A regular meeting of the board to conduct the business of the department.

### Evaluation Committee

**† August 22, 1986 - 1 p.m. - Open Meeting**  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☐

A meeting to discuss policy and procedures.

### Finance Committee

**† July 22, 1986 - 10 a.m. - Open Meeting**  
**† July 23, 1986 - 10 a.m. - Open Meeting**  
Department of Rehabilitative Services, 4901 Fitzhugh

Avenue, Richmond, Virginia. ☐

A meeting to begin development of an initial draft of a statement of fiscal policies and financial objectives.

**July 24, 1986 - 3 p.m. - MEETING RESCHEDULED**

NOTE: Meeting to discuss budgetary matters has been rescheduled to August 28.

**† August 28, 1986 - 3 p.m. - Open Meeting**  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☐

A meeting to discuss budgetary matters.

### Program Committee

**July 24, 1986 - 1 p.m. - Open Meeting**  
**† August 28, 1986 - 11 a.m. - Open Meeting**  
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia ☐

A meeting to review, discuss and, when appropriate, recommend to the board necessary policies governing the vocational rehabilitation and independent living rehabilitation programs and services administered and coordinated by the Department of Rehabilitative Services.

**Contact:** Jim Hunter, 4901 Fitzhugh Ave., Richmond, Va. 23220, telephone (804) 257-6446 (toll-free number 1-800-522-5019)

## BOARD OF RIGHTS OF THE DISABLED

**July 23, 1986 - 10 a.m. - Open Meeting**  
James Monroe Building, Conference Room D, 101 North 14th Street, Richmond, Virginia. ☐ Interpreter for deaf provided if requested.

The quarterly meeting of the Board of Rights of the Disabled will be held to receive reports from the Housing, Education, Employment, Transportation and Intergovernmental Relations committees. Time will be allowed for discussion of any issue that relates to the mission of this board.

**Contact:** James A. Rothrock, Board Administrator, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2042 (Voice and TTY)

## STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

**† August 13, 1986 - 10 a.m. - Open Meeting**

# Calendar of Events

General Assembly Building, Senate Room A, Capital Square, Richmond, Virginia. ☒

A meeting to hear and render a decision on all Appeals of Denials of On-Site Sewage Disposal System Permits.

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

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† July 29, 1986 - 3 p.m. - Public Hearing  
Sheraton-Fredericksburg Inn, Route 3, I-95, Fredericksburg, Virginia

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.

August 14, 1986 - 9 a.m. - Open Meeting  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

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. Prior to the public hearing, which starts at 10 a.m., 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

## BOARD OF SOCIAL WORK

† August 22, 1986 - 9 a.m. - Open Meeting  
517 West Grace Street, Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; and (iv) discuss regulations.

Contact: John W. Braymer, Ph.D., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7703

## DEPARTMENT OF SOCIAL SERVICES

August 8, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia, that the Department of Social Services intends to amend regulations entitled: **VR 615-01-10. Job Training Partnership Act (JTPA), Title II, Part A Income Disregard in the Aid to Dependent Children (ADC) Program.** This proposed amendment will disregard children's earnings derived through participation in JTPA, Title II, Part A for six calendar months per year and children's unearned income derived through participation in JTPA, Title II, Part A indefinitely.

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

Written comments may be submitted until August 8, 1986, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

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

## Division of Child Support Enforcement

July 26, 1986 - Written comments may be submitted until this date.

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 Child Support Enforcement, intends to amend regulations entitled: **VR 615-70-1. State Income Tax Intercept for Child Support.** The proposed regulation allows the Department of Social Services to intercept state income tax refunds for payment of certain debts.

Statutory Authority: § 63.1-25 of the Code of Virginia, and 45 CFR 303.102 of the Code of Federal Regulations effective October 1, 1985.

Written comments may be submitted until July 26, 1986, to Jean White, Director, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288

Contact: Jane Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9074

\* \* \* \* \*

July 26, 1986 - Written comments may be submitted until this date.

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 Child Support Enforcement, intends to adopt regulations entitled: **VR 615-70-2.**

# Calendar of Events

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**Application Fee Scale.** The proposed regulations provide a sliding scale for application fees for child support enforcement services.

**Statutory Authority:** § 63.1-250.2 of the Code of Virginia and 45 CFR 302.33 of the Code of Federal Regulations.

Written comments may be submitted until July 26, 1986 to Jean White, Director, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288.

**Contact:** Jane Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9074

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**July 26, 1986** - Written comments may be submitted until this date.

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 Child Support Enforcement intends to adopt regulations entitled: **VR 615-70-3. Separate Fee Charged for Child Support Enforcement Services.** The proposed regulation defines what separate charges will be recovered for costs incurred above the application fee for child support enforcement services.

**Statutory Authority:** § 63.1-250 of the Code of Virginia.

Written comments may be submitted until July 26, 1986, to Jean White, Director, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288.

**Contact:** Jane Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9074

\* \* \* \* \*

† **September 19, 1986** - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-01-14. Entitlement Date in the General Relief Program.** These regulations specify the first month for which maintenance assistance shall be provided for an individual eligible for General Relief.

## STATEMENT

**Subject:** The proposed amendment to the regulations governing entitlement date in the General Relief Program.

**Substance:** The proposed amendment will expand General Relief entitlement policy to specify the first month for which assistance shall be provided when a General Relief recipient in one locality moves to a new locality and is eligible for General Relief maintenance in the new locality.

**Issues:** Whether an individual receiving General Relief maintenance who moves and is eligible in a new locality should receive assistance in the new locality for the first month he is in the new locality.

**Basis:** § 63.1-25 of the Code of Virginia grants the State Board of Social Services the authority to make rules and regulations necessary or desirable to carry out the true purpose and intent of Title 63.1.

**Purpose:** To ensure that an individual receiving General Relief maintenance who moves and is eligible for General Relief in the new locality does not lose one month's assistance because approval of the application was delayed for reasons beyond the applicant's control.

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

Written comments may be submitted until September 19, 1986, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699

**Contact:** Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8600, telephone (804) 281-9046

## THE GOVERNOR'S COMMISSION ON TRANSPORTATION IN THE TWENTY-FIRST CENTURY

### NOTE: CHANGE IN DATE AND TIME

**July 28, 1986 - 1:30 p.m.** - Open Meeting  
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

COMMISSION MEETING No. 8  
Review of final report

**Contact:** Jewel A. Paige, Administrative Assistant, 10th Floor, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-2405

## VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **August 13, 1986 - 1 p.m.** - Open Meeting  
† **August 14, 1986 - 8 a.m.** - Open Meeting  
Sheraton Airport Inn, 4700 South Laburnum Avenue, Richmond, Virginia. ☒

# Calendar of Events

General session; revise bylaws, establish future meeting dates; and plan activities for 1986-87.

Business session; receive reports on council activities and information on vocational education in school divisions and community colleges.

Contact: George S. Orr, Jr., Executive Director, P.O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

## STATE WATER CONTROL BOARD

**August 11, 1986 - 7 p.m. - Open Meeting**  
Prince William County Complex, McCourt Building Board Room, 4850 Davis Fork Road, Woodbridge, Virginia

**August 18, 1986 - 7 p.m. - Open Meeting**  
Roanoke City Council Chambers, 215 Church Avenue, Roanoke, Virginia. ☐

**August 20, 1986 - 7 p.m. - Open Meeting**  
Williamsburg/James City Courthouse, Council Chambers, 321-45 Court Street, Williamsburg, Virginia. ☐

The Water Quality Standards, as required by state and federal law, are reviewed every three years. As part of the review that is now underway, a series of public meetings will be held around the Commonwealth. The purpose of these meetings is to receive comments and suggestions on our standards program. These comments will be used in proposing specific changes in standards that will be considered at hearings in early 1987.

Contact: Stuart Wilson, Water Resources Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

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**August 11, 1986 - 7 p.m. - Public Hearing**  
Prince William County Complex, 4850 Davis Ford Road, Woodbridge, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **Water Quality Standards, Section 4 - Basin and Section Description Tables, Potomac River Subbasin, Section 5.** Quantico Bight would be excluded from Section 5 and established as a new section 5C, Class II waters, with no special standards.

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

Written comments may be submitted until August 21, 1986.

Contact: Stuart Wilson, Water Resources Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

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**September 11, 1986 - 7 p.m. - Public Hearing**  
Henry County Administration Building, Board Meeting Room, Kings Mountain Road, Collinsville, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-16-02. Roanoke River Basin Water Quality Management Plan.** This will be a revision of poundage limits on the Upper and Lower Segments of the Smith River so as to allow for construction of the proposed sewage treatment plant being proposed by the Henry County Public Service Authority.

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

Written comments may be submitted until September 18, 1986.

Contact: Doneva Dalton, Court Reporter, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

## COLLEGE OF WILLIAM AND MARY

### Board of Visitors

**August 22, 1986 - 8 a.m. - Open Meeting**  
Richard Bland College, Student Center, Petersburg, Virginia

A meeting of the Board of Visitors of the College of William and Mary called by the Rector of the college to review contracts, budget considerations, and any other matters 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 or organizations who request it.

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

## LEGISLATIVE

### THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM COMMISSION

† **August 15, 1986 - 2 p.m. - Open Meeting**  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia ☐

# Calendar of Events

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An organizational meeting of the Commission on the Virginia Alcohol Safety Action Program (VASAP) (H.B. 393)

Contact: Oscar Brinson, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## JOINT SUBCOMMITTEE STUDYING BLOCK GRANTS

July 29, 1986 - 10 a.m. - Public Hearing  
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

A public hearing on federal block grants in the areas of (i) preventive health and health services; (ii) alcohol, drug abuse and mental health; and (iii) community services.

Contact: Normal Szakal, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 OR Jayne Thomas, Grant Director, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804), 281-9217

## JOINT SUBCOMMITTEE STUDYING THE SCREENING OF CHILD-CARE PERSONNEL

July 31, 1986 - 10 a.m. - Open Meeting  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

The subcommittee will continue examination of the issues related to screening child-care personnel for criminal records.

Contact: Susan Ward, Staff Attorney, Division of Legislative Services, 2nd Floor, Richmond, Va. 23219, telephone (804) 786-3591

## VIRGINIA CODE COMMISSION

† August 27, 1986 - 10 a.m. - Open Meeting  
General Assembly Building, Speaker's Conference Room, 6th Floor, Capitol Square, Richmond, Virginia. ☐

The Commission will proceed with the Revision of Title 29.

Contact: Joan W. Smith, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

## JOINT SUBCOMMITTEE STUDYING ELECTION LAWS

August 12, 1986, - 10 a.m. - Public Hearing  
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☐

The subcommittee will consider matters carried over from its 1985 study (involving nomination and primary process), carry-over bills involving election laws and various other election law changes. (SJR 26)

Additional information may be obtained from: Robert F. Douth, Deputy Clerk, Senate of Virginia, P.O. Box 396, Richmond, Virginia 23203, telephone (804) 786-4638.

Contact: Those persons wishing to speak should contact: Dr. Jack Austin, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## HOUSE APPROPRIATIONS, HOUSE FINANCE AND SENATE FINANCE JOINT MEETING

† August 22, 1986 - 9:30 a.m. - Open Meeting  
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

Summary of Fiscal Year End Revenue Collections.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

## THE NEED TO ESTABLISH A RETENTION SCHEDULE FOR COURT RECORDS JOINT SUBCOMMITTEE STUDYING

† August 15, 1986 - 10 a.m. - Open Meeting  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

An organizational meeting of the Subcommittee to hear from the State Library and court clerks on problems relating to retention of court records. (HJR 69)

Contact: Oscar Brinson, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

# Calendar of Events

## JOINT SUBCOMMITTEE STUDYING THE MODEL JOINT CUSTODY ACT

† July 22, 1986 - 2 p.m. - Open Meeting  
General Assembly Building, House Room C, Capitol Square,  
Richmond, Virginia. ☒

Initial meeting to elect chairman, schedule meetings  
and discuss format for joint custody study. (HJR 31)

**Contact:** Oscar Brinson, Staff Attorney, Division of  
Legislative Services, General Assembly Building, 2nd Floor,  
Capitol Square, Richmond, Va. 23219, telephone  
(804)786-3591

## JOINT SUBCOMMITTEE STUDYING MOTOR VEHICLE LIABILITY INSURANCE

† July 28, 1986 - 10 a.m. - Public Hearing  
Lee Center, 1108 Jefferson Street, Alexandria, Virginia

A hearing to receive testimony of taxicab companies  
and concerned citizens relating to taxicab insurance  
and uninsured motorists provisions. (HJR 43)

**Contact:** Terry Barrett, Research Associate, Division of  
Legislative Services, General Assembly Bldg., 2nd Floor,  
Capitol Square, Richmond, Va. 23219, telephone (804)  
786-3591

## JOINT SUBCOMMITTEE STUDYING PROBLEMS OF TEENAGE PREGNANCY IN THE COMMONWEALTH

† July 23, 1986 - 9 a.m. - Public Hearing  
General Assembly Building, House Room C, Capitol Square,  
Richmond, Virginia. ☒

Public hearing on problems of Teenage Pregnancy in  
the Commonwealth. (HJR 61) Working session of  
subcommittee following public hearing (6th floor  
conference room).

Additional information may be obtained from: Brenda  
H. Edwards, Research Associate, Division of  
Legislative Services, P.O. Box 3-AG, Richmond,  
Virginia 23208, telephone (804) 786-3591

**Contact:** Those persons wishing to speak should contact:  
Anne R. Howard, House of Delegates Clerk's Office, P.O.  
Box 406, Richmond, Va. 23203, telephone (804) 786-7681

## JOINT SUBCOMMITTEE STUDYING THE COMMONWEALTH'S SPENDING AND SUPPORT FOR PROMOTING TOURISM

† August 22, 1986 - 2 p.m. - Open Meeting  
General Assembly Building, House Room C, Capitol Square,

Richmond, Virginia. ☒

Organizational meeting and overview of programs and  
organization of the Division of Tourism. (HJR 13)

**Contact:** Donna C. Johnson, House Appropriations  
Committee, General Assembly Building, 9th Floor, Capitol  
Square, Richmond, Va. 23219, (804) 786-1837

## JOINT SUBCOMMITTEE STUDYING WATER SUPPLY AND WASTEWATER TREATMENT FACILITIES

† July 24, 1986 - 10:30 a.m. - Open Meeting  
General Assembly Building, House Room C, Capitol Square,  
Richmond, Virginia. ☒

Second meeting of interim for joint subcommittee  
studying water supply and wastewater treatment  
facilities in the Commonwealth. (HJR 7)

**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

#### July 21

Accountancy, State Board of  
† Highways and Transportation, Department of  
Local Government, Commission on

#### July 22

Accountancy, State Board of  
† Contractors, State Board for  
Handicapped Children, Related Services to;  
Interagency Coordinating Council on Delivery of  
† Marine Resources Commission  
† Model Joint Custody Act, Joint Subcommittee  
Studying the  
† Real Estate Board, Virginia  
† Rehabilitative Services, Board of  
- Finance Committee

#### July 23

Health Services Cost Review Council, Virginia  
Mental Health and Mental Retardation,  
Department of  
- State Human Rights Committee  
Real Estate Board, Virginia



# Calendar of Events

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- † Rehabilitative Services, Board of  
- Finance Committee  
Rights of the Disabled, Board of
- July 24**  
Contractors, State Board for  
Efficiency in Government, Governor's Commission on  
Long-Term Care Council, Virginia  
Medicine, Virginia State Board of  
- Informal Conference Committee  
† Peanut Board, Virginia  
Psychology, Virginia Board of  
Rehabilitative Services, Board of  
- Finance Committee (RESCHEDULED)  
- Program Committee  
† Water Supply and Wastewater Treatment Facilities,  
Joint Subcommittee Studying
- July 25**  
Medicine, Virginia State Board of  
- Informal Conference Committee  
Rehabilitative Services, Board of
- July 28**  
† Athletic Board, Virginia  
Nursing, State Board of  
Transportation in the Twenty-first Century,  
Commission on
- July 29**  
Alcoholic Beverage Control, Department of  
Nursing, State Board of  
† Small Business Financing Authority, Virginia
- July 30**  
† Air Pollution Control Board, State  
Architects, Professional Engineers, Land Surveyors  
and Certified Landscape Architects, State Board of  
- Board of Professional Engineers  
Dentistry, Virginia Board of  
† Elections, State Board of  
Excellence in Education, Governor's Commission on  
Library Board, Virginia State  
Nursing, State Board of
- July 31**  
Child-Care Personnel, Joint Subcommittee Studying  
the Screening of  
† Dentistry, Virginia Board of  
Education, State Board of  
Excellence in Education, Governor's Commission on  
Nursing Home Administrators, State Board of  
Examiners for
- August 1**  
Architects, Professional Engineers, Land Surveyors  
and Certified Landscape Architects, State Board of  
- Virginia Board of Land Surveyors  
Education, State Board of  
† Fire Services Board, Virginia  
† General Services, Department of  
- Art and Architectural Board  
Nursing Home Administrators, State Board of  
Examiners for
- August 5**  
† Pharmacy, State Board of
- August 6**  
Higher Education for Virginia, State Council of
- August 8**  
† Children's Residential Facilities, Interdepartmental  
Licensure and Certification of  
- Coordinating Committee  
† Mental Health and Mental Retardation,  
Department of  
- Forensic Issues Advisory Committee
- August 11**  
† Accountancy, State Board of  
Water Control Board, State
- August 12**  
† Opticians, Virginia State Board of
- August 13**  
† Aviation Board, Virginia  
† Aviation, Department of  
Corrections, Board of  
† Sewage Handling and Disposal Appeals Review  
Board, State  
† Vocational Education, Virginia Council on
- August 14**  
† Aviation, Department of  
Small Business Financing Authority, Virginia  
† Vocational Education, Virginia Council on
- August 15**  
† Alcohol Safety Action Program Commission, Virginia  
† Aviation, Department of  
† Need to Establish Retention Schedule for  
Court Records, Joint Subcommittee Studying
- August 18**  
† Cosmetology, Virginia Board of  
Water Control Board, State
- August 20**  
Optometry, Virginia Board of  
Water Control Board, State
- August 21**  
Highway and Transportation Board, State
- August 22**  
College of William and Mary, Board of Visitors  
† House Appropriations, House Finance and  
Senate Finance Joint Meeting  
† Rehabilitative Services, Board of  
- Evaluation Committee

## Calendar of Events

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- † Social Work, Board of
- † Spending and Support for Promoting Tourism, Joint Subcommittee Studying the Commonwealth's

### August 26

- Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects
- State Board of Architects

### August 27

- † Code Commission, Virginia
- † Health Service Cost Review Council, Virginia

### August 28

- † Rehabilitative Services, Board of
- Finance Committee
- Program Committee

### August 29

- † Land Evaluation Advisory Committee, State
- † Rehabilitative Services, Board of

### September 5

- † General Services, Department of
- Division of Consolidated Laboratory Services Advisory Board

### September 8

- † Land Evaluation Advisory Committee, State

### September 12

- † Insurance Advisory Board, State

### September 13

- † General Services, Department of
- Art and Architectural Review Board

### September 16

- † Long-Term Care Council, Virginia's

### September 17

- Corrections, Board of
- Efficiency in Government, Governor's Commission on

### October 15

- Efficiency in Government, Governor's Commission on

### November 18

- Efficiency in Government, Governor's Commission on

### July 25

- Game and Inland Fisheries, Commission of

### July 28

- † Motor Insurance Liability Insurance, Joint Subcommittee Studying

### July 29

- Block Grants, Joint Subcommittee Studying
- † Small Business Financing Authority, Virginia

### July 31

- † Fire Services Board, Virginia

### August 11

- Accountancy, State Board of
- Water Control Board, State

### August 12

- Election Laws, Joint Subcommittee Studying
- Opticians, Virginia State Board of

### August 26

- Commerce, Department of
- Health, Department of
- Bureau of Pharmacy Services

### September 3

- Education Assistance Authority, State

### September 11

- † Nursing, State Board of
- Task Force for the Study of Definitions of Nursing
- Water Control Board, State

### September 17

- Commerce, Department of

### September 19

- † Health Coordinating Council, Virginia Statewide

### September 22

- Agriculture and Consumer Services, Department of
- Higher Education for Virginia, State Council of

### September 23

- † Alcoholic Beverage Control, Department of

### December 17

- Efficiency in Government, Governor's Commission on

## PUBLIC HEARINGS

### July 21

- Local Government, Commission on

### July 23

- † Teenage Pregnancy in the Commonwealth, Joint Subcommittee Studying Problems of

# Calendar of Events

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