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VIRGINIA REGISTER

OF REGULATIONS



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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative

objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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

VIRGINIA REGISTER OF REGULATIONS

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MATERIAL SUBMITTED BY 12 Noon Wednesday		PUBLICATION DATE
	Volume III - 1986-87	
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Jan. 28		Feb. 16
Feb. 11		Mar. 2
Feb. 25		Mar. 16
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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.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (COMMISSIONER OF)

Title of Regulation: VR 115-03-05. Virginia Grade Standards for Breeder Swine.

Statutory Authority: § 3.1-338 of the Code of Virginia.

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

Summary:

This proposed revision clarifies wording and updates the Virginia standards for breeder swine to more closely align them with recent changes in the related USDA Grade Standards for Slaughter Swine.

VR 115-03-05. Virginia Grade Standards for Breeder Swine.

VIRGINIA GRADE STANDARDS FOR BREEDER SWINE

§ 1. Minimum requirements shall be met before swine are eligible to be graded for breeding stock. ~~These minimums are as follows~~ *The swine shall:*

A. 1. Have 12 or more well spaced functional teats on the underline, with a minimum of six on each side.

B. 2. Be free of physical defects.

§ 2. Fancy grade.

A. Fancy swine closely approach the ideal of the meat-type animal in conformation and quality. They are large and exceptionally well developed for their age, and demonstrate exceptional thrift and vitality. The entire body demonstrates balance and correctness.

B. Swine of this grade stand on ample bone with very sound, strong feet, and legs that are properly placed. When walking, they should be very free-moving, showing flexibility in their joints.

C. Fancy swine *shall* have ~~exceptional~~ *thick* heavy muscling throughout. The shoulders are ~~heavily~~ *thick* muscled, ~~but~~ yet free of coarseness. The back is ~~well~~ *arched level*, showing evidence of a ~~very~~ large loin eye muscle.

D. They show ~~very~~ *heavy* *thick* muscling through the rump, with a high tail setting. The hams are ~~very~~ *heavily*

thick muscled with the ~~thickest~~ point of the body being ~~through~~ the center of the ham. *The body is uniform in thickness through the ham, loin and shoulder.*

E. Fancy swine are trim in the jowl and underline, and show no evidence of excess fat over the shoulder or at the base of the ham. The maximum backfat *over the last rib* at ~~220~~ 230 pounds will be ~~1-1/2~~ .9 inches on a gilt and ~~1-1/8~~ .08 inch on a boar.

F. Fancy swine are ~~very modern~~ *moderate* in length of leg. They are ~~very~~ long-bodied, and must be a minimum of ~~30~~ 31 inches at ~~220~~ 230 pounds.

G. Fancy gilts must be feminine-headed and show evidence of broodiness. Fancy boars must be rugged and masculine. The testicles should be well developed *and exhibit a clean sheath.*

§ 3. Choice grade.

A. Choice swine approach the ideal of the meat-type animal in conformation and quality. They are large and well developed for their age, and demonstrate moderate balance and correctness. Swine of this grade stand on ample bone with sound, strong feet, and legs that are properly placed. When walking, they should be free-moving, showing some flexibility in their joints.

B. Choice swine have ~~heavy~~ *moderately thick* muscling throughout. The shoulders are ~~heavily~~ *moderately thick* muscled, ~~but~~ yet relatively free of coarseness. The back is ~~arched level~~, showing evidence of a *moderately* large loin eye muscle. They show ~~heavy~~ *moderately thick* muscling through the rump, with a high tail setting. The hams are ~~heavily~~ *moderately thick* muscled. *The body is moderately uniform in thickness through the ham, loin and shoulder.*

C. Choice swine are fairly trim in the jowl and underline, and show little evidence of excess fat over the shoulder or at the base of the ham. The maximum backfat *over the last rib* at ~~220~~ 230 pounds will be ~~1-3/8~~ 1.2 inches on a gilt, and ~~1-1/2~~ 1.1 inches on a boar. Choice swine are ~~modern~~ *moderate* in length of leg. They are *moderately* long-bodied, and must be a minimum of ~~29~~ ~~1-1/2~~ 30 inches at ~~220~~ 230 pounds.

D. Choice gilts should be feminine-headed and show evidence of broodiness. Choice boars should be rugged and masculine. The testicles should be well developed *and exhibit a clean sheath.*

§ 4. Good grade.

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A. Good swine are fair in conformation and quality. They are fairly large and fairly well developed for their age, and show evidence of thriftiness. Swine of this grade stand on moderate bone with sound feet and legs. Good swine have a moderate amount of *slightly thin* muscling throughout. The shoulders may show some coarseness or may be slightly thin. The back should have some ~~are~~ be *slightly level*, with at least a moderate *slightly thin* amount of muscling in the loin eye. The hams show evidence of *slightly thin* muscling.

B. Good swine may show some wasteness about the jowl and underline, and may show some evidence of excess fat over the shoulder and at the base of the ham. The maximum backfat *over the last rib* at ~~220~~ 230 pounds will be ~~1-6~~ 1.4 inches on a gilt, and ~~1-4~~ 1.3 inches on a boar.

C. Good swine are ~~moderately~~ *slightly* long-bodied, and must be a minimum of 29 inches at ~~220~~ 230 pounds.

D. Good gilts should be feminine-headed and show some evidence of broodiness. Good boars should be masculine. The testicles should be well developed.

VIRGINIA BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY

Title of Regulation: VR 155-01-2. Virginia Board of Examiners for Audiology and Speech Pathology.

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

Public Hearing Date: April 22, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

These proposed regulations govern the licensure of Audiologists and Speech Pathologists in Virginia and apply directly to approximately 1,000 actively licensed Virginia Audiologists and Speech Pathologists, and indirectly to those individuals who utilize their services.

The Virginia Board of Examiners for Audiology and Speech Pathology proposes to amend § 1.2 of the current regulations to add subsection C reinstating the issuance of temporary permits in accordance with Chapter 534 of the 1974 Acts of Assembly. Section 1.4 serves as clarification only.

The proposed change of § 1.2 to include reinstatement of the temporary permit provision will affect all 1,000 audiologist and speech pathologists. It is not anticipated that there will be a fee associated with the addition of this provision.

VR 155-01-2. State Board of Examiners for Audiology and

Speech Pathology.

PART I. GENERAL.

§ 1.1. Definitions.

The following definitions shall apply in these regulations, unless the context clearly requires a different meaning.

~~1-1-1~~ "Audiologist" means any person who examines, tests, evaluates, treats or counsels for which a fee may be charged, persons having or suspected of having disorders or conditions affecting hearing and communicative disorders related thereto or who assists persons in the preception of sound and who is not authorized or permitted by some other licensure law of this ~~state~~ Commonwealth to perform any such services.

~~1-1-2~~ "Speech pathologist" means any person who examines, tests, evaluates, treats or counsels for which a fee may be charged, persons having or suspected of having disorders or conditions affecting speech, voice, or language and who is not authorized or permitted by some other licensure law of this ~~state~~ Commonwealth to perform any such services.

§ 1.2. Methods of licensing.

The board shall issue licenses as follows:

~~1-2-1~~ A. Licenses by endorsement.

The board may grant a license without examination to any applicant who holds a current "Certificate of Clinical Competence," in the area in which they seek licensure issued by the American Speech-Language Hearing Association.

~~1-2-2~~ B. Licensure by examination.

The board issues a license to those persons who meet the requirements of § 2.1 ~~through 2-2-1~~.

C. Issuance of temporary permits.

The board may issue, to any person who has applied to take the examination and who has met other requirements provided for in § 2.1, a temporary permit to practice audiology or speech pathology in the Commonwealth, pending his taking such examination and the issuance of a regular license. No such permit shall be issued to any person more than once nor for a period greater than 12 months.

§ 1.3. License renewal required.

~~1-3-1~~ A. Licenses issued under these regulations shall expire on December 31 of each odd-numbered year. The Department of Commerce will mail a renewal notice to the licensee outlining the procedures for renewal. Failure

to receive this notice shall not relieve the licensee of the obligation to renew.

1.3.2 B. Each licensee applying for renewal shall return the renewal notice and fee of \$40 to the Department of Commerce prior to the expiration date shown on the license. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee.

1.3.3 C. If the licensee fails to renew the license within 30 days of the expiration date, a penalty fee of \$40 shall be required, in addition to the renewal fee.

1.3.4 D. Any licensee failing to renew within six months of the expiration date on the license ~~must~~ shall apply to have the license reinstated by submitting a reinstatement form and a renewal fee of \$40 plus ~~the~~ a \$40 penalty fee.

1.3.5 E. Upon receiving the renewal application, fee, and statement, the board may grant reinstatement of the license or require requalification, reexamination, or both, before granting the reinstatement.

§ 1.4. Fees.

All fees are nonrefundable.

1.4.1 A. The application fee for an audiology or speech pathology license shall be \$70.

B. The application fee for a speech pathology license shall be \$70.

PART II. ENTRY REQUIREMENTS.

§ 2.1. General requirements.

An applicant may obtain a license by meeting the requirements in §§ 2.1 through this section and § 2.2.

2.1.1 A. Examination.

The applicant shall pass a qualifying examination approved by the board. This examination may fall within the two years preceding or following the date of application.

2.1.1.1 I. Exception.

No further examination will be required for applicants having passed the board approved examination at anytime prior to application if they have been actively engaged in the respective profession during the 24 months immediately preceding the date of application.

2.1.2 B. Supervised clinical experience.

The applicant shall have completed 300 clock hours of direct client contact hours with individuals presenting a

variety of disorders of communication. This experience ~~must~~ shall have been within the college or university attended by the applicant or within a clinical training program acceptable to the board. A minimum of 200 clock hours ~~must~~ shall be in the professional area in which licensure is sought, that is in either audiology or speech pathology.

2.2.1 § 2.2. Education requirement.

2.2.1.1 A. The applicant shall have completed in one or more college or university programs at least 60 semester hours approved by the board in accordance with the following criteria:

2.2.1.1.1 1. Twelve semester hours in courses that provide fundamental knowledge applicable to the normal development and use of speech, voice, hearing and language; and

2.2.1.1.2 2. Forty-two semester hours in courses providing knowledge about the training in the management of speech, voice, hearing and language disorders, and information supplementary to such fields. Of these 42 semester hours:

2.2.1.1.2.1 a. At least six semester hours shall be in audiology for those desiring a license as a speech pathologist, or in speech pathology for those desiring a license as an audiologist;

2.2.1.1.2.2 b. No more than six semester hours may be in courses that provide academic credit for clinical practice;

2.2.1.1.2.3 c. At least 24 semester hours, including no more than three semester hours of credit for thesis or dissertation, ~~must~~ shall be in the field in which the license is sought; and

2.2.1.1.2.4 d. At least 30 semester hours ~~must~~ shall be in courses beyond the bachelor's degree and acceptable toward a graduate degree by the college or university where these courses are taken and shall be applicable to the field for which licensure is sought.

PART III. STANDARDS OF PRACTICE.

§ 3.1. The practice of speech pathology and audiology includes, but is not limited to, knowledge of: -

3.1.1 1. Psychological and sociological aspects of human development;

3.1.2 2. Anatomical, physiological, neurological, psychological, and physical bases of speech, voice, hearing and language;

3.1.3 3. Genetic and cultural aspects of speech and

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language development;

~~3-1-4~~ 4. Current principles, procedures, techniques, and instruments used in evaluating the speech, language, voice, and hearing of children and adults;

~~3-1-5~~ 5. Of various types of disorders of speech, language, voice, and hearing classifications, causes and manifestations;

~~3-1-6~~ 6. Principles, remedial procedures, hearing aids, tinnitus devices, and other instruments used in the habilitation and rehabilitation for those with various disorders of communication;

~~3-1-7~~ 7. Relationships among speech, language, voice, and hearing problems, with particular concern for the child or adult who presents multiple problems;

~~3-1-8~~ 8. Organization and administration of programs designed to provide direct service to those with disorders of communication;

~~3-1-9~~ 9. Theories of learning and behavior in their application to disorders of communication;

~~3-1-10~~ 10. Services available from related fields for those with disorders of communication; *and*

~~3-1-11~~ 11. Effective use of information obtained from related disciplines about the sensory, physical, emotional, social, and ~~for~~ intellectual status of a child or an adult;

§ 3.2. In addition, the audiologist should have knowledge of:

~~3-2-1~~ 1. Conducting evaluation of the function of the auditory and vestibular systems, including the use of electrophysiological techniques and the evaluation of tinnitus;

~~3-2-2~~ 2. Evaluation of auditory processing; and

~~3-2-3~~ 3. Principles, procedures, and techniques of organizing and administering industrial hearing conservation programs, including noise surveys, the use of hearing protective devices, and the training and supervising of audiometric technicians.

§ 3.3. In addition, the speech pathologist should have knowledge of:

~~3-3-1~~ 1. The evaluation and treatment of disorders of the oral and pharyngeal mechanism as they relate to communication, including but not limited to dysphagia; and

~~3-3-2~~ 2. The use of alternative communication devices and appliances facilitating communication.

§ 3.4. Grounds for discipline.

The grounds for discipline shall include improper conduct, including but not limited to:

~~3-4-1~~ 1. Guaranteeing the results of any speech, voice, language, or hearing consultative or therapeutic procedure;

~~3-4-2~~ 2. Diagnosis or treatment of speech, voice, language, and hearing disorders by correspondence, provided this shall not preclude:

~~3-4-2-1~~ a. Follow-up correspondence of individuals previously seen; or

~~3-4-2-2~~ b. Providing the persons served professionally with general information of an educational nature.

~~3-4-3~~ 3. Revealing to unauthorized persons confidential patient information obtained from the individual he ~~she~~ serves professionally without the permission of the individual served;

~~3-4-4~~ 4. Exploitation of persons served professionally by accepting them for treatment when benefit cannot reasonably be expected to occur, or by continuing treatment unnecessarily;

~~3-4-5~~ 5. Incompetence ~~and/~~ or negligence in the practice of the profession;

~~3-4-6~~ 6. Failing to recommend a physician consultation and examination for any communicatively impaired person with a prosthetic aid not referred or examined by a physician within the preceding six months;

~~3-4-7~~ 7. Failing to refer a client to a physician when there is evidence of an impairment that might respond to medical treatment. Exception: This would not include communicative disorders of nonorganic origin.

~~3-4-8~~ 8. Failing to supervise persons who assist them in the practice of speech pathology and audiology without being present at all times within the same building when unlicensed supportive personnel are delivering services.

VIRGINIA BOARD OF DENTISTRY

Title of Regulation: VR 255-01-1. Virginia Board of Dentistry Regulations.

Statutory Authority: § 54-163 of the Code of Virginia.

Public Hearing Date: A public hearing was held on April 10, 1986. Written Comments will be accepted through April 17, 1987.

(See Calendar of Events section)

Proposed Regulations

for additional information)

Sec. 1. No change

Summary:

The proposed Board of Dentistry regulations set forth provisions to measure minimal competence through requirements for education and examination; establish standards for the practice of dentistry and dental hygiene, and delineate acts which constitute grounds for disciplinary action against a licensee. The proposed regulations are the result of the comprehensive review of the existing regulations completed in 1984 pursuant to Executive Order 52 (84) of former Governor Charles S. Robb.

This review resulted in proposals to delete some existing regulations, amend or relocate other existing regulations, and add some new regulations. These changes are outlined in the Index to Existing and Proposed Regulations. All relevant documents are available for inspection at the office of the Board of Dentistry, 1601 Rolling Hills Drive, Richmond, Virginia 23229, telephone (804) 662-9906.

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- B.17. Restated Sec. 5.4.A.14.
- B.18. Deleted
- B.19. Restated Sec. 5.4.A.13.
- B.20. Restated Sec. 5.4.A.14.
- B.21. Restated Sec. 5.4.A.14.
- B.22. Restated Sec. 5.4.A.15. & Sec. 4.5.A.10.
- B.23. Restated Sec. 5.4.A.16.
- B.24. Revised Sec. 5.4.A.22.

New Regulations

- Sec. 5.3.A.2.
- Sec. 5.4.A.10.
- Sec. 5.4.A.17.
- C. Restated Sec. 5.1.
- D. Restated Sec. 5.3.A.
- D.1. Modified Sec. 5.3.A.1.
- D.2. Restated Sec. 5.3.A.1.
- D.3. Restated Sec. 5.3.A.10.
- D.4.
- D.5.
- E. Restated Sec. 4.2.A.
- F.
- G. Restated Sec. 4.5.A.
- G.1. No change Sec. 4.5.A.1.
- G.2. Restated Sec. 4.5.A.3.
- G.3. No change Sec. 4.5.A.3.
- G.4. Revised Sec. 4.5.A.12
- G.5. Revised Sec. 4.5.A.4.
- G.6. Restated Sec. 4.5.A.5.
- G.7. No change Sec. 4.5.A.7.
- G.8. Revised Sec. 4.5.A.7.
- G.9. No change Sec. 4.5.A.8.
- G.10. No change Sec. 4.5.A.9
- G.11. Revised Sec. 4.5.A.7.
- G.12. Restated Sec. 4.5.A.aa.

Regulation 3.

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- Paragraph 1. Restated Sec. 2.4.A.
Paragraph 2. Restated Sec. 2.4.B.
Paragraph 3. Restated Sec. 2.4.C.

Regulation 4.

- A.1. Restated Sec. 1.5.
B.1. Revised Sec. 2.2.A.2.
B.2. Revised Sec. 2.2.B.2.
B.3. No change Sec. 4.5.A.11.
B.4. Revised Sec. 1.4.A.
C.1. Revised Sec., 1.4.C.1.2.C.1.a.
Revised Sec. 2.1.A.
C.1.b. Deleted
C.1.c. Deleted
C.1.d.1. Restated Sec. 2.1.C.1.
C.1.d.2. Restated Sec. 2.1.C.2.
C.1.d.3. Revised Secs. 2.1.C.3 and 2.2.A.1.
C.1.d.4. Restated Sec. 2.2.A.3.
C.1.-Last Paragraph – Deleted
C.2. Revised Sec. 1.4.B.
C.2.-Last Paragraph – Deleted
C.2.a. Revised Sec. 2.1.B.
C.2.b. Deleted
C.2.c. Deleted
C.2.d.1. Restated Sec. 2.1.C.1
C.2.d.2. Restated Sec. 2.1.C.2.
C.2.d.3. Revised Sec. 2.1.C.1.
C.2.d.4. Restated Sec. 2.2.A.3.
C.2.-Last Paragraph – Deleted
D.1. Revised by Emergency Reg.
Secs. 1.3.A. & 1.3.B.
D.1.-Paragraph 2 – Revised Sec. 4.2.B.
E.1.-Paragraphs 1 & 2 – Revised Secs. 1.3.C & 1.3.D.
F.1. Revised Sec. 1.4.E.
G.1. Revised Sec. 1.4.C.
H.1. & 2. Revised Sec. 1.4.H.
I.1. Revised Sec. 1.4.G.
J.1. Revised Sec. 1.4.F.
K.1. Revised Sec. 1.4.J.
L.1. Revised Sec. 1.4.D.

Regulation 5.

- A. Restated Sec. 4.1.A.

Regulation 6.

- A. Revised Sec. 4.3.
A.1. No change Sec. 4.3.A.
A.2. Restated Sec. 4.3.B.
A.3. Restated Sec. 4.3.C.
A.4. Revised Sec. 4.3.D.
A.5. Restated Sec. 4.3.E.
A.6. Deleted
A.7. Deleted
A.8. Revised Sec. 4.3.F.
A.9. No change Sec. 4.3.G.
A.10. Restated Secs. 4.3.H. & 4.5.A.11.

New Regulation

Sec. 4.3.I.

Regulation 7.

- 7 Restated 1.1. "Advertising"
A.
A.1. Revised Sec. 4.4. (full section)
A.2. Revised Sec. 4.4.F.
A.2.a. & b. Revised Sec. 4.4.F.1.
A.2.c. Revised Sec. 4.4.F.2.
A.2.d. Revised Sec. 4.4.A.
A.2.e. Revised Sec. 4.4.F.2.
A.2.f. Revised Sec. 4.4.C
A.3. Revised Sec. 4.4.B.
A.4.
A.4.a. Deleted
A.4.b. Deleted
A.4.c. Deleted
A.4.d. Deleted

New Regulations - Advertising

- Sec. 4.4.D.
Sec. 4.4.E.1-8
Sec. 4.4.F.3.
Sec. 4.4.G.

Regulation 8 – No change Sec. 6.1.

Policy Statements – Deleted

New Regulations - Preamble

- Sec. 1.3.E.
Sec. 1.4.I
Sec. 2.3.A.
Sec. 2.3.B.

New Regulations - Regulation III

- Sec. 4.1.B.
Sec. 5.5.A.

Preamble:

These regulations state the requirements for licensure of dentists and dental hygienists in the Commonwealth of Virginia. The regulations are proposed by the Virginia Board of Dentistry under the authority of Title 54, Chapter 8, Dentists and Dental Hygienists, §§ 54-146 through 54-200.02 of the Code of Virginia.

The board believes that each practitioner in the field of dentistry is accountable to the Commonwealth and to the public to maintain high professional standards of practice in keeping with the ethics of the profession of dentistry.

The licensed dentist and dental hygienist shall be responsible and accountable for making decisions that are based upon educational preparation and experience in dentistry and dental hygiene,

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respectively. The practitioner shall be held accountable for the quality and quantity of dental care given to patients by himself or others who are under his direction as set forth in these regulations.

The practitioner shall be held accountable for the quality and quantity of dental care given to patients by himself based upon educational preparation and experience.

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PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Advertising" means a representation or other notice given to the public or members thereof, directly or indirectly, by a dentist on behalf of himself, his facility, his partner or associate, or any dentist affiliated with the dentist or his facility by any means or method for the purpose of inducing purchase, sale or use of dental methods, services, treatments, operations, procedures or products or to promote continued or increased use of such dental methods, treatments, operations, procedures or products.

"Approved schools" means those dental schools, colleges, departments of universities or colleges or schools of dental hygiene currently accredited by the Commission on Dental Accreditation of the American Dental Association, which is hereby incorporated by reference.

"Competent instructor" means any person appointed to the faculty of a dental school, college or department or a university or a college who holds a license or teacher's license to practice dentistry or dental hygiene in the Commonwealth.

"Conscious sedation (oral, intravenous, intramuscular, subcutaneous, submucosal, or rectal)" means a depressed level of consciousness that maintains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command, produced by a pharmacologic or nonpharmacologic method or a combination thereof.

"Dental assistant" means any unlicensed person under the supervision of a dentist who renders assistance for services provided to the patient as authorized under these regulations but shall not include an individual serving in purely a secretarial or clerical capacity.

"Dental hygiene student" means any person currently enrolled and attending an approved school/program of dental hygiene. No person shall be deemed to be a dental

hygiene student who has not begun the first year of enrollment in the school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.

"Dental student" means any person currently enrolled and attending an approved school of dentistry but shall not include persons enrolled in schools/programs of dental hygiene. No person shall be deemed to be a dental student who has not begun the first year of enrollment in school; nor a person who is not attending the regularly scheduled sessions of the school in which he is enrolled.

"Diagnosis" means an opinion of findings in an examination.

"Direction" means the presence of the dentist for the evaluation, observation, advice, and control over the performance of dental services.

"Examination of patient" means a study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.

"General anesthesia" means a controlled state of unconsciousness accompanied by a partial or complete loss of protective reflexes, including the inability to maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or nonpharmacologic method or a combination thereof.

"Local anesthesia" means the loss of sensation or pain in the oral cavity or its contiguous structures generally produced by a topically applied agent or injected agent without causing the loss of consciousness.

"Monitoring of general anesthesia and conscious sedation" includes the following: recording and reporting of blood pressure, pulse, respiration and other vital signs to the attending dentist during the conduct of these procedures and after the dentist has induced a patient and established a maintenance level.

"Monitoring of nitrous oxide oxygen inhalation analgesia" means making the proper adjustments of nitrous oxide machines at the request of the dentist during the administration of the sedation and observing the patient's vital signs.

"Nitrous oxide oxygen inhalation analgesia" means the utilization of nitrous oxide and oxygen to produce a state of reduced sensibility to pain designating particularly the relief of pain without the loss of consciousness.

"Radiographs" means intraoral and extraoral x-rays of the hard and soft oral structures to be used for purposes of diagnosis.

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"Recognized governmental clinic" means any clinic operated or funded by any agency of state or local government which provides dental services to the public, the dental services of which shall be provided by a licensed dentist or by persons who may be authorized herein to provide dental services under the direction of a dentist.

§ 1.2. Public participation guidelines.

A. Mailing list.

The Virginia State Board of Dentistry will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "informational proceeding," the subject of which is a proposed or existing regulation.
3. Final regulation adopted.

B. Being placed on list and deletion.

Any person wishing to be placed on the mailing list may have his or her name added by writing the board. In addition, the agency or board may, in its discretion, add to the list any person, organization, or publication whose inclusion it believes will further the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in subsection A of this section. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

C. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:1 of the Administrative Process Act, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

D. Informational proceedings or public hearings for existing rules.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to

their effectiveness, efficiency, necessity, clarity, and the cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations. Such proceeding may be held separately from or in conjunction with other informational proceedings.

E. Petition of rulemaking.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.

F. Notice of formulation and adoption.

When a proposed regulation is formulated at any meeting of the board or of a board subcommittee, or when any regulation is adopted by the board, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

G. Advisory committees.

The board may appoint advisory committees as it deems necessary to provide for adequate citizen participation in the formation, promulgation, adoption and review of regulations.

§ 1.3. License renewal and reinstatement.

A. Dental renewal fees.

Every person licensed to practice dentistry shall, on or before March 31 of every odd-numbered year, renew the license to practice dentistry and pay a biennial renewal fee of \$80 except as otherwise provided in § 1.4 of these regulations.

B. Dental hygiene renewal fees.

Every person licensed to practice dental hygiene by this board shall, on or before March 31 of every odd-numbered year, renew the licensure to practice dental hygiene and pay a biennial renewal fee of \$50 except as otherwise provided in § 1.4 of these regulations.

C. Delinquent fees.

Any person who does not return the completed form and fee by March 31 of any odd-numbered year shall be required to pay an additional \$25 delinquent fee. The board shall renew a license when the renewal form is received by the following April 30, along with the completed form, the biennial registration fee, and the delinquent fee.

D. Reinstatement fees and procedures.

The license of any person who does not return the completed renewal form and fees by April 30 of every

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odd-number year shall automatically expire and become invalid. Upon such expiration, the board shall immediately notify the affected person of the expiration and the reinstatement procedures. Any person whose license has expired for failure to comply with § 54-181.1 or § 54-200.16:1 of the Code of Virginia, and who wishes to renew such license shall submit to the board a reinstatement form, the application fee, the delinquent fee, and renewal fee. An applicant for reinstatement shall be required to satisfactorily complete the Southern Regional Testing Agency examinations unless the applicant demonstrates that he has maintained continuous ethical, legal and clinical practice during the period of licensure expiration or demonstrate that the lapse was due to factors beyond the applicant's control or was other than voluntary.

E. General anesthesia and conscious sedation (exclusive of nitrous oxide) permit renewal fee.

Every person holding a permit shall, on or before March 31 of every odd-numbered year, renew the permit and pay a biennial renewal fee of \$50.

§ 1.4. Other fees.

A. Dental licensure application fees.

The application for a dental license shall be accompanied by a check or money order for \$165, which includes a \$90 application fee and a \$75 initial licensure fee.

B. Dental hygiene licensure application fees.

The application for a dental hygiene license shall be accompanied by a check or money order for \$115, which includes a \$70 application fee and a \$45 initial licensure fee.

C. Duplicate wall certificate.

Licenses desiring a duplicate wall certificate shall submit a request in writing stating the necessity for such duplicate wall certificate, accompanied by a fee of \$15. A duplicate certificate may be issued for any of the following reasons: replacing certificate that has been lost, stolen, misplaced, destroyed or is otherwise irretrievable; recording the new name of a registrant whose name has been changed by court order or by marriage; or for multiple offices.

D. Duplicate license.

Licenses desiring duplicate license shall submit a request in writing stating the necessity for such duplicate license, accompanied by a fee of \$5.00. A duplicate license may be issued for any of the following reasons: maintaining more than one office (notarized photocopy may be used); replacing license that has been lost, stolen, misplaced, destroyed or is otherwise irretrievable; and

recording the new name of a licensee whose name has been changed by court order or by marriage.

E. Licensure certification.

Licenses requesting endorsement or certification by this board shall pay a fee of \$5.00 for each endorsement or certification.

F. Restricted license.

Restricted license issued in accordance with § 54-175.2 of the Code of Virginia shall be at a fee of \$100.

G. Teacher's license.

License to teach dentistry and dental hygiene issued in accordance with § 54-175.1 of the Code of Virginia shall be at a fee of \$165 and \$115, respectively. The renewal fee shall be \$80 and \$50, respectively.

H. Temporary permit.

Temporary permit for dentists and dental hygienists issued in accordance with §§ 54-152(1)(a), 54-152(2)(b) and 54-152(2)(c) of the Code of Virginia shall be at a fee of \$165 and \$115, respectively. The renewal fee shall be \$80 and \$50, respectively.

I. General anesthesia and conscious sedation (exclusive of nitrous oxide) permit.

Permit issued in accordance with §§ 3.1 and 3.2 of these regulations shall be at a fee of \$100.

J. Radiology safety examination.

Each examination administered in accordance with § 4.5(A)(12) of these regulations shall be at a fee of \$15.

§ 1.5. Refunds.

No fee will be refunded or applied for any purpose other than the purpose for which the fee is submitted.

PART II. ENTRY AND LICENSURE REQUIREMENTS.

§ 2.1. Education.

A. Dental licensure.

An applicant for dental licensure shall be a graduate and a holder of a diploma from an accredited or approved dental school recognized by the Commission on Dental Accreditation of the American Dental Association and provide proof that the individual has not committed any act which would constitute a violation of § 54-187 of the Code of Virginia.

B. Dental hygiene licensure.

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An applicant for dental hygiene licensure shall have graduated from or be issued a certificate by an accredited school/program of dental hygiene recognized by the Commission on Dental Accreditation of the American Dental Association and provide proof that the individual has not committed any act which would constitute a violation of § 54.200.18 of the Code of Virginia.

C. Applications.

All applications for any license or permit issued by the board shall include:

1. A final certified transcript of the grades from the college from which the applicant received the dental degree, dental hygiene degree or certificate, or post-doctoral degree or certificate.
2. One recently made passport type photograph of the applicant. The photograph shall be securely pasted in the space provided on the application.
3. An original grade card issued by the Joint Commission on National Dental Examinations.

§ 2.2. Licensure examinations.

A. Dental examinations.

1. All applicants shall have successfully completed Part I and Part II of the examinations of the Joint Commission on National Dental Examinations prior to making application to this board.
2. For the purpose of § 54-175 of the Code of Virginia, the Southern Regional Testing Agency examination constitutes the board examination for licensure. All persons desiring to practice dentistry in the Commonwealth of Virginia will be required to satisfactorily pass the complete Southern Regional Testing Agency (SRTA) examination in dentistry as a precondition for licensure, except those persons eligible for licensure pursuant to § 54-173 of the Code of Virginia and subsection A of § 2.3 of these regulations. Applicants who successfully completed the Southern Regional Testing Agency examinations five or more years prior to the date of receipt of their applications for licensure by this board will be required to retake the SRTA examinations unless they demonstrate that they have maintained continuous active clinical, ethical and legal practice since passing the SRTA examinations.
3. All applicants will be required to satisfactorily pass an examination on the Virginia dental laws and the regulations of the board.

B. Dental hygiene examinations.

1. All applicants are required to successfully complete the dental hygiene examination of the Joint

Commission on National Dental Examinations prior to making application to this board for licensure.

2. For the purpose of § 54-200.11 of the Code of Virginia, the Southern Regional Testing Agency examination constitutes the board examination for dental hygiene licensure. All persons desiring to practice dental hygiene in the Commonwealth of Virginia shall be required to successfully complete the Southern Regional Testing Agency examination in dental hygiene as a precondition for licensure, except those persons eligible for licensure pursuant to § 54-200.5 of the Code of Virginia and subsection B of § 2.3 of these regulations. Applicants who achieved passing grades in the Southern Regional Testing Agency examination five or more years prior to the date of receipt of their applications for licensure by this board will be required to retake the SRTA examination unless they demonstrate that they have maintained continuous active clinical, ethical and legal practice since passing the SRTA examinations.

3. All applicants will be required to pass an examination on the Virginia dental hygiene laws and the regulations of this board.

§ 2.3. Reciprocal licensure.

A. Dental licensure by reciprocity.

Pursuant to § 54-173 of the Code of Virginia, the board, upon proper application, shall grant a license to practice dentistry to any dentist (i) who is a graduate of an accredited dental school recognized by the Commission on Dental Accreditation of the American Dental Association, (ii) who is engaged in active legal, ethical practice of dentistry in another state, and (iii) who holds a current license issued by such other state having requirements comparable to those established by the Code of Virginia and with whom the board has established reciprocity.

§ 2.4. Temporary permit and temporary license.

A. A temporary permit shall be issued only for the purpose of allowing dental and dental hygiene practice as limited by paragraphs (1)(a) and (2)(b) of § 54-152 of the Code of Virginia until the release of grades of the next licensure examination given in this Commonwealth, after the issuance of the temporary permit.

B. A temporary permit will not be renewed unless the permittee shows that extraordinary circumstances prevented the permittee from taking the first examination given immediately after the issuance of the permit. Such permit renewals shall expire seven days after the release of grades of the next examination given.

C. A temporary permit issued pursuant to § 54-152 and a teacher's license issued pursuant to § 54-175.1(A) and (B) and § 54-175.2(A) of the Code of Virginia may be revoked for any grounds for which the license of a regularly

licensed dentist or dental hygienist may be revoked and for any act, acts or actions indicating the inability of the permittee to practice dentistry that is consistent with the protection of the public health and safety as determined by the generally accepted standards of dental practice in Virginia.

PART III. GENERAL ANESTHESIA, CONSCIOUS SEDATION AND NITROUS OXIDE INHALATION.

§ 3.1. General anesthesia.

A. Education requirements.

A dentist may employ or use general anesthesia on an outpatient basis by holding a permit issued by the board upon meeting one of the following educational criteria and being certified by the board:

1. Completion of a minimum of one year of advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level in a training program in conformity with Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry" as published by the American Dental Association; or
2. Is board certified or board eligible in any dental specialty which incorporates into its curriculum the standards of teaching as set forth in Part II of the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry."

B. Challenge requirements.

A dentist who has utilized general anesthesia at any time prior to the adoption of the requirements for the use of general anesthesia and does not meet the educational requirements specified in subsection A of § 3.1 may continue to utilize general anesthesia provided the dentist can demonstrate on or before July 1, 1988, that the dentist's facility is equipped to perform general anesthesia at a one-time on-site evaluation and inspection of the facility by qualified individuals designated by the board. A dentist shall also be required, at the time of the on-site evaluation, to demonstrate proficiency and techniques utilized for general anesthesia and emergency situations as follows:

1. Laryngospasm
2. Bronchospasm
3. Emesis and aspiration of vomitus
4. Management of other foreign bodies in the airway
5. Angina pectoris
6. Myocardial infarction

7. Hypotension

8. Hypertensive crisis

9. Cardiopulmonary resuscitation

10. Acute allergic reactions

11. Hyperventilation syndrome

12. Convulsion of unknown etiology

13. Other emergencies

C. Exemptions.

A dentist who has not met the requirements specified in either subsection A or subsection B of § 3.1 may treat patients under general anesthesia in his practice of dentistry if a qualified anesthesiologist or dentist who fulfills the educational requirements specified in either subsection A or subsection B of § 3.1 is present and is responsible for the administration of the anesthetic.

§ 3.2. Conscious sedation.

A. Automatic qualification.

Dentists qualified to administer general anesthesia may administer conscious sedation.

B. Educational requirements.

A dentist may administer conscious sedation upon completion of training in conformity with requirements for this treatment modality as published by the American Dental Association in the "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry." This training may be obtained while enrolled at an approved dental school or while enrolled in a post-doctoral university or teaching hospital program.

C. Challenge requirements.

A dentist who has utilized conscious sedation at any time prior to the adoption of the requirements for the use of conscious sedation and does not meet any of the educational requirements specified in subsection B of § 3.2 of these regulations may continue to utilize conscious sedation provided the dentist can demonstrate on or before July 1, 1988, that the dentist's facility is equipped to perform conscious sedation at a one-time on-site evaluation and inspection of the facility by qualified individuals designated by the board. A dentist shall also be required, at the time of the on-site evaluation, to demonstrate proficiency in techniques utilized for conscious sedation and emergency situations as follows:

1. Laryngospasm
2. Bronchospasm

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3. *Emesis and aspiration of vomitus*
4. *Management of other foreign bodies in the airway*
5. *Angina pectoris*
6. *Myocardial infarction*
7. *Hypotension*
8. *Hypertensive crisis*
9. *Cardiopulmonary resuscitation*
10. *Acute allergic reactions*
11. *Hyperventilation syndrome*
12. *Convulsion of unknown etiology*
13. *Other emergencies*

§ 3.3. Nitrous oxide oxygen inhalation analgesia.

A. Automatic qualification.

Dentists qualified to administer conscious sedation and general anesthesia may administer nitrous oxide oxygen inhalation analgesia.

B. Educational requirements.

A dentist may use nitrous oxide oxygen inhalation analgesia on an outpatient basis for dental patients provided that the dentist:

1. Has completed no less than the course of training as described in the American Dental Association's "Guidelines for Teaching and Comprehensive Control of Pain and Anxiety in Dentistry" or its equivalent; or
2. Has completed training equivalent to that described in paragraph 1 of this subsection while a student in a dental school.

C. Posting requirement.

A dentist who has utilized nitrous oxide oxygen inhalation analgesia on or before July 1, 1988, but who has not met the educational requirements in subsection B of § 3.3 of these regulations may continue to utilize nitrous oxide oxygen inhalation analgesia provided the dentist posts in the office, evidence of training in nitrous oxide oxygen inhalation analgesia in the form of a certificate or affidavit.

§ 3.4. General information.

A. Emergency equipment.

A dentist who administers general anesthesia and

conscious sedation shall maintain the following emergency air-way equipment in the dental facility:

1. Full face mask
2. Oral or nasopharyngeal airways
3. Endotracheal tubes for children and adults
4. A laryngoscope with reserve batteries and bulbs
5. Source of delivery of oxygen under pressure
6. Mechanical (hand) respirator bag.

B. Posting requirements.

Any dentist who utilizes general anesthesia or conscious sedation or nitrous oxide oxygen inhalation analgesia shall post a certificate showing satisfactory completion of the requirements of this Part III as applicable.

§ 3.5. Report of adverse occurrences.

A written report shall be submitted to the board by the treating dentist within 30 days following any mortality or serious unusual incident that occurs in the licensee's dental facility or during the first 24 hours immediately following the patient's departure from the facility following and directly resulting from the administration of general anesthesia, conscious sedation, or nitrous oxide oxygen inhalation analgesia.

PART IV. RECORD KEEPING AND REPORTING.

§ 4.1. Records.

A. Laboratory work orders.

Written work order forms and subwork order forms to employ or engage the services of any person, firm or corporation to construct or reproduce or repair, extraorally, prosthetic dentures, bridges or other replacements for a part of a tooth or teeth as required by § 54-147.2 of the Code of Virginia shall include as a minimum the following information:

1. Patient or case number, and date.
2. The signature, license number and address of the dentist.

B. Patient records.

A dentist shall maintain patient records for not less than five years from the most recent date of service for purposes or review by the board to include the following:

1. Patient's name and date of treatment;

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2. Updated health history;
3. Diagnosis and treatment rendered;
4. List of drugs prescribed, administered, dispensed and the quantity;
5. Radiographs;
6. Fees and charges; and
7. Name of dentist and dental hygienist providing service.

§ 4.2. Reporting.

A. Dental students as hygienists.

Prior to utilizing the services of a senior dental student as a dental hygienist as provided in § 54-147(3) of the Code of Virginia a dentist shall supply the board with the name and address of the student, the school in which the senior student is enrolled, the hours during which the student is expected to be employed as a hygienist, the expected period of employment (June and July, only) and verification that the employing dentist holds faculty appointment.

B. Current business addresses.

Each licensee shall furnish the board at all times with his current business address. All notices required by law or by these regulations to be mailed by the board to any such licensee shall be validly given when mailed to the latest address given by the licensee. All changes of address shall be furnished to the board within 30 days of such changes.

§ 4.3. Unprofessional conduct.

The following practices shall constitute unprofessional conduct within the meaning of § 54-187 of the Code of Virginia:

1. Fraudulently obtaining, attempting to obtain or cooperating with others in obtaining payment for services.
2. Performing services for a patient under terms or conditions which are unconscionable. The board shall not consider terms unconscionable where there has been a full and fair disclosure of all terms and where the patient entered the agreement without fraud or duress.
3. Misrepresenting to a patient and the public the materials or methods and techniques the licensee uses or intends to use.
4. Committing any act in violation of the Code of Virginia reasonably related to the practice of dentistry

and dental hygiene.

5. Delegating any service or operation which requires the professional competence of a dentist or dental hygienist to any person who is not a dentist or dental hygienist except as otherwise authorized by these regulations.

6. Certifying completion of a dental procedure that has not actually been completed.

7. Knowingly or negligently violating any applicable statute or regulation governing ionizing radiation in the Commonwealth of Virginia, including, but not limited to, current regulations promulgated by the Virginia Department of Health.

8. Permitting or condoning the placement or exposure of dental x-ray film by an unlicensed person, except where the unlicensed person has complied with subsection A, paragraph 11 of § 4.5 of these regulations.

9. Violating any of the regulations regarding general anesthesia, conscious sedation, and nitrous oxide oxygen inhalation analgesia.

§ 4.4. Advertising.

A. Practice limitation.

Any dentist who has a limited practice and who is not a board-eligible or a certified specialist as recognized by the Commission on Dental Accreditation of the American Dental Association shall state in conjunction with the dentist's name that he is a general dentist providing only certain services, i.e., orthodontic services.

B. Fee disclosures.

Any statement specifying a fee for a dental service which does not include the cost of all related procedures, services and products which, to a substantial likelihood will be necessary for the completion of the advertised services as it would be understood by an ordinarily prudent person, shall be deemed to be deceptive or misleading. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of fees for specifically described dental services shall not be deemed to be deceptive or misleading.

C. Discounts.

Discount offers for a dental service are permissible for advertising only when the nondiscounted or full fee and the final discounted fee are also disclosed in the advertisement. The dentist shall maintain documented evidence to substantiate the discounted fee.

D. Retention of broadcast advertising.

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A prerecorded copy of all advertisements on radio or television shall be retained for a six-month period following the final appearance of the advertisement. The advertising dentist is responsible for making prerecorded copies of the advertisement available to the board within five days following a request by the board.

E. Routine dental services.

The purpose of this subsection is to delineate those routine dental services which may be advertised pursuant to § 54-187(7) of the Code of Virginia and subsection F of § 4.4 of these regulations. The definitions as set out in Regulation I are intended to set forth a minimum standard as to what constitutes such services for advertising purposes in order to allow the public to accurately compare the fees charged for a given service and to preclude potentially misleading advertisement of fees for a given service which may be delivered on a superficial or minimum basis. Advertising of fees pursuant to subsection F, paragraph 3 of § 4.4 of these regulations is limited to the following routine dental services:

1. "Examination." A study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.
2. "Diagnosis." An opinion of findings in an examination.
3. "Treatment planning." A written statement of treatment recommendations following an examination and diagnosis. This statement shall include a written itemized treatment recommendation and written itemized fee statement.
4. "Radiographs." Shall document type and quantity. (See definitions).
5. "Complete or partial dentures and crowns." Any advertisement shall include full disclosure of all related fees and procedures.
6. "Prophylaxis." The removal of calculus, accretions and stains from exposed surfaces of the teeth and from the gingival sulcus.
7. "Simple extractions." A service for the removal of nonimpacted teeth, including a full disclosure of all related fees and procedures.
8. Other procedures which are determined by the board to be routine dental services are those services set forth in the American Dental Association's "Code on Dental Procedures and Nomenclature," as published in the Journal of the American Dental Association (JADA), as amended, which is hereby

adopted and incorporated by reference.

F. The following practices shall constitute false, deceptive or misleading advertising within the meaning of § 54-187(7) of the Code of Virginia.

1. Publishing an advertisement which contains a material misrepresentation or omission of facts.
2. Publishing an advertisement which contains a representation or implication that is likely to cause an ordinarily prudent person to misunderstand or be deceived, or that fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive.
3. Publishing an advertisement which fails to include the information and disclaimers required by § 4.4 of these regulations.

G. Signage.

Advertisements, including but not limited to signage, containing descriptions of the type of dentistry practiced or a specific geographic locator are permissible so long as the requirements of §§ 54-184 and 54-186 of the Code of Virginia are complied with.

§ 4.5. Nondelegable duties.

A. Nondentists: The following duties shall not be delegated to a nondentist:

1. Diagnosis and treatment planning.
2. Performing surgical or cutting procedures on hard or soft tissue.
3. Prescribing drugs, medicaments and work authorizations.
4. Adjusting fixed or removable appliances or restorations in the oral cavity.
5. Making occlusal adjustments in the oral cavity.
6. Performing pulp capping and pulpotomy procedures.
7. Administering and monitoring local or general anesthetics, conscious sedation and administering nitrous oxide oxygen inhalation analgesia, except as provided for in § 54-149 of the Code of Virginia.
8. Condensing and carving amalgam restorations.
9. Placing and contouring silicate cement and composite resin restorations.
10. Placement and fitting of orthodontic arch wire and making ligature adjustments creating active pressure on the teeth.

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11. No person, not otherwise licensed by the board, shall place or expose dental x-ray film unless he has satisfactorily completed an examination given by the board, or a course or examination in radiation safety and hygiene given by an institution approved by the Virginia Council of Higher Education or the Department of Education, a course or examination recognized by the Commission on Dental Accreditation of the American Dental Association, or has been certified by the American Society of Radiological Technicians.

12. Taking impressions for any working model except as provided in subsection A, paragraph 2, of § 5.4 of these regulations.

PART V. DIRECTION AND UTILIZATION OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS.

§ 5.1. Employment of dental hygienists.

No dentist shall direct more than two dental hygienists at one and the same time.

§ 5.2. Required direction.

In all instances, a licensed dentist assumes ultimate responsibility for determining, on the basis of his diagnosis, the specific treatment the patient will receive and which aspects of treatment will be delegated to qualified personnel in accordance with these regulations and the Code of Virginia.

Dental hygienists and assistants shall engage in their respective duties only while in the employment of a licensed dentist or governmental agency and under the direction and control of the employing dentist or the dentist in charge, or the dentist in charge or control of the governmental agency. The dentist shall be present and evaluate the patient during the time the patient is in the facility. Persons acting within the scope of a license issued to them by the board under § 54-175.1(b) of the Code of Virginia to teach dental hygiene and those persons licensed pursuant to § 54-200.11 of the Code of Virginia providing oral health education and preliminary dental screenings in any setting are exempt from this section.

§ 5.3. Dental hygienists.

A. The following duties may be delegated to dental hygienists under direction:

1. Scaling, root planing and polishing natural and restored teeth using hand instruments, rotary instruments, prophylaxers and ultra sonic devices.
2. Taking of working impressions for construction of athletic and fluoride guards.
3. Performing an original or clinical examination of

teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal conditions for assisting the dentist in the diagnosis.

§ 5.4. Dental hygienists and dental assistants.

A. The following duties may be delegated to dental hygienists and dental assistants under direction:

1. Application of topical medicinal agents (aerosol topical anesthesia excluded).
2. Acid etching in those instances where the procedure is reversible.
3. Application of sealants.
4. Serving as a chairside assistant aiding the dentist's treatment by concurrently performing supportive procedures for the dentist.
5. Placement and removal of matrixes for restorations.
6. Placement and removal of rubber dam.
7. Placement and removal of periodontal packs.
8. Polishing natural and restored teeth by means of a rotary rubber cup or brush and appropriate polishing agent.
9. Holding and removing impression material for working models after placement in the patient's mouth by the dentist.
10. Taking nonworking impressions for diagnostic study models.
11. Placing of amalgam in prepared cavities with the carrier to be condensed and carved by the dentist.
12. Placing and removing elastic orthodontic separators.
13. Checking for loose orthodontic bands.
14. Removing arch wires and ligature ties.
15. Placing ligatures to tie in orthodontic arch wire that has been fitted and placed by the dentist, provided that no active pressure is created by the placement of such ligatures.
16. Selecting and prefitting of orthodontic bands for cementation by the dentist.
17. Monitoring of nitrous oxide oxygen inhalation analgesia.
18. Placing and exposing dental x-ray film. (No person who is not otherwise licensed by the board shall place

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or expose dental x-ray film unless the requirements of subsection A, paragraph 11, of § 4.5 of these regulations have been fulfilled.)

19. Removal of socket dressings.

20. Instructing patients in placement and removal of retainers and appliances after they have been completely fitted and adjusted in the patient's mouth by the dentist.

21. Removal of sutures.

22. Removal of supragingival cement on crowns, bands, and restorations.

§ 5.5. What does not constitute practice.

A. Oral health education and preliminary dental screenings in any setting are not considered the practice of dental hygiene and dentistry.

B. Recording a patient's pulse, blood pressure, temperature, and medical history.

PART VI. SEVERABILITY.

§ 6.1. Severability clause.

If any provision of these regulations or the application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of the regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations are declared severable.

STATE BOARD OF EDUCATION

Title of Regulation VR 270-01-0011. Vocational Education Regulations.

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

Public Hearing Date: April 17, 1987 - 3 p.m.
(See Calendar of Events section for additional information)

Summary:

The Board of Education proposes to repeal existing regulations and adopt new vocational education regulations governing the operation and administration of secondary vocational education programs in the public schools of the Commonwealth of Virginia. These proposed regulations cover the areas of financial assistance to local school divisions, local vocational education program planning and evaluation, data reporting, management of vocational education

laboratory equipment, and construction of vocational education facilities.

The proposed regulations also address student access to vocational programs, standards for operating vocational programs, services to handicapped and disadvantaged students in vocational education, cooperative vocational education programs, maximum class sizes, and vocational student organizations.

VR 270-01-0011. Vocational Education Regulations.

PART I. GENERAL PROVISIONS.

§ 1.1. Compliance with state and federal regulations.

Local education agencies operating vocational education programs shall comply with regulations of the State Board of Education including all requirements resulting from federal legislation.

§ 1.2. Definitions.

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

"Categorical entitlement" means the amount of funding a local education agency is eligible to receive for a specific purpose, subject to state or federal regulations and the availability of funds.

"Competency-based education" means an instructional system that focuses on competencies needed for specific jobs, evaluation of student progress based on standards of the occupation or field, and the maintenance of student records of achievement in skill development.

"Cooperative education" means a method of instruction for students that combines vocational classroom instruction with paid employment directly related to the classroom instruction. The two experiences are planned and supervised by the school and the employer so that each contributes to the student's career objectives and employability.

"Data" means information, both written and verbal, concerning vocational education programs, activities, and students. Data includes financial, administrative, demographic, and programmatic information and statistics.

"Disadvantaged" means individuals (other than handicapped individuals) who have economic or academic disadvantages and who require special services and assistance in order to enable them to succeed in vocational programs. Such term includes individuals who are members of economically disadvantaged families, migrants, and individuals who are dropouts from or who are identified as potential dropouts from secondary schools.

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"Entitlement" means the amount of funding a local education agency is eligible to receive, subject to state or federal regulations and the availability of funds.

"Equipment" means any instrument, machine, apparatus, or set of articles which meets all of the following criteria:

1. It retains its original shape, appearance, and character with use;
2. It does not lose its identity through fabrication or incorporation into a different or more complex unit or substance;
3. It is nonexpendable;
4. Under normal use, it can be expected to serve its principal purpose for at least one year.

"Extended contract" means a period of time provided to instructors for employment beyond the regular contractual period.

"Follow-up survey" means the collection of information regarding the status of students following completion of a vocational education program.

"General vocational advisory council" means a group of individuals, including representatives from business, industry, and labor, appointed by the local education agency to provide advice on program relevance and occupational demands, and to assist in the development of the local vocational plan and application.

"Handicapped" means individuals who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health-impaired persons, or persons with specific learning disabilities, who by reason thereof require special education and related services, and who because of their handicapped condition: (i) cannot succeed in the regular vocational education program without special assistance; or (ii) require a modified vocational education program.

"Individualized education program" means a written statement for each handicapped student developed in any meeting by a representative of the local education agency who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped students, the teacher, the parents of such student, and wherever appropriate, such student. The statement shall include: (i) a statement of the present levels of educational performance of such students; (ii) a statement of annual goals, including short-term instructional objectives; (iii) a statement of the specific educational services to be provided to such students, and the extent to which such student will be able to participate in regular educational programs; (iv) the projected date for initiation and anticipated duration of such services; and (v) appropriate objective criteria and

evaluation procedures and schedules for determining, at least on an annual basis, whether instructional objectives are being achieved.

"Least restrictive environment" means that educational setting for handicapped students which, to the maximum extent possible, provides for education and supplementary aid/services necessary to the handicapped student's special needs, in settings comparable to, but not separate from those provided students who are not handicapped unless the nature of severity of the handicap requires such separation.

"Local education agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, town, school district, or political subdivision in a state, or any other public educational institution or agency having administrative control and direction of a vocational education program.

"Local administrators and supervisors" means those persons in a local education agency who are charged with the responsibility for planning, developing, controlling, directing, supervising, and managing programs in vocational education.

"Local vocational plan and application" means a document submitted by a local education agency identifying specific improvement goals and objectives to be achieved and setting forth the proposed vocational education programs, services, and activities.

"Program evaluation" means the assessment of vocational education programs for purposes of measuring the quality and effectiveness of instruction.

"Travel expenditure" means costs for the travel of vocational education personnel associated with program operation and administration.

"Training agreement" means a formal document, signed by the teacher-coordinator, employer, parent, and student, which states the policies affecting the cooperative education student.

"Training plan" means a formal document that identifies classroom and on-the-job instruction which contributes to the employability of a cooperative education student.

"Vocational program" means the full sequence of courses leading to preparation for employment.

PART II. ADMINISTRATION OF VOCATIONAL EDUCATION PROGRAMS.

§ 2.1. State/federal financial assistance.

Financial assistance shall be provided to support the

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operation, improvement, and expansion of vocational education.

1. Financial assistance provided through entitlements resulting from full-time equivalent student enrollments shall be used to support vocational education program operation.

2. Financial assistance provided through categorical entitlements shall be used to support the following:

a. Local administration and supervision for individuals who are endorsed as directors of vocational education or as supervisors in the vocational program areas where at least 50% of the time is spent in vocational program administration or supervision;

b. Travel incurred by local education agencies for the effective and efficient delivery of vocational education;

c. Extended contracts of instructors for activities related to the coordination, development, or improvement of vocational education programs;

d. Equipment included on lists provided by the Department of Education;

e. Adult vocational education to provide opportunities for adults to prepare for initial employment, retraining, or career advancement;

f. Apprenticeship-related instruction for apprentices registered with the U.S. Department of Labor.

3. Financial assistance provided through federal entitlements for serving disadvantaged and handicapped students may be used to support up to 50% of the excess costs associated with supplemental services provided to disadvantaged and handicapped students. Federal entitlements may not supplant state or local funds provided for this purpose.

§ 2.2. Local vocational plan and application.

Each local education agency shall submit a local vocational plan and application, for review and approval, to the Department of Education.

1. Each local education agency shall submit a local vocational plan and application which covers the same time period as the State Plan for Vocational Education.

2. The local plan and application shall include all statements of assurance and meet all necessary conditions prescribed by federal legislation.

3. In planning vocational education programs, services, and activities, consideration shall be given to similar

programs, services, and activities provided by community colleges, adult education, employment training, proprietary schools, and other organizations.

§ 2.3. Vocational Advisory Council.

Each local education agency or region shall establish a general vocational advisory council to provide advice to the local educational agency (or board) on current job needs and the relevancy of vocational programs offered and to assist in the development of the local plan and application.

1. Councils shall be composed of members of the public, especially representatives from business, industry, and labor, including appropriate representation of both sexes and the racial and ethnic minorities found in the school, community, or region served by the council.

2. A report shall be provided annually to the Department of Education describing activities of the Vocational Advisory Council.

§ 2.4. Program evaluation.

Each local education agency shall participate in state vocational education program evaluations, including student follow-up surveys, every five years.

§ 2.5. Reporting requirements.

Local education agencies shall provide data on vocational education for federal reporting and for state planning and evaluation as prescribed by the Department of Education.

§ 2.6. Management of equipment inventory.

Local education agencies shall maintain a current inventory of all equipment items having an acquisition cost of \$300 or more purchased in whole or in part with federal or state funds.

1. Such equipment shall be used in the program or project for which it was acquired. When the equipment item is no longer needed for the original program or project, it may be transferred to other programs or projects, supported in whole or in part with federal or state funds. If used less than full time in the project or program for which it was acquired, the equipment item may be shared with other programs or projects provided such other use will not interfere with work on the original program or project.

2. Equipment may be exchanged for replacement equipment either through trade-in or through sale and the proceeds applied to the acquisition cost of the replacement equipment.

3. Items of equipment purchased in whole or in part with federal or state funds, and no longer used, shall be disposed of in accordance with provisions of Education Department General Administrative Regulations (EDGAR), 34 CFR, Part 74, § 74.139 as revised July 1, 1983.

§ 2.7. Construction of facilities.

Construction of vocational facilities shall comply with all federal regulations pertaining to construction of educational facilities as provided by Education Department General Administrative Regulations (EDGAR), 34 CFR, Part 75, §§ 75.600 through 75.616 as revised July 1, 1983. Financial assistance, as available, may be used with local matching funds for architectural and engineering services, construction, supervision, and inspection services related to construction of the facility.

PART III. OPERATION OF VOCATIONAL EDUCATION PROGRAMS.

§ 3.1. Access to vocational programs.

Vocational education programs administered by local education agencies receiving federal or state education funds shall be made equally available and accessible to all persons, regardless of sex, race, creed, age, color, handicapping condition, or national origin.

§ 3.2. New vocational education programs.

The need for new occupational preparation programs shall be based on student and labor market demands.

§ 3.3. Program requirements.

The following operational requirements shall apply to vocational education programs:

1. The full sequence of courses shall be offered for each occupational preparation program.
2. Vocational education programs shall be competency-based to ensure that students are prepared to enter employment and continue formal education.
3. The following standards shall apply to competency-based programs in vocational education:
 - a. Role-relevant competencies are identified and stated.
 - b. Competencies are specified to students prior to instruction.
 - c. Criterion-referenced measures are used to evaluate achievement of competencies.
 - d. A system exists for documenting the competencies

achieved by each student.

§ 3.4. Special populations.

Handicapped and disadvantaged students enrolled in vocational education programs shall be served in the least restrictive environment. Individualized education programs for handicapped students enrolled in occupational preparation programs shall be developed cooperatively by special education and vocational education representatives.

1. Information concerning the opportunities available in vocational education shall be provided to handicapped and disadvantaged students and parents of such students no later than the beginning of the ninth grade, together with the requirements for eligibility for enrollment in such vocational education programs.

2. Each student who enrolls in a vocational education program and is identified as being disadvantaged or handicapped shall receive:

- a. Assessment of interests, abilities, and special needs with respect to successful completion of the vocational education program;
- b. Special services, including adaptation of curriculum, instruction, equipment, and facilities, designed to assist handicapped and disadvantaged students to successfully complete the vocational education program;
- c. Guidance, counseling, and career development activities conducted by professionally trained counselors who are associated with the provisions of such special services; and,
- d. Counseling services designed to facilitate the transition from school to post-school employment and career opportunities.

§ 3.5. Cooperative education.

A training plan and training agreement shall be developed and followed for each student placed in a cooperative education setting.

§ 3.6. Maximum class size.

Enrollments in vocational education classes shall not exceed the number of individual work stations. In addition, enrollments shall be restricted as follows:

1. Vocational education laboratory classes which use equipment that could result in bodily injury, if operated in an unsafe or improper manner, shall be limited to a maximum of 20 students per instructor.
2. In vocational education classes where the cooperative education method of instruction is

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required, enrollments shall be limited to 20 students per instructor.

3. Vocational education classes specially designed for disadvantaged students shall be limited to 15 students per instructor.

4. Vocational education classes specially designed for handicapped students shall be limited to 10 students per instructor or 12 students where an instructional aide is provided.

5. Vocational education teacher-coordinators shall be assigned no more than 20 students per period for on-the-job supervision.

§ 3.7. Vocational student organizations.

Vocational student organizations shall be an integral and active part of each vocational program. All vocational students shall be provided opportunities to participate in instructional activities of the organization whether or not dues are paid. Vocational student organizations are:

1. Agricultural Education - Future Farmers of America (FFA);
2. Business Education - Future Business Leaders of America (FBLA);
3. Health Occupations Education - Health Occupations Students of America (HOSA);
4. Home Economics Education - Future Homemakers of America/Home Economics Related Occupations (FHA/HERO);
5. Marketing Education - Distributive Education Clubs of America (DECA);
6. Technology Education - American Industrial Arts Student Association (AIASA);
7. Trade and Industrial Education - Vocational Industrial Clubs of America (VICA).

VIRGINIA EMPLOYMENT COMMISSION

Title of Regulation: VR 300-01-1. Virginia Employment Commission Regulations and General Rules - Definitions and General Provisions.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Public Hearing Date: April 23, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

This regulation expands former Regulation I by including definitions previously found in other regulations so as to follow the requirements of the Virginia Register Forms, Style and Procedure Manual by consolidating all definitions at the beginning of the agency's Regulations and General Rules. The definition of "wages" has been eliminated since that term is adequately defined in § 60.2-229 of the Code of Virginia. Definitions have been added for "additional claim," "continued claim," "initial claim," "new claim," and "severance and dismissal pay," since these terms have been previously interpreted through agency practice and a formal definition of them is deemed appropriate. The definitions of "benefits," "cash value of remuneration," "partially unemployed individual," and "part-total unemployment" have been modified slightly to eliminate unnecessary language or to resolve ambiguities. Additionally, the section relating to the development of regulations has been restructured with only minor housekeeping changes in the text. A third section concerning the review of regulations has been added in response to the requirements mandated by Executive Order Number 5, dated January 30, 1986.

VR 300-01-1. Virginia Employment Commission Regulations and General Rules - Definitions and General Provisions.

Pursuant to the authority contained in Section 60-1-1 through Section 60-1-134 of Title 60-1, Code of Virginia (1960); as amended, the Virginia Employment Commission adopts the following rules and regulations, effective June 1, 1978:

Regulation 1 - Definitions Generally

A. As used in these rules and regulations:

§ 1. Definitions.

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

1 "Act" shall mean means the Virginia Unemployment Compensation Act as defined in set out in Title 60.2 Section 60-1-1 (§ 60.2-100 et seq.) of the Code of Virginia (1960) as amended .

"Additional claim" means a claim for unemployment compensation benefits filed within an existing benefit year by a claimant who has had an intervening period of employment since filing a prior claim.

"Agent state" means any state in which an individual files a claim for benefits from another state.

"Agency" means any officer, board, commission or other authority charged with the administration of the unemployment compensation law of a participating jurisdiction.

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"Area of high unemployment" means that geographic area of Virginia including all cities and counties served by a particular full-service unemployment office where the average unemployment rate as determined by the Commission has been 10% or more during the first four of the last five completed calendar quarters.

"Benefits" means the compensation payable to an individual, with respect to his unemployment, under the unemployment insurance law of any state or under any federal program in which such compensation is payable in accordance with applicable state law.

2 "Cash Value of Remuneration" shall mean:

(a) If board, lodging, or any other payment in kind, considered as payment for services performed by a worker, is in addition to or in lieu of (rather than a deduction from) money-wages, the Commission may determine or shall approve the cash value of such payment in kind, and the employer shall use these cash values in computing contributions due under the law.

(b) As to rent, housing, lodging and board the value thereof shall be the amount agreed upon between the employer and worker at the time of entering into the contract of hire, if there be an agreement; or if there be no such agreement, then the value thereof shall be an amount equal to a fair estimate of what the worker would, according to his custom and station, pay for similar accommodations in the same community at premises other than those provided by the employer. For the purpose of computing contributions, the estimate on the items of lodging and board should not be less than the following rates:

Full board and room, weekly	\$38.50
Meals, per week	22.50
per week	3.50
per meal	1.50
Lodging, per week	16.00
per day	2.50

"Cash value of remuneration" means with respect to rent, housing, lodging, board, or any other payment in kind, considered as payment for services performed by a worker, in addition to or in lieu of (rather than a deduction from) money wages, the value agreed upon between the employing unit and the worker at the time of entering into the contract of hire or as mutually agreed thereafter. If there is no such agreement, the value thereof shall be an amount equal to a fair estimate of what the worker would, according to his custom and station, pay for similar goods, services, or accommodations in the same community at premises other than those

provided by the employing unit.

"Combined-wage claimant" means a claimant who has covered wages under the unemployment compensation law of more than one state and who has filed a claim under the Interstate Arrangement for Combining Employment and Wages.

3 "Commission" shall mean means the Virginia Employment Commission as defined in Section ~~60.1-31~~ § 60.2-108 of the Code of Virginia (1950), as amended .

"Continued claim" means a request for the payment of unemployment compensation benefits which is made after the filing of an initial claim.

"Initial claim" means any new, additional, or reopened claim for unemployment compensation benefits.

"Interstate Benefit Payment Plan" means the plan approved by the Interstate Conference of Employment Security Agencies under which benefits shall be payable to unemployed individuals absent from the state (or states) in which benefit credits have been accumulated.

"Interstate claimant" means an individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of an agent state. The term "interstate claimant" shall not include any individual who customarily commutes from a residence in an agent state to work in a liable state unless the Commission finds that this exclusion would create undue hardship on such claimants in specified areas.

"Interested jurisdiction" means any participating jurisdiction to which an election submitted under regulation VR 300-01-2, Part V, is sent for its approval and "interested agency" means the agency of such jurisdiction.

"Jurisdiction" means any state of the United States, the District of Columbia, Puerto Rico, and the U.S. Virginia Islands, or with respect to the federal government, the coverage of any federal unemployment compensation law.

"Liable state" means any state against which an individual files, through another state, a claim for benefits.

"Mass separation" means a separation (permanently or for an indefinite period or for an expected duration of seven days or more) at or about the same time and for the same reasons (i) of 20%, or more, of the total number of workers employed in an establishment, or (ii) of 50%, or more, of the total number of workers employed in any division or department of any establishment, or (iii) notwithstanding any of the foregoing, a separation at or about the same time and for the same reason of 25 or more workers employed in a single establishment.

"New claim" means a claim for unemployment compensation benefits filed in person at an unemployment insurance office or other location designated by the

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Commission by an individual who does not have an existing benefit year established.

"Partially unemployed individual" means an individual who during a particular week (i) had earnings, but less than his weekly benefit amounts, (ii) was employed by a regular employer, and (iii) worked, but less than his normal customary full-time hours for such regular employer because of lack of full-time work.

"Participating jurisdiction" means a jurisdiction whose administrative agency has subscribed to the Interstate Arrangement for Combining Employment and Wages and whose adherence thereto has not terminated.

"Part-total unemployment" means the unemployment of any individual in any week of less than full-time work in which he earns some remuneration (but less than his weekly benefit amount) and during which he is not attached to a regular employer; or, in any week in which he has wages such as holiday or vacation pay which are less than his weekly benefit amount, but where no actual work has been performed regardless of his attachment to a regular employer.

"Paying state" means (i) the state in which a combined-wage claimant files a combined-wage claim, if the claimant qualifies for unemployment benefits in that state on the basis of combined employment and wages, and combining will increase either the weekly benefit amount or the maximum benefit amount, or (ii) if the state in which a combined-wage claimant files a combined-wage claim is not the paying state under the criterion set forth in (i) above, or if the combined-wage claim is filed in Canada or the U.S. Virgin Islands, then the paying state shall be that state where the combined-wage claimant was last employed in covered employment among the states in which the claimant qualifies for unemployment benefits on the basis of combined employment and wages.

"Reopened claim" means the first claim for unemployment compensation benefits filed within an existing benefit year after a break in the claim series caused by any reason other than intervening employment.

"Services customarily performed by an individual in more than one jurisdiction" means services performed in more than one jurisdiction during a reasonable period, if the nature of the services gives reasonable assurance that they will continue to be performed in more than one jurisdiction or if such services are required or expected to be performed in more than one jurisdiction under the election.

"Severance and dismissal pay" means for the purpose of taxation and benefits, all payments made by an employer at or within 30 days of his separation. Such payments may be allocated by the employer for up to 30 days following separation, and will in such cases be deemed to have been paid in those weeks covered by the allocation. If no

allocation is made by the employer, such payments will be deemed allocated to the last day of work.

"State" means one of the United States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

"Total unemployment" means the unemployment of an individual in a week regardless of whether he is separated or attached to an employing unit's payroll, when he performs no work and has no wages payable to him.

"Transferring state" means a state in which a combined-wage claimant had covered employment and wages in the base period of a paying state, and which transfers such employment and wages to the paying state for its use in determining the benefit rights of such claimant under its law.

4. "Wages" shall mean all remuneration payable for personal services as defined in Section 60-1-26 of the Code of Virginia (1950), as amended; in addition to wages paid for employment during all pay periods:

(a) Effective July 1, 1978, all tips or gratuities paid to an employee and reported by the employee to the employer for the purposes of taxation shall be considered "wages" for purposes of both contributions and benefits.

B. § 2. Development of regulations.

‡ A. Pursuant to § 9-6.14:7.1 of the Code of Virginia, the Commission shall solicit the input of interested parties in the formulation and the development of its rules and regulations. The following public participation guidelines shall be used for this purpose.

‡ B. Interested parties for the purpose of this regulation shall be:

A 1. The Governor's Cabinet Secretaries.

B 2. Members of the Senate Committee on Commerce and Labor.

C 3. Members of the House Committee on Labor and Commerce.

D 4. Members of the State Advisory Council Board.

E 5. Special interest groups known to the Virginia Employment Commission.

F 6. Any individual or entity requesting to be an interested party.

G 7. Those parties who have expressed an interest in VEC regulations through oral or written comments in the past.

‡ C. Prior to the formulation of a proposed regulation,

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notice of an intent to draft a regulation shall appear in a Richmond newspaper and may appear in any newspaper circulated in localities particularly affected by the proposed regulation. Other media may also be utilized where appropriate, including but not limited to, trade or professional publications. Notice of an intent to draft a regulation shall also be mailed to all interested parties and shall be posted in all VEC offices across the state *Commonwealth*. These individuals, groups and the general public shall be invited to submit written data, views, and arguments on the formulation of the proposed regulation to the Commission at ~~703 East Main Street, its administrative office in Richmond, Virginia 23211~~.

4 D. Publication of the intent to draft a regulation, as well as, the proposed regulation may *shall* also appear in the Virginia Register of Regulations.

5 E. The State Advisory ~~Council~~ Board and special interest groups, including but not limited to, the A.F.L.-C.I.O., Virginia Manufacturers' Association, Retail Merchants' Association, State Chamber of Commerce and the State Employer Advisory ~~Council~~ Committee, shall be invited by mail to submit data, views and arguments orally to the Commission.

6 F. Failure of any interested party to receive notice to submit data, views, or oral or written arguments to the Commission shall not affect the implementation of any regulation otherwise formulated, developed and adopted pursuant to the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

7 G. The public participation guidelines of this regulation shall not apply to emergency regulations or those regulations excluded or exempted by any section of the Administrative Process Act.

8 H. Once the public participation guidelines have been implemented, the Commission may draft a regulation and proceed with adoption in accordance with the Administrative Process Act. During the formal procedures required by the Administrative Process Act, input will be solicited from the interested parties and the general public in writing to the Commission and at public hearings held at Richmond and, in the discretion of the Commission, at other locations.

Effective Date: October 1, 1984

§ 3. Review of regulations.

At least yearly, or more often as may be mandated by statute or Executive Order, a regulatory review committee consisting of one member from each division of the Commission shall meet to review these regulations and general rules. The committee shall recommend the retention, deletion, and amendment of the existing rules and regulations in light of their impact upon the general public and employers with emphasis upon the requirements of the Paperwork Reduction Project as

mandated by Executive Order. The committee shall also recommend additions to the regulations and general rules under the same criteria.

* * * * *

Title of Regulation: VR 300-01-2. Virginia Employment Commission Regulations and General Rules - Unemployment Taxes.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Public Hearing Date: April 23, 1987 - 10 a.m.
(See Calendar of Events section
for additional information)

Summary:

This regulation consolidates and restructures six former regulations concerning various aspects of unemployment taxes or payments in lieu thereof. A seventh, former Regulation VII dealing with the required posting of notices by employers found to be liable for taxes or payments in lieu thereof, has been eliminated, since that subject is adequately covered in § 60.2-106 of the Code of Virginia. All definitions found in the six former regulations have been removed to the definition section of VR 300-01-1 in accordance with the mandates of the Virginia Register Form, Style, and Procedure Manual. Throughout the new regulation, the words "tax" or "taxes" have been substituted for "contributions" in order to conform to the change in language made by the General Assembly in the recodification found in Title 60.2 of the Code of Virginia.

With otherwise minor technical changes, Part I embodies former Regulation II involving employers' liability for taxes or payments in lieu thereof and Part II encompasses former Regulation III relating to records required to be maintained by employing units. Part III covers reports which must be submitted by employers as found in former Regulation IV with the deletion of language relating to seasonal workers and workers covered under the Comprehensive Employment and Training Act (CETA). Deletions were made because the General Assembly has repealed the seasonality provisions of the Virginia Unemployment Compensation Act and Congress has repealed the CETA law. Part IV sets forth the requirements and procedures for establishing employer group accounts as previously found in Regulation V, as well as the requirements and procedures for establishing joint accounts for governmental entities as found in former Regulation VI. Finally, Part V deals with the Interstate Reciprocal Coverage Arrangement by which certain employers can elect to pay unemployment taxes to one state when work has been performed in more than one state. This language was formerly set out in Regulation XII.

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VR 300-01-2. Virginia Employment Commission Regulations and General Rules - Unemployment Taxes.

Regulation H - Contribution by Employers

PART I. LIABILITY FOR TAXES OR PAYMENTS IN LIEU THEREOF.

§ 1.1. Taxable employers.

A. ~~Contributions Taxes~~ shall become due and be payable quarterly on the last day of the month next following the end of the calendar quarter for which ~~the contributions~~ they have accrued by all employers except the State Commonwealth of Virginia, Governmental entities and those nonprofit organizations which have elected to finance their benefit costs on a reimbursable basis, pursuant to the provisions of ~~Section 60-1-89 §§ 60.2-501 through Section 60-1-89-2 60.2-507~~ of the ~~Act Code of Virginia~~.

B. The first ~~contribution tax~~ payment of an employer who becomes liable for ~~contributions taxes~~ in any year because of employment performed for him shall become due and be payable on the next due date of ~~contributions~~ following the month wherein in which he became subject to this Act the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) of Code of Virginia. The first payment of such an employer becoming liable in the course of a calendar year, shall include ~~contributions taxes~~ with respect to all wages payable for employment for each such employing unit from the first day of the calendar year.

C. The first contribution payment of an employer who becomes liable for contributions in any year in any other manner shall become due and be payable on the next due date of contributions following the months wherein each such employing unit became an employer. The first payment of such an employer shall include contributions with respect to all wages payable for employment for each such employing unit since the first day of the calendar year.

D. C. The payment for each of said quarters shall include ~~contributions taxes~~ with respect to wages payable for employment in all pay periods (weekly, biweekly, semi-monthly, monthly) ending within each such calendar quarter.

E. D. Upon written request of any employer filed with the Commission on or before the due date of any ~~contribution tax~~ payment, the Commission for good cause may grant in writing an extension of time for the payment of such ~~contributions taxes~~, but ~~(1)~~ (i) no extension of time shall exceed thirty days, and ~~(2)~~ (ii) no extension shall postpone payment beyond the last date for filing tax returns under the Federal Unemployment Tax Act ~~(3)~~, and (iii) If an employer who has been granted an extension fails to pay his contribution on or before the termination of the period of such extension, interest as

provided in § 60.2-519 of the Code of Virginia shall be payable from the original due date as if no extension had been granted.

§ 1.2. Reimbursable employers.

F. A. Bond to be furnished by reimbursable employers.

All nonprofit organizations, pursuant to the provisions of ~~Section 60-1-89 § 60.2-501~~ of the ~~Act Code of Virginia~~ shall file with the Chief of Contributions Tax at the Commission's administrative office a surety bond equal to 1.0% of the employer's taxable payroll wages, as defined in § 60.2-229 of the Code of Virginia, for the most recent four calendar quarters prior to the election to make payments in lieu of ~~contributions taxes~~, such bond to be executed by an approved bonding company. Any such nonprofit organization having made the election to make payments in lieu of ~~contributions taxes~~ prior to the effective date of these rules and regulations shall file with the Chief of Contributions Tax at the Commission's administrative office a surety bond equal to 1.0% of the employer's taxable payroll for the most recent four calendar quarters prior to the effective date of these rules and regulations. If the nonprofit organization did not pay wages in each of such four calendar quarters the amount of the bond or deposit shall be 1.0% of the taxable payroll estimated for four calendar quarters from any such quarters in which the organization did pay wages. If the nonprofit organization did not pay wages in any quarter, then the amount of bond or deposit shall be 1.0% of taxable payroll estimated by the organization, such estimate to be adjusted at the end of four calendar quarters by the Commission.

B. Deposit in lieu of bond.

Any nonprofit organization may elect to deposit with the Commission money or securities equal to 1.0% of the employer's taxable payroll for the most recent four calendar quarters prior to the election to make payments in lieu of ~~contributions taxes~~ rather than filing the above mentioned bond. Any deposit of money or securities shall be retained in an escrow account until liability is terminated at which time it shall be returned to the organization less any deductions. The Commission may deduct from the money or sell the securities to the extent necessary to satisfy any due and unpaid payments in lieu of ~~contributions taxes or any unpaid taxes~~ and any applicable interests and penalties. Within thirty days following any such deduction the employer must deposit sufficient additional money or securities to make whole its deposit at the prior 1.0% level.

If any nonprofit organization fails to file such bond with the Commission within thirty days after such election ~~(or the effective date of these Rules and Regulations if such election was prior to the effective date)~~, the Commission may terminate such the organization's election to make payments in lieu of ~~contributions taxes~~.

Regulation III - Employing Unit Records

PART II. REQUIRED RECORDS AND REPORTS.

§ 2.1. Employing unit records.

A. Each employing unit as defined under Section ~~60-1-13~~ § 60.2-211 of the Virginia Unemployment Compensation Act Code of Virginia having services performed for it, shall maintain records reasonably protected against damage or loss as hereinafter indicated and shall preserve such records. These records shall include for each worker:

1. Name *Full legal name*;
2. Social security account number;
3. State or states in which his services are performed; and if any of such services are performed outside ~~this state the Commonwealth of Virginia~~ not incidental to the services within the *state Commonwealth of Virginia*, his base of operations with respect to such services (or if there is no base of operations then the place from which such services are directed or controlled) and his residence (by state). Where the services are performed outside the *states United States*, the country in which performed;
4. The date ~~on which he was hired, rehired, or returned of hire, rehire, or return to work after temporary lay-off~~;
5. The date when work was ~~terminated by lay-off quit, discharge or death, ceased~~ and the reason for such *termination cessation*;
6. Scheduled hours (except for workers without a fixed schedule of hours, such as those working outside their employer's establishment in such a manner that the employer has no record or definite knowledge of their working hours);
7. ~~(a.)~~ a. Wages earned in any week of partial unemployment as such week is defined in Section ~~A(2)~~ of Regulation IX VR 300-01-1;
~~(b.)~~ b. Whether any week was in fact a week of less than full-time work;
~~(c.)~~ c. Time lost, if any, by each such worker, and the reason therefor;
8. ~~His money~~ Total wages in each pay period and ~~his the~~ total wages payable for all pay periods ending in each quarter showing separately ~~(1)~~ (i) money wages, including tips and dismissal or severance pay and ~~(2)~~ (ii) the cash value of other remuneration, ~~(determined in accordance with rules prescribed by the Commission)~~;

9. Any special payments for service other than those rendered exclusively in a given quarter, such as annual bonuses, gifts, prizes, etc., showing separately, ~~(1)~~ (i) money payments, ~~(2)~~ (ii) other remuneration, and (iii) nature of said payments;

10. Amounts paid each worker as advancement, allowance or reimbursement for traveling or other business expenses, dates of payment, and the amounts of expenditures actually incurred and accounted for by such worker;

11. Location in which ~~his~~ *the worker's* services are performed within or outside of the United States and dates such services are performed out of the United States. For the purposes of this subsection, "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the U. S. Virgin Islands.

B. Records required by this regulation to be maintained by employing units under the Act *Virginia Unemployment Compensation Act* (§ 60.2-100 et seq.) of the Code of Virginia shall be preserved for four years from the date of payment of the tax based thereon and shall be subject to examination and audit by the Commission.

C. If such records are not maintained, there shall be a presumption in favor of the party making an allegation, and the burden of overcoming such presumption by ~~clear and convincing~~ evidence shall rest upon the party which has failed to maintain the required records.

Regulation IV - Employer Reports

PART III. EMPLOYER REPORTS.

§ 3.1. Required reports.

A. Each employer as defined in Section ~~60-1-12~~ § 60.2-210 of the Virginia Unemployment Compensation Act Code of Virginia, as amended 1977, shall report to the Commission for each calendar quarter all the information concerning the number of workers subject to the Act *Virginia Unemployment Compensation Act* (§ 60.2-100 et seq.) of the Code of Virginia and the total wages payable with respect to employment in pay periods ending within each such quarter. Upon request, each such employer shall furnish the Commission a ~~supplemental report~~ *additional information* revealing the wages earned by an individual in his employment during the time intervening between the last pay period for which wages were paid in any quarter and the end of such quarter.

B. Each employer shall report quarterly, not later than the last day of the month ~~succeeding~~ *following* the end of the *calendar* quarter, on forms prescribed by the Commission the following:

1. Employer's name, address, and any registration

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- number assigned to him by the Commission;
2. The quarterly period covered by the report;
3. The social security account numbers of the workers;
4. The full legal names of workers with surnames last;

NOTE: The word "SEASONAL" or the letter (S) in parenthesis must be typed or printed after the surname of each employee who performed services in any department which was declared seasonal by the Commission. If the employee worked during the quarter in a nonseasonal as well as a seasonal department, then his wages must be separated indicating seasonal and nonseasonal.

5. Each worker's gross earnings total wages paid for the quarter. Such reports shall be submitted for each of the calendar quarters of each year.

6. Covered employers with public service employees under the Comprehensive Employment Training Act (CETA/PSE) will be assigned two numbers, and will receive two quarterly reports each quarter. Participants under the CETA/PSE program will be reported on the report marked "Public Service Employment."

C. An employer shall immediately notify the Commission of the filing of any voluntary or involuntary petition in bankruptcy or other proceeding under the Federal Bankruptcy Act Code and, also, of the commencement of any receivership or similar proceeding, or of any assignment for benefit of creditors, and of any order of court under the laws of Virginia with respect to the foregoing.

D. Employing unit reports.

1. Each employing unit shall make such reports as the Commission may require and shall comply with instructions printed upon any report form issued by the Commission pertaining to the preparation and return of such report.

2. Any employing unit which becomes an employer shall give notice to the Commission of that fact within thirty days. Such notice shall contain the employer's name, home address, business address, and name of business, if any.

3. Any employer who terminates his business for any reason or transfers or sells the whole or any part of his business or changes the name or address, or both, of his business shall within thirty days of such action give notice of such fact in writing to the Commission. The notice shall contain the employer's name, address, and account number along with the name, address, and account number of any new owner or part owner.

E. Officers of Corporation.

An officer of a corporation to be considered as being in the employment of a corporation must (1) perform services, and (2) these services must be performed either (a) for remuneration or (b) under a contract of hire.

Every corporation shall file with the Commission a verified list of its officers, and registered agent. Where it is claimed that any of the officers are not in the corporation's employment, a complete statement of the reasons must shall be presented with said list.

An officer of a corporation to be considered as being in the employment of a corporation shall perform services, and these services shall be performed either (i) for remuneration or (ii) under a contract of hire.

Regulation V - Group Accounts

PART IV. COMBINED EMPLOYER ACCOUNTS.

§ 4.1. Group accounts for employers.

A. All applications for the establishment of a group account pursuant to the provisions of Section 60-1-89(6) § 60.2-505 of the Act Code of Virginia shall show:

1. Name, address, and established account number of member employing units;
2. Name and address of the authorized group representative;
3. Signature of authorized representative of each employing unit;
4. An authorization for the representative named by the group to act for the group.

B. Approval of an application for a group account shall be contingent upon the active employing unit account of each proposed member being currently paid with no existing delinquencies.

C. A group account shall:

1. Become effective after approval by the Commission, as of the first day of the calendar year succeeding the year in which the application is received by the Commission; however, such application must shall be received by the Commission not later than 30 days prior to the beginning of the calendar year in which the joint account becomes effective;
2. Remain in effect for not less than two calendar years;
3. Be terminated upon written request received by the Commission no later than 30 days prior to the beginning of the calendar year for which such termination shall be effective, or at the discretion of

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the Commission.

D. An active employing unit which is a member of a continuing group account may withdraw from such group account effective January 1, or other date at the discretion of the Commission.

1. Any employing unit which is a member of a group account may apply for withdrawal from such group account upon written notice to the Commission not less than 60 days prior to the desired date of withdrawal.

2. Within 10 days of receipt of such notice, the Commission shall approve or deny such application and give notice thereof to the employing unit and the group account.

3. If the withdrawal will eliminate the group account, notice will be given to the account by the Commission and the account will be terminated effective as of the date of withdrawal.

4. If there are two or more employers who will remain in the group account after the effective date of such withdrawal, the authorized representative shall submit an amended application pursuant to subsection A of this part section not less than 30 days prior to the effective date of the withdrawal.

5. Upon approval of such application for withdrawal, the withdrawal from such group account shall become effective January 1, or such other date as determined by the Commission.

E. An active employer may be added to an existing authorized group account provided that the authorized representative submits an amended application to the Commission for approval 30 days prior to the effective date. (Effective January 1, or other date at the discretion of the Commission.)

F. Initial responsibility to the Commission for payment of the quarterly cumulative billing shall rest with the authorized representative of the group account; however, if he does not meet that responsibility within 30 days from the date the billing was mailed to him by the Commission, each member of the group shall be liable for payments in lieu of contributions taxes in accordance with Section 60.1-89(6) § 60.2-505 of the Virginia Unemployment Compensation Act Code of Virginia .

G. Past due or unpaid amounts in lieu of contributions taxes by a group account are subject to the same interest, penalty, assessment, or other collection provisions of the Act as apply to employer contributions taxes pursuant to Chapter 5, Article 3 §§ 60.2-513 and 60.2-519 through 60.2-524 of the Act Code of Virginia . Although responsibility for payment of the group account to the Commission shall rest with the authorized representative of the group account, each member of the group account

continues to be legally liable for his part of the group account until it is paid.

H. The representative shall file, within 30 days after the end of each calendar quarter, the wage reports of each member of the group on forms furnished by the Commission; provided, however, that the failure to furnish such forms shall not relieve the representative from filing such reports.

I. The Commission shall issue a quarterly billing for each group account with respect to the combined benefit charges of all members of the group and shall mail such billing to the last known address of the authorized representative of said the group.

Regulation VI - Joint Accounts for Governmental Entities

§ 4.2. Joint accounts for governmental entities.

A. All applications for the establishment of a joint account pursuant to the provisions of Section 60.1-89.2 § 60.2-507 of the Act Code of Virginia shall show:

1. Name, address, and established account number of member employing units;
2. Name and address of the authorized joint account representative;
3. Signature of authorized representative of each employing unit;
4. An authorization for the representative named by the member units to act for the joint account.

B. Approval of an application for a joint account shall be contingent upon the active employing unit account of each proposed member being currently paid with no existing delinquencies.

C. A joint account shall:

1. Become effective after approval by the Commission, as of the first day of the calendar year succeeding the year in which the application is received by the Commission; however, such application must be received by the Commission not later than 30 days prior to the beginning of the calendar year in which the joint account becomes effective;
2. Remain in effect for not less than two calendar years;
3. Be terminated upon written request received by the Commission no later than 30 days prior to the beginning of the calendar year for which such termination shall be effective, or at the discretion of the Commission.

D. An active employing unit which is a member of a

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continuing joint account may withdraw from such joint account effective January 1, or other date at the discretion of the Commission, provided that:

1. Any employing unit which is a member of a joint account may apply for withdrawal from such joint account upon written notice to the Commission not less than 60 days prior to the desired date of withdrawal.
2. Within 10 days of receipt of such notice, the Commission shall approve or deny such application and give notice thereof to the employing unit and the joint account.
3. If the withdrawal will eliminate the joint account, notice will be given to the account by the Commission and the account will be terminated effective as of the date of withdrawal.
4. If there are two or more employers who will remain in the joint account after the effective date of such withdrawal, the authorized representative shall submit an amended application pursuant to paragraph A of this Regulation ~~part~~ not less than 30 days prior to the effective date of the withdrawal.
5. Upon approval of such application for withdrawal, the withdrawal from such joint account shall become effective January 1, or such other date as determined by the Commission.

E. An active employer may be added to an existing authorized joint account provided that the authorized representative submits an amended application to the Commission for approval 30 days prior to the effective date. (Effective January 1, or other date at the discretion of the Commission.)

F. Each joint account may elect to finance benefits to its employees by either ~~contributions taxes~~, (as set forth in ~~Section 60.1-79 §§ 60.2-526 through Section 60.1-86 60.2-533 of the Act Code of Virginia~~), or payments in lieu of ~~contributions taxes~~ as set forth in ~~Section 60.1-89 § 60.2-501 of the Act Code of Virginia~~. Such election shall be made upon forms provided by the Commission and shall become effective on the first day of the calendar year succeeding such election and shall remain effective for at least one calendar year. Such election shall be received by the Commission at least 30 days prior to the date on which the election becomes effective.

Nothing contained in this paragraph ~~subsection~~ shall prevent a joint account which has elected a method for financing benefits to its employees from electing to finance benefits by the alternative method during any subsequent year.

G. Prior to January 1, 1978, any joint account electing to finance benefits to its employees by contributions shall be assigned a contribution rate of 1%. Subsequent to

January 1, 1978, any Any joint account electing to finance benefits to its employees by ~~contributions taxes~~ shall receive a ~~contribution tax rate~~ computed, pursuant to the provisions of ~~Section 60.1-79 §§ 60.2-526 through Section 60.1-86 60.2-533 of the Act Code of Virginia~~, on the combined experience of each of its member units.

H. Initial responsibility to the Commission for payment of the quarterly cumulative billing shall rest with the authorized representative of the joint account; however, if he does not meet that responsibility within 30 days from the date the billing was mailed to him by the Commission, each member of the joint account shall be liable for payments in lieu of ~~contributions taxes~~ in accordance with ~~Section 60.1-89(G) § 60.2-505 of the Virginia Unemployment Compensation Act Code of Virginia~~. Past due or unpaid amounts in lieu of ~~contributions taxes~~ by a joint account are subject to the same interest, penalty, assessment, or other collection provisions of the ~~Act Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) of the Code of Virginia~~ as apply to employer ~~contributions taxes~~ pursuant to ~~Chapter 5, Article 3 §§ 60.2-513 and 60.2-519 through 60.2-524 of the Act Code of Virginia~~.

I. Any joint account electing to finance benefits to its employees by ~~contributions taxes~~ pursuant to ~~Section 60.1-79 §§ 60.2-526 through Section 60.1-86 60.2-533 of the Act Code of Virginia~~ shall follow the procedures set forth in ~~Regulation H, paragraphs (A) through (D) Part I, § 1.1 of these regulations~~.

J. The representative shall file, within 30 days after the end of each calendar quarter, the wage reports of each member of the joint account on forms furnished by the Commission; ~~provided, however, that the failure to furnish such forms shall not relieve the representative from filing such reports~~.

K. The Commission shall issue a quarterly billing for each joint account with respect to the combined benefit charges of all members of the joint account and shall mail such billing to the last known address of the authorized representative of said joint account.

Regulation VII - Notices

A. Posting of Notices

Every employer (including every employing unit which has become an employer by election under the provisions of the Act) shall post and maintain printed notices to his workers informing them that he has been determined liable for contributions under the Virginia Unemployment Compensation Act. Such notices shall be furnished by the Commission in such number as it may determine to be necessary and shall be posted and maintained in conspicuous places as near as practicable to the actual locations where the workers' services are performed. No such notice shall be posted or maintained by any person or employing unit to whom an unemployment compensation account number has not been assigned by

the Commission or who has ceased to be an employer.

PART V.
EMPLOYER ELECTIONS TO COVER MULTI-STATE
WORKERS.

§ 5.1. *Interstate Reciprocal Coverage Arrangement.*

A. The following regulations This section shall govern the Commission in its administrative cooperation with other states subscribing to the Interstate Reciprocal Coverage Arrangement pursuant to Title 60.2 of the Code of Virginia, hereinafter referred to as "the Arrangement."

B. Definitions: As used in this regulation, unless the context clearly indicates otherwise:

1. Jurisdiction means any state of the United States, the District of Columbia, Puerto Rico, and the Virgin Islands, or with respect to the Federal Government, the coverage of any Federal Unemployment Compensation law.

2. Participating jurisdiction means a jurisdiction whose administrative agency has subscribed to the Arrangement and whose adherence thereto has not terminated.

3. Agency means any officer, board, commission or other authority charged with the administration of the unemployment compensation law of a participating jurisdiction.

4. Interested jurisdiction means any participating jurisdiction to which an election submitted under this regulation is sent for its approval and "interested agency" means the agency of such jurisdiction.

5. Services "customarily performed" by an individual in more than one jurisdiction means services performed in more than one jurisdiction during a reasonable period, if the nature of the services gives reasonable assurance that they will continue to be performed in more than one jurisdiction or if such services are required or expected to be performed in more than one jurisdiction under the election.

C. B. Submission and approval of Coverage Elections Under coverage elections under the Interstate Reciprocal Coverage Arrangement is made as follows:

1. Any employing unit may file an election on Form RC-1 to cover under the law of a single participating jurisdiction all of the services performed for him by an individual who customarily works for him in more than one participating jurisdiction.

Such an election may be filed, with respect to an individual, with any participating jurisdiction in which (1) (i) any part of the individual's services are performed, (2) (ii) the individual has his residence, or

(3) (iii) the employing unit maintains a place of business to which the individual's services bear a reasonable relation.

2. The agency of the elected jurisdiction (thus selected and determined) shall initially approve or disapprove the election.

If such agency approves the election, it shall forward a copy thereof to the agency of each other participating jurisdiction specified thereon under whose unemployment compensation law the individual or individuals in question might, in the absence of such election, be covered. Each such interested agency shall approve or disapprove the election, as promptly as practicable and shall notify the agency of the elected jurisdiction accordingly.

In case its law so requires, any such interested agency may, before taking action, require from the electing employing unit satisfactory evidence that the affected employees have been notified of, and have acquiesced in the election.

3. If the agency of the elected jurisdiction or the agency of any interested jurisdiction disapproved the election, the disapproving agency shall notify the elected jurisdiction and the electing employing unit of its action and reasons therefor.

4. Such an election shall take effect as to the elected jurisdiction only if approved by its agency and by one or more interested agencies. An election thus approved shall take effect, as to any interested agency, only if it is approved by such agency.

5. In case any such election is approved only in part or is disapproved by some of such agencies, the electing employing unit may withdraw its election within 10 days after being notified of such action.

D. Effective Period of Elections:

C. Effective period of elections.

1. Commencement.

An election duly approved under this regulation section shall become effective at the beginning of the calendar quarter in which the election was submitted unless the election as approved, specifies the beginning of a different calendar quarter.

If the electing unit requests an earlier effective date than the beginning of the calendar quarter in which the election is submitted, such earlier date may be approved solely as to those interested jurisdictions in which the employer had no liability to pay contributions taxes for the earlier period in question.

2. Termination.

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(a-) a. The application of any election to any individual under this regulation section shall terminate if the agency of the elected jurisdiction finds the nature of the services customarily performed by the individual for the electing unit has changed so that they are no longer customarily performed in more than one participating jurisdiction. Such termination shall be effective as of the close of the calendar quarter in which notice of such finding is mailed to all parties affected.

(b-) b. Except as provided in subparagraph (a) a , each election approved hereunder shall remain in effect through the close of the calendar year in which it is submitted and thereafter until the close of the calendar quarter in which the electing unit gives written notice of its termination to all affected agencies.

(c-) c. Whenever an election under this regulation section ceases to apply to any individual under subparagraph (a) a or (b) b , the electing unit shall notify the affected individual accordingly. -

E. Reports and Notices by the Electing Unit.

D. Reports and notices by the electing unit.

1. The electing unit shall promptly notify each individual affected by its approved election, on the form supplied by the elected jurisdiction and shall furnish the elected agency a copy of such notice.

2. Whenever an individual covered by an election under this regulation section is separated from his employment, the electing unit shall again notify him forthwith as to the jurisdiction under whose unemployment compensation law his services have been covered. If at the time of termination the individual is not located in the elected jurisdiction, the electing unit shall notify him as to the procedure for filing interstate benefit claims.

3. The electing unit shall immediately report to the elected jurisdiction any change which occurs in the conditions of employment pertinent to its election, such as cases where an individual's services for the employer cease to be customarily performed in more than one participating jurisdiction or where a change in the work assigned to an individual requires him to perform services in a new participating jurisdiction.

F. Approval of Reciprocal Coverage Elections.

E. Approval of reciprocal coverage elections.

The authority to approve or disapprove reciprocal coverage elections in accordance with this regulation section shall be vested in the Commissioner or his duly authorized representative .

Regulation VIII - Total and Part total Unemployment

A. Definitions.

1. Total Unemployment.

"Total Unemployment" occurs with respect to a week whenever an individual, regardless of whether he or she is separated or attached to an employing unit's payroll, performs no work and has no wages payable to him. An individual who performs any service in self-employment during any week shall not be considered as unemployed during such week.

2. Part-total Unemployment.

The term "part-total unemployment" means the unemployment of any individual in any week of less than full-time work in which he earns some remuneration (but less than his weekly benefit amount) and during which he is not attached to a regular employer.

REGISTRAR'S NOTICE: Due to the large number of forms filed by the Virginia Employment Commission, the forms are not being published in the Virginia Register. However, each form referenced in the regulation is listed below and is available for public inspection at the office of the Registrar of Regulations and at the Virginia Employment Commission, 703 East Main Street, Richmond, Virginia 23219.

FC-10A

Employer's Quarterly Payroll Report

FC-16

Information for Use in Determining Whether Employee/Employer Relationship Exists for Purposes of State Unemployment Taxes

FC-20

Quarterly Payroll Report

FC-24

Voluntary Election to Become an Employer Under the Virginia Unemployment Compensation Act

FC-29

Tax Rate Notice

FC-27

Report to Determine Liability

FC-34

Statement to Correct Wage Information Previously Reported to VEC

FC-45

Division of Taxable Payroll Partial Acquisitions

FC-47

Proposed Regulations

Election by Nonprofit Organizations, Government Agencies or Political Subdivisions

FC-53
Notice to Appear in Lieu of Summons

FC-48
Notice to Employer of Tax Liability

FC-60
Request for Employment Data

* * * * *

Title of Regulation: VR 300-01-3. Virginia Employment Commission Regulations and General Rules - Benefits.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Public Hearing Date: April 23, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

This regulation consolidates and restructures five former regulations, all dealing with unemployment compensation benefits. A sixth, former Regulation XV, involving governmental subrogation in cases of benefit overpayments has been eliminated since the General Assembly has repealed the language in the Virginia Unemployment Compensation Act under which subrogation was permitted. Definitions formerly found in the individual regulations have been removed to the definition section in VR 300-01-1 in accordance with the requirements of the Virginia Register Form, Style, and Procedure Manual.

Part I covers total and part-total unemployment, the topic of former Regulation VIII. Continued claim filing requirements have been changed to emphasize the fact that reporting by mail is now the norm with reporting in-person being the exception. The paragraph on the late filing of continued claims has been changed to clarify the ambiguity found in the language "date of his last claim filed" and to emphasize that a failure to file within the specified period will require a claimant to report back to his local unemployment insurance office in person if he wishes to claim additional benefits. Also added is a subsection, concerning the work search requirement, applicable to claimants who are totally unemployed which codifies what had formerly been agency policy. The subsection on "adjustment to work search requirement" makes permanent the deletion of language formerly accomplished through an emergency regulation.

Part II encompasses former Regulation IX relating to claims for partial unemployment compensation. The only substantive change is the addition of a subsection on work search requirements to codify what had

previously been agency policy.

Part III sets out the cooperative agreement by which the agency handles interstate claims and there is virtually no change from former Regulation X.

Similarly, Part IV covering the cooperative agreement by which the agency transfers or receives wage credits and pays benefits to certain claimants who have worked in more than one state was formerly found in Regulation XIII.

Finally, Part V sets forth the miscellaneous benefit provisions of former Regulation XIV. The payment of benefits due a deceased claimant is made dependent upon proof of death and any check will be made payable to the decedent's estate rather than the personal representative. Training approval has been limited to situations not involving two federal laws which have requirements to be met specifically set out in § 60.2-613 of the Code of Virginia, and claimants in approved training are given the responsibility of periodically reporting their attendance to the agency.

VR 300-01-3. Virginia Employment Commission Regulations and General Rules - Benefits.

PART I TOTAL AND PART-TOTAL UNEMPLOYMENT.

§ 1.1. Claimant and employer responsibilities.

3. A. Week of total or part-total unemployment.

(a) 1. An individual's week of total or part-total unemployment shall consist of the seven-consecutive-day period beginning with the Sunday prior to the first day he files his claim and registers at an employment office, except as provided in subsections paragraphs (b) 2; (e); and (d) 3 of this section subsection ; and, thereafter, the seven-consecutive-day period following any week of such unemployment, provided the individual reports as required by Section subsection C of this Regulation section .

(b) 2. A week of total or part-total unemployment of an individual located in an area served only by the itinerant service of the Commission shall consist of the seven-consecutive-day period beginning with the Sunday prior to the first day of such individual's unemployment, provided that such individual registers in person with such itinerant service at the first available opportunity next following the commencement of his total or part-total unemployment except as provided in subsection (e) paragraph 3 of this section subsection ; and, thereafter, the seven-consecutive-day period following any week of such unemployment provided the individual reports as required by Section subsection C of this Regulation section.

Proposed Regulations

(c) A week of total or part-total unemployment of an individual who fails to so register as hereinabove provided, for reasons found by the Commission to constitute good cause shall consist of the 7-consecutive-day period beginning with the Sunday prior to the first day of such individual's unemployment provided that he registers in person at an employment office within a period of 7 days after such first day of his unemployment, or with the itinerant service at the next available opportunity therefor after such first opportunity and, thereafter, the 7-consecutive-day period following any week of total or part-total unemployment provided the individual reports as required by Section C of of this Regulation.

(d) 3. A week of total or part-total unemployment of an individual affected by a mass separation or a labor dispute with respect to which arrangements are made for group reporting by the employer as provided in Section B2 below, shall consist of the seven-consecutive-day period beginning with the Sunday prior to the first day of his unemployment provided that notice thereof is filed by the individual the group reporting is conducted within 13 days next following the first day of unemployment.

4. Mass Separation. The term "mass separation" means a separation (permanently or for an indefinite period or for an expected duration of seven days or more) at or about the same time and for the same reasons (1) of twenty or more percent of the total number of workers employed in an establishment, or (2) of fifty or more percent of the total number of workers employed in any division or department of an establishment, or (3) notwithstanding any of the foregoing, a separation at or about the same time and for the same reason of twenty-five or more workers employed in a single establishment.

B. Employer Responsibility - Furnishing Employment Separation and Wage Reports Upon Request of the Commission.

B. Employer to furnish employment separation and wage reports upon request of the Commission.

1. Total Unemployment - All Types. Cases of total unemployment. Whenever an employing unit receives a Notice, Form VEC B 10(b), together with Employer's Report of Separation and Wage Information, Form VEC B 10(e), an Employer's Report of Separation and Wage Information from the Commission informing it that an individual has filed a claim for benefits, such employing unit shall within five calendar days after receipt of such information complete the Employer's Report of Separation and Wage Information, Form VEC B 10(e) report and return it to the office from which the informatory notice was sent. That portion of the Employer's Report of Separation and Wage Information to be completed

by the employing unit shall set forth:

- (a) a. The date the worker began working;
- (b) b. The last day on which he actually worked;
- (c) c. A check mark in the block indicating the reason for separation and a brief statement of the reason for the separation;
- (d) d. Such other information as is required by such form. The employing unit's official name and account number, if any, assigned to such the employing unit by the Commission shall appear on the signed report.

2. Mass Separation. Cases involving a mass separation.

(a) a. In lieu of furnishing the Commission an individual separation report for each employee filing a claim as otherwise provided in this Regulation section, an employer shall file a list of workers involved in the mass separation with the office nearest such workers' place of employment within 24 hours of the date of separation (except as provided in subsection (b) of this Regulation subdivision b below). Such list shall include the workers' social security account numbers.

(b) b. Strike, lock-out, or other labor dispute. Where the total unemployment is due to a strike, lock-out, or other labor dispute, the employer shall file with the Commission unemployment insurance office nearest his place of business, in lieu of a mass separation notice or individual workers separation notices, a notice setting forth the existence of such dispute and the approximate number of workers affected. Upon request by the Commission, such employer shall furnish to said the Commission, the names and social security account numbers of the worker ordinarily attached to the department or the establishment where unemployment is caused by a strike, lock-out, or other labor dispute.

C. Procedure for worker to follow in filing a claim for benefits.

1. Each claimant shall appear personally at the Commission unemployment insurance office most accessible to him or at a location designated by the Commission, and shall there file a claim for benefits setting forth (1) (i) his unemployment and that he claims benefits, (2) (ii) that he is able to work and is available for work, and (3) (iii) such other information as is required thereby. A claim for benefits, when filed, may also constitute both the individual's registration for work and his claim for benefits or waiting period credits.

2. Except as otherwise provided in this Regulation section the claimant shall continue to report as

Proposed Regulations

directed during a continuous period of unemployment. The Commission, however, for reasons found to constitute good cause for any claimant's inability to continue to report to the office at which he registered and filed his claim for benefits, may permit such claimant to report to any other Employment Service unemployment insurance office.

The Commission shall permit continued claims to be filed by mail on a bi-weekly basis in any of the following circumstances unless special conditions require in-person reporting. Such special conditions may include:

(a) a. He is located in an isolated area requiring the expenditure of an unreasonable amount of time or money in traveling to the nearest local office to file claims in person. When a claimant is reporting back to claim his first week(s) after filing an initial, additional, or reopened claim and he has not returned to work in the meantime ;

(b) b. Conditions make it impracticable for the Commission to take claims in person. When a claimant needs assistance in order to completely and accurately fill out his claim forms so as to avoid delays in processing his claims by mail ;

(c) c. He has returned to full-time work on or before the scheduled date for his filing a claim. When, in the opinion of the local unemployment insurance manager or deputy, there is a question of eligibility or qualification which must be resolved through an in-person interview ;

(d) d. The Commission finds that he has good cause for failing to file a claim in person. When a claimant who would normally be reporting by mail receives no additional claim cards and he wishes to continue claiming benefits.

e. When a claimant requests to report in person due to problems associated with the receipt of mail.

3. **Late Filing of Total or Part-total New or Additional Claims:** Late filing of total or part-total claims. All initial total or part-total unemployment claims (~~initial or additional~~) shall be effective on the Sunday of the week in which an individual reports to a Commission local office or a location designated by the Commission to file a claim. The only exceptions to the above are:

(a) a. The Commission is at fault due to a representative of the Commission giving inadequate or misleading information to an individual about filing a claim;

(b) b. A previous claim was filed against a wrong liable state;

(e) c. Filing delayed due to circumstances attributable to the Commission;

(d) d. Transitional claim filed within fourteen 14 days from the date the Notice of Exhaustion, Form VEC-B-3(a), was mailed to the claimant by the Commission;

(e) e. When claiming benefits under any special unemployment insurance program, the claimant becomes eligible under for regular unemployment insurance program when the calendar quarter changes;

(f) f. When the wrong type of claim was taken by a local office.

4. **Late Filing of Continued Claims:** Late filing of continued total and part-total claims. An individual who, for reasons found to constitute good cause, is unable to report as directed in Section C2 of this Regulation and has otherwise satisfied the eligibility requirements shall be deemed to have reported at the proper time if he claims benefit rights within twenty-eight 28 days after the date calendar week ending date of his last continued claim filed , or the calendar date on which the initial, additional, or reopened claim was filed. If the 28th day falls upon a date when the local unemployment insurance office is closed, the final date for late filing shall be extended to the next day the office is open. Failure to file within the time limit shall automatically suspend the claim series and the claimant must file an additional or reopened claim in accordance with subdivision C 3 of this section in order to begin a new claim series.

D. Work search requirement.

Normally, all claimants whose unemployment is total or part-total must make an active search for work by contacting prospective employers in an effort to find work during each week claimed in order to meet the eligibility requirements of § 60.2-612 of the Code of Virginia. A claimant who is temporarily unemployed with an expected return to work date within a reasonable period of time as determined by the Commission which can be verified from employer information may be considered attached to his regular employer so as to meet the requirement that he be actively seeking and unable to find suitable work if he performs all suitable work which his regular employer has for him during the week or weeks claimed while attached. Attachment will end if the claimant does not return to work as scheduled or if changed circumstances indicate he has become separated.

Ⓓ E. Adjustment to work search requirement.

In areas of high unemployment as determined by the Commission, defined in § 1 of VR 300-01-1 the Commission has the authority, in the absence of federal law to the contrary, to adjust the work search requirement of the Act

Proposed Regulations

Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) of the Code of Virginia. For purposes of this adjustment, the following definitions will apply: Any adjustment will be made quarterly within the designated area of high unemployment as follows:

Area

An area, for the purposes of Section 60.1-52(g) of the Act, shall be that geographical area (cities and counties) served by an unemployment insurance full-service office.

High Unemployment

High unemployment shall be an average unemployment rate of 10 percent or more during the first four of the last five completed calendar quarters. The designator will be computed quarterly; therefore, an adjustment to the search for work requirement may be made quarterly. The adjustment continues in effect until the next quarter computation. The designator will not be computed when the average state total unemployment rate during the measurement period equals or is less than the average state total unemployment rate during the preceding 60-month period.

Adjustment

1. The adjustment will be implemented by requiring claimants filing claims for benefits through the full-service unemployment insurance office serving an area experiencing a total unemployment rate of ~~10.0%~~ 10% - 19.9% to make one job contact with an employer each week.

2. The adjustment will be implemented by waiving the search for work requirement of all claimants filing claims for benefits through the full-service unemployment insurance office serving an area experiencing a total unemployment rate of ~~20.0%~~ 20% or more.

3. No adjustment will be made for claimants filing claims for benefits through the full-service unemployment insurance office serving an area experiencing a total unemployment rate below ~~10.0%~~ 10% .

Effective April 1, 1984.

Regulation IX - Partial Unemployment

A. Definitions:

1. Partially Unemployed Individual:

A "partially unemployed individual" is one who, during a particular week (1) had earnings, but less than his weekly benefit amount; (2) was employed by a regular employer and (3) worked less than his normal customary full-time hours for such regular

employer because of lack of full-time work.

PART II PARTIAL UNEMPLOYMENT.

§ 2.1. Claimant and employer responsibilities.

2. A. Week of partial unemployment.

With respect to a partially unemployed individual a week of partial unemployment shall consist of a calendar week beginning on Sunday and ending at midnight on Saturday. Total wages paid payable to partially unemployed workers are to be reported on a calendar week basis.

B. Employer responsibility after the initiation of a first claim for partial benefits.

Upon filing of a first new claim for partial benefits in each claimant's benefit year the Commission shall promptly notify the employer of such claimant's weekly benefit amount, the date on which his benefit year commenced, and the effective date of the claim for partial benefits. Similar notice shall likewise be given at least once during the claimant's benefit year to each subsequent employer to whom the claimant is attached during a period of partial unemployment for which he claims benefits. Upon receipt thereof of the notice the employer shall record this information for use in the preparation of the evidence he is required to furnish periodically as required in Section subsection C below.

C. Employer to furnish evidence of partial unemployment.

1. After the employer has been notified of the benefit year, the weekly benefit amount, and the effective date of the claim for partial benefits of any worker in his employ (Section subsection B above) such the employer shall, within seven days, furnish such the employee with written evidence concerning any week or weeks of partial unemployment which ended on or before the receipt of such notice and which began on or after the effective date of such the employee's claim for partial benefits. Such The employer, until otherwise notified, shall, within 14 days after the termination of any pay period which includes a week or weeks of partial unemployment, and which ends after the date of receipt of such notification, furnish such the employee with written evidence concerning his partial unemployment with respect to such week or weeks. Written evidence of partial unemployment required by this subsection may shall be furnished by means of a Statement of Partial Unemployment, Form VEC-B-31, or other suitable medium approved by the Commission.

Such evidence need not be furnished, however, where the worker's earnings for a week of partial unemployment equals or exceeds his weekly benefit amount.

Proposed Regulations

2. The information contained on such medium shall be in ink or typewritten and shall show:

- (a) a. The name of the employer and registration employer account number;
- (b) b. The name and social security account number of the worker;
- (c) c. The date delivered to worker;
- (d) d. The calendar week ending date of such week ;
- (e) e. The gross amount of wages earned in such week , by day ;
- (f) f. The reason and the number of days or hours involved where the worker's earnings were reduced for any cause other than lack of work;
- (g) g. The following certification, or one similar:

"During the week or weeks covered by this report, the worker whose name is entered worked less than full-time and earned less than his weekly benefit amount for total unemployment because of lack of work, or otherwise shown. I certify that to the best of my knowledge, this information is true and correct";

(h) h. A signature (actual or facsimile) by the employer to the above certification or other identification of the authority supplying the evidence.

D. Registration and filing of claim for partial unemployment.

The new claim for benefits for partial unemployment shall be dated to the first day of the beginning of the individual's week of partial unemployment as defined in Section A2 of this Regulation subsection A of this section . provided; However, that in no event shall such new claim be backdated to include a week which ended more than 28 days prior to the date the individual was furnished the Statement of Partial Unemployment, Form VEC-B-31, or other written evidence concerning his partial unemployment as provided in Section subsection C, by the employer.

E. Claimant to present evidence of partial unemployment.

1. Upon filing a claim as specified in Section subsection D, the Commission shall cause the notice referred to in Section subsection B to be sent to the employer. Thereafter, the employer shall make available to the claimant the Statement of Partial Unemployment, Form VEC-B-31, or other written evidence concerning his partial unemployment, as

provided in Section subsection C. Such written evidence of partial unemployment must shall be presented to the local office within 14 days after it is delivered to him by the employer, and failure to do so, within that time, shall render the claim invalid as to the week or weeks to which the statement or other evidence relates.

2. For each subsequent week the partial claim is continued the employer shall furnish the claimant with the evidence of partial unemployment as provided in Section subsection C and the claimant must shall continue to present such evidence to the local office within 14 days after it is delivered to him by the employer. Failure to do so shall render the claim invalid with respect to the week or weeks to which the statement or other evidence relates.

3. Notwithstanding the provisions of subsections paragraphs 1 and 2 of this section subsection , the Commission shall permit the claimant to file a continued claim by mail in any of the following circumstances:

- (a) a. He is located in an isolated area requiring the expenditure of an unreasonable amount of time or money in traveling to the nearest local office to file claims in person;
- (b) b. Conditions make it impracticable for the Commission to take claims in person;
- (c) c. He has returned to full-time work on or before the scheduled date for his filing a claim;
- (d) d. The Commission finds that he has good cause for failing to file a claim in person.

F. Claimant's search for work.

With respect to any week claimed, a partially unemployed claimant shall be deemed to be actively seeking work if he performs all suitable work offered to him by his regular employer.

Regulation X - Interstate Claimants

PART III. INTERSTATE CLAIMS.

§ 3.1. Cooperative agreement.

A. The following regulation This section shall govern the Commission in its administrative cooperation with other states adopting a similar regulation for the payment of benefits to interstate claimants.

B. Definitions.

As used in this regulation unless the context clearly requires otherwise:

Proposed Regulations

1. "Interstate Benefit Payment Plan" means the plan approved by the Interstate Conference of Employment Security Agencies under which benefits shall be payable to unemployed individuals absent from the state (or states) in which benefit credits have been accumulated.

2. "Interstate claimant" means an individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of an agent state. The term "interstate claimant" shall not include any individual who customarily commutes from a residence in an agent state to work in a liable state unless the Commission finds that this exclusion would create undue hardship on such claimants in specified areas.

3. "State" includes Puerto Rico, Virgin Islands, and the District of Columbia.

4. "Agent state" means any state in which an individual files a claim for benefits from another state.

5. "Liable state" means any state against which an individual files, through another state, a claim for benefits.

6. "Benefits" means the compensation payable to an individual, with respect to his unemployment, under the unemployment insurance law of any state.

7. "Week of employment" includes any week of unemployment as defined in the law of the liable state from which benefits with respect to such week are claimed.

B. Week of unemployment.

A week of unemployment for an interstate claimant shall consist of any week of unemployment as defined in the law of the liable state from which benefits with respect to such week are claimed.

C. Registration for work.

1. Each interstate claimant shall be registered for work through any public employment office in the agent state when and as required by the law, regulations, and procedures of the agent state. Such registration shall be accepted as meeting the registration requirements of the liable state.

2. Each agent state shall duly report to the liable state in question whether each interstate claimant meets the registration requirements of the agent state.

D. Benefit rights of interstate claimants.

If a claimant files a claim against any state and it is determined by such state that the claimant has available

benefit credits in such state, then claims shall be filed only against such state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits. For the purposes of this regulation, benefit credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable or whenever benefits are affected by the application of the a seasonal restriction.

E. Claims for benefits.

1. Claims for benefits or a waiting period shall be filed by interstate claimants on uniform interstate claim forms and in accordance with uniform procedures developed pursuant to the Interstate Benefit Payment Plan. Claims shall be filed and processed in accordance with the type of week in use in the agent state.

2. Claims shall be filed in accordance with agent state regulations for intrastate claims in local employment unemployment insurance offices or at an itinerant point or by mail.

a. With respect to claims for weeks of unemployment in which an individual was not working for his regular employer, the liable state shall, under circumstances which it considers good cause, accept a continued claim filed up to one week or one reporting period late. If a claimant files more than one reporting period late, an initial claim shall be used to begin a claim series and no continued claim for a past period must shall be accepted.

b. With respect to weeks of unemployment during which an individual is attached to his regular employer, the liable state shall accept any claim which is filed within the time limit applicable to such claims under the law of the agent state.

F. Determination of claims.

1. The agent state shall, in connection with each claim filed by an interstate claimant, ascertain and report to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state. *The liable state may utilize the telephone or mail to directly ascertain facts from the parties.*

2. The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts. The agent state shall not refuse to take an interstate claim.

G. Appellate Procedure Interstate appeals.

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.

"The *Virginia Register of Regulations*" is published bi-weekly, except four times in January, April, July and October for \$85 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Application to Mail at Second-Class Postage Rates is Pending at Richmond, Virginia. **POSTMASTER:** Send address changes to the *Virginia Register of Regulations*, P.O. Box 3-AG, Richmond, Virginia 23208.

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

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

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

MATERIAL SUBMITTED BY 12 Noon Wednesday	PUBLICATION DATE
Volume III - 1986-87	
Dec. 17	Jan. 5
Dec. 31	Jan. 19
Jan. 14	Feb. 2
Jan. 28	Feb. 16
Feb. 11	Mar. 2
Feb. 25	Mar. 16
Index - 2nd Issue, Vol. III	
Mar. 11	Mar. 30
Mar. 25	Apr. 13
Apr. 8	Apr. 27
Apr. 22	May 11
May 6	May 25
May 20	June 8
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Index - 3rd Issue, Vol. III	
June 17	July 6
July 1	July 20
July 15	Aug. 3
July 29	Aug. 17
Aug. 12	Aug. 31
Aug. 26	Sept. 14
Sept. 9	Sept. 28
Final Index - Vol. III	
Volume IV - 1987-88	
Sept. 23	Oct. 12
Oct. 7	Oct. 26
Oct. 21	Nov. 9
Nov. 4	Nov. 23
Nov. 18	Dec. 7
Dec. 2	Dec. 21
Dec. 16	Jan. 4, 1988

Proposed Regulations

1. The agent state shall afford all reasonable cooperation in the holding of hearings in connection with appealed interstate benefit claims.

2. With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date when it is received by any qualified officer of the agent state, or the date it was mailed by the claimant, whichever is earlier.

H. Extension of interstate benefit payment to include claims taken in and for Canada.

This regulation section shall apply in all its provisions to claims taken in and for Canada.

PART IV. COMBINING WAGE CREDITS OF MULTI-STATE CLAIMANTS.

§ 4.1 Interstate cooperation.

A. The following regulation *This section*, approved by the Secretary of Labor pursuant to § 3304(a) (9) (B), Federal Unemployment Tax Act, and adopted under Section 60.1-59 § 60.2-609 of the Virginia Unemployment Compensation Act Code of Virginia shall govern the Virginia Employment Commission in its administrative cooperation with other states relating to the Interstate Arrangement for Combining Employment and Wages.

A. Definitions

1. Combined wage claimant means a claimant who has covered wages under the unemployment compensation law of more than one state and who has filed a claim under this arrangement.

2. Paying state defined:

(a) The paying state is the state in which a combined wage claimant files a combined-wage claim, if the claimant qualifies for unemployment benefits in the state on the basis of combined employment and wages, and combining will increase either the Weekly Benefit Amount or the Maximum Benefit Amount.

(b) If the state in which a combined-wage claimant files a combined-wage claim is not the paying state under the criterion set forth in (a) above, or if the combined-wage claim is filed in Canada or the Virgin Islands, then the paying state shall be that state where the combined-wage claimant was last employed in covered employment among the states in which the claimant qualifies for unemployment benefits on the basis of combined employment and wages.

3. Transferring state means a state in which a combined-wage claimant had covered employment and wages in the base period of a paying state, and which transfers such employment and wages to the paying state for its use in determining the benefit rights of such claimant under its law.

B. Filing of claims.

A claim for benefits shall be filed by a combined-wage claimant in the same manner as by a claimant who is eligible for benefits under the Unemployment Insurance Law of the paying state.

C. Liability for payment of benefits.

Benefits, in all cases, shall be paid to a combined-wage claimant from the unemployment insurance fund of the paying state.

D. Determination of claims.

1. Wages paid to a claimant during the paying state's applicable base period, and wages reported for that period by a transferring state as available for the payment of benefits under the arrangement, shall be included by the paying state in determining such claimant's benefit rights.

2. Wages, once they have been transferred and used in a determination which established monetary eligibility for benefits in the paying state, shall be unavailable for determining monetary eligibility for benefits under the Unemployment Insurance Law of the transferring state, except to the extent that wages are usable for redetermination purposes.

3. A combined-wage claimant's monetary and nonmonetary benefit rights shall be determined by the paying state as provided by its Unemployment Insurance Law.

E. Reports.

Each state, with respect to any combined-wage claimant, in utilizing forms approved by the Interstate Benefit Payment Committee, shall:

1. Promptly request each state in which the claimant has worked to furnish a report of the claimant's unused covered wages during the base period of the paying state for a combined-wage claimant, and on his current eligibility under the law of such state.

2. When acting as the transferring state, report promptly upon the request of any state the following:

(a) a. The claimant's unused covered wages during the base period of the paying state without restriction for the payment of benefits under the provisions of the paying state's law.

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~~(b)~~ b. The current monetary eligibility of the claimant under the law of the transferring state.

3. When acting as the paying state, send to each transferring state a copy of the initial determination, together with an explanatory statement.

4. When acting as the paying state, send to the claimant a copy of the initial determination, noting his rights to appeal.

5. When acting as the paying state, send to each transferring state a statement of the benefits chargeable to each state. This is done at the end of each quarter in which any benefits have been paid, and each statement shall include the benefits paid during such quarter to such state as to each combined-wage claimant. Each such charge shall bear the same ratio to total benefits paid to the combined-wage claimant by the paying state as his wages reported by the transferring state and used in the paying state's monetary determination bear to the total wages used in such determination.

F. Reimbursement of paying state.

A transferring state shall, as soon as practicable after receipt of a statement as set forth in ~~Section~~ subsection E, reimburse the paying state accordingly.

G. Exception to combining wages.

A claimant's wages shall not be combined, notwithstanding any other provision of this arrangement, if the paying state finds that based on combined wages the claimant would be ineligible for benefits. Wages reported by the transferring state shall in such event be returned to and reinstated by such state. The provisions of the Interstate Benefit payment arrangement shall apply to each claimant.

H. Relation to interstate benefits payment procedures.

Whenever this plan applies, it will supersede any inconsistent provision of the Interstate Benefit Payment Plan and the regulation thereunder.

Regulation XIV - Benefits

PART V. MISCELLANEOUS BENEFIT PROVISIONS.

§ 5.1. Disposition of benefit checks payable to a deceased claimant.

If a claimant has met the eligibility requirements of the Act *Virginia Unemployment Compensation Act* (§ 60.2-100 et seq.) of the Code of Virginia and completed all forms prescribed by the Commission prior to his death, upon proof thereof, the check(s) for all benefits due shall be payable to the decedent's personal representative estate.

B. Benefits While Enrolled in Training Approved by the Commission.

§ 5.2. Commission approval of training other than that under § 303 of the Job Training and Partnership Act or § 236 of the Trade Readjustment Act.

‡ A. Training shall be approved for an eligible claimant under the provisions of ~~Section 60.1-52.1~~ § 60.2-613 of the Code of Virginia only if the Commission finds that:

~~(a)~~ 1. Prospects for continuing employment for which the claimant is fitted by training and experience are minimal and are not likely to improve in the foreseeable future in the locality in which he resides or is claiming benefits;

~~(b)~~ 2. The proposed training course of instruction ~~must be~~ is vocational or technical training or retraining in schools or classes that are conducted as programs designed to prepare an individual for gainful employment in the occupation for which training is applicable. The training course ~~must shall~~ require a minimum of 30 hours attendance each week;

~~(c)~~ 3. The proposed training course has been approved by an appropriate accrediting agency or, if none exist in the state, the training complies with quality and supervision standards established by the Commission, or is licensed by an agency of the state in which it is being given.

~~(d)~~ 4. The claimant has the required qualifications and aptitude to complete the course successfully.

~~(e)~~ 5. ~~Approved~~ The training ~~shall does~~ not include programs of instructions for an individual which are primarily intended to lead toward a baccalaureate or higher degree from institutions of higher education.

‡ B. Benefits may be paid to an otherwise eligible claimant while he is attending training only if the Commission finds with respect to each week that the claimant is enrolled in and regularly attending the course of instruction approved for him by the Commission.

C. A claimant shall request training approval on forms provided by the Commission. The claimant's enrollment and attendance shall be reported to the Commission periodically as directed by the local office to which he reports.

REGISTRAR'S NOTICE: Due to the large number of forms filed by the Virginia Employment Commission, the forms are not being published in the Virginia Register. However, each form referenced in the regulation is listed below and is available for public inspection at the office of the Registrar of Regulations and at the Virginia Employment Commission, 703 East Main Street, Richmond, Virginia 23219.

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B-3	Continued Claim for Benefits	BPC-54	Deputy's Determination - Overpayment
B-3a	Notice of Exhaustion	IVB-1/IB-1A	Initial Interstate Claim
B-10a	Claim for Benefits	IB-1SF	Instructions for Self-filing Interstate Claim
B-10D	Claimant Notice of Predetermination Proceeding	IB-1C	Interstate Claim Continuation
B-10E	Employer Notice of Predetermination Proceeding	IB-2 Green	Continued Interstate Claim
B-10-ADDM/P	Claim for Benefits (Mass/Partial)	IB-2 Buff	Continued Interstate Claim (Transient)
B-11	Claimant Questionnaire	IB-2 Trans.	Continued Interstate Claim
B-29	Notice to Workers Poster	IB-3	Claimant/Employer Separation Statement
B-30	Monetary Determination	IB-4	Request for Transfer of Wages
B-31	Statement of Part. Unemployment (Card)	IB-7	Interstate-Internet Information Sheet
B-40	UI Programs in Virginia (Pamphlet)	IB-10	Interstate Claim Supplement
B-54d / B-54dd / B-54e	Notice of Deputy Determination	IB-7A	Instructions for Completing IB-2
<u>Record of Fact forms</u>		IB-10B	Job Search Verification
	B-60.1 - Voluntary Quit	IB-11	Fact Finding Report
	B-60.2 - Discharge	IB-11S	Separation Fact Finding Report
	B-60.3 - Domestic Responsibility	IB-12	Interstate Tracer
	B-60.4 - Pregnancy	IB-13	Interstate Memorandum
	B-60.5 - Able and Available	IB-14	Request for Reconsideration for Monetary Determination/Wage Credits
	B-60.6 - Job Refusal/Referral	IB-15	Request for Claim Status Information
	B-60.7 - Training Approval	IB-16	Interstate Change of Address
	B-60.8 - Voluntary Quit - Illness		
B-46	Quarterly Charge Statement		
B-47	Reimbursable Statement		
ES-931	Information - Ex-federal Employees		
BPC-45A	Request for Wage Information		
BPC-65	Form Letter - Verification of Wages		

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IB-101 Notice of Interstate Appeal

CW-30 Notice of Combined Wage Claimants

CW-54 Notice of Wage Transfer Determination

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Title of Regulation: VR 300-01-4. Virginia Employment Commission Regulations and General Rules - Adjudication.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Public Hearing Date: April 23, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

This regulation concerns the agency's unemployment claims adjudication procedures and replaces former Regulation XI which dealt only with appeals. Section 1 covers deputy's determinations which are the first step in the process and which were not covered in the former regulation. The procedures set out conform to those followed previously by the agency and emphasize that any proceedings before the deputy are informal in nature with only documentary evidence or notes serving to record that they have taken place. Once a written determination has been rendered, any aggrieved party in interest may appeal, thereby entering the process described in § 2.

Section 2 has been rewritten to clarify the language of the former regulation in a number of respects. Telephonic hearings are specifically authorized and notice requirements are set forth in more detail. Standards are established for granting requests for postponements, continuances, reopenings, and withdrawals. The conduct of a hearing before an appeals examiner is set out in more detail with emphasis being placed on creating a complete record without overburdening it, while insuring that the parties receive a fair hearing. The exclusion of witnesses, status of employer representatives, admission of observers, and the authority of the appeals examiner to control and conduct the hearings are clarified. The section goes on to detail the procedures for challenging the interest of an appeals examiner and sets out the standards for the written decision and its distribution.

Section 3 concerns the second level of administrative appeals; that to the Commission level. Language concerning the acquisition of jurisdiction, the dismissal of untimely appeals and the procedure for handling

requests to reopen an appeals examiner's hearing is virtually unchanged. Added are the standards for taking additional testimony and evidence at the hearings. Subsections concerning requests for reopening a Commission hearing and challenges to the interest of the Commission are not changed.

Section 4 enumerates which officials have the power to act in specified ways, describes the process for obtaining subpoenas, and sets forth the compensation which may be sought by an individual who has been subpoenaed to a hearing.

VR 300-01-4. Virginia Employment Commission Regulations and General Rules - Adjudication.

Regulation XI -- Appeals

A. Appeals to Appeal Tribunals:

1. Filing of Appeal: The claimant or his last thirty-day employing unit may appeal from a decision of the deputy within fourteen calendar days after the delivery of notice of such decision or within fourteen calendar days after such notice was mailed.

The party appealing shall file with the Commission through the office where the claim was filed or with the deputy who rendered the decision or at the Central Office of the Commission in Richmond, either personally or by mail, a notice of appeal which shall be in writing and should set forth the grounds upon which the appeal is sought. Any document in writing signed by an individual or his authorized representative which expresses a desire to appeal shall be sufficient to institute an appeal. If further information as to the reason for an appeal seems desirable, it may be requested but failure to furnish such information shall not invalidate an appeal. Agency personnel shall furnish such individual or his authorized representative whatever assistance is necessary in filing an appeal or in complying with a request for additional information with respect to the reason for the appeal.

2. Time and Place of Hearing Notices: Upon the filing of an appeal, the record in connection with the claim together with the notice of appeal shall be forwarded to an appeal tribunal consisting of a salaried examiner only, who, upon finding that the appeal should not be denied because not filed within the time prescribed by law, shall docket the case and shall, as soon as practicable, fix the time and place for the hearing of the appeal. Should the examiner find that the appeal was not filed within the time prescribed by law, a hearing shall be scheduled on the procedural issue of timeliness and on good cause for lateness.

The hearing shall be in the city or town where the claim was filed or at such other convenient place as the appeals examiner may select, but shall not be at

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such a distance from the office where the claim was filed as to cause undue hardship or increase traveling expenses to the claimant. Cases shall be placed upon the docket in the order in which the appeal is filed.

Notice of the time and place of the hearing shall be mailed to the claimant, the last thirty-day employing unit, and the deputy at least seven days before the date of such hearing.

If any of the parties cannot reasonably attend the hearing at the scheduled time or place, he should so inform the appeals examiner. Upon receipt of such notice, the appeals examiner shall decide whether or not a postponement will be granted.

In case of emergency, any party may request a postponement by notifying the Chief Appeals Examiner in writing with a copy to the local office, at least three days prior to its hearing date; or, if this is not possible, by telephone or telegram to the Chief Appeals Examiner. The appeals examiner may, on his own motion prior to a scheduled hearing, postpone such hearing.

Notice of the time and place of the continued hearing shall be mailed to the parties at least seven days before the date of such hearing.

3. **Hearing.** The appeals examiner, when hearing such appeal, may consider any issue in the claim or question involved therein and may pass upon the same, although such issue or question was not set out in the notice of appeal as one of the grounds upon which the appeal was sought. The claimant and the last thirty-day employing unit who have been given notice shall be ready and present at the time and place specified in such notice. The appeals examiner may, on his own motion, adjourn or continue the hearing to such time and to such place as he may specify, such time and place being reasonably convenient to the parties within the guidelines of section 2 above. Notice of the time and place of any adjourned or postponed hearing shall be given to the parties to the proceeding unless the continuance is announced at the time and place set for the hearing, in which case no further notice need be given to the interested parties who were present. All hearings shall be conducted in such manner as to ascertain the substantial rights of the parties and the appeals examiner shall not be bound by the common law or statutory rules of evidence or by technical rules or procedures.

If any party believes that the appeals examiner is not impartial with respect to the case, a challenge to the interest of such appeals examiner shall be made promptly after the discovery of facts on which such challenge is based but not later than the date on which the decision is issued. Unless made at the hearing, such challenge shall be set forth in writing

and the reasons therefor, sent to the Chief Appeals Examiner at the Central Office of the Commission in Richmond. If the Chief Appeals Examiner does not disqualify the challenged appeals examiner, the appeals examiner shall continue to participate in the hearing and render a decision in the case. Failure to disqualify shall be subject to review by the Commission on appeal by the aggrieved party, in the same manner as any other issue in the case. If the challenged appeals examiner is disqualified, the case shall be heard and decided by another appeals examiner.

The appeals examiner shall control the order of proof, rule upon the admission of evidence, and may examine and cross-examine witnesses. At any hearing the claimant or any interested party shall have the right to present such testimony as may be pertinent, and the parties to the proceeding may with the approval of the appeals examiner file an agreed stipulation of facts and briefs. The appeals examiner, however, shall have the right to require additional evidence.

The parties to the proceedings shall be given an opportunity to cross-examine witnesses, to inspect documents, and to offer evidence in explanation and rebuttal. Before the hearing is closed, the parties shall be given an opportunity to present oral argument on all the issues of law and fact to be decided. In addition, the appeals examiner may permit the parties to submit written argument.

At any proceeding before an appeals examiner or the Commission, any interested party may appear in person, by counsel, or by an authorized representative.

All testimony at any hearing before an appeals examiner shall be recorded, but need not be transcribed unless the claim is further appealed.

No testimony shall be taken until an oath or affirmation has been administered by the appeals examiner. Each witness shall be sworn before giving testimony.

4. **Decision.** The decision of the appeals examiner shall be reduced to writing and shall state the issues, the findings of fact, opinion or reasons for the decision, and final judgment of the appeals examiner. A copy of the decision shall be mailed to each of the interested parties.

5. **Right of Reopening.** Any party to an appeal who was unable to appear for the scheduled hearing can request a reopening of the case, and reopening will be granted if good cause is shown. The request, together with the reasons for reopening shall be made in writing and sent to the Chief Appeals Examiner in the Central Office of the Commission in Richmond. Where a request for reopening is made before the decision of

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the appeals examiner is rendered, the appeals examiner shall withhold the decision on the merits of the case. The appeals examiner shall set a hearing at a time and place convenient to the interested parties so that the parties may give reasons to support or oppose such reopening. If the appeals examiner should decide that reopening is warranted, then he shall reopen the case for additional taking of evidence. In any event, the decision concerning the issue of reopening shall be subject to review by the Commission on appeal by the aggrieved party from the appeals examiner's decision on the merits of the case.

A request for reopening after the appeals examiner has rendered his decision on the merits of the case but within the appeal period shall be mailed to the Director of Appeals and shall set forth in writing the reasons for the reopening. If the Commission is of the opinion that the written request establishes good cause for reopening it shall remand the case to the Chief Appeals Examiner. If the Commission is of the opinion that the written request does not set forth good cause for reopening it shall treat the request as an appeal to the Commission on the merits of the case pursuant to Regulation XI (D).

Once a decision is rendered and becomes final, it cannot be reopened for any reason. A request for a reopening after the decision of the appeals examiner has become final shall be treated as an untimely appeal to the Commission pursuant to Regulation XI(D).

B. Appeals to the Virginia Employment Commission

Any party to the proceeding before an appeals examiner, may within fourteen days after the date of notification or mailing of such decision appeal therefrom. The party appealing shall file with the local office where the claim was filed or with the appeals examiner who rendered the decision, or at the Central Office of the Commission in Richmond, Virginia, either personally or by mail, a notice of appeal which shall be in writing and shall set forth the grounds upon which the appeal is sought.

At any time before the decision of the appeals examiner becomes final, the Commission may on its own motion assume jurisdiction of any case pending before an appeals examiner and place the same on the appeal docket of the Commission. The Commission shall consider and review said case and affirm, modify, or set aside the decision of the appeals examiner on the basis of the evidence previously submitted and as shown by the record or may direct the taking of additional evidence before the Commission or the appeals examiner, but such additional evidence may not be taken unless notice of the time and place of the taking thereof has been mailed to all parties to the case at least seven days before the time fixed for the taking of such evidence.

Untimely Appeals to the Commission. If the appeal to the Commission is not filed within the statutory time limit set forth in Section 60.1-62 of the Code of Virginia of 1950, as amended, the appellant shall set forth in writing the reasons for the late filing. If the reasons set forth, if proven, would show good cause for extending the appeal period, the Commission shall schedule a hearing to take testimony on the issue of good cause for late filing. If the reasons set forth in the notice of appeal are insufficient to show good cause for late filing, the appeal shall be dismissed.

Commission Review. Except as otherwise provided by this rule, all appeals to the Commission shall be decided on the basis of a review of the evidence in the record. The Commission may, in its discretion, direct the taking of additional evidence after giving written notice of such hearing to the parties in accordance with this rule.

Oral Argument. The Commission shall hear oral argument by the parties, provided a petition for oral argument is submitted by either party to the Director of Appeals within fourteen days from the date of mailing of the notice of appeal. The Commission shall notify the parties of the time and place where oral argument will be heard.

A request for postponement of a hearing before the Commission should be filed with the Director of Appeals, at the Commission's Central Office in Richmond, Virginia.

Right of Reopening. Any party to an appeal before the Commission who was unable to appear for the scheduled hearing may request a reopening of the matter. The request shall be in writing to the Director of Appeals and it shall set forth the reasons for the reopening. If the Commission is of the opinion that the reasons given show good cause to reopen, the request for reopening shall be granted; provided, however, that once a decision is rendered and has become final, the case cannot thereafter be reopened for any reason.

The decision of the Commission affirming, modifying, or setting aside any decision of an appeals examiner shall be in writing and shall be delivered or mailed to each party to the appeal. The date of such notification shall be recorded on the Commission's appeal docket.

Challenge to Interest of the Commission. A challenge to the interest of the Commission may be made orally during a hearing or in writing before or after a hearing, but, if after, only prior to the date the Commission's decision becomes final. The Commission shall promptly hear the challenge, and proceedings with respect to the matter at issue shall not continue until the challenge is decided. In case of a written challenge, the challenge should be addressed to Director of Appeals, at the Commission's Central Office, in Richmond, Virginia.

C. Oaths and Subpoenas

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The appeals examiner, the Commission, and the representative thereof shall have the power to administer oaths, take depositions, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records, and to take such action as may be necessary in any hearing.

Subpoenas requiring the attendance of witnesses or the production of books, papers, correspondence, memoranda, and other records at any designated time and place fixed by the appeals examiner for the hearing of a claim or any issue or question involved therein may be issued by the appeals examiner or the Commissioner in the name of the Commission and upon the request of any party to the proceeding. Request for subpoenas duces tecum shall be in writing and specify with reasonable certainty the books, papers, correspondence, memoranda, or other records desired.

D. Witness Fees.

Witnesses subpoenaed for appeals before the appeals examiner and/or the Commission shall, upon request, be allowed fees as provided in Section 14.1-190 of the Code of Virginia of 1950, as amended.

§ 1. Deputy's determinations.

A. Investigation of issues.

Whenever, after a claim is filed, a deputy obtains information from a claimant, employer, or a third party which could affect the claimant's entitlement to benefits, further investigation shall be initiated. The deputy may contact the parties in person or by telephone to obtain information. Documentary evidence prepared specifically for the claim or for other purposes may be considered by the deputy. Any party to an investigation may be represented by counsel or duly authorized representative. Information concerning eligibility or qualification for benefits shall be entered into Commission records.

B. Predetermination factfinding proceedings.

A predetermination factfinding proceeding may be scheduled by the deputy whenever a request is made by the claimant, his last 30-day employing unit, or his interested subsequent employing unit for the purpose of gathering information to determine benefit eligibility or qualification. Notice of the date, time and location will be mailed to the parties five days before the scheduled proceeding, but such notice may be waived with the parties' consent.

The proceeding may be conducted telephonically or in-person with the deputy presiding. This informal interview shall not be recorded in any way, although notes can be taken by the deputy. Statements made by parties or witnesses shall not be taken under oath and formal examination or cross-examination shall not be permitted.

The deputy shall direct questions to the parties and witnesses. The parties may also ask questions of each other and the witnesses. Rebuttal to statements made by opposing parties or witnesses shall be permitted. Any party to a predetermination proceeding may be represented by counsel or other duly authorized agent. The record of facts of the proceeding shall become a part of the Commission's records.

C. Determinations.

As soon as possible following the acquisition of facts necessary to make a determination, either from the parties' submissions or from a predetermination proceeding, the deputy shall render a determination in writing which shall include the effective date of any qualification or disqualification, the dates of any eligibility or ineligibility, the law or regulation upon which the determination is based, and the reasons for the determination together with information concerning the filing of an appeal. This determination shall be promptly mailed to the parties at their last known addresses.

§ 2. Lower authority appeals.

A. Filing an appeal.

The claimant, his last 30-day employing unit, or his subsequent employing unit which is directly interested in a particular issue may appeal from an adverse deputy's determination as specified in § 60.2-619 of the Code of Virginia.

Appeals shall be filed with the Commission through the local unemployment insurance office where the claim was filed or at the administrative office of the Commission in Richmond either personally or by mail. Appeals shall be in writing and should set forth the grounds upon which they are sought as well as the social security account number of the claimant; however, any document in writing submitted by a party or the authorized representative of a party which expresses a desire to appeal shall be sufficient to initiate an appeal. Agency personnel shall furnish an appellant or his authorized representative whatever assistance is necessary to file an appeal.

B. Scheduling of hearings.

After the filing of an appeal, the record in connection with the claim together with the notice of appeal shall be assigned to an appeal tribunal consisting of a salaried examiner only. Should evidence indicate that the appeal was not filed within the time prescribed by law, the issue of whether the appeal was timely filed or whether good cause exists for extending the appeal period shall be listed as a statutory issue to be considered at the hearing prior to any issues concerning the merits of the case.

An in-person hearing shall be scheduled in the local unemployment insurance office where the claim was filed or at any other convenient place as may be arranged, but

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shall not be located at such a distance from the claimant's residence as to cause undue hardship or unreasonable traveling expenses. A telephonic hearing in which parties participate by way of a conference call shall be scheduled in cases where the claimant resides outside of Virginia and has filed an interstate claim unless the claimant agrees to appear at an in-person hearing in Virginia. Telephone hearings may also be scheduled in lieu of in-person hearings so long as permission is obtained from the parties. Notice of the time and place of the hearing shall be mailed to the parties and their known authorized representatives at least seven days before the date of the hearing. When the hearing is to be held by telephone, special instructions as to telephonic participation shall be included with the notice. If circumstances requiring telephonic participation arise after the notice of an in-person hearing has been sent, the parties and their known authorized representatives shall be informed of the telephonic procedures orally or by mail as soon as possible.

The notice of hearing shall set forth the particular statutory provisions and points at issue which must be considered to resolve the case. The appeals examiner, when hearing an appeal, may consider any other applicable issues which might be raised or become evident during the course of the hearing, provided that all parties in interest are present and all agree on the record to waive the statutory notice requirement with respect to such new issue. The appeals examiner may refer a new issue back to the deputy if it has not been ruled upon at that level and may, upon his own motion, postpone or continue the case if a new issue has become evident and it is necessary to give proper statutory notice of it in order to proceed.

C. Postponement of hearings.

The Office of Lower Authority Appeals shall endeavor to schedule hearings as soon as possible in the order in which appeals are received. Special requests regarding dates or times of hearings will be given consideration; however, they need not always be honored. Requests to postpone a scheduled hearing will not be granted unless it is shown that material and substantial harm may result from requiring the scheduled appearance. Any party or authorized representative who feels he cannot attend a hearing must inform the Office of Lower Authority Appeals as soon as possible. Unless specifically informed that a postponement has been granted, all parties and their authorized representatives should prepare to present evidence at the time and place as scheduled. Postponements may be granted only by the Chief Appeals Examiner, the Clerk of the Commission-Lower Authority, the examiner assigned to hear the case, or by an appeals examiner acting in charge of the Office of Lower Authority Appeals, although they may be communicated to the parties by other authorized persons. A postponed hearing may be rescheduled without notice if all parties in interest agree. Otherwise, notice of a postponed hearing shall be given as if it were a new hearing.

D. Continuing a hearing.

Once a hearing has commenced, it can be continued only by the presiding appeals examiner either upon his own motion or that of a party. Continuances may be granted in situations where: (i) there is insufficient time to properly hear the evidence; or (ii) unexpected or unavoidable circumstances arise during the course of a hearing which require a continuance in order to protect the substantive or procedural rights of the parties.

A continued hearing may be rescheduled by the presiding appeals examiner without written notice if all parties in interest are present and all concur. Otherwise, notice of a continued hearing shall be given as if it were a new hearing.

E. Withdrawal of an appeal.

If the appellant wishes to withdraw his appeal, a request together with the reasons therefor must be made in writing and sent to the Clerk of the Commission-Lower Authority at the Commission's administrative office in Richmond. The request will be granted only if the appeals examiner assigned to hear the case is satisfied that:

1. The appellant understands the effect that withdrawal will have upon benefit entitlement, potential benefit charges, or potential overpayment;
2. The request is not the result of any coercion, collusion, or illegal waiver of benefits pursuant to § 60.2-107 of the Code of Virginia; and
3. The appealed determination is not clearly erroneous based upon the existing record.

Once granted, a withdrawal cannot be rescinded unless an evidentiary hearing on the issue of rescission is held before an appeals examiner and the former appellant can show that the appeal should be reinstated because one of the three criteria for withdrawal was incorrectly applied.

F. Conduct of hearing.

In any hearing before an appeals examiner, all testimony shall be taken under oath or affirmation and a record of the proceeding shall be made. The presiding appeals examiner shall record the proceeding and shall inform all parties of this fact. No other recording of the proceedings other than that specifically authorized by the Virginia Unemployment Compensation Act, Chapter 1 (§ 60.2-100 et seq.) of Title 60.2 of the Code of Virginia shall be permitted.

The appeals examiner shall conduct the hearing in such a manner as to ascertain the substantive rights of the parties without having to be bound by common law, statutory rules of evidence, or technical rules of procedure. In addition to testimony, the appeals examiner may accept relevant documents or other evidence into the

record as exhibits, upon the motion of a party.

At any hearing before an appeals examiner, an interested party may appear in person, by counsel, or by an authorized representative. Persons in these categories will be permitted to attend the entire hearing. Upon his own motion, or that of any party, the appeals examiner shall exclude witnesses from the hearing until such time as their testimony is to be taken. An employer shall be permitted one representative in addition to counsel or duly authorized agent who can attend the entire proceeding. Observers may be permitted to attend the hearing so long as there is no objection by a party. The appeals examiner shall control the order of proof, rule upon the admission of evidence, and may examine and cross-examine witnesses. The examiner shall have the authority to maintain order and eject disruptive or unruly individuals.

At a hearing, the parties, counsel, or duly authorized representatives shall be given an opportunity to cross-examine witnesses, to inspect documents, and to offer evidence in explanation and rebuttal. On motion of the appeals examiner alone, documents already in a claimant's file or obtained during the course of a hearing may be admitted into the record as exhibits. Before the hearing is closed, the parties shall be given an opportunity to present oral argument on all the issues of law and fact to be decided. In addition, the appeals examiner may permit the parties to submit written argument.

G. Appeals examiner's decision.

The decision of the appeals examiner shall be reduced to writing and shall state the issues, the findings of fact, opinion or reasons for the decision, and final judgment of the examiner. A copy of the decision shall be mailed to each of the interested parties and their known representatives who have requested to be notified of the decision. If the decision is rendered by an appeals examiner other than the one who presided at the hearing, that examiner shall review the record of the hearing and so state in the decision.

H. Challenge to the interest of the appeals examiner.

If any party believes that the appeals examiner is not impartial with respect to the case, a challenge to the interest of such appeals examiner shall be made promptly after the discovery of facts on which such challenge is based but not later than the date on which the decision is issued. Unless made at the hearing, such challenge shall be set forth in writing and the reasons therefor, and sent to the Chief Appeals Examiner at the administrative office of the Commission in Richmond. If the Chief Appeals Examiner does not disqualify the challenged appeals examiner, the appeals examiner shall continue to participate in the hearing and render a decision in the case. Failure to disqualify shall be subject to review by the Commission on appeal by the aggrieved party, in the same manner as any other issue in the case. If the challenged appeals examiner is disqualified, or chooses to

withdraw, the case shall be heard and decided by another appeals examiner.

I. Right of reopening.

Any party to an appeal who was unable to appear for the scheduled hearing or who appeared, but wishes to present additional evidence can request a reopening of the case; and reopening will be granted if good cause is shown. The request, together with the reasons for reopening shall be made in writing and sent to the Chief Appeals Examiner in the administrative office of the Commission in Richmond. Where a request for reopening is made before the decision of the appeals examiner is rendered, the appeals examiner shall withhold the decision on the merits of the case. The appeals examiner shall set a hearing at a time and place convenient to the interested parties so that the parties may give reasons to support or oppose such reopening. If the appeals examiner should decide that reopening is not warranted, he shall render such decision along with the decision on the merits of the case. If the appeals examiner should decide that reopening is warranted, then he shall reopen the case for additional taking of evidence. In any event, the decision concerning the issue of reopening shall be subject to review by the Commission on appeal by the aggrieved party from the appeals examiner's decision on the merits of the case.

A request for reopening after the appeals examiner has rendered his decision on the merits of the case but within the appeal period shall be mailed to the Office of Commission Appeals and shall set forth in writing the reasons for the reopening. If the Commission is of the opinion that the written request establishes good cause for reopening it shall remand the case to the Chief Appeals Examiner. If the Commission is of the opinion that the written request does not set forth good cause for reopening it shall treat the request as an appeal to the Commission on the merits of the case pursuant to this part. Once a decision is rendered and becomes final, it cannot be reopened for any reason. A request for a reopening after the decision of the appeals examiner has become final shall be treated as an untimely appeal to the Commission pursuant to this part. In the discretion of the Commission, a hearing on the issue of reopening may be held.

§ 3. Commission review.

A. How jurisdiction is acquired.

1. Appeal. Any party to the hearing before an appeals examiner, may appeal the decision within the limit set forth in § 60.2-620 of the Code of Virginia after the date of notification or mailing of such decision. The party appealing shall file with the Commission, through the local office where the claim was filed or at the administrative office of the Commission in Richmond, Virginia, either personally or by mail, a notice of appeal which shall be in writing and should set forth the grounds upon which the appeal is sought.

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2. *Removal.* At any time before the decision of the appeals examiner becomes final, the Commission may on its own motion assume jurisdiction of any case pending before an appeals examiner and place the same on the appeal docket of the Commission. The Commission may consider and review the case and affirm, modify, or set aside and vacate the decision of the appeals examiner on the basis of the evidence previously submitted and as shown by the record or may direct the taking of additional evidence before the Commission or the appeals examiner, but such additional evidence may not be taken unless notice of the time and place of the taking thereof has been mailed to all parties to the case at least seven days before the time fixed for the taking of such evidence.

3. *Untimely appeals to the Commission.* If the appeal to the Commission is not filed within the statutory time limit set forth in § 60.2-620 of the Code of Virginia, the appellant shall set forth in writing the reasons for the late filing. If the reasons set forth, if proven, would show good cause for extending the appeal period, the Commission shall schedule a hearing to take testimony on the issue of good cause for late filing. If the reasons set forth in the notice of appeal are insufficient to show good cause for late filing, the appeal shall be dismissed and the decision of the appeals examiner shall become the final decision of the Commission.

B. Request for hearings before the Commission.

Except as otherwise provided by this rule, all appeals to the Commission shall be decided on the basis of a review of the evidence in the record. The Commission, in its discretion, may direct the taking of additional evidence after giving written notice of such hearing to the parties, provided:

1. It is affirmatively shown that the additional evidence is material and not merely cumulative, corroborative or collateral; could not have been presented at the prior hearing through the exercise of due diligence; and it is likely to produce a different result at a new hearing; or

2. The record of proceedings before the appeals examiner is insufficient to enable the Commission to make proper, accurate, or complete findings of fact and conclusions of law.

A party wishing to present additional evidence or oral argument before the Commission shall make a written request to the Office of Commission Appeals within 14 days from the date of delivery or mailing of the Notice of Appeal. The Commission shall notify the parties of the time and place where additional evidence will be taken or oral argument will be heard. Such notice shall be mailed to the parties and their last known representatives at least seven days in advance of the scheduled hearing. A request to present additional evidence will be granted only if the

above-mentioned guidelines are met. A request for oral argument will be automatically granted provided it is made in a timely fashion and is not thereafter withdrawn in writing by the party requesting it.

C. Postponements, continuances, and withdrawals.

Postponements, continuances and withdrawals of appeals before the Commission shall be handled in the same manner as previously outlined in this part pertaining to lower authority appeals, except that requests shall be made through the Office of Commission Appeals or through the special examiner assigned to hear the case. Only a special examiner shall have the authority to grant a postponement.

D. Conduct of hearings before the Commission.

Prior to a hearing before the Commission for the purpose of taking additional evidence or for oral argument and upon the request of an interested party, a transcript of the hearing held before the appeals examiner shall be furnished to all interested parties. Where no request for a transcript is made and the hearing lasted less than 45 minutes, the tape may be replayed for the parties prior to the Commission hearing in lieu of furnishing a transcript. A hearing before the Commission for additional evidence shall be conducted under the same rules as outlined in subsection F of § 2 of this regulation for the conduct of hearings at the lower authority level, except that the party which is being granted the right to present additional evidence shall proceed first. If both parties are allowed to present additional evidence, the appellant shall proceed first. Oral argument shall commence with the appellant, allowing the appellee the chance to respond with oral argument and rebuttal, and close with the appellant in rebuttal.

E. Commission decisions.

The decision of the Commission affirming, modifying, or setting aside any decision of an appeals examiner shall be in writing and shall be delivered or mailed to each party to the appeal as well as to their known representatives who have requested to be notified of the decision. The date of such notification shall be recorded on the Commission's appeal docket.

F. Right of reopening.

Any party to an appeal before the Commission who was unable to appear for the scheduled hearing may request a reopening of the matter. The request shall be in writing to the Office of Commission Appeals, and it shall set forth the reasons for the reopening. If the Commission is of the opinion that the reasons in the request show good cause to reopen, the request for reopening shall be granted. If the Commission is of the opinion that the reasons given in the request do not show good cause, reopening shall be denied. In the discretion of the Commission, a hearing on the issue of reopening may be held. Once a decision is

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rendered and has become final, the case cannot thereafter be reopened for any reason.

G. Challenge to the interest of the Commission.

A challenge to the interest of the Commission may be made orally during a hearing or in writing before or after a hearing, but, if after, only prior to the date the Commission's decision becomes final. The Commission shall promptly hear the challenge, and proceedings with respect to the matter at issue shall not continue until the challenge is decided. In case of a written challenge, the challenge should be addressed to the Office of Commission Appeals, at the Commission's administrative office in Richmond, Virginia.

§ 4. Oaths and subpoenas.

A. Authority.

The special examiner, the appeals examiner, and the Clerk of the Commission shall have the power to administer oaths, take depositions, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records, and to take such action as may be necessary in any hearing.

B. Issuance of subpoenas.

Subpoenas requiring the attendance of witnesses or the production of books, papers, correspondence, memoranda, and other records at any designated time and place fixed by the special examiner or the appeals examiner for the hearing of a claim or any issue or question involved therein may be issued by the Clerk of the Commission as is appropriate in the name of the Commission and upon the request of any party to the proceeding. Requests for subpoenas duces tecum shall be in writing and specify with reasonable certainty the books, papers, correspondence, memoranda, or other records desired.

A request for a subpoena may be denied if there is no showing of relevance to the subject of the appeal; if it appears that the request would only produce cumulative evidence or testimony; or if it appears that the request would not serve the interest of the party making it. If a subpoena request is denied, it may be renewed at the hearing and a proffer of evidence of testimony may be made. The appeals examiner or special examiner hearing the case shall continue it if it appears that the subpoena should be issued.

C. Witness expenses.

Witnesses subpoenaed for appeals before the appeals examiner or the Commission, or both, shall, upon request, be allowed expenses as provided in § 14.1-190 of the Code of Virginia.

REGISTRAR'S NOTICE: Due to the large number of forms filed by the Virginia Employment Commission, the forms are not being published in the Virginia Register. However, each form referenced in the regulation is listed below and is available for public inspection at the office of the Registrar of Regulations and at the Virginia Employment Commission, 703 East Main Street, Richmond, Virginia 23219.

Order

Notice to Claimant

VEC-C-1

Notice of Commission Hearing for Oral Argument

VEC-C-1A

Notice of Commission Hearing for Additional Evidence

Decision of Commission

AE-1

Notice of Hearing

AE-2

Notice of Intrastate Appeal

AE-1A

Notice of Telephonic Hearing

AE-7

Notice of Hearing

AE-10

Request for Withdrawal of Appeal

* * * * *

Title of Regulation: Rules and Regulations Affecting Unemployment Compensation, VII Notices.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Public Hearing Date: April 23, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

REPEAL NOTICE:

The Virginia Employment Commission intends to consider repealing regulations entitled: Rules and Regulations Affecting Unemployment Compensation, VII Notices.

* * * * *

Title of Regulation: Rules and Regulations Affecting Unemployment Compensation, XV Governmental Subrogation.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Proposed Regulations

Public Hearing Date: April 23, 1987 - 10 a.m.
(See Calendar of Events section
for additional information)

REPEAL NOTICE:

The Virginia Employment Commission intends to consider repealing regulations entitled: Rules and Regulations Affecting Unemployment Compensation, XV Governmental Subrogation.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (COMMISSIONER OF)

Title of Regulation: VR 115-03-06. Virginia Grade Standards for Slaughter and Feeder Lambs.

Statutory Authority: § 3.1-338 of the Code of Virginia.

Effective Date: March 18, 1987

Summary:

The amendments to the existing Grade Standards for Slaughter and Feeder Lambs consist only of minor word changes to improve clarity. The Commissioner of Agriculture and Consumer Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of the standards.

VR 115-03-06. Virginia Grade Standards for Slaughter and Feeder Lambs.

VIRGINIA SPECIFICATIONS FOR SLAUGHTER LAMBS

§ 1. Slaughter lambs.

A. Blue O.

U.S. Choice and Prime (*Code of Federal Regulations §§ 54.121 through 54.127 - Livestock Section*), mostly Yield Grades 2 and 3 ewe and wether lambs weighing 95-125 lbs. and estimated to dress 50% or better, hot weight. These lambs are thick-muscled and moderately wide through the back and loin. The legs are moderately thick and plump. These lambs have at least a moderate covering of finish over the back and loin and down over the ribs.

B. Blue O Bucks.

Ram lambs meeting the requirements of the Blue O Lambs.

C. Blue Double O.

U.S. High Choice and Prime, mostly Yield Grades 3 and 4 lambs meeting requirements of Blue O that are weighing weigh 126-150 lbs.

D. Red O.

U.S. Choice, Yield Grades 2 and 3 ewe and wether

lambs weighing 85-125 lbs. and estimated to dress 47% or better, hot weight. These lambs are slightly thick-muscled, and they are slightly wide through the back and loin. The legs are slightly thick and plump. These lambs have a moderately thin covering of finish over the back and loin and down over the ribs.

E. Red O Buck.

Ram lambs meeting the requirements for the Red O Grade.

F. Red Double O.

U.S. Choice, Yield Grades 3 and 4 lambs meeting requirements of Red O that are weighing weigh 126-150 lbs.

G. Triple O.

U.S. Choice and Prime lambs weighing over 150 lbs. will be marked triple circle, whether Blue O or Red O, with the appropriate estimated dressing percentage.

H. Red Shoulder.

U.S. Good and Choice, mostly Yield Grade 2 ewe, wether, and ram lambs weighing 75-90 lbs. and estimated to dress 44% or better, hot weight. These lambs usually are thinly muscled, and they are slightly narrow through the back and loin. The legs are usually slightly small and thin. These lambs have a thin finish over the back, loin, and down over the ribs.

I. Heavy Red Shoulder.

U.S. Good and Choice, mostly Yield Grades 2 and 3 ewe, wether, and ram lambs weighing 90-125 lbs. and meeting which meet the requirements of Red Shoulder lambs.

Some factors affecting yield or dressing percentage for slaughter lambs which should be taken into consideration when grading are :

1. Finish - degree of finish
2. Fill
3. Length of wool
4. Rams
5. Wet fleece

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- 6. Tags or mud
- 7. Long tails
- 8. Pregnant

VIRGINIA SPECIFICATIONS FOR FEEDER LAMBS

§ 2. Feeder lambs.

A. Blue Shoulder.

Choice and Fancy ewe and wether feeder lambs weighing 70-85 lbs. and meeting the slaughter requirements for Red Shoulder. These are healthy, thrifty, large-type lambs that have the potential to feed out to Blue O lambs.

B. Blue Back.

Choice and Fancy ewe and wether feeder lambs weighing 60-70 lbs. These are healthy, thrifty lambs that have the potential to feed out to Blue O slaughter lambs. These may have slightly less finish than the Blue Shoulder.

C. Red Back.

Choice and Fancy ewe, wether, and ram feeder lambs weighing 60 lbs. and up, that ~~and~~ are less thrifty than the Blue Back lambs.

D. Blue Rump.

Good and Choice ewe, wether, and ram feeder lambs weighing 50 lbs. and up. These lambs can vary in quality, thriftiness, and finish.

E. Red Rump.

Mostly Good ewe, wether, and ram feeder lambs weighing less than 50 lbs. and varying in quality, thriftiness, and condition.

* * * * *

Title of Regulation: VR 115-03-07. Breeder Sheep Grade Standards.

Statutory Authority: § 3.1-338 of the Code of Virginia.

Effective Date: March 18, 1987

Summary:

The amendments to the existing Breeder Sheep Grade Standards consist of removing unnecessary words for improved clarity. The Commissioner of Agriculture and Consumer Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of the standards.

VR 115-03-07. Breeder Sheep Grade Standards.

§ 1. Description. Breeder sheep standards.

Breeder sheep are graded on Virginia grade standards. The grade names and marks are as follows:

AA on back: Fancy

A on back: Choice

G on back: Good

Blue - bar on shoulder: Medium

§ 2. Fancy grade. General appearance.

Fancy grade sheep closely approach the ideal of their respective breed. They are rugged and large for their age, demonstrate exceptional thrift, vitality, breediness, and firmness of muscling. They have excellent conformation, quality, and muscling. Fancy grade sheep must be rectangular in form, straight in top and bottom lines, must carry thickness uniformly from end to end, and stand squarely on their legs. Sheep of this grade are exceptionally long, well balanced, correct and stylish in their appearance. They have a dense and uniform fleece. Fancy grade sheep meet maximum breed and type requirements as established by their registry association.

§ 3. Choice grade. General appearance.

Choice grade sheep are excellent mutton-type sheep, but may not be ideal in conformation, quality, or natural muscling. They show normal development for their age-breed and type considered—and have the general appearance of thrift and vitality.

In the Choice grade, sheep must be moderately rectangular in form, with the top line and under line being nearly straight and parallel.

Sheep of this grade are moderately well balanced, correct, and stylish in their appearance. They have a moderately dense and uniform fleece.

§ 4. Good grade. General appearance.

Good grade sheep are desirable mutton-type sheep, but may not be excellent in conformation, quality, and natural muscling. They show fairly normal development for their age-breed and type considered—and have the general appearance of thrift and vitality. Good grade sheep may be slightly long in relation to their width and depth and may be rangy in appearance, or they may be somewhat low set and compact. They are fairly thick, but may show less thickness at one end than at the other. They have a moderately dense and uniform fleece.

§ 5. Medium grade.

Medium grade sheep are sheep that fail to meet the minimum requirements for the Good grade.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Title of Regulation: 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.

Statutory Authority: §§ 3.1-530.1 through 3.1-530.9 of the Code of Virginia.

Effective Date: March 18, 1987

Summary:

This regulation regulates the production of Grade "A" raw milk for pasteurization and the processing and sale of Grade "A" pasteurized market milk, Grade "A" market milk products and certain products.

The Virginia Board of Agriculture and Consumer Services promulgated amendments to VR 115-05-01. These amendments recognize industry laboratories for performing official tests; provide standards for Virginia firms to manufacture and sell Grade "A" condensed and dry milk products and Grade "A" condensed and dry whey; provide new standards of identity for cottage cheese, dry curd cottage cheese and lowfat cottage cheese; require the clipping of cows; increase the frequency of testing herds for Brucellosis; and provide the State Regulatory Authority an option relative to the suspension of a permit. These changes either conform with federal regulations or federal recommendations.

The board approved changes in 113 requirements to improve sentence structure and clarity.

The board repealed the requirements for identifying cans used in transporting milk from the producer farm to the processing plant. These requirements were no longer needed since all milk is transported by tank trucks from the farm to the plant in Virginia.

Regulation 2.

§ 1. Definitions and standards of identity.

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

"Acidified milk and milk products" means milk and milk products obtained by the addition of food grade acids to pasteurized cream, half-and-half, milk, lowfat milk, or skim milk, resulting in a product acidity of not less than 0.50 percent % expressed as lactic acid. ¹

"Acidified sour cream" results means a fluid or semi-fluid cream resulting from the souring of pasteurized

cream with safe and suitable acidifiers with or without addition of lactic acid-producing bacteria. Acidified sour cream contains not less than 18 percent % milkfat; except that when the food is characterized by the addition of nutritive sweeteners or bulky flavoring ingredients, the weight of the milkfat is not less than 18 percent % of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the food; but in no case does the food contain less than 14.4 percent % milkfat. Acidified sour cream has a titratable acidity of not less than 0.50 percent %, calculated as lactic acid. ¹

"Acidified sour half-and-half" results means a fluid or semi-fluid cream resulting from the souring of pasteurized half-and-half with safe and suitable acidifiers, and with or without addition of lactic acid-producing bacteria. Acidified sour half-and-half contains not less than 10.5 percent % milkfat; except that when the food is characterized by the addition of nutritive sweeteners or bulky flavoring ingredients, the weight of milkfat is not less than 10.5 percent % of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the food; but in no case does the food contain less than 8.4 percent % milkfat. Acidified sour half-and-half has a titratable acidity of not less than 0.5 percent %, calculated as lactic acid. ¹

"Adulterated milk and milk products" any milk or milk products shall be deemed to be adulterated means any milk or milk product which:

- A. 1. if it Bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;
- B. 2. if it Bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by state or federal regulation, or in excess of such tolerance if one has been established;
- C. 3. if it Consists, in whole or in part, of any substance unfit for human consumption;
- D. 4. if it Has been produced, processed, prepared, packed, or held under insanitary conditions;
- E. 5. if it Container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or
- F. 6. if Any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

"Buttermilk" means a fluid product resulting from the manufacture of butter from milk or cream. It contains not less than 8 1/4 percent % of milk solids-not-fat. ¹

"Concentrated milk" means a fluid product, unsterilized and unsweetened, resulting from the removal of a

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considerable portion of the water from milk ; which, . When combined with potable water in accordance with instructions printed on the container, results in it yields a product conforming to the standards for milkfat and solids-not-fat of milk as defined above. ¹

"Concentrated milk products means shall be taken to mean and to include homogenized concentrated milk, vitamin D concentrated milk, concentrated skim milk, fortified concentrated skim milk, concentrated lowfat milk, fortified concentrated lowfat milk, concentrated flavored milk, concentrated flavored milk products, and similar concentrated products made from concentrated milk or concentrated skim milk . ; and which, When combined with potable water in accordance with according to the instructions printed on the container, they shall conform to the definitions of the corresponding milk products in these regulations.

"Consumer" means one that utilizes Grade "A" Market Milk, Grade "A" Market Milk Products, or Milk Products.

"Cottage cheese" [means the soft uncured cheese which is prepared by mixing cottage cheese with pasteurized cream, or with a pasteurized mixture of cream and milk or skim milk ;] ; and which [If contains not less than four percent 4% milkfat by weight and not more than eighty percent 80% moisture.] is that product defined in the Code of Federal Regulations, Title 21, § 133.128] .

"Cottage cheese dry curd" or "dry curd cottage cheese" [means the soft uncured cheese which is prepared from the curd obtained by adding harmless, lactic acid-producing bacteria (with or without enzymatic action) to pasteurized skim milk or pasteurized reconstituted nonfat milk. It contains not more than] eighty percent [80% moisture.] is that product defined in the Code of Federal Regulations, Title 21, § 133.129.]

"Cream" means the sweet, fatty liquid separated from milk, with or without the addition of milk or skim milk, which contains not less than 18 percent % milkfat.

"Cultured buttermilk" means a fluid product resulting from the souring ; by lactic acid producing bacteria or similar culture, of pasteurized skim milk or pasteurized lowfat milk of pasteurized skim milk or pasteurized lowfat milk by lactic acid-producing bacteria or similar culture . ¹

"Cultured milk or cultured whole milk buttermilk" means a fluid product resulting from the souring ; by lactic acid producing bacteria or a similar culture, or pasteurized milk of pasteurized milk by lactic acid-producing bacterial or similar culture . ¹

"Dairy farm" means any place or premises where one or more cows or goats are kept, and from which a part of all of the milk or milk product(s) products is provided, sold, or offered for sale to a milk plant, transfer station, or receiving station.

"Eggnog" means a milk product consisting of a mixture of milk or milk product of at least 6.0 percent % butterfat, at least 1.0 percent % egg yolk solids, sweetener, and flavoring. Emulsifier and not over 0.5 percent % stabilizer may be added.

"Eggnog-flavored milk" means a milk product consisting of a mixture of at least 3.25 percent % butterfat, at least 0.5 percent % egg yolk solids, sweetener, and flavoring. Emulsifier and a maximum of 0.5 percent % stabilizer may be added.

"Flavored milk or milk products" shall mean means milk and milk products as defined in these Regulations to which has been added a flavor and/ or sweetener has been added . ¹

"Fortified milk and milk products" means milk and milk products other than Vitamin D milk and milk products, the vitamin and/ or mineral content of which have been increased by a method and in an amount approved by the State Regulatory Authority. ¹

"Frozen milk concentrate" means a frozen milk product with a composition of milkfat and milk solids-not-fat in such proportions that when a given volume of concentrate is mixed with a given volume of water the reconstituted product conforms to the milkfat and milk solids-not-fat requirements of whole milk. In the manufacturing process, water may be used to adjust the primary concentrate to the final desired concentration. The adjusted primary concentrate is pasteurized, packaged, and immediately frozen. This product is stored, transported, and sold in the frozen state. ¹

"Goat milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. The word "milk" shall be interpreted to include goat milk.

"Grade "A" dry milk and whey products" means milk products which have been produced for use in Grade "A" pasteurized milk products, and which have been manufactured under the provisions of the Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey - Recommended Sanitation Ordinance for Condensed and Dry Milk Products and Condensed and Dry Whey used in Grade "A" Pasteurized Milk Products.

"Half-and-Half" means a product consisting of a mixture of milk and cream which contains not less than 10.5 percent % milkfat. ¹

"Heavy cream or heavy whipping cream" means cream which contains not less than 36 percent % milkfat.

"Homogenized milk" means milk which has been treated to ensure breakup of the fat globules to such an extent that, after 48-hours of quiescent undisturbed storage at 45°F, no visible cream separation occurs on the milk ; and . The fat percentage of the top 100 milliliters of milk

in a quart, or of proportionate volumes in containers of other sizes, does not differ by more than 10 percent % from the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include homogenized milk. ¹

"Lactose-reduced milk or lactose-reduced lowfat milk or lactose-reduced skim milk" means the product resulting from the treatment of milk, lowfat milk or skim milk by the addition of safe and suitable enzymes to convert sufficient amounts of the enough lactose to glucose and/or galactose so that the remaining lactose is less than 30 percent % of the lactose remains in the milk, lowfat milk, or skim milk.

"Light cream, coffee cream, or table cream" means cream which contains not less than 18 percent % but less than 30 percent % milkfat.

"Light whipping cream" means cream that contains not less than 30 percent % but less than 36 percent % milkfat.

"Lowfat cottage cheese" [means the soft uncurd cheese which is prepared by mixing cottage cheese with pasteurized cream, or with a pasteurized mixture of cream and milk or skim milk] ; and which [It contains not less than 0.5% nor more than 2.0% milkfat by weight, and not more than 82.5% moisture + is that product defined in the Code of Federal Regulations, Title 21, § 133.131.]

"Lowfat milk" means milk from which a sufficient portion of milkfat has been removed to produce a food having one of the following milkfat contents; 1/2, 1, 1 1/2, or 2 percent %. Vitamin A shall be present in such quantity that each quart of the food contains not less than 2,000 International Units. ¹

"Lowfat yogurt" means a product resulting from the souring by specific lactic acid producing bacteria of pasteurized lowfat milk, of pasteurized lowfat milk by specific lactic acid-producing bacteria.

"Low-sodium milk or low-sodium lowfat or low-sodium skim milk" means the product resulting from the treatment of milk, lowfat milk, or skim milk by a process of passing the milk fluid ; lowfat milk or skim milk through an ion exchange resin process , or by any other process which has been recognized by the Food and Drug Administration that effectively reduces sodium content of the product to less than 10 milligrams in 100 milliliters.

"Market milk" means milk which contains not less than three and twenty-five one hundredths percent 3.25% milkfat and not less than eight and twenty-five one hundredths percent 8.25% solids-not-fat when sold, offered for sale, distributed, or dispensed to the consumer for human consumption. Market Milk may be standardized.

"Market milk products" means cream, light cream, coffee cream, table cream, whipping cream, light whipping

cream, heavy cream, heavy whipping cream, sour cream, acidified sour cream, half-and-half, cultured half-and-half, acidified half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, skim milk, low-sodium milk, low-sodium lowfat milk, low-sodium skim milk, lactose-reduced milk, lactose-reduced lowfat milk, lactose-reduced skim milk, lowfat milk, fortified milk and milk products, vitamin D milk and milk products, homogenized milk, flavored milk or milk products, eggnog flavored milk, buttermilk, cultured buttermilk, cultured milk, cultured whole milk buttermilk, yogurt, lowfat yogurt, nonfat yogurt, acidified milk and milk products, cottage cheese dry curd, cottage cheese, lowfat cottage cheese, and eggnog. ¹ This definition is not intended to include such products as sterilized milk and milk products hermetically sealed in a container and so processed, either before or after sealing, as to prevent microbial spoilage, or evaporated milk, condensed milk, ice cream and other frozen desserts, butter, dry milk products (except as defined herein), or cheese , except when they are combined with other substances to produce any pasteurized milk or milk product defined herein.

"Milk" means the whole, fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained before and after calving, for such a period as may be necessary to render the milk practically colostrum free, which contains not less than 8 1/4 percent % milk solids-not-fat and not less than 3 1/4 percent % milkfat.

"Milk distributor" means any person who offers for sale or sells to another any milk or milk products.

"Milkfat or butterfat" means the fat of milk.

"Milk hauler" means any person who transports raw milk and/or raw milk products to or from a milk plant, a receiving station, or a transfer station.

"Milk plant" means any place, premises, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, bottled, or prepared for distribution.

"Milk producer" means any person who operates a dairy farm and provides, sells, or offers milk for sale to a milk plant, receiving station, or transfer station.

"Milk products" means whipped cream, whipped light cream, whipped coffee cream, and whipped table cream.

"Misbranded milk and milk products" means misbranded when:

1. Their containers bear or accompany any false or misleading written, printed, or graphic matter;
2. Such milk and milk products do not conform to their definitions as contained in these regulations ; and

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3. Such products are not labeled in accordance with Regulation § 5.

"Nonfat yogurt" means a product resulting from the souring by specific lactic acid producing bacteria of pasteurized nonfat milk, of pasteurized nonfat milk by specific lactic acid-producing bacteria.

"Normal storage" means the storage of the Grade "A" pasteurized market milk, Grade "A" pasteurized market milk products, and milk products at a temperature of 45°F or less.

"Official laboratory" means a biological, chemical, or physical laboratory which is operated by the State Regulatory Authority.

"Officially designated laboratory" means a [commercial] laboratory [authorized or a milk industry laboratory officially designated] by the State Regulatory Authority [to do official work for the examination of producer samples of Grade "A" raw milk for pasteurization and commingled milk tank truck samples of raw milk for antibiotic residues and bacterial limits].

"Optional ingredients" mean and means Grade "A" dry milk products, concentrated milk, concentrated milk products, flavors, sweeteners, stabilizers, emulsifiers, acidifiers, vitamins, minerals, and similar ingredients.

"Pasteurization" , The terms "pasteurization," "pasteurized", and similar terms shall mean the process of heating every particle of milk or milk product to at least 145°F, and holding it continuously at or above this that temperature for at least 30 minutes, or to at least 161°F, and holding it continuously at or above this temperature for at least 15 seconds, in equipment which is properly operated and approved by the State Regulatory Authority ; . ~~Provided, that~~ Milk products which have a higher milkfat content than milk, ~~and/or~~ or contain added sweeteners, shall be heated to at least 150°F, and held continuously at or above this temperature for at least 30 minutes ; or to at least 166°F, and held continuously at or above this temperature for at least 15 seconds . ; ~~Provided, that~~ Eggnog shall be heated to at least the following temperature and time specifications:

Temperature	Time
155°F	30 Minutes
175°F	25 Seconds
180°F	15 Seconds

~~Provided further, that nothing in this definition shall be construed as barring~~ Any other pasteurization process which has been recognized by the U.S. Food and Drug Administration to be as being equally efficient and which is may be approved by the State Regulatory Authority.

"Person" ~~The word "person shall mean~~ means any individual, plant operator, partnership, corporation,

company, firm, trustee, or association.

"Pull date" means the date which is required to be affixed on the consumer package or container of Grade "A" pasteurized market milk, Grade "A" pasteurized market milk products, and milk products as defined in these regulations which is the date beyond the day of manufacturing and processing of packages of each product and the last day on which such product is recommended to be offered for sale to consumers under normal storage conditions.

"Receiving station" means any place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and prepared for further transporting.

"Reconstituted or recombined milk and milk products" shall mean means milk or milk products defined in these Regulations which result from the recombining of milk constituents with potable water. ¹

[~~"Sanitation"~~"Sanitization"] means the application of any effective method or substance to a clean surface for the destruction of pathogens, and of other organisms as far as is practicable. Such treatment shall not adversely affect the equipment, the milk or milk product or the health of consumers, and shall be acceptable to the State Regulatory Authority.

"Skim milk or nonfat milk" means milk from which sufficient milkfat has been removed to reduce its milkfat content to less than 0.50 percent % . Vitamin A shall be present in such quantity that each quart of the food contains not less than 2,000 International Units. ¹

"Sour cream or cultured sour cream" means a fluid or semi-fluid cream resulting from the souring by lactic acid-producing bacteria or similar culture, or pasteurized cream, which contains not less than 0.5 percent % acidity expressed as lactic acid. Sour cream contains not less than 18 percent % milkfat; except that when the food is characterized by the addition of nutritive sweeteners or bulky flavoring ingredients, the weight of the milkfat is not less than 18 percent % of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the food; but in no case does the food contain less than 14.4 percent % milkfat. ¹

"Sour Half-and-Half or cultured Half-and-Half" means fluid or semi-fluid half-and-half derived from the souring, by lactic acid-producing bacteria or similar culture, of pasteurized half-and-half, which contains not less than 0.50 percent % acidity expressed as lactic acid. ¹

"State Regulatory Authority" The State Regulatory Authority shall mean means the Department of Agriculture and Consumer Services or the State Health Department and its authorized representatives (§§ 3.1-530.3 and 3.1-530.4). The term ;"State Regulatory Authority" ; wherever it appears in the these regulations, shall mean

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the appropriate agency having jurisdiction and control over the matters embraced within these regulations.

"Transfer station" means any place, premises, or establishment where milk or milk products are transferred directly from one transport tank to another.

"Ultra-pasteurized", when used to describe a dairy product, means that such product shall have been thermally processed at or above 280°F (138°C) for at least $\frac{1}{2}$ two seconds, either before or after packaging, so as to produce a product which has an extended shelf life under refrigerated conditions.

"Vitamin D milk and milk products" means milk and milk products, the vitamin D content of which has been increased by an approved method to at least 400 International Units per quart. ¹

"Whipped cream" means whipping cream into which air or gas has been incorporated. ¹

"Whipped light cream, coffee cream, or table cream" means light cream, coffee cream, or table cream into which air or gas has been incorporated. ¹

"Whipping cream" means cream which contains not less than 30 percent % milkfat.

"Yogurt" means a product resulting from the souring by specific lactic acid producing bacteria of pasteurized milk of pasteurized milk by specific lactic acid-producing bacteria. ¹

¹ Optional ingredients as defined in Regulation § 1. definition 46 may be used in this product.

Regulation 1.

§ 2. Intent, scope, and interpretation.

A. The Virginia State Board of Agriculture and Consumer Services hereby finds and declares that a uniform regulation is needed to govern the production, processing, labeling, and distribution of Grade "A" Market Milk, Grade "A" Market Milk Products, and certain Milk Products within the Commonwealth of Virginia. This regulation relating to Grade "A" Market Milk, Grade "A" Market Milk Products, and certain Milk Products such products shall be applicable throughout the Commonwealth of Virginia and shall be enforced on a statewide basis.

Products produced, processed or manufactured in accordance with under the provision of these regulations may be sold in all counties, cities and towns in this State within this Commonwealth; and They shall not be subject to regulation; by ordinance or otherwise, to supervision, or to inspection of by any political subdivision wherein the products are produced, processed, manufactured or sold.

B. No regulation shall be adopted and construed so as to prohibit the sale within the State of any product which is produced outside of the State under laws or regulations of the exporting state or political subdivision thereof which are substantially equivalent to these regulations, and which are enforced with equal effectiveness in the opinion of the Virginia State Department of Agriculture and Consumer Services and/or State Health Department. No regulation shall be adopted or construed to prohibit the sale of any imported dairy product within this Commonwealth, if the laws and regulations of the exporting state or political subdivision thereof are substantially the same as these regulations, and if they are enforced with equal effectiveness as determined by the Virginia Department of Agriculture and Consumer Services or the State Health Department.

C. Unless otherwise provided by state law or regulations of the Virginia State Board of Agriculture and Consumer Services these regulations shall be interpreted and enforced where applicable in accordance with the Administrative Procedures contained in the Grade "A" Pasteurized Milk Ordinance - 1978, Recommendations of the United States Public Health Service and the Food and Drug Administration, 1979 1978 Edition (1985 Revision); . A certified copy of which shall be on file in the office of the Dairy Inspection Program of the Virginia State Department of Agriculture and Consumer Services.

D. These regulations define milk and certain milk products, milk producers, pasteurization, etc.; prohibit the sale of adulterated and misbranded market milk, market milk products, and certain milk products; require permits for the sale of market milk, market milk products, and certain milk products; regulate the inspection of dairy farms and milk plants, and the examination, labeling, pasteurization, distribution and sale of milk and milk products; provide for the construction of future dairy farms and milk plants, the enforcement of these regulations, and the fixing of penalties.

* February 21, 1973, Amended
Effective October 1, 1973

Regulation 2.

§ 3. Adulterated or misbranded milk or milk products.

A. No person shall, within the Commonwealth of Virginia; or its police jurisdiction shall produce, provide, sell, offer, or expose for sale, or have in possession with intent to sell, any milk, market milk, market milk product or other milk product which is adulterated or misbranded; Provided, that . However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the State Regulatory Authority; . In which this case, such products shall be labeled "ungraded."

B. Any adulterated or misbranded milk, market milk,

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market milk product or *other* milk product may be impounded by the State Regulatory Authority and disposed of in accordance with applicable laws or regulations.

~~Regulation 4.~~

§ 4. Permits.

A. It shall be unlawful for any person who does not possess a permit from the State Regulatory Authority of the Commonwealth of Virginia to bring into, send into, or receive into the Commonwealth of Virginia or its police jurisdiction, for sale, or to sell, or offer for sale therein, or to have in storage, milk, market milk, market milk product or milk product defined in these regulations; provided, that grocery stores, restaurants, soda fountains, and similar establishments where milk, market milk, market milk products, or milk products are served or sold at retail, but not processed, may be exempt from the requirements of these regulations.

B. Only a person who complies with the requirements of these regulations shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons ~~and~~ or locations.

C. The State Regulatory Authority shall suspend such permit whenever:

1. It has reason to believe that a public health hazard exists; or
2. The permit holder has violated any of the requirements of these regulations; or
3. The permit holder has interfered with the State Regulatory Authority in the performance of its duties.

D. The State Regulatory Authority shall, in all cases except where the milk, market milk, market milk product, or milk product involved creates, or appears to create, an imminent hazard to the public health; or in any case of a willful refusal to permit authorized inspection, serve upon the holder a written notice of intent to suspend permit, which notice shall specify with particularity the violations in question and afford the holder such reasonable opportunity to correct such violations as may be agreed to by the parties, or in the absence of agreement, fixed by the State Regulatory Authority, before making any order of suspension effective. A suspension of permit shall remain in effect until the violation has been corrected to the satisfaction of the State Regulatory Authority.

E. Upon written application of any person whose permit has been suspended, or upon application within 48 hours of any person who has been served with a notice of intention to suspend, and in the latter case before suspension, the State Regulatory Authority shall within 72 hours proceed to a hearing to ascertain the facts of such violation or interference and upon evidence presented at such hearing shall affirm, modify, or rescind the

suspension or intention to suspend.

[*F. The State Regulatory Authority may forgo suspension of the permit, provided the product or products in violation are not sold or offered for sale.]*

[*F. G.]* Upon repeated violations, the State Regulatory Authority may revoke such permit following reasonable notice to the permit holder and an opportunity for a hearing. This regulation is not intended to preclude the institution of court action as provided in Regulations §§ 6 and 7.

~~Regulation 5.~~

§ 5. Labeling.

A. Except for nutrition labeling, all bottles, containers, and packages enclosing milk, market milk, market milk products, or milk products defined in Regulation § 1 shall be labeled in accordance with the applicable requirements of the Federal Food, Drug and Cosmetic Act, as amended, the Fair Packaging and Labeling Act, and regulations developed thereunder, and in addition, shall comply with the applicable requirements of this section as follows:

B. All bottles, containers, and packages enclosing milk, market milk, market milk products or milk products defined in Regulation § 1 shall be conspicuously labeled or marked with:

1. The name of the contents as given in the definition of this regulation, except the word "market" need not appear;
2. The word "reconstituted" or "recombined" is made by reconstitution or recombination;
3. The grade of the contents;
4. The identity of the plant where pasteurized [*or ultra-pasteurized*];
5. The word "raw" if the contents are raw and the ~~name or other~~ identity of the producer;
6. The volume or proportion of water to be added for recombining in the case of concentrated milk or milk products : ~~Provided, that~~ *However,*

~~(a). Only the identity of the milk producer shall be required on cans delivered to a milk plant which receives only Grade "A" raw milk for pasteurization, and which immediately dumps, washes, and returns the cans to the milk producer;~~

~~(b). The identity of both milk producer and the grade shall be required on cans delivered to a milk plant which receives both Grade "A" raw milk for pasteurization and ungraded raw milk, and which immediately dumps, washes, and returns the cans to~~

the producer;

(e). a. In the case of concentrated milk products, the specific name of the product shall be substituted for the generic term "concentrated milk products", e.g. "homogenized concentrated milk", "concentrated skim milk", "concentrated chocolate milk", "concentrated chocolate flavored lowfat milk";

(d). b. In the case of flavored milk or flavored reconstituted milk, the name of the principal flavor shall be substituted for the word "flavored"; and

(e). c. In the case of cultured milk and milk products, the special type of culture used may be substituted for the word "cultured"; e.g., "acidophilus buttermilk", "bulgarian buttermilk", and "yogurt".

C. All vehicles and transport tanks containing milk, market milk, or market milk products and certain milk products shall be legibly marked with the name of the milk plant or hauler in possession of the contents.

D. Tanks transporting raw milk and milk products to a milk plant from sources of supply not under the routine supervision of the State Regulatory Authority are required to be marked with the name and address of the milk plant or hauler and shall be sealed; in addition, for each such shipment, a shipping statement shall be prepared containing at least the following information:

1. Shipper's name, address, and permit number.
2. Permit number of hauler, if not employee of shipper.
3. Point of origin of shipment.
4. Tanker identity number.
5. Name of product.
6. Weight of product.
7. Grade of product.
8. Temperature of product.
9. Date of shipment.
10. Name of supervising regulatory authority at the point of origin.
11. Whether the contents are raw, pasteurized, or otherwise heat treated.

E. ~~Such~~ This statement shall be prepared in triplicate and shall be kept on file by the shipper, the consignee, and the carrier for a period of six months for the information of the State Regulatory Authority.

F. The labeling information which is required on all bottles, containers, or packages of milk or milk products shall be in letters of an acceptable size, kind, and color satisfactory to the State Regulatory Authority, and shall contain no marks or words which are misleading.

G. The "Pull Date" shall appear in such form as to be conspicuous, legible, and commonly understandable, and shall not interfere with the legibility of other mandatory labeling requirements of the product. Cup containers may be labeled with the date on the bottom.

H. The "Pull Date" shall be expressed by the first three letters of the month followed by or preceded by the numeral or numerals constituting the appropriate calendar date, or expressed numerically by the number of the month preceding the number of the day. For example: , June 1 shall be expressed "JUN 1", "1 JUN", "06 01", or "06-01".

I. The provisions of this regulation pertaining to pull dates shall not apply to Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products bottled in glass containers for home delivery.

J. Each processor or distributor manufacturing, processing or packaging of products defined in this regulation for sale within the Commonwealth of Virginia shall file and certify with the State Regulatory Authority the maximum number of days after manufacturing or processing which will be used to determine the "Pull Date". The "Pull Date" shall allow be determined so as to provide for the product to be capable of meeting meet standards set forth in these regulations for a reasonable period of time subsequent to following the "Pull Date", under normal storage conditions.

K. No person shall sell or offer for sale any Grade "A" Pasteurized Market Milk, Grade "A" Pasteurized Market Milk Products, and Milk Products in consumer packages that do not bear the "Pull Date" as defined and required by these regulations.

L. This regulation does not apply to containers of Grade "A" Pasteurized Market Milk, Grade "A" Market Milk Products, and Milk Products which are not to be sold in the Commonwealth of Virginia.

*February 21, 1973, Amendment
Effective October 1, 1973

Regulation 6-

§ 6. Inspection of dairy farms and milk plants.

A. Each dairy farm, milk plant, receiving station, and transfer station whose milk, market milk, market milk products, or milk products are intended for consumption within the Commonwealth of Virginia state; or its police jurisdiction shall be inspected by the State Regulatory Authority prior to the issuance of a permit before a

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permit is issued . Following the issuance of a permit, each dairy farm shall be inspected at least once every three months; and each milk plant, transfer station, and receiving station shall be inspected every month. Should the violation of any requirement set forth in Regulation § 8 be found , ~~to exist on an inspection~~ a second inspection shall be required after the time deemed necessary to remedy the violation, but not before *three days* ; ~~have passed~~. This second inspection shall be used to determine compliance with the requirements of Regulation § 8. Any violation of the same requirement of Regulation § 8 on ~~such~~ the second inspection shall call for permit suspension in accordance with Regulation § 4 , ~~and/~~ or court action , or both.

B. One copy of the inspection report shall be handed to the operator, or other responsible person, or be posted in a conspicuous place on an inside wall of the establishment. ~~Said~~ The inspection report shall not be defaced and shall be made available to the State Regulatory Authority upon request. An identical copy of the inspection report shall be filed with the records of the State Regulatory Authority. Every milk producer, hauler, distributor, or plant operator shall, upon request of the State Regulatory Authority, permit access of officially designated persons to all parts of his establishment or facilities to determine compliance with the provisions of the regulation. A distributor or plant operator shall furnish the State Regulatory Authority, upon request, for official use only a true statement of the actual quantities of milk, market milk, market milk products, and milk products of each grade purchased and sold, and a list of all sources of such milk, market milk, market milk products, and milk products, records of inspections, tests, and pasteurization time and temperature records.

C. It shall be unlawful for any person who in an official capacity to obtain any information under the provisions of these regulations which is entitled to protection as a trade secret (including information as to quantity, quality, source, or disposition of milk, market milk, market milk products or milk products, or results on inspection of tests thereof) to use such information to his own advantage or to reveal it to any unauthorized person.

Regulation 7.

§ 7. The examination of milk and milk products.

A. During any consecutive six months, at least four samples of raw milk for pasteurization [or *ultra-pasteurization*] shall be taken from each producer and four samples of raw milk for pasteurization [or *ultra-pasteurization*] shall be taken from each milk plant after receipt of the milk by the milk plant and prior to pasteurization [or *ultra pasteurization*]. In addition, during any consecutive six months, at least four samples of pasteurized [or *ultra-pasteurized*] market milk and at least four samples of each market milk product and milk product defined in these regulations shall be taken from every milk plant. Samples of milk, market milk, market milk products, and milk products shall be taken while in

possession of the producer or distributor at any time prior to final delivery. Samples of market milk, market milk products, and milk products from dairy retail stores, food service establishments, grocery stores, and other places where market milk, market milk products, and milk products are sold shall be examined periodically as determined by the State Regulatory Authority; and the results of such examination shall be used to determine compliance with Regulations §§ 3, 5, 8, and 11. Proprietors of such establishments shall furnish the State Regulatory Authority, upon its request, with the names of all distributors from whom market milk, market milk products, and milk products are obtained.

B. Required bacterial counts, somatic cell counts, and cooling temperature checks shall be performed on raw milk for pasteurization [or *ultra-pasteurization*]. In addition, antibiotic tests on each producer's milk or on commingled raw milk shall be conducted at least four times during any consecutive six months. When commingled milk is tested, all producers shall be represented in the sample. All individual sources of milk shall be tested when test results on the commingled milk are positive. Required bacterial count, coliform determinations, phosphatase, and cooling temperature checks shall be performed on pasteurized [or *ultra-pasteurized*] market milk, market milk products, and milk products.

C. Whenever two of the last four consecutive bacteria counts, somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days, exceed the limit of the standard for the milk, market milk, market milk products, and milk products, the State Regulatory Authority shall send a written notice thereof to the person concerned. This notice shall be in effect so long as two of the last four consecutive samples exceed the limit of the standard. An additional sample shall be taken within 21 days of the sending of such notice, but not before the lapse of three days. Immediate suspension of permit in accordance with Regulation § 4 ~~and/~~ or court action , or both, shall be instituted whenever the standard is violated by three of the last five bacteria counts, somatic cell counts, coliform determinations, or cooling temperatures.

D. Whenever a phosphatase is positive, the cause shall be determined. Where the cause is improper pasteurization, it shall be corrected; and any market milk, market milk products, or milk products involved shall not be offered for sale.

E. Whenever an antibiotic or pesticide residue test is positive, an investigation shall be made to determine the cause, and the cause shall be corrected. An additional sample shall be taken and tested for antibiotic or pesticide residues and no milk shall be offered for sale until it is shown by a subsequent sample to be free of antibiotic or pesticide residues, or below the actionable levels established for such residues. Samples shall be analyzed at an official laboratory or an *officially designated laboratory* . All sampling procedures and required laboratory

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examinations shall be in substantial compliance with the latest Edition of Standard Methods for the Examination of Dairy Products of the American Public Health Association, and the latest Edition of Official Methods of Analyses of the Association of Official Analytical Chemists, and other sampling and testing procedures as approved by the State Regulatory Authority. Such procedures and examinations shall be evaluated in accordance with the methods of evaluating milk laboratories recommended by the United States Public Health Service. Examinations and tests shall be conducted to detect adulterants, including pesticides, as the State Regulatory Authority shall require. Assays of vitamin D market milk or market milk products or milk products and/or fortified market milk, market milk products, or milk products shall be made at least annually in a laboratory acceptable to the State Regulatory Authority. The cost of such assays shall be paid for by the seller or distributor.

§ 8. Standards for milk, market milk, market milk products, and milk products.

All Grade "A" raw milk for pasteurization [or *ultra-pasteurization*] and all Grade "A" pasteurized [and *ultra-pasteurized*] market milk and market milk products and all milk products shall be produced, processed, and pasteurized [or *ultra-pasteurized*] to conform with the following chemical, bacteriological, somatic cell, and temperature standards, and the sanitation requirements of these regulations. No process or manipulation other than pasteurization [or *ultra-pasteurization*], processing methods integral therewith, and appropriate refrigeration shall be applied to milk, market milk, market milk products, and milk products for the purpose of removing or deactivating microorganisms. Provided, that in the bulk shipment of raw cream, skim milk, or lowfat milk, the heating of the raw milk to temperatures no greater than 125°F for separation purposes is permitted when the resulting bulk shipments of cream, skim milk, and lowfat milk are labeled heat treated.

Chemical, Bacteriological, Somatic Cell, and Temperature Standards for Grade "A" Milk, Market Milk, Market Milk Products, and Milk Products

Grade "A" Raw Milk for Pasteurization [or *Ultra-Pasteurization*]

Temperature	Cooled to 45°F or less within two hours after milking, provided that the blend temperature after the first and subsequent milking does not exceed 50°F.
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Bacterial Limits	Individual producer milk not to exceed 100,000 per ml. prior to commingling with other producer milk.
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Not exceeding 300,000 per ml. as commingled milk prior to pasteurization.

Antibiotics	Individual producer milk: no detectable zone with the <i>Bacillus subtilis</i> method or equivalent.
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Commingled milk: no detectable zone by the *Sarcina lutea* Cylinder Plate Method or equivalent.

Somatic Cell	Individual producer milk
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Limits not to exceed 1,500,000 per ml. prior to commingling with other producer milk.

NOTICE: The amount was reduced to 1,000,000 after a public hearing held by the board on May 22, 1986.

Grade "A" Pasteurized [or *Ultra-Pasteurized*] Milk, Market Milk Products, and Milk Products

Temperature	Cooled to 45°F or less and maintained thereat.
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Bacterial Limits*	Milk and milk products 20,000 per ml.
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Coliform Limit	Not exceeding 10 per ml: Provided, in the case of bulk milk transport tank shipments, shall not exceed 100 per ml.
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Phosphatase	Less than lug per ml., by Scharer Rapid Method (or equivalent by other means).
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Antibiotics	No detectable zone by the <i>Sarcina lutea</i> Cylinder Plate Method or equivalent.
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* Not applicable to cultured products.

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Sanitation Requirements for Grade "A" Raw Milk for Pasteurization [or Ultra-Pasteurization]

Item 1r. Abnormal milk.

Cows which show evidence of the secretion of abnormal milk in one or more quarters based upon bacteriological, chemical, or physical examination, shall be milked last or with separate equipment, and the milk shall be discarded. Cows treated with, or cows which have consumed chemical, medicinal, or radioactive agents which are capable of being secreted in the milk and which, in the judgment of the State Regulatory Authority, may be deleterious to human health, shall be milked last or with separate equipment, and the milk disposed of as the State Regulatory Authority may direct.

Item 2r. Milking barn, stable, or parlor - construction.

A milking barn, stable, or parlor shall be provided on all dairy farms in which the milking herd shall be housed during milking time operations. The areas used for milking purposes shall:

A. Have floors constructed of concrete or equally impervious material;

B. Have walls and ceilings which are smooth, painted, or finished in approved manner, in good repair, ceiling dust tight;

C. Have separate stalls or pens for horses, calves, and bulls;

D. ~~Be provided with~~ Have natural ~~and/~~ or artificial light, well distributed for day ~~and/~~ or night milking;

E. ~~Provide~~ Have sufficient airspace and air circulation to prevent condensation and excessive odors;

F. Have dust-tight covered boxes or bins, or separate storage facilities for ground, chopped, or concentrated feed; and

G. Not be over-crowded.

Item 3r. Milking barn, stable, or parlor - cleanliness.

The interior shall be kept clean. Floors, walls, windows, pipelines, and equipment shall be free of filth ~~and/~~ or litter and shall be clean. Swine and fowl shall be kept out of the milking barn.

Item 4r. Cowyard.

The cowyard shall be graded and drained and shall have no standing pools of water or accumulations of organic wastes: Provided, that in loafing or cattle-housing areas, cow droppings, and soiled bedding shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent the soiling of the cow's udder and

flanks. Waste feed shall not be allowed to accumulate. Manure packs shall be properly drained and shall provide a reasonable firm footing. Swine shall be kept out of the cowyard.

Item 5r. Milkhouse or room - construction and facilities.

A milkhouse or room of sufficient size shall be provided, in which the cooling, handling, and storing of milk and the washing, sanitizing, and storing of milk containers and utensils shall be conducted.

The milkhouse shall be provided with a smooth floor constructed of concrete or equally impervious material graded to drain and maintained in good repair. Liquid waste shall be disposed of in a sanitary manner; all floor drains shall be accessible and shall be trapped if connected to a sanitary sewer system.

The walls and ceilings shall be constructed of smooth material, in good repair, well painted, or finished in an equally suitable manner.

The milkhouse shall have adequate natural ~~and/~~ or artificial light and be well ventilated.

The milkhouse shall be used for no other purpose than milkhouse operations; there shall be no direct opening into any barn, stable, or into a room used for domestic purposes: Provided, that a direct opening between the milkhouse and milking barn, stable, or parlor is permitted when a tight fitting self-closing solid door hinged to be single or double acting is provided.

Water under pressure shall be piped into the milkhouse.

The milkhouse shall be equipped with a two-compartment wash vat and adequate hot water heating facilities.

When a transportation tank is used for the cooling and storage of milk on the dairy farm, such tank shall be provided with a suitable shelter for the receipt of milk. Such shelter shall be adjacent to, but not a part of, the milkroom and shall comply with the requirements of the milkroom with respect to construction, light, drainage, insect and rodent control, and general maintenance.

Item 6r. Milkhouse or room - cleanliness.

The floors, walls, ceilings, windows, tables, shelves, cabinets, wash vats, nonproduct contact surfaces of milk containers, utensils, and equipment, and other milkroom equipment shall be clean. Only articles directly related to milkroom activities shall be permitted in the milkroom. The milkroom shall be free of trash, animals, and fowl.

Item 7r. Toilet

Every dairy farm shall be provided with one or more toilets, conveniently located and properly constructed,

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operated, and maintained in a sanitary manner. The waste shall be inaccessible to flies and shall not pollute the soil surface or contaminate any water supply.

Item 8r. Water supply.

Water for milkhouse and milking operations shall be from a supply properly located, protected, and operated, and shall be easily accessible, adequate, and of a safe, sanitary quality.

Item 9r. Utensils and equipment - construction.

All multiuse containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be made of smooth, nonabsorbent, corrosion-resistant, nontoxic materials, and shall be so constructed as to be easily cleaned. All containers, utensils, and equipment shall be in good repair. All milk pails used for hand milking and stripping shall be seamless and of the hooded type. Multiple-use woven material shall not be used for straining milk. All single-service articles shall have been manufactured, packaged, transported, stored, and handled in a sanitary manner and shall comply with the applicable requirements of Item 11p of these regulations. Articles intended for single-service use shall not be reused.

Farm holding/cooling tanks, welded sanitary piping and transportation tanks shall comply with the applicable requirements of Item 10p, and 11p of these regulations.

Item 10r. Utensils and equipment - cleaning.

The product-contact surfaces of all multiuse containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be cleaned after each usage.

Item 11r. Utensils and equipment - sanitization.

The product-contact surfaces of all multiuse containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be sanitized before each usage.

Item 12r. Utensils and equipment - storage.

All containers, utensils, and equipment used in the handling, storage, or transportation of milk, unless stored in sanitizing solutions, shall be stored to assure complete drainage, and shall be protected from contamination prior to use: Provided, that milk pipelines and pipeline milking equipment such as milker claws, inflations, weight jars, meters, milk hoses, milk receivers, and milk pumps which are designed for mechanical cleaning may be stored in the milking barn or parlor provided this equipment is designed, installed, and operated to protect the product and solution contact surfaces from contamination at all times.

Item 13r. Utensils and equipment - handling.

After sanitization, all containers, utensils, and equipment

shall be handled in such manner as to prevent contamination of any product-contact surface.

Item 14r. Milking - flanks, udders, and teats.

Milking shall be done in the milk barn, stable, or parlor. The flanks, udders, bellies, and tails of all milking cows shall be *clipped as often as necessary to facilitate cleaning of these areas and shall be free from visible dirt. The hair on the udders shall be of such length that it is not incorporated with the teat in the inflation during milking.* All brushing shall be completed prior to milking. The udders and teats of all milking cows shall be cleaned and treated with a sanitizing solution just prior to the time of milking, and shall be relatively dry before milking. Wet hand milking is prohibited.

Item 15r. Milking - surcingles, milk stools, and antikickers.

Surcingles, milk stools, and antikickers shall be kept clean and stored above the floor.

Item 16r. [~~Milking - transfer and protection of milk~~ Protection from contamination]

[*Milking and milk house operations, equipment, and facilities shall be located and conducted to prevent any contamination of milk, equipment, containers, and utensils.*] Each pail or container of milk shall be transferred immediately from the milking barn, stable, or parlor to the milkhouse. No milk shall be strained, poured, transferred, or stored unless it is properly protected from contamination.

Item 17r. Personnel - hand-washing facilities.

There shall be provided adequate hand-washing facilities, including running water, soap or detergent, and individual sanitary towels, convenient to the milkhouse, milking barn, stable, parlor, or flush toilet.

Item 18r. Personnel-cleanliness.

Hands shall be washed clean and dried with an individual sanitary towel immediately before milking, before performing any milkhouse function, and immediately after the interruption of any of these activities. Milkers and milk haulers shall wear clean outer garments while milking or handling milk, milk containers, utensils, or equipment.

Item 19r. Cooling.

Raw milk for pasteurization shall be cooled to 45°F or less within two hours after milking: Provided that the blend temperature after the first milking and subsequent milkings does not exceed 50°F.

Item 20r. Vehicles.

Vehicles used to transport milk in cans from the dairy

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farm to the milk plant or receiving station shall be constructed and operated to protect their contents from sun, freezing, and contamination. Such vehicles shall be kept clean, inside and out; and no substance capable of contaminating milk shall be transported with milk.

Item 21r. Insect and rodent control.

Effective measures shall be taken to prevent the contamination of milk, containers, equipment, and utensils by insects and rodents, and be chemicals used to control such vermin. Milkrooms shall be free of insects and rodents. Surroundings shall be kept neat, clean, and free of conditions which might harbor or be conducive to the breeding of insects and rodents.

Sanitation Requirements for Grade "A" Pasteurized [or Ultra-Pasteurized] Market Milk, Grade "A" Market Milk Products, and Milk Products

A receiving station shall comply with Items 1p through 15p, inclusive, and 17p, 20p, and 22p, except that the partitioning requirement of Item 5p shall not apply. A transfer station shall comply with Items 1p, 4p, 6p, 7p, 8p, 9p, 10p, 11p, 12p, 14p, 15p, 20p, and 22p; and as climatic and operating conditions require, the applicable provisions of Items 2p and 3p; provided, that in every case, overhead protection shall be provided. Facilities for the cleaning and sanitizing of bulk transport tanks shall comply with Items 1p, 4p, 6p, 7p, 8p, 9p, 10p, 11p, 12p, 14p, 15p, 20p, and 22p; and as climatic and operating conditions require, the applicable provisions of Items 2p and 3p; provided, that in every case, overhead protection shall be provided.

Item 1p. Floors - construction.

The floors of all rooms in which milk or milk products are processed, handled, or stored, or in which milk containers, equipment, and utensils are washed, shall be constructed of concrete or other equally impervious and easily cleaned material; and shall be smooth, properly sloped, provided with trapped drains, kept in good repair; provided, that cold-storage rooms used for storing milk and milk products need not be provided with floor drains when the floors are sloped to drain to one or more exits: provided further, storage rooms for storing dry ingredients and/or packaging materials need not be provided with drains; and the floors may be constructed of tightly joined wood.

Item 2p. Walls and ceilings - construction.

Walls and ceilings of rooms in which milk or milk products are handled, processed, or stored, or in which milk containers, utensils, and equipment are washed, shall have a smooth, washable, light-colored surface, in good repair.

Item 3p. Doors and windows.

Effective means shall be provided to prevent the access

of flies and rodents. All openings to the outside shall have solid doors or glazed windows which shall be closed during dusty weather.

Item 4p. Lighting and ventilation.

All rooms in which milk or milk products are handled, processed, or stored and/or in which milk containers, equipment, and utensils are washed shall be well lighted and well ventilated.

Item 5p. Separate rooms.

There shall be separate rooms for:

- A. Pasteurizing, processing, cooling, and packaging;
- B. Cleaning of milk cans, bottles, and cases.

In addition, plants receiving milk in bulk transport tanks shall provide for cleaning and sanitizing facilities.

Unless all milk and milk products are received in bulk transport tanks, a receiving room, separate from rooms A and B above, shall be required. Rooms in which milk or milk products are handled, processed, or stored, or in which milk containers, utensils, and equipment are washed or stored, shall not open directly into any stable or any room used for domestic purposes. [*All rooms shall be of sufficient size for their intended purpose.*]

Item 6p. Toilet-sewage disposal facilities.

Every milk plant shall be provided with toilet facilities conforming with the regulations of the Commonwealth of Virginia. Toilet rooms shall not open directly into any room in which milk and/or milk products are processed. Toilet rooms shall be completely enclosed and shall have tight-fitting, self closing doors. Dressing rooms, toilet rooms, and fixtures shall be kept in a clean condition, in good repair, and shall be well ventilated and well lighted. Sewage and other liquid wastes shall be disposed of in a sanitary manner.

Item 7p. Water supply.

Water for milk plant purposes shall be from a supply properly located, protected, and operated, and shall be easily accessible, adequate, and of a safe, sanitary quality.

Item 8p. Hand-washing facilities.

Convenient hand-washing facilities shall be provided, including hot and cold and/or warm running water, soap, and individual sanitary towels or other approved hand-drying devices. Hand-washing facilities shall be kept in a clean condition and in good repair.

Item 9p. Milk plant cleanliness.

All rooms in which milk and milk products are handled,

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processed, or stored, and/or in which containers, utensils, or equipment are washed or stored, shall be kept clean, neat, and free of evidence of insects and rodents. Pesticides shall be safely used. Only equipment directly related to processing operations or to the handling of containers, utensils, and equipment, shall be permitted in the pasteurizing, processing, cooling, packaging, and bulk milk storage rooms.

Item 10p. Sanitary piping.

All sanitary piping, fitting, and connections which are exposed to milk or milk products, or from which liquids may drip, drain, or be drawn into milk or milk products, shall consist of smooth, impervious corrosion-resistant, nontoxic, easily cleanable material. All piping shall be in good repair. Pasteurized [or ultra-pasteurized] milk and milk products shall be conducted from one piece of equipment to another only through sanitary piping: provided, that cottage cheese, cheese dressings, or cheese ingredients may be transported by other methods which protect the product from contamination.

Item 11p. Construction and repair of containers and equipment.

All multiuse containers and equipment with which milk or milk products come into contact shall be of smooth, impervious, corrosion-resistant, nontoxic material; shall be constructed for ease of cleaning; and shall be kept in good repair. All single-service containers, closures, gaskets and other articles with which milk or milk products come in contact shall be nontoxic, and shall have been manufactured, packaged, transported, and handled in a sanitary manner. Articles intended for single-service use shall not be reused.

Item 12p. Cleaning and sanitizing of containers [and equipment].

The product-contact surfaces of all multiuse containers [and equipment], utensils and equipment used in the transportation, processing, handling, and storage of milk or milk products shall be effectively cleaned and shall be sanitized before each use.

Item 13p. Storage of cleaned containers and equipment.

After cleaning, all multiuse milk or milk products containers, utensils, and equipment shall be transported and stored to assure complete drainage, and shall be protected from contamination before use.

Item 14p. Storage of single-service containers, utensils, and materials.

Single-service caps, cap stock, parchment paper, containers, gaskets, and other single-service articles for use in contact with milk and milk products shall be purchased and stored in sanitary tubes, wrappings, or cartons; shall be kept therein in a clean, dry place until used; and shall

be handled in a sanitary manner.

Item 15p. Protection from contamination.

Milk plant operations, equipment, and facilities shall be located and conducted to prevent any contamination of milk or milk products, ingredients, equipment, containers, and utensils. All milk and milk products or ingredients which have been spilled, overflowed, or leaked shall be discarded. The processing or handling of products other than milk and milk products in the pasteurization plant shall be performed to preclude the contamination of such milk and milk products. [*The storage, handling, and use of poisonous or toxic materials shall be performed to preclude the contamination of milk and milk products or ingredients of such milk and milk products or the product-contact surfaces of all equipment, containers and utensils.*]

Item 16p. Pasteurization [and Ultra-Pasteurization].

Pasteurization [or ultra-pasteurization] shall be performed as defined in Regulation H, Definition 47 PP of these regulations § 1.

Item 17p. Cooling of milk.

All raw milk and milk products shall be maintained at 45°F or less until processed. All pasteurized [or ultra-pasteurized] milk and milk products, except those to be cultured, shall be cooled immediately prior to filling or packaging in approved equipment to a temperature of 45°F or less. All pasteurized [or ultra-pasteurized] milk and milk products shall be stored at a temperature of 45°F or less. Every room or tank in which milk or milk products are stored shall be equipped with an accurate thermometer.

Item 18p. Bottling and packaging.

Bottling and packaging of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment: provided, that cottage cheese, dry curd cottage cheese, and lowfat cottage cheese may be transported in sealed containers in a protected, sanitary manner from one plant to another for creaming and/or packaging.

Item 19p. Capping.

Capping or closing of milk and milk product containers shall be done in a sanitary manner by approved mechanical capping and/or closing equipment. The cap or closure shall protect the pouring lip to at least its largest diameter and, with respect to fluid product containers, removal cannot be made without detection.

Item 20p. Personnel - cleanliness.

Hands shall be thoroughly washed before commencing plant functions and as often as may be required to

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remove soil and contamination. No employee shall resume work after visiting the toilet room without thoroughly washing his hands. All persons, while engaged in the processing, pasteurization, handling, storage, or transportation of milk, milk products, containers, equipment and utensils shall wear clean outer garments. All persons, while engaged in the processing of milk or milk products shall wear adequate hair coverings and shall not use tobacco.

Item 21p. Vehicles.

All vehicles used for transportation of pasteurized [*or ultra-pasteurized*] milk and milk products shall be constructed and operated so that the milk and milk products are maintained at 45°F or less, and are protected from sun, from freezing, and from contamination.

Item 22p. Surroundings.

Milk plant surroundings shall be kept neat, clean, and free from conditions which might attract or harbor flies, other insects, and rodents, or which otherwise constitute a nuisance.

Regulation 9.

§ 9. Animal health.

A. All milk for pasteurization [*or ultra-pasteurization*] shall be from herds which are located in Modified Accredited Tuberculosis Area as determined by the U.S. Department of Agriculture: provided, that herds located in an area that fails to maintain such accredited statute shall have been accredited by said Department as tuberculosis-free, or shall have passed an annual tuberculosis test.

B. All milk for pasteurization [*or ultra-pasteurization*] shall be from herds under a brucellosis eradication program which meets one of the following conditions:

1. Located in a Certified Brucellosis-Free Area as defined by the United States Department of Agriculture and enrolled in the testing program for such areas; or
2. Located in a Modified Certified Brucellosis Area as defined by the United State Department of Agriculture and enrolled in the testing program for such areas; or
3. Meeting United States Department of Agriculture requirements for an individually certified herd; or
4. Participating in a milk ring testing program which is conducted [~~on a continuing basis at intervals of not less than every three months or more than every six months with individual blood tests on all animals in herds showing suspicious reactions to the milk ring test at least four times per year at approximately equal intervals, and all herds with positive milk ring~~

~~results shall have the entire herd blood tested within 30 days from the date of the laboratory ring tests] ; or~~

5. Have an individual blood agglutination test annually with an allowable maximum [~~grade grace~~] period not exceeding two months.

C. For diseases other than brucellosis and tuberculosis, the State Regulatory Authority shall require such physical, chemical, or bacteriological, or other tests as it deems necessary. The diagnosis of other diseases in dairy cattle shall be based upon the findings of a licensed veterinarian or a veterinarian in the employ of an official agency. Any diseased animal disclosed by such ~~test(s)~~ tests shall be disposed of as the State Regulatory Authority directs.

Regulation 10.

§ 10. Market milk, market milk products, and milk products which may be sold.

From and after the date these regulations are effective , only Grade "A" pasteurized [*or ultra-pasteurized*] market milk, Grade "A" pasteurized market milk products, and milk products as defined in these regulations shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishment: provided, that in an emergency, the sale of pasteurized market milk and market milk products which have not been graded, or the grade of which is unknown, may be authorized by the State Regulatory Authority; in which cases, such market milk and market milk products shall be labeled "ungraded".

Regulation 11.

§ 11. Transferring; delivery containers; cooling.

A. Except as permitted in these regulations, no milk producer or distributor shall transfer milk or milk products from one container or tank truck to another on the street, in any vehicle, store, or in any place except a milk plant, receiving station, transfer station, or milkhouse especially used for that purpose. The dipping or lading of milk or fluid milk products is prohibited.

B. It shall be unlawful to sell or serve any milk or fluid milk product except in the individual, original container received from the distributor, or from an approved bulk dispenser: provided, that this requirement shall not apply to milk for mixed drinks requiring less than one-half pint of milk, or to cream, whipped cream, or half-and-half which is consumed on the premises and which may be served from the original container or not more than one-half gallon capacity, or from a bulk dispenser approved for such service by the State Regulatory Authority.

C. It shall be unlawful to sell or serve any pasteurized [*or any ultra-pasteurized*] milk or milk product which has

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not been maintained at a temperature of 45°F or less. If containers of pasteurized [or ultra-pasteurized] milk or milk products are stored in ice, the storage container shall be properly drained.

Regulation 12.

§ 12. Milk, market milk, market milk products, and milk products from points beyond the limits of routine inspection.

Milk, market milk, market milk products, and milk products from points beyond the limits of routine inspection of the Commonwealth of Virginia, or its police jurisdiction may be sold in Virginia, or its police jurisdiction, provided they are produced and pasteurized [or ultra-pasteurized] under regulations which are substantially equivalent to these regulations and have been awarded an acceptable milk sanitation compliance and enforcement rating made by a state milk sanitation rating officer certified by the United States Public Health Service. A permit shall be issued for each bulk tankload or raw milk entering the Commonwealth of Virginia for processing and sale as Grade "A" market milk, Grade "A" market milk products, and milk products defined in these regulations. Individual permit will be issued upon receipt of application and information as directed by the State Regulatory Authority giving information as is set forth in Regulation § 5 concerning the labeling of tanks transporting raw milk.

Regulation 13.

§ 13. Future dairy farms and milk plants.

Properly prepared plans for all milkhouses, milking barns, stables, and parlors, transfer stations, receiving stations, and milk plants regulated under these regulations which are hereafter constructed, reconstructed, or extensively altered, shall be submitted to the State Regulatory Authority for written approval before work is begun.

Regulation 14.

§ 14. Personnel health.

No person affected with any disease in a communicable form, or while a carrier of such disease, shall work at any dairy farm or milk plant in any capacity which brings him into contact with the production, handling, storage, or transportation of milk, milk products, containers, equipment, and utensils; and no dairy farm or milk plant operator shall employ in any such capacity any such person, or any person suspected of having any disease in a communicable form, or of being a carrier of such disease. Any producer or distributor of milk, market milk, market milk products, and milk products, upon whose dairy farm, or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has

become a carrier of such disease, shall notify the State Regulatory Authority immediately.

Regulation 15.

§ 15. Procedure when infection is suspected.

When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk and/or milk products, the State Regulatory Authority is authorized to require any or all of the following measures:

A. The immediate exclusion of that person from milk handling;

B. The immediate exclusion of the milk supply concerned from distribution and use; and

C. Adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

§ 16. Grade "A" condensed and dry milk products and condensed and dry whey.

The production, manufacture, packaging, labeling and sale of all Grade "A" condensed milk and Grade "A" dry milk products and Grade "A" condensed whey and Grade "A" dry whey for use in the commercial preparation of Grade "A" pasteurized milk products, sold within the Commonwealth of Virginia; the inspection of condensing plants or drying plants; issuing and revocation of permits to condensing plants or drying plants shall be regulated in accordance with the provision of Part II of the Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey - Recommended Sanitation Ordinance for Condensed and Dry Milk Products and Condensed and Dry Whey used in Grade "A" Pasteurized Milk Products - Supplement I to the Grade "A" Pasteurized Milk Ordinance - 1978 Recommendations of the United States Public Health Service/Food and Drug Administration, 1978 Edition (1985 Revision). A copy may be examined in the office of the Dairy Inspection Program of the Virginia State Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Richmond, Virginia 23219 or ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Stock Number 017-001-00420-1.

* * * * *

Title of Regulation: 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 Hauling, Transferring and Delivery of Milk from the Farm to the Processing Plant.

Statutory Authority: §§ 3.1-530.1 through 3.1-530.9 and §§ 3.1-531 through 3.1-545 of the Code of Virginia.

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Effective Date: March 18, 1987

Summary:

This regulation regulates the cooling and storage of milk, the collection and handling of milk samples and the transportation of milk.

The Virginia Board of Agriculture and Consumer Services promulgated amendments to VR 115-05-02. These amendments assigned additional duties to the milk hauler in picking up raw milk on Grade "A" milk producer farms. Their purpose is to prevent milk which had a temperature variation that precludes acceptance from entering the normal supply of Grade "A" raw, fluid milk for pasteurization.

The board also approved changes in seventy-three requirements to improve sentence structure and clarity.

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 Hauling, Transferring and Delivery of Milk from the Farm to the Processing Plant.

Regulation 2.

§ 1. Definitions.

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

"Contract hauler" and/or subcontract hauler A contract hauler or sub-contract hauler is means any person who contracts to transport raw milk from a dairy farm to a milk plant; receiving or transfer station, or between a receiving station or transfer station and a milk plant.

"Dairy farm" is means any place or premises where one or more cows or goats are kept, and from which a part some or all of the milk or milk products is are provided, sold, or offered for sale to a milk plant, transfer station, or receiving station.

"Farm bulk cooling and/or holding tank" A farm bulk milk tank is means any tank installed on a dairy farm for the purpose of cooling and/or storing raw milk.

"Farm bulk milk pickup tank" A farm bulk milk pickup tank is means a tank especially designed and equipped to receive and transport raw milk from farm bulk cooling and/or holding tanks to a milk plant, receiving station, or transfer station.

"Farm pickup commingled milk" Farm pickup commingled milk is means the commingled raw milk from two or more dairy farms which has not been removed

from the farm bulk milk pickup tank.

"Industry laboratory" is means a milk industry laboratory or a commercial laboratory which has been approved by the State Regulatory Authority to conduct specific tests and/or examinations of raw milk.

"Milk" is means the whole, fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained before and after calving, for such a period as may be necessary to render the milk practically colostrum free, which contains not less than 8 1/4 percent % milk solids-not-fat and not less than 3 1/4 percent % milkfat.

"Milk hauler" A milk hauler is means any person who transports raw milk from a dairy farm to a milk plant, receiving station, or transfer station.

"Milk plant and/or receiving station" is means any place, premises, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, bottled, or prepared for distribution.

"Milk producer" is means any person who operates a dairy farm and provides, sells, or offers milk for sale to a milk plant, receiving station, or transfer station.

"Official laboratory" is means a biological, chemical, or physical laboratory which is operated by the State Regulatory Authority.

"Person" The word "person" shall mean means any individual, plant operator, partnership, corporation, company, firm, trustee, or association.

"State Regulatory Authority" shall mean means the Virginia Department of Agriculture and Consumer Services, the agency having jurisdiction and control over the matters embraced within these regulations.

"Transfer station" is means any place, premises, or establishment where milk or milk products are transferred directly from one transport milk tank to another, or from farm bulk milk pickup tanks to transport milk tanks.

"Transport commingled milk" Transport commingled milk is means raw milk which has been removed from a farm bulk milk pickup tank.

"Transport milk tank" A transport milk tank is means a tank especially designed to transport raw milk from a milk plant, receiving station, or transfer station.

"Transport tank operator" A transport tank operator is means any person who hauls transport commingled milk.

Regulation 1:

§ 2. Intent, scope, and interpretation.

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A. The Virginia State Board of Agriculture and Consumer Services hereby finds and discloses that a uniform regulation is needed to govern the cooling and/or storage of milk on Virginia dairy farms; the sampling of milk in storage and the handling of milk samples from the dairy farm to the laboratory; the hauling, transferring, storage, handling, and delivery of milk from the farm to the processing plant. These regulations shall be applicable throughout the Commonwealth, and shall be enforced on a statewide basis, and shall regulate all milk produced on Virginia dairy farms and marketed by the bulk system.

B. Unless otherwise provided by state law or regulations of the Virginia State Board of Agriculture and Consumer Services, these regulations shall be interpreted and enforced by the Department of Agriculture and Consumer Services. In the interest of the consumer and to facilitate the orderly marketing of milk, the Commissioner of Agriculture and Consumer Services may establish, publish, and enforce interpretations of these regulations.

C. These regulations define milk cooling and/or storage tanks, laboratories, dairy farms, plants, etc; sets and set forth permit requirements, milkhouse and associated facilities required; construction, location and operation of milk cooling and/or storage tanks; sampling and measuring of milk produced and sold from dairy farms; facilities required and these operations required in hauling milk from the farm to the processing plant by the bulk system.

§ 3. Permits.

A. It shall be unlawful for any person who does not possess a permit from the State Regulatory Authority of the Commonwealth of Virginia to operate a farm bulk milk pickup tank to sample, measure, and collect milk from farm bulk milk cooling and/or holding tanks. Each person shall pass a satisfactory test as prescribed by the State Regulatory Authority. Qualifications of such persons shall be those set forth by laws, regulations, and methods and procedures as prescribed by the State Regulatory Authority. All such permits shall expire on December 31 next following the date of issuance. All such permits shall be renewed annually without further examination at the discretion of the State Regulatory Authority upon application and payment of the required law fee .

B. Contract haulers and subcontract haulers as defined in these regulations shall obtain a permit from the State Regulatory Authority in order to contract for the hauling of milk from the dairy farm to the milk plant or transfer station. Each farm bulk milk pickup tank shall be numbered and identified as prescribed by the State Regulatory Authority. Each transport milk tank shall be identified as prescribed by the State Regulatory Authority. Each laboratory, as defined in these regulations, shall obtain a permit from the State Regulatory Authority.

C. Only a person who complies with these regulations shall be entitled to receive and retain such a permit.

Permits or identification numbers shall not be transferable with respect to persons, equipment, and/or locations.

D. The State Regulatory Authority shall suspend each permit whenever:

1. It has reason to believe that a public health hazard exists; or
2. The permit holder has violated any of the requirements of these regulations; or
3. The permit holder has interfered with the State Regulatory Authority in the performance of its duties;

E. ~~provided that~~ The State Regulatory Authority shall, in all cases except where the milk involved creates, or appears to create, an imminent hazard to the public health ; or in any case of a willful refusal to permit authorized inspection, serve upon the holder a written notice of intention to suspend permit, which notice shall specify with particularity the ~~violation(s)~~ violations in question and afford the holder such reasonable opportunity to correct such ~~violation(s)~~ violations as may be agreed to by the parties, or in the absence of agreement, fixed by the State Regulatory Authority, before making any order of suspension effective. A suspension of permit shall remain in effect until the violation has been corrected to the satisfaction of the State Regulatory Authority.

F. Upon written application of any person whose permit has been suspended, or upon application within 48 hours of any person who has been served with a notice of intention to suspend, and in the latter case before suspension, the State Regulatory Authority shall within 72 hours proceed to a hearing to ascertain the facts of such violation or interference and upon evidence presented at such hearing shall affirm, modify, or rescind the suspension or intention to suspend.

G. Upon repeated ~~violation(s)~~ violations , the State Regulatory Authority may revoke such permit following reasonable notice to the permit holder and an opportunity for a hearing.

Regulations 4:

§ 4. Milkhouse or milk room - construction and facilities.

A. Lighting fixtures of 100 watt or more capacity or other approved lighting facilities shall be located near, but not directly above, the farm bulk milk tank. The light shall be sufficient to enable the operator to thoroughly examine the interior of the tank.

Vents, if installed, shall not:

1. Be located over farm bulk milk tanks.
2. Be located over floor drains.

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B. Farm bulk milk tanks shall be installed in such a manner that all ~~inner~~ inside and outside surfaces are readily accessible. Farm bulk milk tanks may be installed through a milkroom wall as approved by the State Regulatory Authority.

C. The milkhouse floor or bulk milk tank support foundation shall be of sufficient strength to support the tank when it is completely full.

A milkhouse or room shall be provided with:

1. A water hose of sufficient length to reach all parts of the milk tank. This water hose must be attached to a permanently mounted water valve.
2. Facilities for storing the water hose off the floor.
3. A separate permanently installed hand-washing facility with hot and cold running water, and soap, and single service towels.
4. A milk hose port opening which shall not exceed eight inches in diameter. The port shall be provided with a self-closing door which shall open to the outside. The port shall be of sufficient height above the milkhouse floor and the outside apron to prevent flooding or draining of the milkhouse. An outside apron constructed of concrete or other equally impervious material shall be provided to protect the milk-conducting equipment from contamination.

Regulation 5.

§ 5. Construction and operation of farm bulk milk cooling and/or holding tanks, recording thermometers, and interval timing devices.

A. Farm bulk milk cooling and/or holding tanks.

1. Prior approval. Prior approval of each farm bulk milk cooling and/or holding tank and its installation shall be obtained from the State Regulatory Authority.
2. Construction and installation requirements. All new farm bulk milk cooling and/or holding tanks, and external cooling devices such as plate coolers or tubular coolers shall comply with applicable 3-A Sanitary Standards. (Note: Issued by and available from the International Association of Milk, Food, and Environmental Sanitarians Incorporated, Box 701, Ames, Iowa 50010. A copy is available for inspection in the office of the Chief of the Bureau of Dairy Services of the Virginia Department of Agriculture and Consumer Services.) Farm bulk milk tanks shall be leveled and rigidly installed in accordance with specifications established by the State Regulatory Authority. Whenever a farm bulk milk tank is installed so that the agitator or agitators are located outside the milkroom, tight-fitting closures shall be provided which will protect the milk from contamination by

flies, dust, drip splash, or manual contact. All openings in the tank for the installation of CIP equipment shall be located inside the milkroom, except as otherwise approved by the State Regulatory Authority. When a producer installs a farm bulk milk tank, it shall be used only to store, cool, and/or measure milk from that producer's herd.

3. Gaging and calibration chart requirements. A farm bulk milk tank shall be originally gaged "to deliver" in accordance with the requirements contained in the National Bureau of Standards Handbook 44 and supplements thereto, or in any publication revising or superseding Handbook 44. (Note: Copies available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. A certified copy is available for inspection in the office of the Chief of the Bureau of Dairy Services of the Virginia Department of Agriculture and Consumer Services.) When the tank is gaged for the purpose of preparing the calibration chart, tolerances are not applicable and the chart shall be prepared as accurately as practicable. A tank and any gage rod, surface gage or gage, or gage tube and calibration chart associated therewith with it shall be identified by serial number in a prominent manner.

4. Cooling and temperature requirements. Milk in farm bulk milk cooling and/or holding tanks shall be cooled to 40°F or less within two hours after the completion of each milking. Milk from farm bulk milk tanks shall not be picked up, transported, or delivered to a milk plant, receiving station, or transfer station when the temperature of that milk is in excess of 45°F.

5. Size. Where farm bulk milk tanks are used, each tank or tanks shall be of adequate size to store and properly agitate all milk offered for sale at any one delivery period. Grade A milk for pasteurization shall not remain in the farm bulk milk tank more than 52 hours.

B. Recording thermometers.

1. Effective dates of installation, certified procedures of ungraded milk exempted. Effective September 1, 1977, all new installation of farm bulk milk cooling and/or holding tanks shall be equipped with recording thermometers, and effective January 1, 1980, all farm bulk milk cooling and/or holding tanks in use shall be equipped with recording thermometers, except that certified producers of ungraded milk shall be exempt from these requirements.

2. Installation requirements. The installation and operation of recording thermometer devices ~~thermometers~~ shall be the responsibility of the milk producer. Recording thermometers purchased prior to September 1, 1977, for installation on farm tanks or installed prior to September 1, 1977, may be accepted

by the State Regulatory Authority on an individual basis. A recording thermometer device may not be installed on, or attached to, a farm tank. It may be suspended on metal brackets from the ceiling or floor, firmly attached to the inside wall of the milkroom, or at any other location acceptable to the State Regulatory Authority. If the vat pasteurizer is used ~~in lieu~~ *instead* of a storage tank on a producer-distributor dairy, the recording thermometer of the vat pasteurizer may be used.

3. Construction. The sensor bulb or device shall be so located as to record the temperature of the milk in the tank before the milk reaches 10 percent $\%$ of the tank volume. Any capillary system containing any toxic gas or liquid shall not be used in a bare-bulb sensing device. The recorder chart, if circular, may make one revolution in 24 hours, 48 hours, or 72 hours, with the recommendation that the chart rotation time coincide with the maximum storage period of the milk, in the farm tank. If a strip chart is used, it shall move not less than one inch ~~an~~ per hour, and may be continuous to a maximum or one calendar month. The recorder clock may be manually wound or electrically operated. The recorder pen must reflect the actual time. The circular recorder chart will be of a size acceptable to the State Regulatory Authority, and the minimum temperature on the chart will be at the maximum diameter. If a strip chart is used, the minimum temperature may be at the top or bottom of the chart. The case of the recording device shall be moisture-proof under operating conditions. The recorder must be capable of recording from 30°F to 160°F or above, with ~~one degree or less~~ lines of demarcation of *one degree or less* between 30°F and 60°F with an accuracy of plus or minus one degree in the 30°F to 60°F range.

4. Handling of recorder charts. The milk producer shall maintain an adequate supply of recording charts. The charts shall be those recommended for the specific instrument which is installed. The milk hauler, in making a milk pickup, shall properly agitate the milk and remove the chart from the recorder, ~~marking~~ *mark* the date ; and the time of pickup, and sign the chart. He shall write the date and the producer number on a new chart and install it on the recording device. He shall file the used chart under protected conditions provided ~~for~~ by the milk producer. The temperature recording charts may be used for more than one pickup, provided that all of the pickups occur within the maximum time interval on the chart. When the chart is used for more than one pickup, the milk hauler shall identify each lot of milk with the date, time of pickup, and signature. *Before removing milk from the farm tank, the milk hauler shall check the recorder chart. If the hauler finds any temperature variation which would preclude acceptance, he shall immediately notify his superior and the milk producer. If the milk is rejected, the milk hauler shall so note on the chart. If the milk is*

*subsequently picked up, the milk hauler shall sign the chart noting the date, time of receipt, and measuring rod reading. With the producer's permission, charts may be removed from the dairy farm, provided that they are returned to the dairy farm within eight days ~~from~~ of the date they were taken. Recorder charts shall be held by the milk producer ; ~~except as otherwise provided~~, for 60 days , *except as otherwise provided*, and shall be available to the State Regulatory Authority.*

5. Notification when device becomes inoperable; control to be sealed. If at any time the recording device becomes inoperable, the State Regulatory Authority and the buyer shall be notified immediately by the milk producer. Repair or replacement of the device shall be made immediately. The control of the recording device shall be sealed by a representative of the State Regulatory Authority.

C. Interval timing devices.

1. Effective dates of installation; certified producers of ungraded milk exempted. Effective January 1, 1980, all bulk milk cooling ~~and/~~ or holding tanks in use shall be equipped with interval timing devices, except that certified producers of ungraded milk shall be exempt from these requirements.

2. Construction requirements. Interval timers shall be set and adjusted so that the milk will be agitated for not less than five minutes with a frequency of at least once every hour.

3. Installation requirements. The installation and operation of interval timing devices shall be the responsibility of the milk producer.

Regulation 6:

§ 6. Measuring, sampling, and testing.

A. Quantity measurements. The quantity of milk in the bulk tank shall be determined by ~~the use of the~~ *using* a measuring rod or by some other equally accurate device approved by the State Regulatory Authority. When desiring to convert volumetric measurement to weight, the computation shall be made as follows: Volume in gallons multiplied by 8.60 equals weight in pounds.

B. Sampling. Representative milk samples shall be taken for official ~~analysis~~ *analyses* such as bacteriological, brucellosis ring test, pesticide, cryoscope, abnormal milk, antibiotic, butterfat, and radiological tests or other tests that may be required. These samples shall be collected by a ~~permitted sampler~~ *permitted sampler responsible person who is responsible* for collecting, handling, storage, and delivery of these samples ~~in accordance with~~ *according to* prescribed procedures. Samples shall be at all times under the control of a ~~permitted tester and/or sampler and weigher~~ *permitted tester and/or sampler and weigher* provided that when samples are not under the control of a

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permitted tester and/or sampler and weigher they shall be handled person holding a valid permit to test or sample and weigh milk or handle in a manner prescribed by the State Regulatory Authority. All samples shall consist of at least four ounces of milk unless otherwise specified by the State Regulatory Authority. Larger samples may be required for special tests such as radiological .

C. Butterfat testing. When fresh milk samples are to be used as the basis for to determine butterfat determinations content for producer payment, a representative milk sample shall be tested a minimum of four times each month. Such samples shall be selected at irregular intervals for testing, and tested within 48 hours after of collection. When composite milk samples are used, a representative sample shall be taken from each shipment of each producer and shall cover a period for not more than sixteen days. Composite milk samples shall not be stored on farm bulk milk pickup tanks. They shall contain the correct amount and the kind of preservative prescribed by the State Regulatory Authority. All composite milk samples shall be tested within three days following the close of the period covered by the samples.

Regulation 7.

§ 7. Farm bulk milk pickup tank, transport milk tank, and milk haulers.

A. Milk transport tanks and farm bulk milk pickup tanks shall comply with 3-A Standards for automotive transportation tanks for milk and fluid milk products.

1. Farm bulk milk pickup tanks and their operations shall conform with to the following requirements:

a. The minimum inside diameter of the hose shall be 1 1/2 inches. The hose shall be of a type approved by the State Regulatory Authority. The clamps for attaching the hose to the metal fittings shall be easily dismantled and of a type approved by the State Regulatory Authority. Other pipes, fittings, and pumps must conform to 3-A Standards.

b. The fitting to be attached to the farm bulk milk cooling and/or hold tank for the transfer of milk on the end of the hose used to remove the milk from the farm bulk milk cooling and/ or holding tank must be properly capped when not attached to the farm bulk milk cooling and/or holding tank in use .

c. A compartment or container shall be provided for maintaining milk samples at a temperature between 32°F. and 40°F.

2. Milk transport tanks hauling transport commingled milk and milk products to a plant shall be sealed ; . In addition, for each such shipment, a shipping statement shall be prepared containing at least the following information:

- a. Shipper's name, address, and permit number.
- b. Permit number of hauler, if not employee of shipper.
- c. Point of origin of shipment.
- d. Tanker identity number.
- e. Name of product.
- f. Weight of product.
- g. Grade of product.
- h. Temperature of product.
- i. Date of shipment.
- j. Whether the contents are raw, pasteurized, or otherwise heat treated.
- k. Seal number.

Such These copies of statement shall be prepared in triplicate and shall be kept on file by the shipper, the consignee, and the carrier for a period of six months for the information of the State Regulatory Authority.

3. A contract hauler or owner of a transport milk tank or farm bulk milk pickup tank shall identify such tank with a number that has been registered with the State Regulatory Authority on forms provided . This number shall be affixed to the rear, outside bulkhead wall of the tank, and shall not be removed until a new number has been registered with the State Regulatory Authority by a new owner or contract hauler.

4. Farm bulk milk pickup tanks and milk transport tanks shall maintain a clean and tidy appearance.

B. Milk haulers shall be considered key men persons in bulk milk handling operations and shall:

1. Be responsible for seeing that the milk tank has been properly tagged with a "wash and sanitize tag" before he picks up any producer milk. If he observes any malfunction in the cleaning or sanitizing of his tank, he shall notify either the owner of the tank or the State Regulatory Authority so that this tank can be properly washed or sanitized before placed in service.

2. Maintain a clean and tidy personal appearances appearance by wearing only clean outer garments.

3. Wash hands thoroughly just prior to the before handling of the milk-contact equipment on each farm.

4. Make certain that multi-use equipment such as sampling dippers are washed and sanitized before each use.

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5. Collect a milk sample that may be used for bacteriological, chemical, or other official analysis each time the farm bulk tank is emptied.

a. Collect a sample from each farm tank where a producer has more than one tank.

b. Collect the sample after the milk has been properly agitated for a minimum of five minutes or more if necessary. This sample must be collected before the farm bulk milk cooling ~~and~~ or holding tank valve is opened.

c. Collect an additional sample at the first stop for a sample temperature control check.

6. Identify the sample by marking on it the date and the producer's patron number.

7. Record on the producer's receipt the producer's name ~~and~~ or number, the date and time of pick-up, the temperature of the milk, the measuring rod reading, the poundage, the name of the purchasing organization, and the signature of the licensed milk hauler.

8. See that the farm bulk milk cooling ~~and~~ or holding tank is completely emptied each time that milk is picked up.

9. Complete the respective milk routes as rapidly as possible with no delay.

10. Deliver milk to the milk plant, receiving station, or transfer station as soon as possible after collection and ~~shall~~ at no time have *shall there be* an elapsed time ~~in excess of~~ *of more than* two hours between farm pickups without washing and sanitizing hose, pump, and fittings.

11. Follow methods and procedures prescribed by the State Regulatory Authority for measuring and sampling milk from farm bulk milk cooling ~~and~~ or holding tanks.

Regulatory Footnote: The milk hauler, in making a pickup, shall:

A. Properly agitate the milk and remove the chart from the recorder, ~~marking~~ mark the date and the time of pickup, and sign the chart.

B. Write the date and the producer number on a new chart and install it on the recording device.

C. File the used chart under protected conditions provided for by the milk producer.

D. Identify each lot of milk with the date, time of pickup, and signature when the chart is used for more than one pickup.

E. Immediately notify his superior and the milk producer if the recorder chart reveals any temperature variation which would preclude acceptance of the milk from the farm bulk milk cooling or holding tank.

F. Note on the recorder chart if the lot of milk is rejected.

G. Sign the chart noting the date, time of receipt, and measuring rod reading if the rejected milk is subsequently picked up.

(Cross-reference to duties of milk haulers as outlined in Regulation § 5 B.4.)

Regulation 8:

§ 8. Receiving milk by milk plant ~~and~~ or receiving station or transfer station.

A. When milk is received from farm bulk milk pickup tanks or transport milk tanks that are not equipped with an approved adequate method for agitation, ~~there shall be provided by~~ the milk plant ~~and~~ or receiving station or transfer station *shall* provide an approved means for thoroughly mixing milk in the tank so that representative samples of the milk may be collected.

B. Weighing, measuring, and sampling milk in or at milk plants ~~and~~ or receiving stations or transfer stations shall ~~be in accordance with~~ the methods and procedures as prescribed by the State Regulatory Authority.

C. Milk plants ~~and~~ or receiving stations and transfer stations shall meet the sanitation requirements specified for receiving rooms ~~and~~ or transfer stations in the Administrative Procedures contained in the Grade "A" Pasteurized Milk Ordinance - 1965 1978 Recommendations of the United States Public Health Service, 1967 1978 Edition.

D. Each milk plant, receiving station or transfer station which receives milk or milk products in farm bulk milk pickup tanks or transport milk tanks shall thoroughly clean and sanitize each farm bulk milk pickup tank or transport milk tank. Cleaning and sanitizing procedures shall be prescribed and approved by the State Regulatory Authority. After being washed and sanitized, each farm bulk milk pickup tank and each transport milk tank shall be identified by a tag attached to the outlet valve bearing the following information:

1. Plant and specific location where cleaned and sanitized;

2. Date and time of day of washing and sanitizing; and

3. Names of persons who washed and ~~name of person~~ who sanitized the tank.

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The tag shall not be removed until the tank is again washed and sanitized.

* * * * *

Title of Regulation: VR 115-05-03. Rules and Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products.

Statutory Authority: Article 3 (§ 3.1-562.1 et seq.), Chapter 21, Title 3.1 of the Code of Virginia.

Effective Date: March 18, 1987

REGISTRAR'S NOTICE: Due to its length, the Rules and Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products will not be 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 office of the Registrar of Regulations and at the Department of Agriculture and Consumer Services.

Summary:

The amendments to VR 115-05-03 consist only of changes in style or form or corrections of technical errors. These changes surfaced as the result of this regulation being subjected in full to the procedures prescribed by Governor Robb's Regulatory Advisory Board.

This amended regulation was adopted without the public procedures prescribed in the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia. The Board of Agriculture and Consumer Services will receive, consider, and respond to petitions by any interested persons at any time with respect to reconsideration or revisions of this amended regulation.

* * * * *

Title of Regulation: VR 115-05-04. Rules and Regulations Governing Testing of Milk for Milkfat, Protein, and Lactose Content by Automated Instrument Methods.

Statutory Authority: §§ 3.1-535 and 3.1-535.1 of the Code of Virginia.

Effective Date: March 18, 1987

Summary:

The amendments to VR 115-05-04 consist only of changes in style or form, or corrections of technical errors. These changes surfaced as the result of this regulation being subjected in full to the procedures prescribed by Governor Robb's Regulatory Advisory Board.

This amended regulation was adopted without the public procedures prescribed in the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia. The Board of Agriculture and Consumer Services will receive, consider, and respond to petitions by any interested persons at any time with respect to reconsideration or revisions of this amended regulation.

VR 115-05-04. Rules and Regulations Governing Testing of Milk for Milkfat, Protein, and Lactose Content by Automated Instrument Methods.

§ 1. Definitions.

Section ~~XX-1~~.

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

"AOAC" AOAC shall mean means the Association of Official Analytical Chemists.

"Automated instrument methods" Automated Instrument Method shall mean means any contrivance, machine, or device manufactured for the purpose of automating the determination of the fat, protein, or lactose content of milk or milk products.

"Calibration" Calibration shall mean To adjust the means the adjustment of the automated instrument so that the automated instrument it will reproduce the test results obtained by the reference method.

"Infrared milk analyzer method" The infrared milk analyzer method is means the automated instrument method that determines the fat, protein, and lactose content of milk by determining the amount of infrared rays of different lengths absorbed by a portion of a sample of milk.

"Light scattering methods" The light scattering method is means the automated instrument that determines the fat content of milk by measuring the amount of light diffused by a portion of a sample of milk placed between a light source and a photometer.

"Permit to calibrate and operate" means a permit approving authorizing a person to test milk by the reference method(s) methods, calibrate, adjust, operate, perform maintenance, and maintain official records when automated instruments are in use.

"Permit to operate" means a permit approving authorizing a person to prepare samples, present the samples to the automated instrument, record test results, and perform routine maintenance.

"Permit to test milk by the reference Method(s) methods" means a permit approving authorizing a person

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to test milk by the Babcock *method* or other methods approved by the State Regulatory Authority and the Association of Official Analytical Chemists for the purpose of calibrating automated testing instruments.

"Person" The word "person" shall mean means any individual, plant operator, partnership, corporation, company, firm, trustee, or associate.

"Reference Method(s) methods" Reference method(s) shall mean means the method(s) method approved by the State Regulatory Authority to be used to determine the fat, protein, or lactose content of samples of milk to be used as a basis of calibrating the automated instruments.

"State Regulatory Authority" shall mean means the Virginia Department of Agriculture and Commerce Consumer Services .

§ 2. Automated instrument methods and procedures.

Section XX.2.

A. The automated light scattering method may be used in determining the fat content of raw, unhomogenized milk.

B. The infrared milk analyzer method may be used for the direct determination of fat, protein, and lactose, and the indirect determination of total solids in milk as outlined in the latest edition of the AOAC.

C. The State Regulatory Authority, guided by the latest edition of the AOAC, may establish procedures to insure ensure proper instrument operation and accurate test results using the automated instrument methods.

§ 3. Permits.

Section XX.3.

A. No person shall operate automated testing equipment to determine the fat, protein, and lactose content of milk for the purpose of official inspection, check testing, or as a basis for payment in buying or selling unless facility and equipment requirements have been satisfied and a permit obtained from the State Regulatory Authority.

It shall be unlawful for any person who does not possess a permit from the State Regulatory Authority to calibrate and operate an automated testing instrument to determine the fat, protein, and lactose content of milk for the purpose of official inspection, check testing, or as a basis for payment in buying or selling.

It shall be unlawful for any person who does not possess a permit from the State Regulatory Authority to operate an automated testing instrument to determine the fat, protein, and lactose content of milk for the purpose of official inspection, check testing, or as a basis for payment in buying or selling.

It shall be unlawful for any person who does not possess a permit from the State Regulatory Authority to test milk by the reference method(s) to be used to calibrate the automated testing instrument.

B. When an automated testing instrument is used to determine the fat, protein, and lactose content of milk for the purpose of official inspection, check testing, or as a basis for payment in buying or selling, it shall be unlawful for any person who does not possess a permit from the State Regulatory Authority to:

1. Calibrate and operate an automated testing instrument.
2. Operate only an automated testing instrument.
3. Test milk by reference methods.

C. The State Regulatory Authority shall suspend such permit whenever:

1. The permit holder has violated any of the requirements of these regulations; or
2. The permit holder has interfered with the State Regulatory Authority in the performance of its duties ;

D. provided that The State Regulatory Authority shall in all cases except where there is a gross violation(s) violations or in any case of a willful refusal to permit authorized inspection, serve upon the holder a written notice of intent to suspend permit which notice shall specify with particularity the violation(s) violations in question, and afford the holder such reasonable opportunity to correct such violation(s) violations .

E. A suspension of permit shall remain in effect until the violation has been corrected to the satisfaction of the State Regulatory Authority.

F. Upon a showing of gross or repeated violation(s) violations , the State Regulatory Authority may revoke such permit following reasonable notice to the permit holder and an opportunity for a hearing. This regulation is not intended to reclude the institution eliminate the possibility of court action.

§ 4. Reference method.

Section XX.4.

The Babcock method or other means approved by the State Regulatory Authority for determining the fat content of milk shall be used as the reference method to establish and maintain the calibration of automated testing instruments. Methods approved by the State Regulatory Authority for determining the protein or lactose content of milk shall be used as the reference method to establish and maintain the calibration of automated testing

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instruments.

§ 5. Records.

Section ~~XX.5.~~

A. The following records for each automated instrument shall be made on approved forms and kept on file for a period of twelve 12 months at the place where the automated instrument is used. These records are:

1. Initial and subsequent calibrations
2. Weekly calibration checks
3. Daily performance checks
4. Machine adjustments
5. Major maintenance
6. Other procedural records requested by the State Regulatory Authority.

B. All records required herein shall be available for examination by the State Regulatory Authority at reasonable times.

§ 6. Obstructing Commissioner.

Section ~~XX.6.~~

The Commissioner of Agriculture and Commerce Consumer Services or his agents are empowered in the performance of their duties to enter upon and to have free access to any establishment or area subject to the provisions of these regulations. It shall be unlawful for any person to hinder, obstruct, cause undue delay or interfere with the Commissioner of Agriculture and Commerce Consumer Services or his agents in the performance of their duties under these regulations .

* * * * *

Title of Regulation: VR 115-05-05. Rules and Regulations Governing the Production, Handling and Processing of Milk for Manufacturing Purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food.

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

Effective Date: March 18, 1987

Summary:

The amendments to VR-115-05-05 consist only of changes in style or form or corrections of technical errors. These changes surfaced as the result of this regulation being subjected in full to the procedures prescribed by Governor Robb's Regulatory Advisory

Board.

This amended regulation was adopted without the public procedures prescribed in the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of the Code of Virginia. The Board of Agriculture and Consumer Services will receive, consider, and respond to petitions by any interested persons at any time with respect to reconsideration or revisions of this amended regulation.

VR 115-05-05. Rules and Regulations Governing the Production, Handling, and Processing of Milk for Manufacturing Purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food.

§ 1. Definitions.

Subpart A.

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

A. Section ~~XXI.1.~~ Meaning of Words.

Words used in the singular form shall be deemed to import the plural, and vice versa, as the case may demand appropriate :

B. Section ~~XXI.2.~~ Terms Defined.

Unless the context otherwise requires otherwise ; the following terms shall be construed, respectively, to mean:

"Acceptable milk" means milk that qualifies under Section ~~XXI.4~~ § 2.B as to sight and odor, and that is classified No. 1 or No. 2 for sediment (Section ~~XXI.5~~ § 2.C) and No. 1 or No. 2 for bacterial estimate (Section § 2.D).

"Board" means the Board of Agriculture and Consumer Services.

"C-I-P or Cleaned-In-Place" means the procedure by which sanitary pipelines or pieces of dairy equipment are mechanically cleaned in place by circulation.

"Dairy farm or farm" means a place or premise where one or more milking cows are kept, a part or all of the milk produced thereon being delivered, sold, or offered for sale to a plant for manufacturing purposes.

"Dairy plant or plant" means any place, premise, or establishment where milk or dairy products are received or handled for processing or manufacturing and/or prepared for distribution. When "plant" is used in connection with the production, transportation, grading or use of milk, it means any plant that handles or purchases

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milk for manufacturing purposes.

"Excluded milk" means all of a producer's milk excluded from the market by the provision of Section ~~XXI-50~~ § 12.C.

"Farm certification" means certification by a fieldman or inspector that a producer's herd, milking facility and housing, milking procedure, cooling, milkhouse or milkroom utensils, and equipment and water supply have been found to meet the applicable requirements of Sections ~~XXI-8~~ §§ 3.A to ~~XXI-15~~ 3.H for the production of milk to be used for manufacturing purposes.

"Fieldman" means a person qualified and trained in the sanitary methods of production and handling of milk as set forth herein, and generally employed by a processing or manufacturing plant for the purpose of dairy farm inspections and quality control work.

"Inspector" means an employee of the Virginia Department of Agriculture and Consumer Services qualified, trained, and authorized to perform dairy farm or plant inspections, and quality control, or raw milk grading.

"Manufactured dairy products" means butter, natural or processed cheese (~~natural or processed~~), dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated whole or skim milk, (~~whole or skim~~) condensed whole milk and condensed plain or sweetened skim milk (~~plain or sweetened~~), and such other similar products as may be from time to time be defined and designated by the board.

"Milk" means the normal lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more cows qualified as to health in accordance with Subpart C, Section ~~XXI-~~ § 3.A of these regulations. The word "milk" used herein includes only milk for manufacturing purposes.

"Milk for manufacturing purposes" means milk produced for processing and manufacturing into dairy products as defined herein, and intended for human consumption.

"Official methods" means Official Methods of Analysis of the Association of Official Analytical Chemists, a publication of the Association of Official Analytical Chemists; Box 540, Benjamin Franklin Station, Washington, D.C. 20044 1111 North 19th Street, Suite 210, Arlington, Virginia 22209.

"Permit" means a permit issued under the regulations by the Virginia Department of Agriculture and Consumer Services.

"Permitted plant and/or person" means a plant or person who is holding has a valid permit issued by the Virginia Department of Agriculture and Consumer Services.

"Producer" means the person or persons who exercise

control over the production of the milk delivered to a processing plant or receiving station, and those who receive payment for this product. A "new producer" is one who has only recently entered into the production of milk for the market, or one who has not sold any milk to any plant during the past calendar year. A "transfer producer" is one who has been shipping milk to one plant and transfers his shipments to another plant.

"Probational milk" means milk classified No. 3 for sediment content (Section ~~XXI-5~~ § 2.C), or milk classified ungrade for bacterial estimate (Section ~~XXI-6~~ § 2.D), that may be accepted by plants for specific time periods.

"Quality control supervisor or milk grader" means a person permitted by the Virginia Department of Agriculture and Consumer Services, as described in Section ~~XXI-38-B-~~ § 10.D.2 who is qualified and responsible for the grading of raw milk in accordance with according to the quality standards and procedures of Subparts B Sections E §§ 2 and 9.

"Regulation" The Virginia Regulation means to provide for the Establishment of Minimum Standards for Milk for Manufacturing Purposes and Its Production and Processing.

"Regulatory Agency" means the Virginia Department of Agriculture and Consumer Services, which herein is referred to as the Department.

"Reject milk" means milk that does not qualify under Section ~~XXI-4~~ § 2.B as to sight and odor, or that is classified No. 4 for sediment content (Section ~~XXI-5~~ § 2.C), which is rejected by the plant by the provisions of Section ~~XXI-48~~ § 12.A.

"Rules and regulations" means the provisions of Sections ~~XXI-1~~ to ~~XXI-63~~ §§ 1 to 14 herein.

"Standard methods" means standard Methods for the Examination of Dairy Products, a publication of the American Public Health Association, 1015 Eighteenth Street, N.W., Washington, D.C. 20036.

"3-A Sanitary standards" means the standards for dairy equipment formulated by the 3-A Sanitary Standards Committees representing the International Association of Milk, Food and Environmental Sanitarians, the Food and Drug Administration, and the Dairy Industry Committee. Published by the International Association of Milk, Food and Environmental Sanitarians, Box 701, Ames, Iowa Journal of Food Protection, Box 701, Ames, Iowa 50010.

§ 2. Minimum quality standards for milk for manufacturing purposes.

Subpart B.

A. Section ~~XXI-3~~ Basis.

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The classification of raw milk for manufacturing purposes shall be based on organoleptic examination (sight and odor) and quality control tests for sediment content and bacterial estimate.

B. Section ~~XXI-4~~. Sight and odor.

The flavor and odor of acceptable raw milk shall be fresh and sweet. The milk shall be free from objectional feed and other off-flavors and off-odors that would adversely affect the finished product; and . It shall not show any abnormal condition (including, but not limited to, curdled, ropey, bloody, or mastitic condition), as indicated by sight or odor.

C. Section ~~XXI-5~~. Sediment content classification.

Milk in cans and in farm bulk tanks shall be classified for sediment contents as follows:

Sediment Content¹

Sediment-content classification	Milk in cans (off-the-bottom method, 1 1/8-in diam. disc)	Milk in farm bulk tanks (mixed sample, 0.40-in. diam. disc)
No. 1 (acceptable)	Not to exceed 0.50 mg.	Not to exceed 0.50 mg. equivalent
No. 2 (acceptable)	Not to exceed 1.50 mg.	Not to exceed 1.50 mg. equivalent
No. 3 (probational)	Not to exceed 2.50 mg.	Not to exceed 2.50 mg. equivalent
No. 4 (reject)	Over 2.50 mg.	Over 2.50 mg. equivalent

¹ Sediment content based on comparison with applicable charts of Sediment Standards prepared by the United States Department of Agriculture.

D. Section ~~XXI-6~~. Bacterial estimate classification.

Milk shall be classified for bacterial estimate as follows by one of the listed methods.

Bacterial Estimate Classification	Standard Plate Count or Direct Microscopic Clump Count	Resazurin Test No Color Change Beyond 5P-7/4 In Hours
No. 1 Can (acceptable)	Not over 500,000	2 - 1/4
Bulk	do	3 - 1/4
No. 2 Can (acceptable)	Not over 3,000,000	1 - 1/2
Bulk	do	2 - 1/2
No. 2 Can (acceptable)	Not over 1,000,000	2
Bulk	do	3
Undergrade Can	Over 3,000,000	Under 1-1/2

(probation do Bulk at 4 weeks)		Under 2-1/2
Undergrade Can	Over 1,000,000	Under 2
(probation do Bulk at 4 weeks)		Under 3

¹ Effective April 22, 1982; provided, that this standard will be reviewed at that time and, if warranted, a further extension may be granted.

E. Section ~~XXI-7~~. Adulteration.

A- 1. Test for antibiotics. At least once each month, commingled milk containing milk from each producer shall be tested for antibiotics by a method prescribed in the current edition of APHA Standard Methods for the Examination of Dairy Products, or other test accepted by the department. Any positive results in a commingled sample will require each producer contained in commingled sample to be tested. No residue of antibiotics shall be allowed, and when milk from any producer is found to contain such residues, he shall become an excluded producer. Milk from such a producer may be reaccepted when the milk from the herd or from individual cows is found to be free of antibiotics.

B- 2. Test for extraneous water. The mixed milk from each producer shall be tested for the presence of extraneous water as often as the plant or department shall deem necessary. using The Cryoscopic test according to the current edition of APHA Standard Methods for the Examination of Dairy Products, or other tests accepted by the department shall be used . Evidence of adulteration by water shall constitute cause for exclusion of the producer until the plant is satisfied that the condition has been corrected.

C- 3. Visible extraneous matter. The presence of visible extraneous matter, such as: insects, filth, blood, foreign color, or foreign objects or substance substances in a container, shall be considered adulteration; and the milk in such container shall be subject to immediate rejection.

§ 3. Minimum requirements for farm certification.

A. Health of herd.

1. General health. All animals in the herd shall be maintained in a healthy condition, and shall be properly fed and kept.

2. Tuberculin test. The herd shall be located in an area within the state which meets the requirements of a modified accredited area (in which not more than 0.5% of the cattle have been found to be infected with tuberculosis) as determined by the provisions of the "Uniform Methods and Rules" for establishing and maintaining tuberculosis-free herds of cattle, and modified accredited areas which are approved by the

Veterinary Services, Animal and Plant Health Inspection Services, United States Department of Agriculture. If the herd is not located in such an area, it shall be tested annually under the jurisdiction of the aforesaid program. All additions to the herd shall be from an area or from herds meeting these same requirements.

3. Brucellosis test. The herd shall be located in an area within the state in which the percentage of cattle affected with brucellosis does not exceed 1%; and the percentage of herds in which brucellosis is present does not exceed 5%, in accordance with provisions of the "Uniform Methods and Rules" for establishing and maintaining certified brucellosis-free herds of cattle, modified certified brucellosis areas, and certified brucellosis-free areas which are approved by the Veterinary Services, Animal and Plant Health Inspection Services, United States Department of Agriculture. If the area in which the herd is located does not meet these requirements, the herd shall be blood-tested annually or milk ring-tested semi-annually. All additions to the herd shall be from an area or from herds meeting these same requirements.

4. Mastitis and drug residues. Milk from cows known to be infected with mastitis, or milk containing residues of drugs used in treating mastitis or any other infection, shall not be sold or offered for sale for human food. Milk from cows treated for mastitis by infusion of the udder (treatment of infected quarters by the introduction of drugs into the udder through the teat canal) shall be excluded from the supply for at least 72 hours after the last treatment, unless the label of the antibiotic container states otherwise. Drugs administered by injection into the blood stream or muscular tissue that leave a residue in the milk longer than 96 hours after injection shall not be used.

5. Mastitic milk. Required laboratory examination for the presence of unwholesome mammary secretions—whether of an inflammatory, infectious, physiological, or environmental origin—shall be made on all raw milk samples at least four times in each six-month period. Samples shall be analyzed at an official state laboratory or at a laboratory approved by the State Regulatory Agency.

a. When a herd milk sample exceeds any of the following screening test results:

- (1) California Mastitis Test - Weak Positive (CMTI+)
- (2) Catalase Test - 30% Oxygen
- (3) Modified Whiteside Test - Positive (1+)
- (4) Wisconsin Mastitis Test - WMT value of 18 mm.

b. A somatic cell count using the Direct Microscopic Clump Count method or equivalent, or the Electronic method, shall be made on that sample; and the results of the somatic cell direct count shall be the official result.

c. Whenever the somatic cell count indicates the presence of 1,000,000 or more somatic cells per ml., the following procedures shall be applied:

(1) A notice shall be sent to the producer warning him of the excessive somatic cell count

(2) Whenever two of the last four consecutive somatic cell counts exceed 1,000,000 cells per ml., the State Regulatory Agency shall send a written notice thereof to the producer. This notice shall be in effect so long as two of the last four consecutive samples exceed 1,000,000 cells per ml.

(3) A third milk sample shall be taken after a lapse of three days and within 14 days of the sending of a notice required under (2) above. If this sample also indicates a high somatic cell count, the State Regulatory Agency shall suspend the producers' certification for repeated noncompliance with the provisions of § 3.A.5 of these regulations.

B. Milking facility and housing.

1. An enclosed milking barn or parlor with well-drained concrete floor and gutters, of adequate size and arrangement, shall be provided. Such milking barn or parlor shall afford adequate light and ventilation.

2. The facility shall be kept clean, the manure removed daily; and no swine, fowl, or other animals shall be permitted in any part of the milking area.

3. The yard or loafing area shall be of ample size to prevent overcrowding, shall be drained to prevent forming of water pools insofar as practicable, and shall be kept clean.

C. Milking procedure.

1. Cows shall be kept clean.

2. The udders and flanks of all milking cows shall be kept clean. The udders and teats shall be washed or wiped immediately before milking with a clean damp cloth or paper towel moistened with a sanitizing solution and wiped dry, or by any other sanitizing method. The milker's clothing shall be clean and his hands clean and dry.

3. Cows treated with antibiotics shall be milked last, and the milk excluded from the supply, as required in § 3.A.4 of these regulations.

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4. Milk stools, surcingles, and antikickers shall be kept clean and properly stored. Dusty operations should not be conducted immediately before or during milking. Strong-flavored feeds should only be fed after milking.

D. Cooling.

1. Milk in can shall be cooled immediately after milking to 50°F. The cooler, tank, or refrigerated unit shall be kept clean.

2. Milk in farm bulk cooling or holding tanks shall be cooled to 40°F or less (do not freeze) within two hours after the completion of each milking. Milk from farm bulk milk tanks shall not be picked up, transported, or delivered to a milk plant, receiving station, or transfer station when the temperature of that milk is in excess of 45°F.

E. Milkhouse or milkroom.

1. There shall be a specific place for proper cleaning, storage, and handling of milk equipment and utensils. It shall be equipped with wash and rinse facilities, and a utensil storage rack. If it is in the milking barn, it shall be partitioned, ceiled, and screened to prevent the entrance of dust, flies, or other contamination.

2. When properly equipped, arranged, and maintained, a milking parlor used strictly as a milking facility in combination with a milk cooling and utensil washing and storage area need not be partitioned.

3. Cooling facilities shall be properly protected and kept clean.

4. If a farm bulk tank is used, it shall be properly located in a milkhouse and accessible to all areas for cleaning and servicing. Such milkhouse shall meet the provisions set forth in § 3.E.5 of these regulations. The tank shall not be located over a floor drain or under a ventilator. A small platform or slab constructed of concrete or other impervious material shall be provided outside the milkhouse, properly centered under a suitable port opening in a wall for milkhouse connections. The opening shall be fitted with a tight, self-closing door.

5. A milkhouse or milkroom conveniently located and properly constructed, lighted, and ventilated shall be provided for handling and cooling milk, and for washing and storing of utensils and equipment. It shall not be used for any other purpose. It shall be equipped with a hot water heater, wash and rinse vat, utensil rack, and cooling facilities. If a part of the milking barn or other building, it shall be partitioned, ceiled, and screened to prevent the entrance of dust, flies, or other contamination. A milking parlor used strictly as a milking facility in combination with a milkhouse, when properly equipped, arranged and maintained, need not be partitioned. Concentrates, if

stored in the building, shall be kept in a tightly covered box or bin. The floor of the building shall be of concrete or other impervious material and graded to provide proper drainage. The walls and ceilings shall be constructed of smooth, easily cleaned material. All outside doors shall open outward and be self-closing, unless they are provided with tight-fitted screen doors that open outward. The board shall determine the effective date of this subsection.

F. Utensils and equipment.

1. Utensils, milk cans, milking machines (including pipeline systems), and other equipment used in the handling of milk shall be maintained in good condition, free from rust, open seams, milkstone, or other unsanitary condition; and shall be washed, rinsed, and drained after each milking, stored in suitable facilities, and sanitized immediately before use. New or replacement can lids shall be umbrella-type. All new utensils and equipment shall comply with applicable 3-A sanitary standards.

2. Farm bulk tanks shall meet 3-A sanitary standards for construction at the time of installation and shall be installed according to regulations of the Department of Agriculture and Consumer Services.

NOTE: The 3-A standards are issued by and available from the International Association of Milk, Food, and Environmental Sanitarians Incorporated, Box 701, Ames, Iowa 50010. A copy is available for inspection in the office of the Chief of the Bureau of Dairy Services of the Virginia Department of Agriculture and Consumer Service.

3. Milk shall not remain in the farm bulk milk tank more than 76 hours.

G. Water supply.

The dairy farm shall have an ample convenient supply of water with which to clean and sanitize utensils and to clean cows. Every dairy farmer shall provide a fully protected safe water supply that is free from visible means of contamination, present or potential.

H. Inspections, notices of violations, exclusion, and reinstatement of producers.

1. Every milk producer shall permit the inspection, at any reasonable time, of any part of its premises having to do with milk production by a fieldman employed by the plant or by an inspector employed by the department, the latter only shall have the authority to exclude the producer for noncompliance with the provisions of this regulation. An approved form by the department shall be used in all farm inspections.

2. No plant shall receive raw milk for manufacturing

purposes unless the producer is in reasonable compliance with the provisions of this regulation, provided that notice has been given regarding existing violations. Notice of violations or of failure to conform to the provisions of this regulation shall be considered issued when an inspection report, signed and dated by the fieldman or inspector, has been given the producer, mailed to him, or posted on the dairy farm in a place agreed upon by the producer and the fieldman.

3. The fieldman shall reinspect any farm within three days after receiving a request from the excluded producer. If all significant violations have been corrected, the fieldman shall reinstate the producer.

4. When bulk milk is obtained from plants or receiving stations not under the direct supervision of the plant purchasing the milk, the milk from individual producers shall meet the same requirements as those for milk from regular patrons. On the first delivery, and at least twice each week thereafter, a resazurin test, standard plate count, or direct microscopic clump count shall be made of such bulk milk. A record of these tests shall be maintained showing test dates and results for a period of one year.

5. Each plant and receiving station shall maintain an effective program for the control of antibiotics and pesticide residues in milk supplies. Fieldmen shall be alert to the use of antibiotics on farms, and shall caution farmers to withhold milk from treated cows for the required period of time. They shall also be alert to the improper use of pesticides on farms and to any condition or practice that may cause residue problems.

§ 4. Minimum specifications for permitted dairy plants premises, buildings, facilities, equipment, and utensils.

Subpart D.

A. Section ~~XXI-16~~. Premises.

The plant area and surroundings shall be kept clean, orderly, and free from refuse and rubbish, smoke, excessive dust and air pollution, and strong or foul odors. A drainage system shall be provided for rapid drainage of all water from plant buildings, including surface water around the plant and on the premises.

B. Section ~~XXI-17~~. Buildings.

A. 1. ~~Construction and maintenance~~. Buildings shall be of sound construction, and the exterior and interior shall be kept clean and in good repair to protect against dust, dirt, and mold, and to prevent the entrance or harboring of insects, rodents, vermin, and other animals.

2. Outside doors, windows, skylights, and transoms shall be screened or otherwise covered. Outside doors shall open outward and be self-closing; and those leading to processing rooms shall either be constructed of metal or have the bottom edge flashed and edged with sheet metal to a height of six inches. Window sills on new construction shall be sloping. Outside conveyor openings and other special type outside openings shall be protected by doors, screens, flaps, fans, or tunnels; outside openings for sanitary pipelines shall be covered when not in use; and service-pipe openings shall be completely cemented or have tight metal collars.

3. All rooms, compartments, coolers, freezers, and dry storage space in which any raw material, packaging, or ingredient supplies, or finished products are handled, processed, manufactured, packaged, or stored, shall be so designed and constructed as to assure clean and orderly operations. Rooms for receiving milk shall be separated from the processing rooms by a partition or suitable arrangement of equipment or facilities to avoid contamination of milk or dairy products. Boiler and tool rooms shall be separated from other rooms. Toilet and dressing rooms shall be conveniently located and shall not open directly into any room in which milk, dairy products, or ingredients are handled, processed, packaged, or stored. Doors of all toilet rooms shall be self-closing. Fixtures shall be kept clean and in good repair.

4. Plans for new plant construction or major remodeling of existing plants shall be submitted to the department for approval prior to such new construction or remodeling.

B. 5. ~~Interior finishing~~. In all rooms in which milk or dairy products are received, handled, processed, manufactured, packaged, or stored (except dry storage or packaged finished products), or in which equipment or utensils are washed, the walls, ceilings, partitions, and posts shall be smoothly finished with a washable material of light color that is substantially impervious to moisture. A wainscoting of a suitable material of a darker color may be used to a height not exceeding 60 inches from the floor. The floors in these rooms shall be of concrete or other impervious material and shall be smooth, properly graded to drain, and have drains trapped. The plumbing shall be so installed as to prevent back-up of sewage into the plant. On new construction or extensive remodeling, the floors shall be joined and coved with the walls to form watertight joints. Sound, smooth, wood floors may be used in certain packaging rooms where the nature of the product permits. Toilets and dressing rooms shall have impervious floors and smooth walls.

C. 6. ~~Ventilation and Lighting~~. All rooms and compartments (including storage space and toilet and dressing rooms) shall be ventilated to maintain sanitary conditions, prevent undue condensation of

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water vapor, and minimize or eliminate objectionable odors.

7. Lighting, whether natural or artificial, shall be of good quality and well-distributed in all rooms and compartments. All rooms where milk or dairy products are handled, processed, manufactured, or packaged, or where equipment or utensils are washed, shall have at least 30 foot-candles of light intensity on all working surfaces; areas where dairy products are examined for condition and quality, at least 50 foot-candles of light intensity; and all other rooms, at least five foot-candles of light intensity measured 30 inches above the floor. Light bulbs and fluorescent tubes shall be protected against breakage.

~~D. 8. Laboratory.~~ Consistent with the size of the plant and the volume and variety of products manufactured, an adequate laboratory shall be provided, maintained, and properly staffed with qualified and trained personnel for quality control and analytical purposes. It shall be located reasonably close to the processing activity in a well lighted and ventilated room of sufficient size to permit proper performance of the tests necessary to evaluate the quality of raw and finished products. A central or commercial laboratory that serves more than one plant and that provides the same services may be utilized.

C. Section ~~XXI-18~~. Facilities.

~~A. 1. Water Supply.~~ Both hot and cold water of safe and sanitary quality shall be available in sufficient quantity for all plant operations and facilities. Water from other lines, when officially approved, may be used for boiler feed water and condenser water, if such water lines are completely separated from the water lines carrying the sanitary water supply, and if the equipment is so constructed and controlled as to ~~preclude prevent~~ contamination of any milk product or milk product contact surface. There shall be no cross-connection between safe and unsafe water lines.

2. Bacteriological examination shall be made of the plant sanitary water supply at least once every six months by the department to determine purity and safety for use in processing or manufacturing dairy products.

~~B. 3. Employee Facilities.~~ In addition to toilet and dressing rooms, the plant shall provide the following employee facilities:

- ~~1. (a)~~ Conveniently located sanitary drinking water;
- ~~2. (b)~~ A locker or other suitable facility for each employee;
- ~~3. (c)~~ Handwashing facilities, including hot and cold running water, soap or other detergents, and sanitary towels or air driers, in or adjacent to toilet

and dressing rooms and at other places where necessary for the cleanliness of all personnel handling products; and

4. ~~(d)~~ Self-closing containers for used towels and other wastes.

4. A durable, legible sign shall be posted conspicuously in each toilet and dressing room directing employees to wash their hands before returning to work.

~~C. 5. Steam.~~ Steam shall be supplied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment. Steam that may come in direct contact with milk or dairy products shall be conducted through a steam strainer and purifier equipped with a steam trap, and shall be free from any compounds that may contribute flavors or endanger health. Only non-toxic boiler compounds shall be used.

~~D. 6. Disposal of Wastes.~~ The plant sewage system shall have sufficient slope and capacity to remove readily all waste from processing operations. Where a public sewer is not available, waste shall be disposed of by methods approved by the department. Containers for the collection and holding of wastes shall be constructed of metal or other equally impervious material, kept covered with tight-fitting lids, and placed outside the plant on a concrete slab or on a rack at least 12 inches above the ground. Solid wastes shall be disposed of regularly and the containers cleaned before reuse ~~and~~ . Dry waste paper shall be burned at the plant in an incinerator approved by the department, or compressed or bagged and hauled away.

D. Section ~~XXI-19~~. Equipment and utensils.

~~A. 1. Construction and Installation.~~ New equipment shall meet 3-A sanitary standards. Equipment and utensils coming in contact with milk or dairy products, including sanitary pumps, piping, fittings, and connections, shall be constructed of stainless steel or equally corrosion-resistant materials; except that, where the use of stainless steel is not practicable, or in old equipment, other metals properly tinned may be approved temporarily. Copper kettles for swiss cheese and copper evaporators and brass fillers for evaporated milk may be approved if free from corroded surfaces and kept in good condition. Wooden churns in use may be approved temporarily if maintained in good condition. Nonmetallic parts having product contact surfaces shall be of material that is resistant to abrasion, scratching, scoring, and distortion; ~~is shall be~~ nontoxic, fat-resistant, and relatively inert, or nonabsorbent or insoluble; and that will not adversely affect the flavor of the products.

2. All equipment and piping shall be ~~so~~ designed and installed ~~as~~ to be easily accessible for cleaning and

shall be kept in good repair and free from cracks and corroded surfaces. Milk pumps shall be of a sanitary type and easily dismantled for cleaning. New or rearranged equipment shall be set out approximately 24 inches from any wall or spaced at least 24 inches between pieces of equipment that measure more than 48 inches on the parallel sides. (This shall not apply between storage tanks when the face of the tanks extend through the wall into the processing room.) All parts or interior surfaces of equipment, pipes (except certain piping cleaned in place C-I-P), or fittings, including valves and connections, shall be accessible for inspection. Cleaned in place C-I-P sanitary piping shall be properly installed and self-draining. Welded sanitary piping systems when used with C-I-P cleaning will be acceptable if properly engineered and installed.

B. 3. Pasteurization Equipment. Where pasteurization is intended or required, an automatic flow-diversion valve and holding tube or its equivalent, if not part of the existing equipment, shall be installed on all high-temperature short-time pasteurizing equipment, to assure complete pasteurization. Equipment and operation shall be in accordance with 3-A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High-Temperature Short-Time Pasteurizers.

4. Long-stem indicating thermometers that are accurate within $\pm 0.5^{\circ}\text{F}$; plus or minus, for the applicable temperature range shall be provided for determining vat pasteurization temperatures of pasteurization of products in vats and for verifying the accuracy of recording thermometers. Short-stem indicating thermometers that are accurate within $\pm 0.5^{\circ}\text{F}$; plus or minus, for the applicable temperature range, shall be installed in the proper stationary position in all high-temperature short-time and dome-type pasteurizers, and all storage tanks where temperature readings are required.

5. Recording thermometers that are accurate within $\pm 1^{\circ}\text{F}$; plus or minus, between 142°F and 145°F , (or in the case of a 15-second pasteurization, between 160°F and 163°F) shall be used on each pasteurizer to record pasteurization temperature, except that on vats used solely for 30-minute pasteurization of products at temperatures above 150°F , a $\pm 2^{\circ}\text{F}$ accuracy; plus or minus, is acceptable.

C. 6. Cleaning and Sanitizing. Equipment, sanitary piping, and utensils used in receiving, storing, processing, manufacturing, packaging, and handling of milk or dairy products; and all product contact surfaces of homogenizers, high-pressure pumps, and high-pressure lines, shall be kept clean and sanitary. Stacks, elevators, conveyors, and the packing glands on all agitators, pumps, and vats shall be inspected at regular intervals and kept clean. Equipment coming in contact with milk or dairy products shall have

effective bactericidal or sanitizing treatment immediately before each use.

7. Equipment not designed for C-I-P cleaning shall be disassembled daily and thoroughly cleaned and sanitized. Dairy cleansers, wetting agents, detergents, sanitizing agents, or other similar material may be used that will not contaminate or adversely affect dairy products *may be used*. Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils. C-I-P cleaning shall be used only on equipment and piping systems that are designed and engineered for that purpose. Installation and cleaning procedures shall be in accordance with 3-A Suggested Method for the Installation and Cleaning of Cleaned-in-Place Sanitary Milk Pipelines for Milk and Milk Products Plants. An outline of the cleaning procedures to be followed shall be posted near the C-I-P equipment.

8. Applicable equipment and areas in the plant shall be thoroughly vacuumed regularly with a heavy-duty industrial vacuum cleaner, and the material picked up shall be disposed of by burning or other means to destroy any insects present.

§ 5. Personnel cleanliness and health.

A. Section XXI-20: Cleanliness.

Plant employees shall wash their hands before beginning work, and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands. They shall keep their hands clean and follow good hygienic practices while on duty. Expectoring or use of tobacco in any form shall be prohibited in rooms and compartments where milk or dairy products are unpacked or exposed. Clean white or light-colored washable outer garments and caps (paper caps or hairnets are acceptable) shall be worn by all persons engaged in handling milk or dairy products.

B. Section XXI-21: Health.

1. No person afflicted with a communicable disease shall be permitted in any room or compartment where milk or dairy products are prepared, processed, or otherwise handled. No person who has a discharging or infected wound, sore, or lesion on hands, arms, or other exposed portions of the body shall work in any plant processing or packaging rooms, or in any other capacity resulting in contact with milk or dairy products.

2. Each employee whose work brings him in contact with the processing or handling of milk, dairy products, containers, or equipment shall have a medical and physical examination by a registered physician or by the local department of health at the time of employment. In addition, an employee returning to work following illness from a

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communicable disease shall have a certificate from his attending physician to establish proof of complete recovery.

§ 6. Transportation of raw milk.

A. ~~Section XXI.22.~~ Transporting milk in cans.

1. Vehicles used for the transportation of can milk shall be of the enclosed type, constructed and operated to protect the product from extreme temperatures, dust, or other adverse conditions; and they shall be kept clean. Decking boards shall be provided where more than one tier of cans is carried.

2. Cans used in transporting milk from dairy farm to plant shall be ~~of such construction~~ *constructed* (preferably seamless) as to be easily cleaned; and shall be inspected at least once every four months. *They shall be repaired and replaced as necessary to exclude substantially significantly* the use of cans and lids with open seams, cracks, rust, milkstone, or any unsanitary condition.

3. Cans used for transporting raw milk to plants shall not be used for transporting skim milk, buttermilk, or whey to producers. Milk cans shall be cleaned, sanitized, and dried before returned to producers. Can washers shall be maintained in a clean and satisfactory operating condition, and kept free from *the* accumulation of scale that would adversely affect the efficiency of the washer.

B. ~~Section XXI.23.~~ Transport tanks.

~~A. 1. Construction.~~ Transport tanks shall be stainless-steel lined, and so constructed that the lining will not buckle, sag, or prevent complete drainage. All milk contact surfaces shall be smooth, easily cleaned, and maintained in good repair. The pump and hose cabinet shall be fully enclosed and have tight-fitting doors. New and replacement tanks shall meet the 3-A sanitary standards for milk transport tanks.

~~B. 2. Transfer of Milk to Transport Tank.~~ Milk shall be transferred from farm bulk tanks to transport tanks through stainless steel piping or approved tubing under sanitary conditions. This sanitary piping and tubing shall be capped when not in use.

~~C. 3. Cleaning and Sanitizing.~~ A dock and other facilities shall be available for all plants to clean and sanitize milk tank trucks. Milk transport tanks, sanitary piping, fittings, and pumps shall be cleaned and sanitized at least once each day, after use ~~provided that~~ . *However,* if they are not to be used immediately after emptying a load of milk, they shall be washed promptly after use and given bactericidal treatment immediately before *the next* use. After being washed and sanitized, each tank shall be identified by a tag attached to the outlet valve,

bearing the following information:

1. *(a)* Plant and specific location where cleaned,

2. *(b)* Date and time of day of washing and sanitizing, and

3. *(c)* ~~Name~~ *Names of person persons* who washed and ~~name of person who~~ sanitized the tank.

4. The tag shall not be removed until the tank is again washed and sanitized.

§ 7. Plant operations.

A. ~~Section XXI.24.~~ Pasteurization.

~~A. 1. Milk and Milk Products.~~ When pasteurization is intended or required, or when a product is designated "pasteurized," pasteurization shall be accomplished by heating every particle of milk or skim milk to a temperature of not less than 145°F, and cream and other milk products to at least 150°F; and ice cream mix to at least 155°F; and ~~hold~~ *holding* them at those temperatures continuously for not less than 30 minutes. Or, milk or skim milk *may be heated* to a temperature of 161°F and cream and other milk products to at least 166°F, for not less than 15 seconds; and ice cream mix to at least 175°F for not less than 25 seconds ; ~~or by~~ . Any other combination of temperature and time giving equivalent results *may also be used* . The phenol value of the pasteurized product shall be no greater than the maximum specified for the particular product, as determined by the phosphatase test, Method II, of the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists."

~~B. 2. Cream for Buttermaking.~~ Cream for buttermaking shall be pasteurized at a temperature of not less than 165°F and held continuously in a vat at such temperature for not less than 30 minutes, or at a temperature of not less than 185°F for not less than 15 seconds, or *at* any other temperature and holding time approved by the department that will assure pasteurization and comparable keeping-quality characteristics. If the vat method of pasteurization is used, vat covers shall be kept closed during the holding and cooling periods.

B. ~~Section XXI.25.~~ Cooling.

Processed fluid milk products shall be cooled promptly after heat treatment to ~~such~~ a temperature as *which* will adequately inhibit bacterial development or other deterioration of quality.

C. ~~Section XXI.26.~~ Storage.

~~A. 1. Utensils and Portable Equipment.~~ Utensils and portable equipment used in processing operations shall

be stored above the floor in clean, dry locations, and in a self-draining position on racks constructed of impervious corrosion-resistant material.

~~B. 2. Raw Milk and Cream.~~ Bulk milk and cream in storage tanks within the processing plant or receiving station shall be handled in such a manner as to minimize bacterial increase, and shall be maintained at 45°F or lower until processing begins.

3. The bacteriological quality of commingled milk in storage tanks should be 3 million or lower.

~~C. 4. Non-refrigerated Products.~~ Dairy products in dry storage shall be arranged in aisles, rows, sections, or lots ~~or in such a manner as to be~~ keep them orderly and easily accessible for inspection, and as to permit adequate cleaning of the room. Dunnage or pallets shall be used when applicable. Dairy products shall not be stored with any product that would damage them or impair their quality. Open containers shall be carefully protected from contamination.

~~D. 5. Refrigerated Products.~~ All products requiring refrigeration shall be stored under such optimum temperatures and humidity as will to maintain their quality and condition. Products shall not be placed directly on wet floors or be exposed to foreign odors or conditions such as dripping or condensation that might cause package or product damage.

~~E. 6. Supplies.~~ Items in supply rooms shall be kept clean and protected, and be so arranged as to permit inspection of supplies, and cleaning, and spraying of the room. Insecticides and rodenticides shall be properly labeled, segregated, and preferably stored in a separate room or cabinet away from milk or dairy products or packaging supplies.

~~D. Section XXI-27.~~ Laboratory control tests.

Quality control tests shall be made on flow samples as often as necessary to check the effectiveness of processing in order to correct processing deficiencies. Routine analysis shall be made on raw materials and finished products to assure adequate composition control. When applicable, keeping quality tests shall be made to determine product stability.

~~E. Section XXI-28.~~ Packaging and general identification.

~~A. 1. Packaging.~~ Dairy products shall be packaged in commercially acceptable containers or packaging material that will protect the quality of the contents in regular channels of trade. Prior to use, packaging materials shall be protected against dust, mold, and other possible contamination.

~~B. 2. Butter Liners.~~ Before use, butter liners and parchment liners shall be completely immersed in a boiling salt solution in a noncorrosive container for

not less than 30 minutes, at the boiling point and held in this solution until used. At least 15 pounds of salt shall be used for every 100 pounds of solution, and the solution shall be changed frequently to keep it clean.

~~C. 3. General Identification.~~ Commercial bulk shipping containers for dairy products shall be legibly marked with the name of the product, net weight or content, name and address of processor, manufacturer or distributor, and plant permit number. Consumer-packaged products shall be legibly marked with the name of the product, net weight or content, and name and address of packer or distributor.

§ 8. Plant permitting.

~~A. Section XXI-29.~~ Qualification.

Plant permitting requires a rating of not less than 85% of the maximum score allowed for the total of each applicable numbered group of items on the plant-inspection report form (See: XXI-63 § 14.B), based on the specifications in Sections XXI-16 §§ 4 to XXI-27 7.D. In addition, permitting requires that:

~~A. 1.~~ Not more than 10% of the cans (including lids) shall show open seams, cracks, rust, milkstone, or any unsanitary conditions;

~~B. 2.~~ Where pasteurization is intended or required, and a high temperature short-time unit is used, it shall be equipped with a flow diversion valve and holding tube or its equivalent; and

~~C. 3.~~ A safe water supply shall be provided, with no cross-connections between safe and unsafe lines.

§ 9. ~~Subpart E.~~ Procedures farm certification.

~~A. Section XXI-30.~~ Necessity for certification.

1. Every farm producing and selling milk for manufacturing purposes shall be inspected and certified as provided in Sections XXI-31, XXI-32, §§ 9.B, 9.C, and XXI-34 9.E. On and after the effective date of these rules and regulations, a new producer's farm shall be inspected and certified as provided in Sections XXI-31, XXI-32, §§ 9.B, 9.C, and XXI-34 9.E before his first sale of milk for manufacturing purposes. No milk for manufacturing purposes produced on an uncertified farm shall be bought or sold.

2. Certified farms shall be inspected once each calendar year after initial certification to determine eligibility for recertification. The inspection procedure for recertification shall be the same as that for initial certification.

~~B. Section XXI-31.~~ Inspection.

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1. Each farm shall be inspected by a fieldman. If, upon initial inspection, the fieldman finds that the farm meets the applicable requirements for certification described in Sections ~~XXI-8~~ §§ 3.A to ~~XXI-15~~ 9.C. If the farm does not meet the requirements for certification, it shall be reinspected by a fieldman within 30 days after the initial inspection. If the farm then meets the requirements for certification, it shall be certified. If the farm does not then meet the requirements for certification, the fieldman shall notify the department in writing. An inspector shall inspect the farm within 30 days after such notification. If the farm meets the requirements for certification, it shall be certified. If the farm does not meet the requirements for certification, it shall ~~not be certified~~, and the producer's authorization to sell milk for human food from that farm shall be withheld by the department until such time as the farm qualifies for certification. ~~Provided that,~~ *However*, if the fieldman or inspector determines during any of these inspections that corrections at the farm will require some capital investment, a reasonable extension of the prescribed time limits may be granted by the department.

2. Each completed farm certification report shall be kept at the plant, and a copy shall be given to the producer.

C. Section ~~XXI-32~~. Certification.

A fieldman or inspector shall certify farms that meet the requirements of Sections ~~XXI-8~~ §§ 3.A to ~~XXI-15~~ 3.H, as applicable, based upon the inspection procedure described in Section ~~XXI-31~~ § 9.B. Farm certification shall authorize the sale from that farm of milk for manufacturing purposes that meets the quality standards of Sections ~~XXI-3~~ §§ 2.A to ~~XXI-6~~ 2.D, as determined by the procedures described in Section ~~XXI-41~~ to ~~XXI-51~~ §§ 11 and 12.

D. Section ~~XXI-33~~. Expiration and revocation of certification.

1. Farm certification shall expire and become renewable each calendar year, unless revoked by the department; and no certification shall be transferable.

2. If at any time a fieldman or an inspector determines that a certified farm does not meet the requirements for certification, the department may allow a reasonable probationary period for the producer to bring his farm within the requirements for certification. If at the end of this time the farm does not meet the requirements for certification, the department may revoke the farm certification.

E. Section ~~XXI-34~~. Reinstatement.

If, after a period of withholding, probation or revocation of farm certification a producer makes the necessary

corrections at the farm, he may apply to a fieldman or an inspector for reinspection. ~~When conditions have been corrected, the farm shall be reinspected by a fieldman or an inspector.~~ When the fieldman or inspector determines that requirements for certification have been met, he shall certify the farm.

§ 10. Permitting plants, and quality control supervisors or milk graders.

A. Section ~~XXI-35~~. Necessity for plant permits.

1. Existing plants receiving or processing milk for the manufacture of dairy products shall be inspected and permitted as provided in Sections ~~XXI-36~~, ~~XXI-37~~, ~~XXI-38~~ A §§ 10.B, 10.C, 10.D.1, and ~~XXI-40~~ 10.F. New plants shall be inspected and permitted before buying or processing any milk for the manufacture of dairy products.

2. No plant shall handle, purchase, or receive milk or manufacture dairy products ~~therefrom~~ unless holding a valid permit issued by the department.

3. All permitted plants shall be inspected annually after issuance of the initial permit to determine eligibility for permit renewal. The inspection procedure for permit renewal shall be the same as that for initial permitting.

B. Section ~~XXI-36~~. Application for permit.

Applications to the department for new or renewal permit for dairy plants and quality control supervisors or milk graders shall contain the name and address of the applicant, and such other pertinent information as may be required. ²

C. Section ~~XXI-37~~. Plant inspection.

1. Each plant shall be inspected by an inspector. If, upon initial inspection, the inspector finds that the plant meets the requirements for permitting described in Sections ~~XXI-16~~ §§ 4 to ~~XXI-29~~ 8, as indicated by the plant inspection report form (See: ~~XXI-63~~ § 14.B), a permit shall be issued to the plant as described in Section ~~XXI-38~~ A § 10.D.1.

2. If the plant does not meet the requirement for permitting, the plant shall be reinspected by an inspector within 30 days of the initial inspection. A longer time may be allowed if major changes or new equipment is required. If at this time the plant meets the requirements for permitting, a permit shall be issued. If the plant does not meet the requirements for permitting, it shall ~~not be permitted~~; and its authorization to handle, purchase, or receive milk or to manufacture dairy products ~~therefrom~~ shall be withheld until such time as the plant qualifies for a permit.

3. Each completed plant inspection report form (~~Section XXI-63~~ § 14.B) shall be kept by the department, and a copy shall be given to the plant operator.

~~D. Section XXI-38.~~ Issuance of permit.

~~A. 1. Dairy plants.~~ The department shall permit dairy plants that meet the specifications of Sections ~~XXI-16~~ §§ 4 to ~~XXI-29~~ 8 based upon the inspection procedure described in ~~Section XXI-37~~ § 10.C. The permit shall be posted conspicuously at the plant. The permit shall authorize the plant to test, purchase, and receive milk for manufacturing purposes and to manufacture dairy products ~~therefrom~~, in compliance with the applicable provisions of the regulations.

~~B. 2. Quality control supervisors or milk graders.~~ The department shall permit quality control supervisors or milk graders who meet the qualifications prescribed by the department. The permits of quality control supervisors or milk graders shall authorize them to grade, accept, and reject raw milk ~~in accordance with~~ according to the provisions of Sections ~~XXI-3~~ to ~~XXI-7~~ and ~~XXI-41~~ to ~~XXI-48~~ §§ 2.A to 2.E and §§ 11 to 12.A

~~E. Section XXI-39.~~ Expiration, suspension, and revocation of permit.

1. Permits shall expire and become renewable one year from the date of issuance, unless revoked earlier; and no permit shall be transferable.

2. If at any time an inspector determines that a permitted plant does not meet the requirements for permitting, he may allow a reasonable probationary period for the operator to bring his plant within the requirements for permitting. If, at the end of this time, the plant does not meet the permitting requirements, the department may revoke the plant permit.

3. The department may suspend or revoke permits of quality control supervisors or milk graders for any violation of these regulations. An opportunity for a hearing shall be provided before suspension or revocation of a permit.

~~F. Section XXI-40.~~ Reinstatement.

1. If, after a period of withholding, probation, or revocation of a plant permit, the operator makes the necessary corrections at the plant, he may apply to the department for reinspection and reinstatement. When the inspector determines that the requirements to permitting have been met, the department shall issue a permit to the plant.

2. The reinstatement of permits for quality control supervisors or milk graders ~~which have been~~

~~suspended or revoked~~ shall be made only after ~~satisfying~~ the department ~~has been satisfied~~ of their qualifications.

§ 11. Milk quality control or grading procedure.

~~A. Section XXI-41.~~ Quality control supervisors or milk graders.

Each plant shall designate one or more permitted persons to be responsible for the examination and grading of the milk from each producer ~~in accordance with~~ according to the applicable provisions of Sections ~~XXI-3~~ to ~~XXI-7~~ and ~~XXI-42~~ to ~~XXI-47~~ §§ 2.A to 2.E and §§ 11.B to 11.G .

~~B. Section XXI-42.~~ Identification of milk.

All raw milk delivered to the receiving point, receiving station, or plant shall be identified as to ~~the its~~ producer, seller, or shipper ~~from whom received~~ .

~~C. Section XXI-43.~~ Sight and odor.

Each can of farm bulk tank milk shall be examined for physical characteristics and odor. Any milk that does not meet the requirements of ~~Section XXI-4~~ § 2.B shall be rejected, and the producer shall be notified.

~~D. Section XXI-44.~~ Sediment content.

~~A. 1. Method of testing.~~ Methods of determining sediment content of milk shall be those described in the latest edition of Standard Methods. For the testing of milk in cans, the off-the-bottom method shall be used. For testing bulk milk, a mixed one-pint sample shall be tested.

~~B. 2. Classification of discs.~~ Each sediment disc shall be classified ~~in accordance with~~ according to the provisions of ~~Section XXI-5~~ § 2.C.

~~C. 3. Frequency of tests.~~ At least once each month, at irregular intervals, the milk from each producer shall be tested as follows:

1. (a) Milk in cans. One or more cans of milk selected at random from each producer.

2. (b) Milk in farm bulk tanks. A sample shall be taken from each farm bulk tank.

~~D. 4. Acceptance of rejection of milk.~~ If the sediment disc is classified as No. 1, No. 2, or No. 3, the producer's milk shall be accepted. If the sediment disc is classified No. 4, the milk shall be rejected. ~~Provided that~~ If the shipment of milk is commingled with other milk in a transport tank, the next shipment shall not be accepted until its quality has been determined at the farm before being picked up. However, if the person making the test is unable to

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get to the farm before the next shipment, it may be accepted but no further shipments shall be accepted ~~unless~~ until the milk meets the requirements of No. 3 or better. In the case of can milk classified as No. 3 or No. 4, if in cans all cans shall be tested. Producers of No. 3 or No. 4 milk (cans or bulk) shall be notified, and shall be furnished given applicable sediment discs; and the next shipment shall be tested.

~~E.~~ 5. Retests. On test of the next shipment (if in cans, all cans shall be tested) milk classified as No. 1, No. 2, or No. 3 shall be accepted; but No. 4 milk shall be rejected. Retests of bulk milk classified as No. 4 shall be made at the farm before pickup. The producers of No. 3 or No. 4 milk shall be notified, furnished given applicable sediment discs; and the next shipment shall be tested.

6. This procedure of retesting successive shipments and accepting probational (No. 3) milk, and rejecting No. 4 milk may be continued for not to exceed no more than 10 calendar days. If at the end of this time the producer's milk does not meet the acceptable sediment content classification (No.1 or No. 2), it shall be excluded from the market in accordance with Sections ~~XXI.50 and XXI.51~~ according to §§ 12.C.1(b) and 12.D .

~~E. Section XXI.45.~~ Bacterial estimate.

~~A.~~ 1. Method of testing. Methods for determining the bacterial estimate of milk shall be those described in the latest edition of standard methods.

~~B.~~ 2. Classification. Milk shall be classified for bacterial estimate in accordance with according to the provisions of Section ~~XXI.6~~ § 2.D.

~~C.~~ 3. Frequency of tests. At least once each month, at irregular intervals, a mixed sample of each producer's milk shall be tested.

~~D.~~ 4. Acceptance of milk and retests. When milk from an individual producer falls below No. 2. on the regular monthly tests for bacterial quality, additional samples shall be tested weekly until the milk is No. 1 or No. 2. Milk falling below No. 2 may be considered acceptable for a temporary period not exceeding 28 days. If within the specified periods the milk does not conform to the bacterial requirements, the milk shall be excluded from the market in accordance with Sections ~~XXI.50~~ ~~C.~~ according to §§ 12.C.1(c) and ~~XXI.51~~ 12.D.

~~F. Section XXI.46.~~ New producers.

The first shipment of milk received from a new producer shall be tested and classified in accordance with Sections ~~XXI.3~~ according to § 2.A to ~~XXI.6~~ § 2.D. If the tests show that the milk meets the requirements for acceptable milk (Section ~~XXI.2~~ + § 1.B.1), it may be

accepted; and his milk shall thereafter be tested in accordance with according to the procedure described in Sections ~~XXI.43~~ §§ 11.C to ~~XXI.45~~ 11.E. If the tests show that the milk does not meet the requirements for acceptable milk , it shall be excluded from the market; and successive shipments of this producer's milk shall be tested and excluded until the tests show that his milk meets the requirements for acceptable milk . Thereafter, his milk shall be tested in accordance with according to the procedure described in Sections ~~XXI.43~~ §§ 11.C to ~~XXI.45~~ 11.E.

~~G. Section XXI.47.~~ Transfer producers.

1. In the event that a producer desires to transfer to another plant, he shall first provide such plant with a copy of his milk quality record for the preceding 90 days and a copy of his last farm sanitation inspection report, by obtaining same obtained from the plant to whom which he has been selling. However, the new buyer may accept a producer's milk if it is accompanied by a signed statement that the producer is not excluded from any market and which authorizes the new buyer to secure his present quality record for the previous 90 days. The new buyer shall then make a written request to the previous buyer for the producer's record. The previous buyer shall comply with the new buyer's request within 24 hours after receiving the written request, using the forms approved by the department for the transfer of producers.

2. If the new buyer requests and fails to receive the quality record from the previous buyer, he shall report such this fact to the department, and shall cause a farm inspection to be made promptly to confirm or establish certification of the transfer producer's farm. The existing status of a transfer producer with regard to his farm sanitation record and his milk quality record shall be in effect with the new plant.

3. The new buyer shall examine and classify each transfer producer's first shipment of milk and shall subsequently examine shipments in accordance with according to the provisions of Sections ~~XXI.41~~ §§ 11.A to ~~XXI.45~~ 11.E.

§ 12. Rejection and exclusion of milk.

~~A. Section XXI.48.~~ Rejected milk.

1. A plant shall reject specific milk from a producer if it fails to meet the requirements for sight and odor (Sections ~~XXI.4~~ §§ 2.B and ~~XXI.43~~ 11.C), or if it is classified No. 4 for sediment content (Sections ~~XXI.5~~ §§ 2.C and ~~XXI.44~~ 11.D). All reject milk in cans shall be identified with a reject tag. All reject milk classified No. 4 FOR SEDIMENT CONTENT (Sections ~~XXI.5~~ §§ 2.C and ~~XXI.44~~ 11.D), bloody, ropy, mastitic, or which contains visible extraneous matter,

insects, foreign color, or foreign object, shall be classified as unfit for human consumption and denatured by the addition of a harmless food coloring in sufficient quantity to clearly identify the rejected milk. Rejected milk, denatured with harmless food coloring, shall not be sold or offered for sale for use in any human food product.

2. The removal of a rejected tag from a producer's can by any person other than the producer is prohibited.

B. Section ~~XXI-49~~: Field service.

A fieldman shall visit each producer of probational or reject milk, within seven days from the date of the second consecutive substandard test, to inspect equipment and utensils and methods of handling the milk, and to make suggestions and recommendations for improving milk quality, unless corrections have already been made within the seven days.

C. Section ~~XXI-50~~: Excluded milk.

1. A plant shall not receive any milk from a producer under the following circumstances:

A. (a) If a new producer's milk does not meet the requirements for acceptable milk (Sections ~~XXI-21~~ §§ 2.B.1 and ~~XXI-47~~ 11.G); or

B. (b) If the milk has been in a probational (No. 3) sediment content classification for more than 10 calendar days (Sections ~~XXI-5~~ §§ 2.C and ~~XXI-44~~ 11.D); or

C. (c) If the milk has been classified unacceptable for the bacterial estimate for more than the requirements set forth in Sections ~~XXI-6~~ §§ 2.D and ~~XXI-45~~ 11.E ; or

D. (d) If, on and after the effective date of these regulations, the farm is not certified as provided in Sections ~~XXI-30~~ §§ 9.A to ~~XXI-34~~ 9.E ; or

E. (e) If the producer refuses to permit farm inspection.

2. When a plant discontinues receiving milk from a producer for any of the reasons listed in this section, it shall notify the department in writing.

D. Section ~~XXI-51~~: Reacceptance of producer's milk.

Milk from a producer whose milk has been excluded from the market may be reaccepted by a plant when the cause for exclusion has been corrected and the milk classified as acceptable.

§ 13. Records required to be kept by plants.

A. Section ~~XXI-52~~: Availability.

All records required to be kept by plants shall be available for examination by the department at all reasonable times.

B. Section ~~XXI-53~~: Farm certification report forms.

The original copy of completed farm certification report forms shall be kept on file at the plant for at least 24 months.

C. Section ~~XXI-54~~: Milk quality test records.

Accurate records listing the results of quality tests on each producer's milk shall be kept on file at the plant for at least ~~12 months~~ one year .

D. Section ~~XXI-55~~: Can inspection records.

Every four months, the plant shall audit the can inspection program and keep a record of the total number of cans examined and the percentage of the cans found to be improperly cleaned or dried, in need of repair, or otherwise unfit for use. These records shall be kept on file at the plant for at least ~~12 months~~ one year . (See Sections ~~XXI-22~~ §§ 6.A and ~~XXI-20~~ 8.)

E. Section ~~XXI-56~~: Water supply test records.

The results of all plant water supply tests shall be kept on file at the plant for at least ~~12 months~~ one year . (See Section ~~XXI-18~~ § 4.C.)

F. Section ~~XXI-57~~: Laboratory control test records.

Records of all laboratory control tests shall be kept on file at the plant for at least ~~12 months~~ one year . (See Section ~~XXI-27~~ § 7.D.)

G. Section ~~XXI-58~~: Pasteurization recorder charts.

Recorder charts showing the pasteurization record for each day shall be appropriately marked with the name of the product, date, and signature of the operator. The charts shall be kept on file at the plant for at least ~~12 months~~ one year .

H. Section ~~XXI-59~~: Employee medical certificates.

Current employee medical certificates shall be kept on file at the plant. (See Section ~~XXI-21~~ § 5.B.)

I. Section ~~XXI-60~~: Monthly reports to the department.

1. Each month, the department shall be furnished each month receive an approved standard summary report giving:

A. (a) The number of producers shipping milk to the plant during the month;

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B- (b) Results of all sediment and bacterial tests;

E- (c) Number of cans of milk rejected for:

(1) Sediment

(2) Bacteria

(3) Other; and

(4) List of producers excluded from the market for any reason.

J. Section ~~XXI-61~~. Regulatory agency.

To ensure compliance with the provisions of these regulations, the Virginia Department of Agriculture and Consumer Services to insure compliance with the provisions of these regulations shall:

A- 1. Make periodic examinations of milk from a representative number of producers at each plant to determine whether the milk is being graded and tested in accordance with the applicable provisions of Subparts B and E §§ 2 and 9 .

B- 2. Examine the quality records of transfer producers at each plant periodically; and when necessary, determine the acceptability of such producer's milk.

C- 3. Make periodic farm inspections, and compare the results of such inspections with the completed farm certification report forms on file at the plant, to determine whether the fieldmen are making proper inspections and reports.

D- 4. Periodically, examine the completed farm certification report forms and milk quality tests records of individual producers at each plant.

E- 5. Periodically inspect plant premises, buildings, equipment, facilities, operations, and sanitary practices.

F- 6. Assist plant management and laboratory and field staffs with educational programs among producers relating to quality improvement of milk.

G- 7. Perform such other services and institute such other supervisory procedures as may be necessary to ensure compliance with the provisions of these regulations.

§ 14. Forms.

Subpart F-

A. Section ~~XXI-62~~. Farm certification report form.

{ A farm certification report form as required in Section ~~XXI-31~~. § 9.B shall be approved by the Commissioner

department . }

B. Section ~~XXI-63~~. Plant inspection report form.

The following form shall be used by inspectors in determining eligibility for plant permitting.

* * *

PLANT INSPECTION REPORT

Date:

Name of Plant

Owner or Manager

Address

Permit No.

Products Manufactured

Time of Inspection a.m./p.m. before, during, after processing

* * *

Plant permitting requires a rating of not less than 85% of the maximum score allowed for the total of each applicable numbered group of items. Sub-items may be rated in quarter points. In addition, not more than 10% of the cans (including lids) shall show open seams, cracks, rust, milkstone, or any unsanitary condition; when pasteurization is intended or required, HTST units shall have a flow-diversion valve and holding tube or its equivalent; and a safe water supply is required, with no cross-connection between safe and unsafe lines.

* * *

MAXIMUM	SCORE
SCORE	GIVEN**

Premises, Buildings and Facilities

1. Premises and surroundings 2
 - Clean, 0.5
 - Orderly, 0.5
 - Properly drained, 0.5
 - Free from foul odors or smoke, 0.5
2. Buildings 2
 - Sound construction, 1
 - Clean, good repair, 1
3. Doors and windows 2
 - Clean, 0.5
 - Screened or protected, 1
 - Outer doors open outward and self-closing, 0.5

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4. Conveyor and service-pipe openings covered or protected 1
 5. Floors 4
 - Smooth and impervious, 1
 - Good repair, 1
 - Drain properly trapped, 1
 - No sewage backflow, 1
 6. Walls and ceilings 4
 - Smooth, 1
 - Impervious, 1
 - Washable, 1
 - Light color, 1
 7. Processing rooms 6
 - Adequate size, 1
 - Clean, 1
 - Orderly, 1
 - No undue condensation or objectionable odors, 1
 - Ample light, well distributed, 1
 - Free from unnecessary equipment or utensils, 1
 8. Coolers and freezers 5
 - Adequate size, 1
 - Clean, 0.5
 - Dry, 0.5
 - Orderly, 0.5
 - Sufficient refrigeration and air circulation, 2
 - Adequately lighted, 0.5
 9. Dry storage space (product) 4
 - Adequate size, 1
 - Clean, 0.5
 - Orderly, 0.5
 - Adequately lighted and ventilated, 0.5
 - Free from insects and rodents, 1
 10. Supply rooms 3
 - Clean, 0.5
 - Dry, 0.5
 - Orderly, 0.5
 - Adequately lighted and ventilated, 0.5
 - Free from insects and rodents, 1
 11. Toilet and dressing rooms 3
 - Properly located and separated, 0.5
 - Good repair, 0.5
 - Self-closing doors, 0.5
 - Clean, 0.5
 - Orderly, 0.5
 - Adequately lighted and well ventilated, 0.5
 12. Boiler and tool rooms separated from other rooms and adequately lighted 1
 13. Laboratory 4
 - Sufficient size, 1
 - Adequately equipped, 1
 - Adequately staffed, 1
 - Adequately lighted and ventilated, 1
 14. Water supply 2
 - Ample hot and cold water, 1
 - Conveniently located, 0.5
 - Current bacterial tests on file, 0.5 (date tested)
 15. Steam 2
 - Clean and nontoxic, 1
 - Adequate supply and pressure, 1
 16. Drinking-water facilities sanitary and convenient 1
 17. Hand-washing facilities 2
 - Properly equipped and clean, 1
 - Convenient, 0.5
 - Self-closing waste containers provided, 0.5
 18. Waste disposal 2
 - Sewer of sufficient capacity, 0.5
 - Nonpublic disposal methods approved, 0.5
 - Refuse in covered containers, 0.5
 - Waste paper properly handled, 0.5
- Equipment and Utensils
19. Construction and maintenance 7
 - Product contact surfaces of stainless steel or other equally corrosion-resistant material, 3
 - Good condition, 2
 - Accessible for cleaning, 2
 20. Pasteurizers 2
 - Good operating order, 1
 - Equipped with thermometers and recorders, 1
 21. Thermometers and recorders 4
 - Adequate, 2
 - Sufficiently accurate, 1
 - Recorder charts in order and on file, 1
 22. C-I-P and welded sanitary lines properly engineered and installed 2
 23. Portable equipment and utensils suitably stored 1
 24. Can washers 2
 - Operating properly, 1
 - Clean, good repair, 1

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- 25. Stacks, elevators, conveyors in good condition 1
- 26. Vacuum cleaner in good condition, used regularly, refuse disposal satisfactory 1
- 27. Farm trucks 2
Enclosed type, 1
Clean, 1
- 28. Transport tanks 4
Good condition, interior smooth, enclosed tight-fitting cabinet, 1
Piping and tubing capped, 0.5
Washing facilities available, 1
Tanks clean, 0.5
Bactericidal treated before use, 0.5
Current cleaning and sanitizing tag in place, 0.5

Plant Operation

- 29. Cleaning and sanitizing plant equipment and utensils 5
Equipment not designed for C-I-P disassembled daily and thoroughly cleaned, 2
C-I-P system operated properly, 1
Utensils and other equipment and in-place pipelines thoroughly cleaned each day, 1
All equipment subjected to an effective bactericidal treatment immediately before use, 1
- 30. Raw-product storage, proper temperature maintained until start of processing 2
- 31. Pasteurization 2
Milk and cream properly pasteurized, 1
Recorder corresponds to indicating thermometer, 1
- 32. Processed fluid products cooled promptly 2
- 33. Laboratory 2
Tests adequate, 1
Records available, 1
- 34. Containers clean and sound 2
- 35. Dry storage 2
Product and supplies placed on dunnage or pallets, 1
Arranged in aisles, rows, or sections, 1
- 36. Refrigerated storage 2
Proper temperature maintained to protect quality, 1

- Products not placed directly on wet floors, 1
- 37. Personnel cleanliness 3
Clean outer garments, 1
Caps or hairnets worn, 0.5
No smoking, 0.5
Good hygiene practiced, 1
- 38. Personnel health 2
No communicable disease, 1
General good health, 0.5
Current medical records on file, 0.5

Remarks:

On the basis on this survey, this plant (is) (is not) eligible for a permit.

.....
(Signature) (Inspector)

Title

.....
(Signature) (Plant Official)

Title

* Indicate under "Remarks" specific deficiency or reason for disrating.

** Indicate under "Remarks" reason for specific disrating.

.....
S. Mason Carbaugh
Commissioner
Virginia Department of Agriculture and Consumer Services

Date:

* * * * *

Title of Regulation: Rules and Regulations Governing the Production, Packaging, Labeling, Storage, Transportation, Handling and Sale of Grade "A" Condensed and Dry Milk Products and Grade "A" Condensed and Dry Whey. (REPEALED)

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

Effective Date: March 18, 1987

Summary:

These regulations were repealed by the Virginia Board of Agriculture and Consumer Services on September 22, 1986. Their provisions were incorporated into 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.

DEPARTMENT OF COMMERCE

Title of Regulation: VR 170-01-1. Board of Barber Examiners Regulations.

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

Effective Date: March 19, 1987

Summary:

The regulations are amended to decrease the barber renewal fee and late renewal fee.

VR 170-01-1. Board of Barber Examiners Regulations.

SECTION ONE

PART I. GENERAL.

§ 1.1. Under the requirements established by the board, anyone practicing as a barber shall have a temporary license or a valid license as a barber, or a valid license as a barber teacher. (54-83.22:1)

§ 1.2. Teacher license.

Any person desiring to teach barbering must shall obtain a barber teacher license. (Chapter 534 (1974) Acts of Assembly)

§ 1.3. Shop license.

Any person, firm, or corporation operating any place or establishment providing barber services must shall have a valid shop license. (Chapter 639 (1962) AaA)

§ 1.4. School license.

A license may be issued to any school approved by the board as meeting the standards set forth in § 4 of these regulations. (Chapter 534 (1974) AaA)

§ 1.5. Issuance of original license.

The board shall issue original licenses as follows: (54-83.22:1)

1.5.1 A. License by examination. The board shall issue a license attesting to the competency of every applicant who has successfully completed an examination as required by these regulations. (54-83.22:1)

1.5.2 B. License by endorsement. Any person currently licensed to practice as a barber in any other state in the United States, the District of Columbia, or Puerto Rico

may, upon proper application to the board, be issued a license to practice as a barber in this State the Commonwealth without being required to pass an examination. (54-83.22:1)

§ 1.6. License renewal required. (54-1.28(4))

1.6.1 A. Licenses issued under these regulations shall expire on the last day of December 31 of each even-numbered year if issued prior to January 1, 1985. (54-1.28(4))

1.6.2 B. All licenses issued beginning January 1, 1985 will expire on March 31 of each odd-numbered year. (54-1.28(4))

1.6.3 C. Each licensee desiring to renew should submit his application for renewal, with the appropriate fee set forth in § 1.7, before the license expires. License holders shall be notified by mail of the fee and the procedure for renewal at least 45 days before the licenses expire. Any licensee not receiving renewal notice may submit a copy of his license with the required fee. Failure to receive written notice from the Department of Commerce does not relieve the regulant from the requirement to renew his license. (54-1.28(4))

1.6.4 D. Any licensee who fails to renew a license within one month after the license expires will be required to pay a late renewal fee which shall be equal to twice the regular renewal fee ; (see fee schedule in § 1.7) .

Any licensee who fails to renew their his license within six months after the expiration date of their his license must shall apply for reinstatement of the license by submitting to the Department of Commerce a renewal application and fee which shall be equal to twice the regular renewal fee with a statement of the reasons for failing to renew prior to the expiration date. (54-1.28(4))

1.6.5 E. Upon receipt of the renewal application, fee, and statement, the board may grant reinstatement of the license or require requalification ; , reexamination ; or both before granting the reinstatement. (54-1.28)

1.6.6 F. The date the renewal application and fee is are received by the Department of Commerce or its agent shall be the factor determining whether a license shall be renewed without penalty fees or shall be subject to reinstatement procedures. (54-1.28)

1.6.7 G. Revoked licenses, suspended licenses and licenses not renewed from past renewal periods shall not be renewable under this regulation. (54-1.28)

§ 1.7. Fee schedule. (54-1.28(4))

- 1.7.1 1. Initial examination fee, barber (54-1.28(4)) \$ 50.
1.7.2 2. Initial examination fee, barber teacher

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(54-1-28(4))	\$ 50.
1-7-3 3. Reexamination fee (54-1-28(4))	\$ 5.
1-7-4 4. Application fee, barbershop license (54-1-28(4))	\$ 15.
1-7-5 5. Barber school license (54-1-28(4))	\$100.
1-7-6 6. License by endorsement (54-1-28(4))	\$ 50.
1-7-7 7. Replacement of lost certificate (54-1-28(4))	\$ 5.
1-7-8 8. Renewal of barber license (54-1-28(4))	\$ 35. \$ 30.
1-7-9 9. Renewal of teacher license (54-1-28(4)) ..	\$ 50.
1-7-10 10. Renewal of shop license (54-1-28(4)) ..	\$ 25.
1-7-11 11. Renewal of school license (54-1-28(4)) ..	\$100.
1-7-12 12. Late renewal fee, barber (54-1-28(4))	\$ 70. \$ 60.
1-7-13 13. Late renewal fee, barber teacher (54-1-28(4))	\$100.
1-7-14 14. Late renewal fee barber school (54-1-28(4))	\$200.
1-7-15 15. Temporary Permit (54-1-28(4))	\$ 5.

SECTION TWO

PART II. ENTRY.

§ 2.1. General requirements.

Upon filing application with the department on forms approved by the board, and upon paying the required fee, any person shall be granted a license provided the application contains evidence satisfactory to the board that an applicant has passed the examination administered by the board or by independent examiners after having completed one of the following: ~~(Chapter 534 (1974) AaA)~~

- 2-1-1 1. Has graduated from a school of barbering approved by the board; or ~~(Chapter 534 (1974) AaA)~~
- 2-1-2 2. Has completed a course in a public school with a curriculum in barbering approved by the State Department of Education; or ~~(Chapter 534 (1974) AaA)~~
- 2-1-3 3. Has been trained as a barber at any state institution; or ~~(54-1-28(1))~~
- 2-1-4 4. Has completed training as a barber in the armed forces; or ~~(54-1-28(1))~~

- 2-1-5 5. Has completed an apprenticeship program approved by the board; and ~~(54-1-28(1))~~

§ 2.2. Apprenticeship training standards.

Barbershops training apprentices shall comply with the standards established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry and the Virginia State Board of Barber Examiners. ~~(54-1-28(1))~~

§ 2.3. School training.

Any person trained at a school for barbers shall be eligible for licensing provided the school maintains the minimum standards of operation as set forth in § 4.1 of these regulations. ~~(54-1-28(1))~~

§ 2.4. Exceptions to training requirements. ~~(54-1-28(1))~~

2-4-1 A. To licensed cosmetologists enrolling for barber training, barber schools shall give credit for 50% of the training hours required of any licensed cosmetologist. ~~(54-1-23(1))~~

2-4-2 B. To cosmetologist students wishing to enroll for barber training, the barber school shall give credit for a maximum of 50% of the hours required of cosmetologist students. ~~(54-1-28(1))~~

§ 2.5. Examination required. ~~(54-1-28(2))~~

2-5-1 A. Applicants for licensing shall pass a practical and a written examination with a minimum score of 70% on each part. ~~(54-1-28(2))~~

2-5-2 B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year. ~~(54-1-28(2))~~

§ 2.6. Reexamination.

If the applicant does not pass a reexamination within a one-year period, he will be required to submit another initial application/examination fee and repeat the entire examination. ~~(54-1-28(2))~~

§ 2.7. Eligibility.

Any candidate failing to appear for an examination during the six-month period following the first notification of eligibility shall be eligible to sit for another scheduled examination upon payment of a second initial examination fee. ~~(54-1-28(2))~~

§ 2.8. Conduct of examination. ~~(54-1-28(2))~~

- 2-8-1 1. The examinations shall be conducted by independent examiners or board members. ~~(54-1-28(2))~~

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~~2-8-2~~ 2. Each examiner shall complete a period of training specified by the board. ~~(54-1-28(2))~~

~~2-8-3~~ 3. Every examiner shall have at least three years of active experience as a licensed barber and be currently licensed by the board. ~~(54-1-28(2))~~

~~2-8-4~~ 4. The results of the examination shall be submitted to the board's office, where the grades shall be compiled and the results released. ~~(54-1-28(2))~~

§ 2.9. Temporary permit.

A temporary permit to work under the supervision of a currently licensed barber may be issued to any person that the board finds eligible for examination. ~~(54-83-22:1)~~

~~2-9-1~~ 1. The application for a temporary permit shall be accompanied by an application, an original examination fee, and a temporary permit fee. ~~(54-83-22:1)~~

~~2-9-2~~ 2. The temporary permit shall remain in force until 20 days following the next scheduled examination for which the applicant would be eligible. ~~(54-83-22:1)~~

~~2-9-3~~ 3. Any person continuing to practice barbering after a temporary permit has expired may be prosecuted under § 54.1-20 of the Code of Virginia. ~~(54-83-22:1)~~

~~2-9-4~~ 4. No applicant for examination shall be issued more than one temporary permit. ~~(54-83-22:1)~~

§ 2.10. General requirements for a barber-teacher's license.

An applicant for a barber-teacher's license shall pass a barber-teacher examination administered by the board or by independent examiners.

~~2-10-1~~ 1. A prerequisite to taking the examination shall be that the applicant be currently licensed as a Virginia barber.

~~2-10-2~~ 2. Applicants passing the examination for a barber-teacher's license shall not be required or allowed to maintain a barber license.

§ 2.11. Sanitation. ~~(54-1-28(1))~~ ~~2-11-1~~

An application for a barbershop license shall be accompanied by an affidavit of inspection required by any local health department. ~~(54-1-28(1))~~

SECTION THREE

PART III. STANDARDS OF PRACTICE.

§ 3.1. Display of license.

The license to practice as a barber shall be prominently displayed in the establishment where the barber is employed. ~~(54-1-28(5))~~

§ 3.2. Discipline.

The board may revoke, suspend, or fail to renew a license, or impose a fine as permitted by law if, after a hearing, it finds that: ~~(54-1-28(7))~~

~~3-2-1~~ 1. The licensee is incompetent, or negligent in practice, or incapable mentally or physically to practice as a barber; or ~~(54-1-28(7))~~

~~3-2-2~~ 2. The licensee is guilty of fraud or deceit in the practice or teaching of barbering; or ~~(54-1-28(7))~~

~~3-2-3~~ 3. The licensee violates or induces others to violate, or cooperates with others in violating, any of the provisions of these regulations, or Chapter 4.1, Title 54, of the Code of Virginia, or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any barber may practice or offer to practice; or ~~(54-1-28(7))~~

~~3-2-4~~ 4. The owner or operator of a school or salon permits or allows a person to practice or teach barbering without obtaining a license or temporary permit. ~~(54-1-28(7))~~

§ 3.3. Discipline.

The board may revoke, suspend, or fail to renew the license of any school or impose a fine as permitted by law when: ~~(54-1-28(7))~~

~~3-3-1~~ 1. An instructor of the approved schools fails to teach the curriculum as provided for in these regulations; or ~~(54-1-28(7))~~

~~3-3-2~~ 2. The owner or director of the approved school permits or allows a person to teach in the school without holding a current teacher license. ~~(54-1-28(7))~~

~~3-3-3~~ 3. The teacher, owner or director is guilty of fraud or deceit in the teaching of barbering. ~~(54-1-28(7))~~

§ 3.4. Discipline.

The board may revoke, suspend, or refuse to renew the license of any barbershop or impose a fine as permitted by law when there is a finding that: ~~(54-1-28-27)~~

~~3-4-1~~ 1. The owner or operator of the shop fails to comply with the sanitary requirements of barbershops provided for in any local ordinances; or ~~(54-83-27)~~

~~3-4-2~~ 2. The owner or operator allows a person who has not obtained a license or temporary permit to

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practice as a barber unless *the* person is duly indentured as an apprentice; ~~(54-83.22:1)~~

§ 3.5. Sanitation , *premises and equipment, operations and service* .

Barbershops shall comply with the following sanitation standards: ~~(54-1-28(5))~~

~~3.5.1 Premises and Equipment. (54-83.27)~~

~~3.5.1.1 1. Wash basins. There shall be a sufficient number of wash basins to provide hot and cold running water, under pressure, to adequately accommodate the clientele. (54-83.27)~~

~~3.5.1.2 2. General cleanliness. All furniture, walls, floors, and windows shall be clean and in good repair. Wash basins and sinks shall be clean. (54-83.27)~~

~~3.5.1.3 3. Cabinets. Cleaned instruments, such as combs, brushes, shears, towels, etc., shall be kept free from contamination until used. (54-83.27)~~

~~3.5.1.4 4. Towel receptacles. A sufficient number of receptacles for soiled towels shall be provided to accommodate the usual flow of business. (54-83.27)~~

~~3.5.2 Operations and Service. (54-83.27)~~

~~3.5.2.1 5. Towels. Clean towels shall be used for each patron. (54-83.27)~~

~~3.5.2.2 6. Haircloth. Whenever a haircloth is used in cutting, shampooing, etc., a clean towel or neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin. (54-83.27)~~

~~3.5.2.3 7. Astringent use. No alum or other astringent shall be used in stick form. Liquid or powder astringent ~~must shall~~ be used. (54-83.27)~~

~~3.5.2.4 8. Brushes and combs. Brushes ~~must shall~~ be washed in soap and hot water after each use on a patron. Combs ~~must shall~~ be washed in soap and hot water or ~~must shall~~ be kept immersed in a properly prepared and maintained sanitizing solution. (54-83.27)~~

~~3.5.2.5 9. Permanent wave equipment. Permanent wave rods shall be rinsed after each use. End papers shall be destroyed after each use. (54-83.27)~~

SECTION FOUR

SECTION IV. BARBER SCHOOLS.

§ 4.1. General requirements.

A school of barbering shall be approved by the board if

it meets all the following requirements: ~~(Chapter 538 (1974) AoA)~~

~~4.1.1 1. Its faculty is made up of licensed barber teachers. (Chapter 538 (1974) AoA)~~

~~4.1.2 2. It accepts no more than sixteen students per barber teacher. (Chapter 538 (1973) AoA)~~

~~4.1.3 3. It requires its students to practice in the school for not less than 1500 hours. (Chapter 534 (1974) AoA)~~

~~4.1.4 4. It teaches a course of instruction including the following subjects:~~

~~4.1.4.1 a. Cutting the hair with a razor, clippers, shears. (Chapter 534 (1974) AoA)~~

~~4.1.4.2 b. Tapering the hair. (Chapter 534 (1984) AoA)~~

~~4.1.4.3 c. Thinning the hair. (Chapter 534 (1974) AoA)~~

~~4.1.4.4 d. Shampooing the hair. (Chapter 534 (1974) AoA)~~

~~4.1.4.5 e. Styling the hair with a hand hair dryer. (Chapter 534 (1974) AoA)~~

~~4.1.4.6 f. Thermal waving. (Chapter 534 (1974) AoA)~~

~~4.1.4.7 g. Permanent waving with chemicals. (Chapter 534 (1974) AoA)~~

~~4.1.4.8 h. Shaving. (Chapter 534 (1974) AoA)~~

~~4.1.4.9 i. Trimming a moustache or beard. (Chapter 534 (1974) AoA)~~

~~4.1.4.10 j. Applying hair colors. (Chapter 534 (1974) AoA)~~

~~4.1.4.11 k. Lightening or toning the hair. (Chapter 534 (1974) AoA)~~

~~4.1.4.12 l. Analyzing skin or scalp conditions. (Chapter 534 (1974) AoA)~~

~~4.1.4.13 m. Giving scalp treatments. (Chapter 534 (1974) AoA)~~

~~4.1.4.14 n. Giving a facial massage or treatment. (Chapter 534 (1974) AoA)~~

~~4.1.4.15 o. Sanitizing and maintaining implements and equipment. (Chapter 534 (1974) AoA)~~

~~4.1.4.16 p. Honing and stropping a razor. (Chapter 534 (1974) AoA)~~

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4.1.4.17 q. Using infra-red lights. (~~Chapter 534 (1974) AOA~~)

§ 4.2. Applicants for state approval.

Any person, firm, or corporation desiring to conduct a barber school shall submit an application to the board at least 30 days prior to the date for which approval is sought. Exception: Schools subject to regulation by the State Department of Education. (~~Chapter 534 (1974) AOA~~)

§ 4.3. School identification.

Each barber school approved by the board shall identify itself to the public as a teaching institution. (~~Chapter 534 (1974) AOA~~)

§ 4.4. Records.

~~4.4.1~~ A. Schools are required to keep permanent records showing what instruction the student has received. These records ~~must~~ shall be available for inspection by the department. All records ~~must~~ shall be kept on the premises of each school. (~~Chapter 534 (1974) AOA~~)

~~4.4.2~~ B. Thirty days prior to closing, selling or disposing of a barber school, the owner ~~must~~ shall furnish the board with a complete record of all currently enrolled students, their scores in examinations, hours of credit and any other information requested by the board. (~~Chapter 534 (1974) AOA~~)

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

Title of Regulation: VR 230-30-001. Minimum Standards for Jails and Lockups.

Statutory Authority: §§ 53.1-5, 53.1-68 and 53.1-131 of the Code of Virginia.

Effective Date: April 1, 1987

Summary:

These standards establish requirements for the administration, management and operation of Jails and Lockups. Section 53.1-68 of the Code of Virginia requires Jails and Lockups comply with standards established by the Board of Corrections for such facilities.

VR 230-30-001. Minimum Standards for Jails and Lockups.

PART I. INTRODUCTION.

Article 1. Definitions.

§ 1.1. The following words and terms when used in these regulations shall have the following meaning unless the

context clearly indicates otherwise:

"Administrative segregation" means a form of segregation from the general population when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer can also be included.

"Annually" means an action performed each calendar year.

"Appeal" means the procedure for review of an action by a higher authority.

"Appropriate heating" means temperatures appropriate to the summer and winter comfort zones. Heat shall be evenly distributed in all rooms so that a temperature no less than 65°F is maintained. Air conditioning or mechanical ventilating systems, such as electric fans, shall be provided when the temperature exceeds 85°F.

"Appropriate lighting" means at least 20 footcandles at desk level and in personal grooming area.

"Audit" means the determination of facility compliance with standards through an examination of records and operations by a team of qualified professionals.

"Certification" means an official approval by the Board of Corrections which allows a facility to operate.

"Chief executive" means the elected or appointed individual who by law or position has the overall responsibility for the facility's administration and operation.

"Classification" means the process for determining inmate housing, custody and program assignments.

"Communication system" means a mechanical audio transmission such as telephone, intercom, walkie talkie or T.V. monitor.

"Contraband" means any item possessed by inmates or found within the jail or lockup which is illegal by law or not specifically approved for inmate possession by the administrator of the facility.

"Daily log" means a written record for the recording of daily activities or unusual incidents.

"Detainee" means any person confined but not serving a sentence.

"Disciplinary detention" means the separation of an inmate from the general population for major violations of conduct or regulations.

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"Educational release" means a custody status under which inmates leave a facility to attend school or educational programs in the community.

"Fire prevention practices" means the activities and written procedures utilized and rehearsed to ensure the safety of staff, inmates and public.

"Fire safety inspection" means an inspection conducted by the Office of State Fire Marshal or local fire department.

"Grievance procedure" means the method by which inmates may formally address complaints to the facility administration.

"Health care personnel" means individuals whose primary duties are to provide health services to inmates.

"Health inspection" means an inspection conducted by the local or State Department of Health.

"Indigent inmate" means an inmate who has no financial means to purchase personal hygiene items or postage for mailing letters.

"Inmate handbook" means a manual, pamphlet or handout which contains information describing inmate activities and conduct.

"Inmate records" means written information concerning the individual's personal, criminal and medical history, behavior and activities while in custody.

"Impartial officer or committee" means individual(s) who are unbiased and are not directly involved in the particular incident or situation being reviewed.

"Juvenile" means a person less than 18 years of age.

[*"Legal mail" means mail addressed to or received from an attorney or court.]*

"Lockup" means a temporary detention facility where detainees are held for not more than 12 hours.

"Medical screening" means an observation and interview process within the booking procedure designed to obtain pertinent information regarding an individual's medical or mental health condition.

"Major violations" means those institutional violations for which an inmate may be punished either by being placed in disciplinary detention or by losing statutory good time.

"Minor violations" means those institutional violations punishable by less severe sanctions such as reprimand or loss of privileges.

"Permanent log" means a written record of a facilities'

activities which cannot be altered or destroyed subject to state law.

[*Pharmaceuticals" means prescription and nonprescription drugs.]*

"Policy and procedures manual" means a written record containing all policies and procedures needed for the operation of the facility in accordance with the law and the minimum standards for local jails and lockups.

"Post order" means a list of specific job functions and responsibilities required of each duty position.

"Protective custody" means a form of separation from the general population for inmates requesting or requiring protection from other inmates.

"Quarterly" means an action which occurs once every three months within a calendar year.

"Recreational activities" means any out-of-cell activity ranging from scheduled outside or inside recreation to informal table top games.

"Semi-annual" means an action occurring once every six months within a calendar year.

"Volunteer" means individuals who provide services to the detention facility without compensation.

"Work release" means a formal program whereby an inmate is permitted to leave confinement to maintain regular employment in the community and returns to custody during nonworking hours.

Article 2. Legal Base.

§ 1.2. The Code of Virginia is the foundation for the development of Minimum Standards for Local Jails and Lockups. Section 53.1-68 of the Code of Virginia directs the State Board of Corrections to establish minimum standards for the construction, equipment, administration and operation of local correctional facilities. This Code section also authorizes the Board of Corrections to establish minimum standards for the construction, equipment and operation of lockups.

§ 1.3. The State Board of Corrections is authorized to monitor the activities of the department and its effectiveness in implementing the standards and goals of the board as specified by § 53.1-5 of the Code of Virginia.

Article 3. Administration.

§ 1.4. The Minimum Standards for Local Jails and Lockups, adopted by the Board of Corrections on March 24, 1980, and amended on May 13, 1980, are superseded on the effective date of these standards.

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§ 1.5. The primary responsibility for application of these standards shall be with the sheriff or chief executive officer of the jail or lockup.

§ 1.6. These standards shall become effective on [~~March~~ April] 1, 1987.

§ 1.7. If any provision of these regulations or the application of them to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions of the application, and to this end, the provisions of these regulations and the various applications of them are declared to be severable.

PART II. JAIL ADMINISTRATION.

Article 1. Philosophy, Goals and Objectives.

§ 2.1. The facility shall have a written statement discussing its philosophy, goals and objectives.

Article 2. Policies and Procedures.

§ 2.2. Written policy and procedures shall be maintained in a manual and shall be available 24 hours a day to all staff.

§ 2.3. Written policy shall provide that each facility shall be headed by a single chief executive officer to whom all employees and functional units are responsible.

§ 2.4. A written annual report of the availability of services and programs to inmates in a facility shall be reviewed and provided to the sentencing courts and may be provided to relevant community agencies.

PART III. MANAGEMENT INFORMATION.

Article 1. Release of Information.

§ 3.1. Written policies and procedures covering the release of information shall be developed in accordance with the rules and [~~recommendations~~ regulations] promulgated by the Criminal Justice Services Board and the Virginia Plan for the Privacy & Security of Criminal History Record Identification.

Article 2. Inmate Records.

§ 3.2. Written policy and procedures shall ensure that inmate records are current and accurate.

§ 3.3. Personal records shall be maintained on all inmates

committed or assigned to the facility. These records shall contain, but not be limited to, the:

1. Inmates data form;
2. Commitment form and court order;
3. Records developed as a result of classification;
4. All medical orders issued by the facilities physician;
5. All disciplinary actions, or unusual incidents;
6. Work record and program involvement; and
7. Copies of inmates' property expenditure records and receipts.

Article 3. Facility Logs and Reports.

§ 3.4. The facility shall maintain a daily log(s) which records the following information:

1. Inmate count and location;
2. Intake and release of inmates;
3. Entries and exits of physicians, attorneys, ministers, and other nonfacility personnel; and
4. Any unusual incidents such as those that result in physical harm to or threaten the safety of any person, or the security of the facility.

Article 4. Classification.

§ 3.5. Written policy and procedures shall ensure the following:

1. Classification of inmates as to level of housing assignment and participation in correctional programs;
2. Separate living quarters for males, females, and juveniles;
3. Prohibition of segregation of inmates by race, color, creed or national origin;
4. Security permitting, equal access to all programs and activities, through separate scheduling, or other utilization of combined programs under supervision;
5. The proper release of inmates; and

Any exception to the above to be documented in writing.

Article 5. Grievance Procedure.

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§ 3.6. A written grievance procedure shall be developed and made available to all inmates with the following elements:

1. Grievance shall be responded to within a prescribed reasonable time limit;
 2. Written responses including the reason for the decision shall be made to all grievances;
 3. A review shall be made by someone not directly involved in the grievance; and
 4. All inmates shall have access to the procedures with guaranty against reprisal.
- [5. All inmates must be afforded the opportunity to appeal the decision.]

PART IV. JAIL PROGRAMS AND SERVICES.

Article 1. Inmate Participation.

§ 4.1. The facility administrator shall make each inmate aware of available programs.

§ 4.2. Written policy and procedures shall:

- [~~1.~~ Allow inmates to participate voluntarily in available religious activities consistent with health and safety considerations;]
- [~~2.~~ 1.] Provide inmates access to recreational activities consistent with health and security regulations;
- [~~3.~~ 2.] Provide all inmates access to regular physical exercise;
- [~~4.~~ 3.] Specify eligibility for work assignments;
- [~~5.~~ 4.] Govern the administration of local work programs;
- [~~6.~~ 5.] Govern the administration of local work or education release programs if applicable; and

Any exception to the above shall be documented in writing.

Article 2. [Religious,] Social and Volunteer Services.

[§ 4.3. Written policy and procedures shall allow inmates to participate voluntarily in available religious services or counseling of their choice during scheduled hours within the facility.]

[§ 4.3. § 4.4.] The facility shall secure and support social

services and volunteer programs from the community. Where volunteers provide direct services to inmates in the facility there shall be written policies and procedures.

[§ ~~4.4.~~ § 4.5.] The volunteer program shall be coordinated and administered in accordance with written policies and procedures. Each volunteer shall sign a statement agreeing to abide by facility rules and regulations.

Article 3. Education and Library Services.

[§ ~~4.5.~~ § 4.6.] Written policy and procedures shall govern the availability and administration of educational services for inmates. The facility administrator [~~should~~ shall] coordinate and cooperate with local authorities for the provision of local community services and resources utilized for this purpose where they are available.

[§ ~~4.6.~~ § 4.7.] The facility shall provide reading materials which include current periodicals (not more than one year old).

[§ ~~4.7.~~ § 4.8.] Reading materials, including newspapers, magazines and books, shall be permitted in the jail unless the material poses a threat to security.

Article 4. Commissary.

[§ ~~4.8.~~ § 4.9.] The facility shall make available to inmates commissary services where they may purchase from an approved list of items.

Article 5. Medical Services.

[§ ~~4.9.~~ § 4.10.] A licensed physician shall supervise the facility's medical and health care services.

[§ ~~4.10.~~ § 4.11.] No restrictions shall be imposed on the physician by the facility in the practice of medicine; however, administrative and security regulations applicable to facility personnel shall apply to medical personnel as well.

[§ ~~4.11.~~ § 4.12.] Health care personnel shall meet appropriate and current licensing or certification requirements.

[§ ~~4.12.~~ § 4.13.] Where in-house medical and health care services are provided there shall be space for the private examination and treatment of inmates.

[§ ~~4.13.~~ § 4.14.] Written policy shall provide 24-hour emergency medical care availability.

[§ ~~4.14.~~ § 4.15.] Written policy and procedure shall provide that receiving and medical screening be performed on all inmates upon admission to the facility.

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[~~§ 4.15.~~ § 4.16.] Written procedures shall be developed whereby inmates can be informed, at the time of admission to the facility, of the procedures for gaining access to medical services.

[~~§ 4.16.~~ § 4.17.] All staff involved in security shall be trained and competent in rendering basic first aid equivalent to that defined by the American Red Cross in its use in emergency care procedures. Further, there shall be at least one person per shift who is competent in administering basic life support cardio-pulmonary resuscitation (CPR).

[~~§ 4.17.~~ § 4.18] Written standard operating procedures for the management of pharmaceuticals shall be established and approved by the facility's physician or pharmacist.

[~~§ 4.18.~~ § 4.19] The medical record for each inmate shall include:

1. The completed receiving screening form; and,
2. All findings, diagnoses, treatment, dispositions, prescriptions, and administration of medication.

[~~§ 4.19.~~ § 4.20.] Summaries of the medical record file shall be forwarded to the facility to which the inmate is transferred.

[~~§ 4.20.~~ § 4.21.] Written policy shall prohibit medical or pharmaceutical testing for experimental or research purposes.

[~~§ 4.21.~~ § 4.22.] Medical care performed by personnel other than a physician shall be pursuant to a written protocol or order.

Article 6. Food Services.

[~~§ 4.22.~~ § 4.23.] Written policy and procedures shall ensure that the facility's food service equipment and personnel meet the established safety and protection standards and requirements as set forth by the State Board of Health's rules and regulations governing restaurants and the requirements by the Virginia Department of Corrections.

[~~§ 4.23.~~ § 4.24.] Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure that:

1. The menu meets the dietary allowances as stated in the Recommended Dietary Allowances, National Academy of Sciences;
2. There is at least a one-week advance menu preparation; and

3. Modifications in menus are based on inmates' medical or reasonable religious requirements.

[~~§ 4.24.~~ § 4.25] Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure meals are served under the direct supervision of staff.

[~~§ 4.25.~~ § 4.26.] Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure that records of meals served are kept for a minimum of three years.

[~~§ 4.26.~~ § 4.27] Written policy and procedures shall ensure a food service program that is not used as a disciplinary measure and meets the requirements as set forth by the Virginia Department of Corrections.

[~~§ 4.27.~~ § 4.28.] Written policy and procedures shall provide for at least three meals daily with no more than 14 hours between evening meal and breakfast, and a minimum of two hot meals within every 24 hours.

Article 7. Mail.

[~~§ 4.28.~~ § 4.29.] Written policy and procedures governing inmate correspondence shall ensure that all inmates, regardless of their jail status, shall be afforded the same correspondence privileges; correspondence privileges shall not be withdrawn as punishment.

[~~§ 4.29.~~ § 4.30.] Written policy and procedures shall ensure that there is no limit on the volume of letter mail an inmate may send or receive, or on the length, language, content or source of such letter mail, except where there is clear and convincing evidence to justify such limitations.

[~~§ 4.30.~~ § 4.31.] Written policy and procedures shall make available, when requested by an indigent inmate, a postage allowance of not more than five first-class rate (one ounce) letters per week [, not counting legal mail].

[~~§ 4.31.~~ § 4.32.] Written policy and procedures shall ensure that outgoing letters shall be collected and sent daily except Saturdays, Sundays, and holidays. Incoming letters to inmates shall be delivered no later than 24 hours after arrival at the facility or shall be promptly forwarded or returned to sender.

[~~§ 4.32.~~ § 4.33.] Inmate mail shall not be read except where there is reasonable suspicion that a particular item of correspondence threatens the safety or security of the institution, or the safety of any person, or is being used for furtherance of illegal activities.

[~~§ 4.33.~~ § 4.34.] Written policy and procedures shall assure that notice of the seizures of mailed contraband be

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given to the inmate and the sender together with the written reason for the seizure. The sender shall be allowed the opportunity to appeal and challenge the seizure before the facility administrator or a designee empowered to reverse seizure. Unless it is needed for a criminal investigation or prosecution, property which can legally be possessed outside the facility shall be stored, returned to sender or destroyed, as the inmate desires.

Article 8. Telephone.

[~~§ 4.34.~~ § 4.35.] Written policy and procedures shall ensure inmates reasonable access to telephone facilities.

[~~§ 4.35.~~ § 4.36.] Written policy and procedures shall ensure that emergency messages to inmates are delivered promptly and recorded. When possible, the jail chaplain shall be notified of an immediate family member's death or serious illness.

Article 9. Visiting.

[~~§ 4.36.~~ § 4.37.] Written policy and procedures shall ensure maximum visiting opportunities limited only by facility schedules, space and personnel constraints.

[~~§ 4.37.~~ § 4.38.] The facility shall have a list of approved items which visitors may bring into the facility. Items brought into the facility by visitors for inmates shall be subject to inspections and approval.

[~~§ 4.38.~~ § 4.39] Written policy and procedures shall specify [requirements for] visitor registration [~~upon entry into the facility~~] and the circumstances and methods under which visitors may be searched.

PART V. JAIL OPERATIONS.

Article 1. Reception and Orientation.

§ 5.1. Written policy and procedures for admitting individuals into the jail shall address the following:

1. Verification of commitment;
2. Complete search of the individual and his possessions;
3. Disposition of clothing and personal possessions;
4. Interview for obtaining identifying data;
5. Photograph; and
6. Telephone calls.

§ 5.2. Written policy and procedures for those inmates to

be confined in the jail shall address the following:

1. Shower/search;
2. Issue of clean clothing/hygiene items [/linen] ;
3. Classification and housing assignment; and
4. Orientation.

§ 5.3. Written policy and procedures shall specify that - newly admitted inmates who are physically capable are permitted to complete at least two local or collect long-distance telephone calls during the admissions process.

Article 2. Linen and Clothing.

§ 5.4. Written policy and procedure shall provide that a record be kept to show that clean linen and towels be supplied once a week, a clean change of clothing be provided twice a week and inmates shall be held accountable for their use.

§ 5.5. The facility shall provide for the issuance of special and protective clothing to inmates assigned to food services, farm, sanitation, mechanical services, and other special work functions.

Article 3. Bathing and Hygiene.

§ 5.6. There shall be sufficient hot and cold water for bathing. Each inmate shall be required to bathe twice a week. [~~Inmates shall be permitted to bathe daily.~~]

§ 5.7. The facility shall provide soap, a toothbrush, and toothpaste or toothpowder to each inmate upon admission to the general population. Notwithstanding security considerations, shaving equipment, including a mirror, and haircuts shall be made available, and hygiene needs of all inmates shall be met.

Article 4. Inmate Money and Property Control.

§ 5.8. Written policy and procedures shall state what items the inmate may retain in his possession.

§ 5.9. A written itemized inventory of cash and personal property of each inmate shall be made at the time of initial booking. A signed copy shall be furnished the inmate.

§ 5.10. An itemized account shall be maintained of each inmate's expenditures and receipts of money while in the facility and acknowledged by the inmate in writing.

§ 5.11. Inmate's property and funds shall be returned to him upon his release or transfer and acknowledged by the

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inmate in writing.

Article 5. Inmate Conduct and Discipline.

§ 5.12. *Written policy and procedures shall govern inmate conduct and shall include:*

1. *Rules of conduct;*
2. *Definition of major and minor violations; and*
3. *Prohibition of the use of food as a disciplinary measure.*

[4. *Upon assignment to general inmate housing, inmates shall receive a copy of inmate conduct rules and policy and procedures governing inmate conduct.*
]

§ 5.13. *Written policy and procedures shall govern the reporting and disposition of disciplinary infractions by inmates and shall include:*

1. *Procedures and provisions for pre- and post-disciplinary detention of inmates; and*
2. *Procedures for handling minor violations:*
 - a. *The accused inmate is given written notice of the charge and the factual basis for it;*
 - b. *The accused inmate shall have an opportunity to explain or deny the charge;*
 - c. *The accused inmate shall have an opportunity to appeal any finding of guilt to the facility administrator; and*
3. *Procedures for handling major violations:*
 - a. *The accused inmate is given written notice of the charge and the factual basis for it at least 24 hours prior to the hearing of the charge;*
 - b. *The charge is heard in the inmate's presence by an impartial officer or committee.*
 - c. *The accused inmate is given an opportunity to have the assistance of a staff member or fellow inmate in defending the charge;*
 - d. *Witness statements and documentary evidence will be permitted in his defense; and*
 - e. *The accused inmate is permitted to appeal any finding of guilt to the facility administrator.*

Article 6. Security.

§ 5.14. *The facility shall maintain a designated post, manned 24 hours a day, that controls activities and flow of people in and out of the secure area of the jail.*

§ 5.15. *The facility's outside recreation area shall be secure so that inmates shall not have physical access to the general public without authorization.*

§ 5.16. *Written policy and procedures shall require that all security perimeter entrances, control center doors, cell block doors and all doors opening into a corridor are kept locked except when used for admission or exit of employees, inmates or visitors, or in emergencies.*

§ 5.17. *Written policy and procedures shall govern the security, storage and use of firearms, ammunition, chemical agents, and related security devices to ensure that:*

1. *Personnel who carry firearms are assigned positions that are inaccessible to inmates (with the exception of emergencies);*
2. *Personnel who discharge firearms or use chemical agents submit written reports to the administrator or designated subordinate no later than the conclusion of the shift during which same are discharged or used.*

§ 5.18. *Written policy and procedures shall specify the conditions under which an officer can enter a security cell or cell block.*

§ 5.19. *The facility shall provide a communications system allowing staff to communicate with each other to facilitate staff supervision.*

§ 5.20. *Written policy and procedures shall specify that, at least once daily, a careful examination be made of all security devices and that maintenance be routinely performed to ensure their proper operation.*

§ 5.21. *Written policy and procedures shall specify the process for conducting and documenting searches of the facility and inmates.*

§ 5.22. *The facility shall post the policy regarding searches for the control of contraband or otherwise make it available to staff and inmates. Further, the policy shall be reviewed at least annually and updated as needed.*

§ 5.23. *Written policy and procedures shall govern key and door control.*

§ 5.24. *Written policy and procedures shall govern the control and use of tools, culinary items and cleaning equipment.*

§ 5.25. *Written policy and procedures shall specify the control, storage and use of all flammables, toxic and caustic materials.*

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§ 5.26. Written post orders shall clearly describe the functions of each duty post in the facility and include copies in the policy and procedures manual.

§ 5.27. Written policy and procedures shall specify and restrict the use of physical force which is necessary for instances of self-protection, protection of others, protection of property and prevention of escapes. Such physical force shall be restricted to that necessary only to overcome such force as is being exerted. A written report shall be prepared following all such incidents described above and shall be submitted to the administrator for review and justification.

§ 5.28. Written policy and procedures shall govern the use of restraint equipment.

§ 5.29. Written policy and procedures shall provide for administrative segregation of inmates who pose a security threat to the facility or other inmates and for inmates requiring protective custody.

§ 5.30. Written policies and procedures shall ensure that, inmate behavior permitting, the disciplinary detention and administrative segregation units provide physical living conditions that approximate those offered the general inmate population.

§ 5.31. Written policy and procedure shall specify the handling of mental health inmates to include an agreement to utilize mental health services from either a private contractor or the community services board.

§ 5.32. Written policy and procedures shall ensure that a log be kept to record all activities in disciplinary detention and administrative segregation units.

§ 5.33. Written policy and procedures shall require that an assessment, including a personal interview and medical evaluation, is conducted when an inmate remains in administrative segregation or disciplinary detention beyond 15 days and every 15 days thereafter.

§ 5.34. The facility shall provide for around-the-clock supervision of all inmates by trained personnel. [~~The security of the facility~~ All inmate housing areas] shall be inspected a minimum [~~of every 30 minutes~~ twice per hour.] All [~~checks~~ inspections] and unusual incidents shall be documented.

§ 5.35. Supervisory staff shall inspect the institution daily. Unusual findings shall be indicated in writing and submitted to an administrative official for review.

§ 5.36. Written policies and procedures shall regulate the movement of inmates within the facility.

§ 5.37. Written policy shall prohibit inmates from supervising, controlling or exerting any authority over other inmates.

§ 5.38. Written policy and procedures shall specify the process to be followed in emergency situations, mass arrest, fire, disturbance, taking of hostages, escapes, attempted suicides, loss of utilities and natural disasters. All personnel shall be trained in the implementation of emergency plans. Plans shall be reviewed annually.

Article 7. Release.

§ 5.39. Written policy and procedures shall require that, prior to an inmate's release, positive identification is made of the releasee, authority for release is verified and a check for holds in other jurisdictions is completed.

PART VI. JAIL PHYSICAL PLANT.

Article 1. Fire and Health Inspection.

§ 6.1. The facility shall have an annual state or local health and fire safety inspection, and written reports, filed with the facility administrator. One fire safety inspection shall be completed by the Office of the State Fire Marshal every three years.

Article 2. Fire Prevention and Safety.

§ 6.2. Written policy and procedures shall specify the facility's fire prevention practices to ensure the safety of staff, inmates, and the public. They shall be reviewed annually.

§ 6.3. Mattresses, pillows and trash receptacles present in the secured housing shall be of nontoxic and fire retardant materials.

§ 6.4. The facility shall have a written master plan for the safe and orderly evacuation of all persons in the event of a fire or an emergency. Such a plan shall be reviewed by all staff quarterly. The quarterly review shall be documented.

Article 3. Facility Cleanliness.

§ 6.5. Facility floors, halls, corridors, and other walkway areas shall be maintained in a clean, dry, hazard-free manner.

§ 6.6. The facility shall control vermin and pests and [~~should~~ shall] be serviced at least quarterly by professional pest control personnel.

Article 4. Housing Areas.

§ 6.7. All housing and activity areas shall provide for appropriate lighting and heating.

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§ 6.8. All housing areas shall have toilets, showers, drinking water and washbasins with hot and cold running water accessible to inmates.

Article 5. Special Purpose Area.

§ 6.9. The facility shall have a special purpose area to provide for the temporary detention and care of persons under the influence of alcohol or narcotics or for persons who are uncontrollably violent or self-destructive and those requiring medical supervision.

Article 6. Security Equipment Storage.

§ 6.10. The facility shall provide secure storage for firearms, chemical agents, and related security equipment accessible to authorized personnel only and located outside the security perimeter or the inmate housing and activity areas.

PART VII. JUVENILES.

Article 1. Housing.

§ 7.1. Those facilities which, on occasion, house juveniles shall be certified by the Board of Corrections for the express purpose of holding juveniles.

§ 7.2. Juveniles shall be so housed as to be separated by a wall or other barrier which would result in preventing visual contact and normal verbal communication with adult prisoners except in instances of casual contact under supervision.

§ 7.3. The facility shall have one or more persons on duty at all times responsible for auditory and visual contact with each juvenile at least every 30 minutes. Contact shall be at least every 15 minutes when juveniles exhibit self-destructive or violent behavior.

Article 2. Isolation or Segregation.

§ 7.4. Isolation cells or segregation within a cellblock shall be utilized only as a protective or disciplinary measure.

PART VIII. LOCKUPS.

Article 1. Responsibility.

§ 8.1. The chief of police, town sergeant, or, in case of a county's operating a lockup, the sheriff shall be responsible for seeing that the lockup is operated in full conformity with these regulations.

Article 2. Coverage.

§ 8.2. When the lockup is occupied at least one employee shall be on duty at the lockup at all times.

Article 3. Search and Inspection.

§ 8.3. The facility shall comply with the search requirements included in § 19.2-59.1 of the Code of Virginia.

§ 8.4. Quarterly inspections shall be made and recorded of bars, locks and all security devices.

Article 4. Commitment and Release.

§ 8.5. A written record shall be maintained to include name, date, and time of commitment and release of all detainees confined in the lockup.

Article 5. Property.

§ 8.6. Written policy and procedures shall govern the inventory and control of detainee property. The detainee shall sign for all property taken upon admission and returned to him upon release. If the detainee refuses to sign this shall be witnessed and documented.

Article 6. Telephone.

§ 8.7. Written policy and procedures shall specify that newly admitted inmates who are physically capable are permitted the opportunity to complete at least two local or collect long distance telephone calls during the admissions process.

Article 7. Separation of Inmates.

§ 8.8. A lockup shall detain juveniles in strict compliance with § 16.1-249 of the Code of Virginia.

§ 8.9. Males shall be housed separately from females.

§ 8.10. There shall be written policy for the protection of inmates appearing to be vulnerable to physical or sexual attack.

Article 8. Medical.

§ 8.11. Written policy and procedures shall provide for 24-hour emergency medical and mental health care availability.

§ 8.12. A permanent log shall be maintained on all

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medical findings, diagnoses, treatment, dispositions, prescriptions and administration of medications.

Article 9. Visiting.

§ 8.13. Written policy and procedures shall ensure that:

1. There be visiting opportunities limited only by facility schedules, security, space and personnel constraints;
2. Visitors register upon entry into the facility;
3. Circumstances and methods under which visitors may be searched are delineated;
4. Attorneys be permitted to have confidential visits with their clients; and

Any exception to the above shall be documented in writing.

Article 10. Inmate Control.

§ 8.14. Written policies and procedures shall ensure that punishment shall not be utilized as a means of control or discipline in lockups. Tear gas, chemical mace, or similar devices shall not be used as punishment and may only be used to control detainees where there is an imminent threat of physical injury.

Article 11. Incident Report.

§ 8.15. A report setting forth in detail the pertinent facts of deaths, escapes, discharging firearms, using chemical agents, or any other serious occurrences shall be reported to the Regional Manager, Department of Corrections, or his designee.

Article 12. Facility and Inmate Cleanliness.

§ 8.16. A detainee shall have access to a wash basin and toilet facility.

§ 8.17. The detention area shall be maintained in a clean, dry, hazard-free manner.

* * * * *

Title of Regulation: VR 230-40-003. Standards for Post Disposition Confinement for Secure Detention and Court Service Units.

Statutory Authority: § 16.1-284.1 of the Code of Virginia.

Effective Date: June 1, 1987

Summary:

These adopted regulations establish minimum standards for court service units and secure detention facilities regarding the post dispositional placement and confinement of juveniles. The statutory addition of § 16.1-284.1 of the Code of Virginia requires that secure detention facilities and court service units comply with standards established by the Board of Corrections for such placements.

VR 230-40-003. Standards for Post Disposition Confinement for Secure Detention and Court Service Units.

PART I. INTRODUCTION.

§ 1.1. Definitions.

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

"Community treatment programs" means programs and services which also serve children who are not being held in secure custodial facilities and in which sentenced children may participate.

"Community treatment service plan" means a written plan stating the purpose(s) of confinement and treatment, objectives to be attained by the child, methods by which objectives are to be accomplished, the responsibilities of the agencies and individuals involved, and the means by which progress will be evaluated.

"Marked law enforcement vehicle" means any vehicle displaying the emblem or designation of a law enforcement agency.

"Sentenced child/children" means a child ordered confined pursuant to § 16.1-284.1 of the Code of Virginia.

"Staff meeting" means a meeting of the representatives of the court service unit of the committing court and the secure facility, for the purpose of developing the community treatment service plan.

§ 1.2. Legal base.

A. Section 16.1-284.1 of the Code of Virginia requires the Board of Corrections to establish standards of compliance for placement in a secure local facility.

B. The Board of Corrections is empowered by § 53.1-5 of the Code of Virginia to develop and establish program and fiscal standards for correctional facilities.

§ 1.3. Current standards.

The Standards for Secure Detention, adopted by the Board of Corrections, on February 11, 1981; and Minimum

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Standards for Court Services, adopted by the Board of Corrections, on January 12, 1983, remain applicable to facilities receiving children under this regulation.

§ 1.4. Application.

Primary responsibility for application of these standards shall be with secure detention facilities and court service units of the juvenile and domestic relations district courts.

§ 1.5. [*The proposed effective date of this regulation is June 1, 1987. Effective Date June 1, 1987.*]

§ 1.6. Severability.

If any provision of these regulations or the application of them to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions of the application, and to this end, the provisions of these regulations and the various applications of them are declared to be severable.

PART II. STANDARDS.

§ 2.1. There shall be a written agreement between the detention home and the court service unit of the committing court, defining working relationships and responsibilities for the implementation of the Community Treatment Service Plan for sentenced children.

§ 2.2. Children sentenced for more than 30 days shall receive the services of one or more community treatment programs during their confinement. Such programs and services shall include those which also serve children who are not being held in secure custodial facilities.

§ 2.3. The detention home shall designate a staff member as having primary responsibility for the coordination of services for each sentenced child as defined in the Community Treatment Service Plan.

§ 2.4. The Court Service Unit of the committing court shall designate a staff member as having primary responsibility for the coordination of services for each sentenced child as defined in the Community Treatment Service Plan.

§ 2.5. A staff meeting regarding children sentenced for more than 30 days shall be held no later than the fifth working day of the child's confinement. Representatives of the court service unit and the secure facility shall participate. The child, parent(s)/legal guardian and community treatment program(s) shall be informed of the staff meeting no less than 48 hours in advance, and may be present or represented.

§ 2.6. The staff meeting regarding a sentenced child shall result in a community treatment service plan, stating the

purpose(s) of confinement and treatment, objectives to be attained by the child, methods by which objectives are to be accomplished, the responsibilities of the agencies and individuals involved, and the means by which progress will be evaluated. The final plan shall be forwarded to all involved parties within three working days of the staff meeting.

§ 2.7. At the time of admission of any sentenced child, the court service unit shall provide the secure facility with a copy of the court order, the child's most recent social history, and any other written information considered by the court during the sentencing hearing.

§ 2.8. The detention home shall provide counseling to children serving sentences, to aid in the child's adjustment to the secure setting, and to enhance progress in any community treatment program involvement.

§ 2.9. Children sentenced to more than 30 days shall, beginning no later than the initial 30 day court review, be temporarily released at least once every seven days for purpose(s) specified in the Community Treatment Service Plan. All such releases shall be documented in a central log or case record. Use of uniformed law enforcement officers, or physical restraining devices, or marked law enforcement vehicles shall not constitute a release for Community Treatment Service Plan purposes.

§ 2.10. A detention home approved to hold sentenced children shall not use more than 20% of its rated capacity for such children at any one time, and such sentenced child/children shall not be placed when the detention home is at capacity.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0010. Procedures, Instructions and Guidelines for Mortgage Credit Certificate Program.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Effective Date: January 20, 1987

Summary:

These final regulations will authorize VHDA to issue Mortgage Credit Certificates to eligible purchasers of mobile/manufactured housing units in the Commonwealth. These Mortgage Credit Certificates will entitle the holders to a credit against their federal income taxes.

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VR 400-02-0010. Procedures, Instructions and Guidelines for Mortgage Credit Certificate Program.

PART I. PURPOSE AND APPLICABILITY.

§ 1.1. Definitions.

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

"Acquisition cost" means the purchase price of the mobile/manufactured home, and the cost of land and improvements, including any well or septic system, if owned for less than two years; the cost of completing any unfinished space; the cost of any fixtures not included in the purchase price; any set-up costs including transportation, if not included in the purchase price; settlement or financing costs which are in excess of usual or reasonable costs and the capitalized value of any ground rent.

"Application for Commitment" means a request to the authority by an applicant for an MCC commitment on a specified loan. This request must be made on the Application for Commitment form.

"Authority" means the Virginia Housing Development Authority, a political subdivision of the Commonwealth of Virginia constituting a public instrumentality.

"Certified indebtedness" means the amount of indebtedness as determined by the authority incurred by the applicant to acquire a mobile/manufactured home, in accordance with federal requirements and as specified in the MCC.

"Commitment" means the obligation of the authority to provide an MCC to an eligible applicant pursuant to an approved Application for Commitment.

"Commitment fee" means the fee payable or paid by an eligible applicant to the authority in connection with an Application for Commitment.

"Commitment term" means the period of time during which the eligible applicant may obtain a loan to which the MCC applies and during which the authority is obligated to issue an MCC pursuant to a commitment.

"Eligible applicant" means any person meeting the criteria for an eligible applicant as set forth in Part II of these procedures, instructions and guidelines.

"Executive director" means the executive director of the authority or any other officer or employee of the authority who is authorized to act on his behalf or on behalf of the authority pursuant to a resolution of the Board of Commissioners of the authority.

"Loan" means any extension of credit, to which an MCC applies, provided to an eligible applicant to finance the purchase of a mobile/manufactured home which meets the conditions set forth in these procedures, instructions and guidelines.

"Mobile/manufactured home" means any mobile/manufactured housing unit that meets the criteria set forth in Part II of these procedures, instructions and guidelines.

"Mortgage credit certificate" or *"MCC"* means a certificate issued by the authority pursuant to § 25 of the Internal Revenue Code as amended by § 612 of the Tax Reform Act of 1984.

"Mortgage credit certificate rate" means the rate specified by the authority in the MCC that determines the allowable percentage of annual loan interest payments for which the applicant is eligible to take a federal tax credit.

"Participating lender" means any person or organization legally authorized to engage in the business of making loans for the purchase of mobile/manufactured homes and meeting the qualifications set forth in these procedures, instructions and guidelines.

"Principal residence" means that the dwelling will be occupied as the primary residence of the purchaser and will not be property held in a trade or business, or investment property, and is not a recreational or second home and that no part of the dwelling shall be used for any business purposes for which expenses may be deducted for federal income tax purposes.

"Program" means the Authority's Mortgage Credit Certificate Program.

"Purchase price" means the amount paid by the applicant or any other person to or for the benefit of the seller for the mobile/manufactured home (excluding the cost of any land or personal property which is not a permanently attached fixture).

[*"Qualified mortgage bond"* means a tax-exempt security, as defined under § 103A of the Internal Revenue Code, issued by a state, certain agencies or authorities or a local government, the proceeds of which are used to provide financing for owner-occupied residential property.

"Qualified veterans bond" means a tax-exempt security, as defined under § 103A of the Internal Revenue Code, issued by a state or certain agencies or authorities, the proceeds of which are used to provide financing for owner-occupied residences of certain veterans of military, naval or air service.]

§ 1.2. Purpose and applicability.

Section 25 of the Internal Revenue Code, as amended, authorizes states and political subdivisions to issue MCC's

in lieu of qualified mortgage revenue bonds. These MCC's entitle qualifying individuals to a credit against the individual's federal income taxes. The amount of the credit is determined by multiplying the certificate credit rate by the amount of mortgage interest paid or accrued by the taxpayer during the taxpayer's taxable year. The maximum allowable credit is \$2,000 per year.

The authority has elected to participate in the program and hereby sets forth its procedures, instructions and guidelines thereunder [: .]

The following procedures, instructions and guidelines will be applicable to [mortgage credit certificates MCC's] which are to be issued by the authority to persons and families of low and moderate income for the purpose of assisting them in the purchase of mobile/manufactured homes. This program is being implemented pursuant to federal regulations found in 26 CFR, Parts 1, 6a and 602, which were published in the Federal Register on May 8, 1985.

Notwithstanding anything to the contrary herein, the executive director of the authority is authorized with respect to any MCC to waive or modify any provision herein where deemed appropriate by him "for good cause" to the extent not inconsistent with the Virginia Housing Development Authority Act (hereinafter "the Act"), the authority's rules and regulations and federal statutes and regulations.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's requirements and processing and are not intended to include all actions involved or required in the processing and administration of MCC's. These procedures, instructions and guidelines are subject to amendment at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time with respect to the program.

Notwithstanding anything to the contrary herein, all MCC's must comply with the applicable federal laws, rules and regulations governing the issuance of MCC's.

PART II. ELIGIBILITY REQUIREMENTS.

§ 2.1. Eligible persons and families.

In order to be qualified as a person or family of low and moderate income eligible for an MCC, the person or family must have an annual adjusted family income (as defined in the authority's rules and regulations) which does not exceed \$29,400. The person or family must also have an annual gross income which does not exceed \$34,270. Additionally, in order to be eligible to receive an MCC, an applicant must, on the date the loan is made:

1. Be a purchaser who will use the

mobile/manufactured home for a permanent principal residence within the Commonwealth of Virginia;

2. Possess the legal capacity to incur the obligations of the loan;

3. Agree [not to rent the mobile/manufactured home anytime during the term of the loan to notify the authority if the mobile/manufactured home ceases to be the purchaser's permanent principal residence] ;

4. Agree not to sell or transfer the MCC; and

5. Shall not have had a present ownership interest in a principal residence at any time during the three-year period ending on the date on which the loan is executed (not applicable in targeted areas and not applicable to previous ownership of a mobile/manufactured home classified as personal property).

§ 2.2. Eligible properties.

A. General.

Properties which are eligible under the program are mobile/manufactured housing units which are new and have not been previously occupied and which have a minimum of 400 square feet of living space and a minimum width in excess of 102 inches and which are of a kind customarily used at a fixed location and designed primarily for residential housing for one family. The dwellings must be of a type which is manufactured with a permanently affixed chassis for the purpose of transporting the dwelling to its site. All permanently attached fixtures are included as a part of the dwelling unit.

B. Purchase price and acquisition cost limits.

The purchase price of the [dwelling unit mobile/manufactured home] may not exceed \$50,000. The total acquisition cost [, which includes the cost of land if owned by the applicant less than two years,] may not exceed \$67,400 in compliance with the federal requirements.

C. Location of property.

At the time the MCC is issued or within 60 days thereafter, the property must be located and occupied within the Commonwealth of Virginia.

§ 2.3. Eligible lenders.

The authority may not limit the use of an MCC obtained under this program by an eligible applicant to loans incurred from any particular lender. Therefore, the eligible applicant may obtain a loan from any lender engaged in the business of extending credit for the purchase of mobile/manufactured homes who agrees to

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comply with all federal and authority MCC requirements and regulations. A loan may not be obtained from a related person, as defined in the federal regulations.

§ 2.4. Eligible loans.

A. Time of loan.

To be eligible for an MCC issued by the authority, an applicant's certified indebtedness must have been incurred during the period when the authority is permitted to [issue offer] MCC's to eligible applicants.

B. Type of loan.

MCC's will be issued only to eligible applicants who obtain loans for the purpose of financing the purchase of mobile/manufactured homes for use as the principal residences of the eligible applicants. No loan may be made to refinance an existing loan unless such loan was a bridge loan or similar temporary initial financing. No portion of the financing of the dwelling may be made from the proceeds of a qualified mortgage bond or a qualified veterans bond.

C. Interest rates and term.

The interest rate [and shall not exceed and the] term of loans made in connection with MCC's shall not [exceed substantially vary from] those that are customarily used with respect to mortgages not provided in connection with MCC's. The authority shall from time to time monitor prevailing rates and terms within the industry for the purpose of determining compliance with this section.

D. Permissible loan fees.

The lender may not, without the prior written approval of the authority, require the applicant to pay, either directly or indirectly in obtaining the loan to which the MCC is to be applied, any points, origination fees, servicing fees, application fees, insurance fees, or similar settlement or financing costs in amounts exceeding those that are customarily charged with respect to mortgages not provided in connection with MCC's.

PART III.

[TARGETED AREAS ALLOCATION OF CREDITS.]

§ 3.1. [Allocation of credits to targeted areas.]

The authority will comply with all targeted area requirements as contained in federal regulations. This includes the reservation of 20% of the MCC authority for use in targeted areas for a period of one year from the date on which the MCC's are first made available. A complete listing of targeted areas is available from the authority as well as instructions regarding the procedures for the designation of new targeted areas.

[§ 3.2. Discretion of authority to allocate.

Notwithstanding anything to the contrary herein, in administering the program, the executive director may impose limitations or restrictions on the allocation of MCC's in order to insure a broad geographic dispersal of MCC's throughout the Commonwealth.]

PART IV.

APPLICATION AND PROCESSING.

§ 4.1. Application for and issuance of commitments.

The applicant shall submit such forms, documents and information and fees as the executive director may require in order to apply for an MCC. The executive director or his designee shall review the application and, if it is determined that the Application for Commitment complies with these procedures, instructions and guidelines and any applicable federal laws, rules and regulations, then the authority shall issue a commitment to the applicant with respect to such MCC, subject to the ratification thereof by the authority's Board of Commissioners. The maximum principal amount, amortization period and interest rate on the applicant's loan and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth in the commitment. The commitment term shall be for 60 days, except that the term may be extended "for 60 days, except that the term may be extended "for good cause" in the sole discretion of the authority.

§ 4.2. Issuance of MCC.

The closing of the loan shall be consummated in accordance with the terms of the commitment. Upon receipt of such forms, documents, information and commitment fees as the executive director may require upon closing, the authority shall issue an MCC to the applicant. The MCC shall specify the applicable mortgage credit certificate rate and the certified indebtedness amount.

§ 4.3. Compliance inspections.

The mobile/manufactured home shall be transported to its site and occupied within 60 days of loan closing. The authority shall have the right from time to time to enter upon the property on which the mobile/manufactured home is located in order to determine compliance with program requirements. Any such inspection shall be made for the sole and exclusive benefit and protection of the authority.

PART V.

REVOCATION OF A MORTGAGE CREDIT CERTIFICATE.

§ 5.1.

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The authority may impose such sanctions or pursue such remedies, as legally available, including revocation of a certificate holder's MCC for noncompliance with applicable regulations and requirements pursuant to federal guidelines. Such noncompliance shall include, but is not limited to, the mobile/manufactured home ceasing to be the MCC holder's principal residence. An MCC may be revoked by the authority's notification [of to] the certificate holder and the Internal Revenue Service that the certificate is revoked.

MARINE RESOURCES COMMISSION

NOTE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. However, they are required to publish the full text of final regulations.

Title of Regulation: VR 450-01-0041. Pertaining to Crab Catch Limits.

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

Effective Date: January 12, 1987

Preamble:

This regulation establishes a daily catch limit for the spring crab pot fishery in Virginia tidal waters. The provisions of this regulation are in response to increased fishing pressure on the crab resource and are in the interest of conservation and the crabbing industry.

VR 450-01-0041. Pertaining to Crab Catch Limits.

§ 1. Authority, prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23 and 28.1-168 of the Code of Virginia.

B. VR 450-01-0007, which also pertains to crab catch limits, establishes a 25 barrel limit for crab dredge boats for the period December 1 to March 31, of each year.

§ 2. Catch limit and season.

A. During the period March 15 to May 31, inclusive, no boat or vessel shall take or catch by crab pot, or have in possession more than 51 bushels or 17 barrels of crabs in any one day.

B. In examining a particular boat's catch, if the marine patrol officer finds crabs in excess of the 51 bushel or 17 barrel limit, the quantity of crabs in excess shall be immediately returned to the water by the person who possessed such crabs. The refusal to return the crabs to

the water shall constitute a separate violation of this regulation.

§ 3. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt
Commissioner

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

REGISTRAR'S NOTICE: This regulation is being adopted in response to a federal regulatory mandate. The Department of Social Services is requesting exclusion from the requirements of Article 2 (§ 9-6.14:7.1 et seq.) of the Code of Virginia.

Title of Regulation: VR 615-01-12. Persons and Income Required to be Considered When Evaluating Eligibility for Assistance in the Aid to Dependent Children (ADC) Program.

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

Effective Date: April 1, 1987

Summary:

The Deficit Reduction Act of 1984 (DEFRA) amended federal regulations at 45 CFR § 233.20(a)(3)(xviii) by requiring the income of the parent to be deemed available to his minor child, age 18 or less, when such child is also a parent receiving ADC assistance for his own child. The Tax Reform Act of 1986 amended § 402(a)(39) of the Social Security Act by revising the definition of a minor child to include only those individuals under 18 years of age. This regulation ensures that the ADC program is in compliance with the Social Security Act in this respect.

VR 615-01-12. Persons and Income Required to be Considered When Evaluating Eligibility for Assistance in the Aid to Dependent Children (ADC) Program.

PART I. GENERAL.

§ 1.1. Definitions.

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

"Appropriate disregards" means (i) the first \$75 of monthly gross income for each employed parent; (ii) an

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allowance at 100% of the state's standard of need for the parent(s) and all dependents for whom the parent is responsible and whose needs are not included in the assistance unit; (iii) the actual amount of support paid to persons not living in the home who are, or could be, claimed as tax dependents; and (iv) the actual amount of support or alimony paid to persons not living in the home who are not claimed on the individual's federal income tax return.

"*Assistance unit*" means all parents and siblings, both natural and adoptive, of the child for whom assistance is requested.

"*Minor*" means any child who ~~has not attained is under~~ the age of ~~19~~ 18 .

"*Otherwise eligible*" means that the individual is not precluded from eligibility by some provision of Part IV-A of the Social Security Act and with respect to children, means they meet the requirements of § 406(a)(1) and (2) of the Act.

PART II. FORMING THE ASSISTANCE UNIT.

§ 2.1. In order for the family to be eligible for Aid to Dependent Children (ADC), an application with respect to a dependent child must also include, if living in the same household and otherwise eligible for assistance:

1. Any natural or adoptive parent; and
2. Any blood related or adopted brother or sister.

PART III. COUNTING THE INCOME OF PARENTS OF MINOR PARENTS.

§ 3.1. In the case of a dependent child whose parent ~~has not attained is under~~ the age of ~~19~~ 18 , the Virginia Department of Social Services shall ~~count deem~~ as income to the assistance unit the income, after appropriate disregards, of such minor's own parent(s) living in the same household as the minor and dependent child.



COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building
910 Capitol Street
Richmond, Virginia

POST OFFICE BOX
RICHMOND, VIRGINIA
(804) 781

January 28, 1987

William L. Lukhard, Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229

Re: VR 615-01-12. - Persons and Income Required to be Considered
When Evaluating Eligibility for Assistance in the
Aid to Dependent Children (ADC) Program

Dear Mr. Lukhard:

This will acknowledge receipt of the above-referenced regulation from the Department of Social Services.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these Regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by Federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:s11

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DEPARTMENT OF THE TREASURY

Title of Regulation: VR 640-02. Virginia Security for Public Deposits Act Regulations.

Statutory Authority: § 2.1-364 of the Code of Virginia

Effective Date: March 18, 1987

Summary:

These regulations amend and supersede the Emergency Regulations adopted 5/15/86.

Upon its effective date of January 1, 1974, the Act superseded all other existing statutes concerning security for public deposits and established a single body of law to provide a procedure for securing such deposits that is uniform throughout the Commonwealth. The Act does not, of itself, require security for any public deposit, and thus the statutes previously existing continue in effect insofar as they require certain deposits to be secured. All deposits that are required to be secured, whether by statute, by charter provision, or by the custodian of the fund, must be secured pursuant to the Act. No alternate method of securing such deposits may be utilized.

The primary responsibility for determining that the Act is being complied with rests upon the financial institutions that accept and hold public deposits. If a financial institution officer is unable to ascertain whether a particular deposit is a "public deposit" for purposes of the Act he should obtain the essential details and communicate with the public depositor, the financial institution's counsel, or the State Treasurer's office. If the deposit is a "public deposit" the pertinent inquiry is whether the deposit either must be secured pursuant to the Code of Virginia, or whether the public depositor elects to require security for the deposit.

All moneys deposited by the State Treasurer must be secured pursuant to §§ 2.1-210 and 2.1-211 of the Code of Virginia. All county and city moneys deposited by a county or city treasurer or other public depositor must be secured pursuant to § 58.1-3158 of the Code of Virginia.

If security is not required by law, but the deposit is within the statutory definition of a public deposit, the treasurer or custodian of the moneys may elect to require security. If the amount of the deposit is less than the maximum amount of deposit insurance applicable, there is no need for the treasurer or custodian to require security because the financial institution will deduct the maximum amount of deposit insurance applicable to the account as provided by the Federal Deposit Insurance Corporation (FDIC) or Federal Savings and Loan Insurance Corporation (FSLIC) and secure only the

excess which is not covered by the insurance. If the deposit exceeds the amount of insurance, the treasurer or custodian may decide that the deposit should be secured. In such event, he must communicate his election to the proper officer of the financial institution holding the deposit, who may require the election to be manifested in writing on a form approved by the Treasury Board. A copy of the form will be retained by the treasurer and the financial institution, and a copy will be forwarded to the State Treasurer.

Definition of participants.

The three major participants in the scheme of activities required by the Act are defined as follows:

1. Qualified public depositories. Any national banking association, federal savings and loan association or federal savings bank located in Virginia and any bank, trust company or savings and loan association organized under Virginia law that receives or holds public deposits which are secured pursuant to the Act.

2. Treasurers or public depositors. The State Treasurer, a county, city, or town treasurer or director of finance or similar officer and the custodian of any other public deposits secured pursuant to the Act.

3. Treasury Board. The Treasury Board of the Commonwealth created by § 2.1-178 of the Code of Virginia consisting of the State Treasurer, the Comptroller, the State Tax Commissioner and two members appointed by the Governor.

Treasury Board duties, powers and responsibilities.

The Treasury Board is granted authority to make and enforce regulations necessary and proper to the full and complete performance of its functions under the Act pursuant to § 2.1-364. The board may require additional collateral of any and all depositories, may determine within the statutory criteria what securities shall be acceptable as collateral, and may fix the percentage of face value or market value of such securities that can be used to secure public deposits. The board may also require any public depository to furnish information concerning its public deposits and fix the terms and conditions with respect to security under which public deposits may be held. In the event of a default or insolvency of a public depository holding secured public deposits, the board may take such action as it may deem advisable for the protection, collection, compromise or settlement of any claim.

Administration.

The Treasury Board has designated the State

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Treasurer to be the chief administrative officer with respect to the provisions of the Act. Inquiries and correspondence concerning the Act should be directed to:

*Treasurer of Virginia
P.O. Box 6-H
Richmond, Virginia 23215*

Effective Date: The Act became effective January, 1974, and was amended effective July 1, 1984.

VR 640-02. Virginia Security for Public Deposits Act

§ 1. General.

The definitions provided by § 2.1-360 of the Code of Virginia, shall be used throughout these regulations unless the context requires otherwise.

§ 2. Effective date.

These regulations, as amended, shall be effective on and after ~~May 21, 1986~~ *March 18, 1987*.

§ 3. Required collateral for banks.

In the case of a bank: A. The required collateral of a national or state chartered bank to secure public deposits shall consist of securities qualifying as eligible collateral pursuant to these regulations which have a value for collateralization purposes not less than:

(a) 1. Fifty percent of the average daily balance for each month of all public deposits held by the bank during the twelve calendar months immediately preceding the current month; or Fifty percent of the actual public deposits held at the close of business on the last banking day in the preceding calendar month, or the average balance of all public deposits for the preceding month, whichever is greater;

(b) 2. Seventy-five percent of the bank's average daily balance for each the preceding month or the actual public deposits held as aforesaid, whichever is greater, in the event that the bank's average daily public deposits for the preceding month exceed one-fifth of its average daily total deposits;

(c) 3. One hundred percent of the bank's average daily balance for each the preceding month or the actual public deposits held, as aforesaid, whichever is greater, in the event that the bank's average daily public deposits for the preceding month exceed one-fifth of its average daily total deposits and the bank has not been actively engaged in the commercial banking business for at least three years;

(d) 4. One hundred percent of the bank's average daily balance for each the preceding month or the actual public deposits held, as aforesaid, whichever is

greater, in the event that the bank's average daily public deposits for the preceding month exceed one-third of its average daily total deposits;

(e) 5. One hundred percent of the bank's average daily balance for each the preceding month or the actual public deposits held, as aforesaid, whichever is greater, in the event the bank has not been actively engaged in the commercial banking business for at least one year;

(f) 6. Or, in the event that the bank has repeatedly violated the pledging statutes and regulations or for other reasons deemed sufficient, to the Treasury Board may increase the bank's ratio of required collateral to ~~one hundred~~ *100% of its actual public deposits*.

§ 4. Required collateral for savings and loan associations or savings banks.

In the case of a savings and loan association or savings bank: The required collateral of a savings and loan association shall mean a sum equal to 100% of the average daily balance for [each the preceding] month of all public deposits held by such depository during the twelve calendar months immediately preceding the date of any computation of such balance; but shall not be less than 100% of the public deposits then held by such depository at the close of business on the last banking day in the preceding month.

§ 5. Average daily balance computation.

The average daily balance for each any month of all public deposits held during the month shall be derived by dividing the total of the daily balances of such deposits for the month by the number of calendar days in the month. The amount so derived shall be calculated for each month of the twelve months preceding the current month and shall be averaged by dividing the totals by twelve. The resulting amount shall be the financial institution's average daily balance for each month of all public deposits held by the bank during the twelve preceding calendar months.

In computing the actual amount of public deposits to be collateralized held during any month, there shall be excluded the amount of each deposit which is insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation.

In the event that a financial institution is unable to determine its average daily balance of public deposits held during the preceding twelve months, it shall make such determination for the number of months possible and use the amount so determined as if it were its average daily balance for the preceding twelve months for purposes of ascertaining its required collateral.

§ 6. Eligible collateral.

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A. Securities eligible for collateral are limited to:

(a)(i) Obligations included in §§ 2-1-327, 2-1-328 and 2-1-328-1, Code of Virginia (1950), as amended, or authorized as legal investments for the public sinking funds or other public funds by other Virginia statutes, and;

(a)(ii) Obligations acceptable for collateralizing United States Treasury Tax and Loan Accounts pursuant to § 202.8 of Subchapter A, Chapter II, Title 31, of the Code of Federal Regulations, as amended, except:

- (1) Notes representing loans to students;
- (2) Obligations (including revenue bonds) of states, other than Virginia, and their municipalities or political subdivisions unless rated A or better by Moody's Investors Service, Inc., or Standard & Poor's Corporation;
- (3) Any Commercial Paper and Banker's Acceptances;
- (4) Any Certificates of Deposit.

1. *Obligations of the Commonwealth. Bonds, notes and other evidences of indebtedness of the State of Virginia, and securities unconditionally guaranteed as to the payment of principal and interest by the State of Virginia.*

2. *Obligations of the United States, etc. Bonds, notes and other obligations of the United States, and securities unconditionally guaranteed as to the payment of principal and interest by the United States, or any agency thereof.*

3. *Obligations of Virginia counties, cities, etc. Bonds, notes and other evidences of indebtedness of any county, city, town, district, authority or other public body of the State of Virginia upon which there is no default; provided that such bonds, notes and other evidences of indebtedness of any county, city, town, district, authority or other public body are either direct legal obligations of, or those unconditionally guaranteed as to the payment of principal and interest by the county, city, town, district, authority or other public body in question; and revenue bonds issued by agencies or authorities of the State of Virginia or its political subdivisions upon which there is no default, and which are rated BBB or better by Moody's Investors Service, Inc. or Standard & Poor's Corporation.*

4. *Obligations of International Bank for Reconstruction and Development and Asian Development Bank. Bonds and other obligations issued, guaranteed or assumed by the International Bank for Reconstruction and Development and bonds and other obligations issued, guaranteed or assumed by the Asian*

Development Bank.

5. *Obligations partially insured or guaranteed by any U.S. Government Agency.*

6. *Obligations (including revenue bonds) of states, other than Virginia, and their municipalities or political subdivisions rated A or better by Moody's Investors Service, Inc. or Standard & Poor's Corporation.*

[7. *Corporate Notes rated AA by both Standard & Poor's and Moody's with a maximum maturity of ten years.*

8. *Any additional securities approved by the Treasury Board pursuant to § 2.1364(d).]*

B. No security which is in default as to principal or interest shall be acceptable as collateral.

C. No financial institution shall utilize securities issued by itself, its holding company, or any affiliate for purposes of collateralizing its public deposits.

D. Securities excluded by action of the Treasury Board pursuant to § 2.1-364(d) shall not be acceptable.

§ 7. Valuation of collateral.

Each financial institution shall value its securities for reporting purposes at their current asset value in accordance with the following method:

At the market value as of the close of business on the last banking day in the preceding month, except that any extraordinary decline in value between such day and the date of mailing the monthly report to the Treasury Board shall be considered and used for reporting purposes. Securities that are eligible collateral but for which the market value is not readily ascertainable, e.g., private placements of nonrated industrial revenue bonds, will be valued after consultation with the State Treasurer.

§ 8. Substitution of collateral.

A substitution of collateral may be made by the depository financial institution at any time provided that the face value of the securities substituted is equal to or greater than the face value of the securities withdrawn. The depository financial institution shall not make such substitution unless the market value of the securities substituted is not less than ninety-five percent of the market value of the securities withdrawn. A financial institution desiring to substitute securities with a current asset value less than ninety-five percent of the current asset value of the securities sought to be withdrawn shall comply with § 9 of these Regulations relating to a withdrawal of securities.

At the time of making a substitution, the depository

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financial institution shall prepare a request for the substitution upon a form approved by the State Treasurer and deliver the original to the escrow bank and a copy to the State Treasurer. The escrow bank shall not be required to ascertain the accuracy of the amounts certified as the current asset value of the securities substituted or withdrawn, but shall not allow a substitution unless the face value of the securities to be substituted is equal to or greater than the face value of the securities to be withdrawn.

[§ 8. Substitution of [*eligible*] collateral.

A substitution of [*eligible*] collateral may be made by the depository financial institution at any time provided that the face [*market*] value of the securities substituted is equal to or greater than the face [*market*] value of the securities withdrawn. The depository financial institution shall not make such substitution unless the market value of the securities substituted is not less than ninety-five percent of the market value of the securities withdrawn. A financial institution desiring to substitute securities with a current asset value less than ninety-five percent of the current asset value of the securities sought to be withdrawn shall comply with § 9 of these Regulations relating to a withdrawal of securities.

At the time of making a substitution, the depository financial institution shall prepare a request for the substitution upon a form approved by the State Treasurer and deliver the original to the escrow bank and a copy to the State Treasurer. The escrow bank shall not be required to ascertain the accuracy of the amounts certified as the current asset value of the securities substituted or withdrawn, but shall not allow a substitution unless the face [*market*] value of the securities to be substituted is equal to or greater than the face [*market*] value of the securities to be withdrawn.]

§ 9. [~~§ 9.~~] Withdrawal [~~or substitution~~] of collateral.

A financial institution shall not be permitted to withdraw [~~or substitute~~] collateral previously pledged without the prior approval of the State Treasurer. The State Treasurer may grant such approval only if the financial institution certifies in writing that such withdrawal [~~or substitution~~] will not reduce its collateral below its required collateral as defined by these regulations, and this certification is substantiated by a statement of the financial institution's current public deposits which indicates that after withdrawal [~~or substitution~~] such deposits will continue to be secured to the full extent required by the law and regulations. A bank or trust company holding securities as collateral for another financial institution shall not permit the depositing financial institution to withdraw same [~~or substitute~~] without the written approval of the State Treasurer except in cases of a substitution as defined by these Regulations .

§ 10. [~~§ 9.~~ § 10.] Reports by qualified public depositories.

Within 10 business days after the end of each calendar month each qualified public depository shall submit to the State Treasurer a written report, under oath, indicating the total amount of public deposits held by it at the close of business on the last business day in the preceding month, and average daily balance for such month of all secured public deposits held by it during the month, and the average daily balance for each month of all public deposits held by the financial institution during the preceding twelve calendar months together with a detailed schedule of pledged collateral at its current asset value, determined pursuant to § 7 of these regulations, at the close of business on the last business day in such month. This report shall indicate the name of the escrow agent holding the collateral and its location and shall contain the amount of the financial institution's required collateral as of the close of business on the last business day in such month.

At the request of any public depositor for which it holds deposits, within 10 business days after the end of each calendar *any* month, the qualified public depository shall submit a statement indicating the total secured public deposits in each account to the credit or such depositor on the last business day in the month and the total amount of all secured public deposits held by it upon such date.

[Within the first 10 business days of each] calendar quarter [*month* the qualified public depository shall submit to the State Treasurer a report indicating the name of all public depositors for whom it holds secured public deposits, and the amount of deposit as of the close of business on the last banking day in the preceding] quarter [*month.*] If a single depositor has more than one account with the depository it shall not be necessary to list each account unless all of the accounts to the credit of the depositor are not secured, in which event each secured account shall be listed by the title used to identify the account [*If a single depositor has more than one account requiring collateralization with the depository it shall not be necessary to list each account unless only some of the accounts require the pledging of collateral, in which event all accounts shall be listed individually.*

Within the first 10 business days of each calendar quarter the qualified public depository shall submit to each public depositor for whom it holds secured public deposits, a report indicating the account number and amount of deposit as of the close of business on the last banking day of the calendar quarter being reported. A copy of said report shall be submitted to the State Treasurer at the same time.]

§ 11. [~~§ 10.~~ § 11.] Deposit of collateral.

No qualified public depository shall accept or retain any public deposit which is required to be secured unless it has previously executed a "Public Deposit Security Agreement", and deposited eligible collateral, as defined in these regulations, equal to its required collateral, determined as herein provided, with (i) the Federal

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Reserve Bank of Richmond, (ii) The Federal Home Loan Bank of Atlanta, (iii) a bank or trust company located within Virginia which is not a subsidiary of the depository's parent holding company, or (iv) a bank or trust company located outside Virginia which has been approved by the Treasury Board.

[No qualified depository shall deposit more than three-fourths of its required collateral in a bank or trust company located outside of Virginia and no deposit of collateral shall be made in a bank or trust company located outside of Virginia unless the face value of the securities to be deposited is at least \$500,000.00.]

Whether or not a depository has eligible collateral deposited as heretofore provided at the time it receives a public deposit, if such deposit would result in an increase of 10% or more in the depository's required collateral computed as of the day on which the deposit is received, such depository shall immediately deposit sufficient securities to increase its collateral to an amount equal to that determined pursuant to paragraphs (1) through (6) of § 3, or § 4, of these regulations, whichever is applicable, but utilizing the depository's actual public deposits held at the close of business on the day such deposit is received in lieu of those held at the close of business on the last banking day in the preceding calendar month.

Except as provided in the preceding paragraph, each qualified public depository shall increase its collateral deposit on or before the day its monthly report is required to be submitted to the State Treasurer pursuant to § 10 [§ 10] of these regulations if such report indicates that the depository's required collateral is in excess of the collateral previously deposited in accordance with its preceding monthly report.

At the time of the deposit of registered securities, the qualified public depository owning the securities shall attach appropriate bond power forms as required to allow the State Treasurer to transfer ownership of such registered securities for the purpose of satisfying the depository's liabilities under the Act in the event the collateral needs to be liquidated.

§ 12: [§ 12.] Reports by State Treasurer.

The State Treasurer shall report to the auditors of any public depositor, upon their request, the status of any public depository's collateral account and compliance with the reporting requirements of the Act. The State Treasurer shall notify any public depositor that maintains accounts with any bank or savings and loan of any irregularities, including, but not limited to, the late filing of the required monthly reports or of deficiencies in the financial institution's eligible collateral at any time. The Treasury Board shall be notified of the sending of any reports of irregularities required herein no later than at its next regularly scheduled meeting.

[§ 12. Reports by public depositors.]

Within the first 10 business days of each month all public depositors shall submit to the State Treasurer a report indicating the name of all public depositories with whom they have secured public deposits, and the amount of deposits as of the close of business on the last banking day in the preceding month.

§ 13. Exception reports by public depositors.

Upon receipt of the quarterly public depositor report, as stated in § 10, the public depositors will notify the State Treasurer of any unresolved discrepancy between the information provided and the public depositors' records.]

VIRGINIA SECURITY FOR PUBLIC DEPOSITS ACT

FINAL REGULATIONS VR 640-02

Attachment A

FORMS

January 28, 1987

FORM NO. 1001 TREAS.

PUBLIC DEPOSIT SECURITY AGREEMENT
TO SECURE PUBLIC DEPOSITS PURSUANT TO THE VIRGINIA
SECURITY FOR PUBLIC DEPOSITS ACT

THIS AGREEMENT, made _____, 19__, by and among the
TREASURY BOARD OF VIRGINIA (hereinafter "Board"), _____
of _____, Virginia (hereinafter "Depository") and
_____ of _____
(hereinafter "Escrow Agent"):

The Depository is a national banking association located in Virginia or a financial institution organized under Virginia law that receives or holds "public deposits" as defined in the Virginia Security for Public Deposits Act (hereinafter "Act") and as security therefor and for its liabilities under the Act has deposited with the Escrow Agent "eligible collateral" equal to its "required collateral" both as defined in the Act and Regulations promulgated thereunder by the Board. The Escrow Agent acknowledges the receipt of said collateral and will segregate same from other securities, if any, held by it for the account of the Depository. The Depository from time to time may substitute other eligible collateral for the securities hereby deposited or increase its collateral deposit and the securities pledged hereunder together with the securities substituted or added, less those withdrawn with the consent of the Board, are hereinafter referred to as the "pledged securities". The term "Board" shall mean the Board or its designate. The term "Act" shall mean the Act and Regulations promulgated thereunder, as amended.

NOW THEREFORE, THIS AGREEMENT WITNESSETH:

1. The Depository warrants that at no time will the value of its assets pledged hereunder be less than its "required collateral" as defined by the Act and that it has and will deliver to the Escrow Agent only such securities as are within the definition of "eligible collateral" as thereby defined.
2. The Escrow Agent shall have no responsibility to ascertain whether the value and amount of the pledged securities is equal to or greater than the Depository's "required collateral" as defined by the Regulations, nor whether the pledged securities are "eligible collateral" as thereby defined.
3. The Escrow Agent shall permit the Depository to withdraw pledged securities for those held at the time of the substitution if the market

value of the securities to be substituted is equal to or greater than the market value of the securities to be withdrawn.

4. The Escrow Agent shall not permit the Depository to withdraw pledged securities without prior approval of the Board except in cases of a substitution in accordance with the preceding paragraph.
5. All interest, dividends, or other income from the pledged securities shall be the property of the Depository and shall be payable thereto provided the Escrow Agent has not received written notice from the Board that the Depository is in a condition of "default or insolvency" as defined in the Act, in which event the Escrow Agent shall hold such income subject to the order of the Board.
6. The Escrow Agent shall, upon notification of the default or insolvency of the Depository by the Board, deliver the pledged securities to the Board for disposition as provided in the Act, and take a receipt therefor, which shall relieve the Escrow Agent from any further liability to the Depository.
7. The responsibility of the Escrow Agent for the safekeeping of the pledged securities shall be limited to the exercise of that diligence and care usually accorded trust property by banking and trust institutions.
8. The Board shall have the right to examine the pledged securities at any time during the regular business hours of the Escrow Agent without cost to the Board.
9. This Agreement is to be executed in triplicate by the parties hereto each of which shall retain one copy hereof. IN WITNESS WHEREOF, the parties hereto have executed this Agreement under the seal as of the date first above written.

By: _____
Treasury Board of Virginia

Financial Institution (Seal)

ATTEST: _____

By: _____

Title: _____

Title: _____

ATTEST: _____

By: _____

Escrow Agent (Seal)

Title: _____

By: _____

Title: _____

FORM NO. 1002 - TREAS.

PUBLIC DEPOSIT SAFEKEEPING AGREEMENT

TO SECURE PUBLIC DEPOSITS PURSUANT TO THE VIRGINIA FOR PUBLIC DEPOSITS ACT

THIS AGREEMENT, made _____, 19____, by and among the TREASURY BOARD OF VIRGINIA (hereinafter "Board") and _____ of _____, Virginia, the FEDERAL RESERVE SYSTEM (hereinafter "Depository"), and the FEDERAL RESERVE BANK OF RICHMOND (hereinafter "Reserve Bank"):

The Depository is a national banking association located in Virginia or a financial institution organized under Virginia law that receives or holds "public deposits" as defined in the Virginia Security for Public Deposits Act (hereinafter "Act"), and as security therefor and for its liabilities under the Act, has deposited with the Reserve Bank "eligible collateral" equal to its "required collateral" both as defined by the Act and Regulations promulgated thereunder by the Board. The Depository from time to time may substitute other eligible collateral for the securities substituted or added, less those withdrawn with the consent of the Board, are hereinafter referred to as the "pledged securities." The term "Board" shall mean the Board or its designate and the term "Act" shall mean the Act and Regulations promulgated thereunder, as amended.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

- 1. The Board represents to the Depository and the Reserve Bank that (a) the Board consists of the Treasurer, the Comptroller, the State Tax Commissioner of Virginia, two outside members appointed by the Governor; and b) the Board is duly authorized to enter this agreement.
2. The Depository represents to the Board and the Reserve Bank that (a) all securities deposited with the Reserve Bank hereunder are, and shall be eligible for securing public deposits pursuant to the Act, (b) the Depository is a "qualified public depository" as defined in the Act and is duly authorized to enter into this agreement; and (c) at no time will the value of its assets pledged hereunder be less than its "required collateral" as defined by the Regulations.
3. The provisions of Operating Circular No. 16 dated January 1, 1953, and Amendment No. 1 thereto revised effective June 6, 1973, as promulgated by the Reserve Bank, together with the signature form "Cust. 6" shall govern the deposit of securities hereunder and in the event of any conflict between the other provisions of this agreement and said circular, amendment and signature form, the latter shall control, and the former shall be regarded as surplusage and no effect and shall be deemed severable without affecting the remainder of this agreement.

- 4. The Reserve Bank shall have no responsibility to ascertain whether the value and amount of the pledged securities is equal to or greater than the Depository's "required collateral" as defined by the Regulations, nor whether the pledged securities are "eligible collateral" as thereby defined.
5. The Reserve Bank shall permit the Depository to substitute other securities for those held at the time of the substitution if the market value of the securities to be substituted is equal to or greater than the market value of the securities to be withdrawn.
6. The Reserve Bank shall not permit the Depository to withdraw pledged securities without the prior approval of the Board except in cases of a substitution in accordance with the preceding paragraph.
7. The Board shall have the right to examine the pledged securities held in definitive form at any time during regular business hours of the Reserve Bank without cost to the Board.
8. This agreement is to be executed in triplicate by the parties hereto each of which shall retain one copy hereof. IN WITNESS WHEREOF, the parties hereto have executed this agreement under seal as of the date first above written.

By: _____ Treasury Board of Virginia

_____(Seal) Financial Institution

ATTEST:

By: _____ By: _____

Title: _____ Title: _____

ATTEST:

_____(Seal) Reserve Bank

By: _____ By: _____

TITLE: _____ Title: _____

PDSA/recn

PUBLIC DEPOSITORY MONTHLY REPORT

SCHEDULE "A"

TO: The Treasury Board, Commonwealth of Virginia
P.O. Box 6-H, Richmond, Virginia 23215

FROM: _____

Detailed schedule of pledged collateral at its current asset value, determined in accordance with the market value as of the close of business on the last banking day in the preceding month, except that any extraordinary decline in value between such day and the date of mailing the monthly report to the Treasury Board shall be considered and used for reporting purposes, as of _____ (date)

Attach list or describe, giving the following information:

Rating Par Value Description Coupon Maturity Current Asset Value

1) Total All Public Deposits on _____ (Month Ending) Demand \$ _____ Time/ Savings \$ _____

Average Daily Balance All Public Accounts for:

2) Month Ending _____ : Demand \$ _____ (Net of FDIC) Time/Savings \$ _____

3) Average Daily Total Deposits month ending \$ _____

4) Percentage of Item 2 to Item 3 above: \$ _____

5) Required Collateral: _____ % of the larger (1) or (2) above: . . \$ _____

6) Pledged Collateral, month ending From Schedule A: Par Value . . . \$ _____ Current Asset Value \$ _____

Total Par Value _____ Total Current Asset Value _____

I hereby certify that the foregoing information and attachments are true and correct to the best of my knowledge and belief and that at no time during during the month has the financial institution pledged collateral been less than its required collateral.

FINANCIAL INSTITUTION _____ Signature: _____

_____ Title: _____

State of Virginia, _____ of _____ :

The foregoing officer acknowledged under oath before me, a Notary Public in and for the state and city/county aforesaid, that the statements and amounts herein are correct and true to the best of his/her knowledge and belief, this _____ day of _____.

My commission expires: _____ Notary Public

(DEPOSITORY LETTERHEAD)

The Treasury Board
Commonwealth of Virginia
P.O. Box 6-H
Richmond, Virginia 23215

Gentlemen:

Listed below are the Public Depositors for whom _____
(Depository Institution)

held secured public deposits as of the close of business for month
ending _____

<u>NAME OF PUBLIC DEPOSITORS</u>	<u>TOTAL AMOUNT</u>

(DEPOSITORY LETTERHEAD)

WITHDRAWAL OF COLLATERAL

The Treasury Board
Commonwealth of Virginia
P.O. Box 6-H
Richmond, Virginia 23215

Gentlemen:

Enclosed are the original and two copies of our letter to _____
requesting withdrawal of collateral.

The following data are submitted for your information:

Total All Public Deposits on _____ \$ _____

Pledged Collateral:

Current Asset Value, _____, Method:

- (1) _____
(Date)
- (2) Amount of collateral remaining if withdrawal is accomplished _____

Please indicate your approval by signing the original and sending it to
the escrow agent or custodian and return one copy for our records.

Sincerely yours,

(Depository Institution)

(DEPOSITORY LETTERHEAD)

WITHDRAWAL OF COLLATERAL

TO: _____
Escrow Agent or Custodian

You hold in the account entitled _____ as escrow agent or custodian for the Treasury Board of the Commonwealth of Virginia to secure public deposits with _____ the following securities:

Par Value	Description	Coupon	Maturity
Please release these securities from the above account and			

When this transaction has been completed, please send your usual advices to the Treasurer of Virginia, P.O. Box 6-H, Richmond, Virginia 23215.

Sincerely,

(Depository Institution)

Approved: Treasury Board
Commonwealth of Virginia

By: _____

Date: _____

(DEPOSITORY LETTERHEAD)

DEPOSIT OF COLLATERAL

TO: _____
(Escrow Agent or Custodian)

We have a Public Deposit Security (Safekeeping) Agreement with you entitled _____ as escrow agent or custodian (name of escrow agent or custodian) for the Treasury Board of the Commonwealth of Virginia to secure public deposits with _____ (Depository)

Please accept the following securities for this account to be held as set forth in the agreement:

Par Value	Description	Coupon	Maturity	Current Asset Value (Determined by method)
-----------	-------------	--------	----------	--

When this transaction has been completed, please send your usual advices to the Treasurer of Virginia, P.O. Box 6-H, Richmond, Virginia 23215.

Sincerely,

(Depository Institution)

cc: Treasury Board
Commonwealth of Virginia
P.O. Box 6-H
Richmond, Virginia 23215

(DEPOSITORY LETTERHEAD)
 REQUEST FOR SUBSTITUTION OF COLLATERAL

TO: Escrow Agent or Custodian

You hold in the account entitled _____

 (Name of Escrow Agent or Custodian
 as escrow agent or custodian for the Treasury Board of the Commonwealth
 of Virginia to secure public deposits with _____
 (Depository)

the following securities:

Par Value	Description	Coupon	Maturity	Current Asset Value (Determined by method)

Please release these securities from the above account and _____

 (Disposition of securities being released)
 and accept in substitution therefor the following securities to be held
 in the same manner as the securities being released:

Par Value	Description	Coupon	Maturity	Current Asset Value (Determined by method)

When this transaction has been completed, please send your usual
 advices to the Treasurer of Virginia, P.O. Box 6-H, Richmond, Virginia
 23215.

Sincerely, _____

 (Depository Institution)

Approved: Treasury Board
 Commonwealth of Virginia

By: _____

 Date: _____

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

Bureau of Insurance

October 23, 1986

Administrative Letter 1986-21

TO: All Applicants in an Applied Status for the Variable Contracts Examination.

RE: Variable Contracts Examination.

Effective October 15, 1986, the Bureau of Insurance will no longer administer its examination for variable contracts. As stated in paragraph C of § 38.2-1817, the Bureau will require prospective variable contracts agents to be licensed as life and health agents and to pass the National Association of Security Dealers examination. The Bureau will not prescribe another examination at this time.

Agents who wish to become licensed to sell variable contracts must submit a check for fifteen dollars along with Form PIN-300. Agents who have currently applied to take the examination and who have passed the National Association of Security Dealers examination will be allowed to obtain a variable contracts license on or after October 15, 1986, without taking the Bureau of Insurance examination.

/s/ James M. Thomson
Commissioner of Insurance

* * * * *

Bureau of Insurance

December 18, 1986

Administrative Letter 1986-22

TO: All Companies Licensed to Write Life Insurance in Virginia.

RE: 1980 Smoker/Nonsmoker Mortality Tables for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits.

The Bureau of Insurance has recently conducted an in-depth review of § 38.1-3130.1 of the Code of Virginia as it pertains to the acceptance of the 1980 Smoker/Nonsmoker Mortality Tables.

Prior to this date we have inadvertently approved some forms based on these tables, although these mortality tables have not been approved by regulation promulgated by the State Corporation Commission as required by § 38.2-3130.1(iii) of the Code of Virginia. Since discovering that some insurers had submitted policy forms that were

based on these tables, the Bureau of Insurance has either disapproved or, in some cases, withdrawn approval of such forms. As this has worked a hardship on some companies, we are notifying all companies of a change in our method of handling these filings.

As of the date of this letter, we are notifying all companies that the Bureau of Insurance will conditionally approve policy forms permitting the use of mortality tables that reflect differences in mortality between smokers and nonsmokers as set forth in the NAIC model rule contained in the 1984 NAIC proceedings. This conditional approval will be contingent upon compliance with the conditions to be set forth in the regulation to be promulgated by the State Corporation Commission permitting the use of the smoker/nonsmoker tables. This regulation is scheduled for a hearing by the State Corporation Commission on January 29, 1987, and will be promulgated sometime after that date. Any policy forms approved during this conditional approval period which do not comply with the regulation when it becomes effective, will have their approval withdrawn 30 days following the effective date of the regulation pursuant to § 38.1-316 of the Code of Virginia.

The Bureau of Insurance, commencing immediately, will consider for conditional approval any forms disapproved or withdrawn prior to the date hereof if such action was based solely upon use of the above tables. Any company desiring reconsideration of forms which have been disapproved or had their approval withdrawn is requested to notify us that they wish to have us reconsider the forms.

Those forms that use these tables and were inadvertently approved and have not been discovered may continue to be used until 30 days after the promulgation of the regulation. At that time, approval will be withdrawn if the forms are not in compliance with this regulation and they may not thereafter be marketed in Virginia.

Should there be any questions concerning this letter please contact:

Robert L. Wright, CLU
Supervisor, Forms and Rates Section
Life and Health Division
P.O. Box 1157
Richmond, Virginia 23209
(804) 786-9074

/s/ James M. Thomson
Commissioner of Insurance

* * * * *

Bureau of Insurance

December 29, 1986

Administrative Letter 1986-23

State Corporation Commission

TO: All Companies Licensed to Write Title Insurance in Virginia and All Licensed Title Insurance Agents in Virginia.

RE: Title Insurance Agents Examination.

During the 1986 Session the Virginia General Assembly amended the Code of Virginia as it relates to title insurance agents' qualifications.

The language in § 38.2-1814.1 provides that in addition to being authorized to sell title insurance by a title company, every title insurance agent must comply with additional requirements. Effective January 1, 1987, the State Corporation Commission will implement these requirements for licensure as a title insurance agent.

The purpose of this Administrative Letter is to set forth the aforementioned requirements. They include:

- 1) Every individual agent shall pass an examination that will be given by the Commission. The examination shall cover insurance principles relating to title insurance, search and examination of title to real property, and the duties and procedures of escrows, closings and settlement of real estate transactions;
- 2) Every agent shall annually supply the Commission with adequate proof of financial responsibility in a manner selected by the Commission.

Agents who are authorized agents of title insurance companies licensed to transact title insurance in the Commonwealth as of January 1, 1987 will have until July 1, 1988 to comply with these requirements.

The Bureau of Insurance does not issue study material for the title insurance agents licensing examination. The Bureau does not recommend or endorse any particular textbook, manual, or other study materials. The following list contains publications that have been brought to the attention of the Bureau. However, the list is not exhaustive and is included for illustrative purposes only.

General Insurance

John H. Magee
Richard D. Irwin, Inc., Homewood, Illinois

Insurance Principles and Practices

Robert Riegel and Jerome S. Miller
Prentice-Hall, Inc., Englewood Cliffs, New Jersey

Principles of Insurance

Robert I. Mehr and Emerson Cammack
Richard D. Irwin, Inc., Homewood, Illinois

Questions and Answers on Real Estate

Robert W. Semenow
Prentice-Hall, Inc., Englewood Cliffs, New Jersey

Real Estate Principles and Practices

Alfred A. Ring and Jerome Dasso
Prentice-Hall, Inc., Englewood Cliffs, New Jersey

Title Examination in Virginia

Sidney F. Parham, Jr.
The Michie Company, Charlottesville, Virginia

Title Insurance Handbook

American Land Title Association

Residential Real Estate Transactions (and supplements)

Virginia State Bar Association -
Continuing Legal Education Committee

Enforcement of Liens and Judgments in Virginia (and supplements)

Virginia State Bar Association -
Continuing Legal Education Committee

Fourth Annual Real Estate Practice Seminar Handbook

Virginia State Bar Association -
Continuing Legal Education Committee

Title Insurance - What Every Lawyer Should Know

Virginia State Bar Association -
Continuing Legal Education Committee

In order to meet the financial responsibility requirements set forth in § 38.2-1814.1, prior to the issuance of a title insurance agent's license and thereafter for as long as the agent's license remains in effect, the applicant shall file and keep in force a bond with the Commission. The bond shall (i) be in favor of the Commonwealth in the penal sum of \$25,000 with authorized corporate sureties approved by the Commission; (ii) be conditioned that the agent will conduct business in accordance with the provisions of the Insurance Code of Virginia; and (iii) not be terminated unless, at least 30 days prior, written notice of the termination is filed with the Commission.

In order to become licensed as a title insurance agent, the following steps must be completed:

1. Form PIN 300, Application for Examination, must be submitted to the Bureau of Insurance for review and approval. For type of examination enter 33.
2. A fee in the amount of \$15.00 in the form of a money order, certified check, cashier's check or insurance company check must accompany the application for examination. (No personal checks will be accepted). Fee must be payable to: The State Corporation Commission.
3. Completion of form entitled "Bond for Title Insurance Agent."
4. Send application, bond form and fee to: The Bureau

State Corporation Commission

of Insurance, P.O. Box 1157, Richmond, Virginia 23209.

5. Applications will be acknowledged by an authorization letter which permits the applicant to sit for the examination. This correspondence must be presented at the test location on the date the applicant desires to sit for the examination.

/s/ James M. Thomson
Commissioner of Insurance.

BOND FOR TITLE INSURANCE AGENT (To comply with Section 38.2-1814.1 of the Code of Virginia)

KNOW ALL MEN BY THESE PRESENTS, That _____ of _____ as Principal, and the _____ Company, a corporation organized and existing under the laws of the State of _____, and authorized to do business in the Commonwealth of Virginia, as Surety, are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the penal sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, successors and assigns, jointly and severally, firmly by these presents.

SIGNED, SEALED, AND DATED THIS _____ day of _____, 19__.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the said Principal has applied to the State Corporation Commission of the Commonwealth of Virginia for a license to act as a title insurance agent pursuant to Article 2, Chapter 18, Title 38.2 of the Code of Virginia and, in accordance with Section 38.2-1814.1 thereof, is required to give a corporate surety bond unto the COMMONWEALTH OF VIRGINIA in the penal sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000);

NOW THEREFORE, the condition of this obligation is such that if the said Principal shall conduct business under said license in accordance with the provisions of the laws and regulations of the Commonwealth of Virginia pertaining to title insurance agents, then this obligation shall be null and void; otherwise, to remain in full force and effect;

PROVIDED, this bond shall cover the acts of the Principal during the period beginning on the date such license becomes effective and ending on the thirty-first day of July next succeeding; and in no event shall the Surety's aggregate liability hereunder for all losses exceed the penal sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000);

PROVIDED FURTHER, the Surety may be released from liability for future breaches of the conditions of this bond only after thirty days have elapsed from the giving of written notice to the State Corporation Commission of the Commonwealth of Virginia of its desire to be so released;

IN WITNESS WHEREOF, the said Principal has caused these presents to be signed and the said Surety has caused these presents to be signed by its duly authorized officer or Attorney-in-Fact and its corporate seal affixed on the day and year first written above.

(Principal)

BY _____
(If Principal is Partnership or Corporation)

(SEAL OF SURETY)

TITLE _____

(Surety)

COUNTERSIGNED BY:

BY _____
(Officer or Attorney-in-Fact)

(Licensed Virginia Agent of Surety)

Date _____

Form No. TB-87-1

State Corporation Commission

* * * * *

Bureau of Insurance

January 15, 1987

Administrative Letter 1987-1

MEMORANDUM

TO: All Persons Licensed as Surplus Lines Brokers in Virginia.

RE: Gross Premiums Tax Report - Calendar Year 1986 Application for License.

ON OR BEFORE MARCH 1, 1987, every person who held a license as a Surplus Lines Broker in the preceding calendar year must file a "Gross Premiums Tax Report" on business transacted during the preceding calendar year and must pay the applicable premium taxes and/or assessment. Failure to file and/or pay on or before March 1st will subject you to the penalties prescribed by law.

In addition to the forms pertaining to your filing of the "Gross Premiums Tax Report", enclosed are the necessary forms to apply for renewal of your license as a Surplus Lines Broker, which expires March 15, 1987. Under the provisions of Title 38.2, Chapter 48, of the Code of Virginia, the new license, regardless of when issued and effective, will expire March 15, 1988. To assure that a lapse in licensing does not occur, the application, fee remittance, bond, affidavit and acknowledgements, all properly completed, must be received by the Bureau of Insurance at the earliest possible moment, but in any event, prior to March 15, 1987.

PLEASE OBSERVE THE FOLLOWING INSTRUCTIONS IN COMPLETING THE ENCLOSED "GROSS PREMIUMS TAX REPORT" FORMS:

1. ALL FORMS MUST BE COMPLETED AND FILED WHETHER OR NOT YOU TRANSACTED BUSINESS IN THE PRECEDING CALENDAR YEAR. ASSESSMENT PER ATTACHED ORDER (MINIMUM \$300.00) APPLICABLE IN ALL CASES IF LICENSE IN EFFECT JANUARY 1, 1987.

2. REPORT PREMIUMS ACCURATELY AS FOLLOWS:

a. INITIAL GROSS PREMIUMS taken from monthly reports on Form SLB-7a (must agree with premiums on original affidavits - Form SLB-5). If "NIL", so state. Please note that either legible copies of the previously filed monthly reports, or a summary for all policies using Form SLB-8 Part 1, must be attached.

b. ADDITIONAL PREMIUMS BY ENDORSEMENTS

AND AUDITS

Form SLB-8 Part 3. If "NIL", so state.

c. RETURN PREMIUMS BY ENDORSEMENTS, AUDITS, CANCELLATIONS

Form SLB-8 Part 3. If "NIL", so state.

3. ENTER TOTALS FROM FORMS SLB-7a (or SLB-8 Part 1), SLB-8 PART 2 AND SLB-8 PART 3 to FORM SLB-7, EXECUTE FORM SLB-7 BEFORE A NOTARY PUBLIC.

4. INCLUDE YOUR REMITTANCE FOR THE TAXES AND ASSESSMENT WITH THE REPORT.

Please direct any questions you might have to James L. Sheets at (804) 786-6099.

/s/ Garland L. Hazelwood, Jr.
Assistant Commissioner
Property and Casualty

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution (Emission Standards for Open Burning).

Governor's Comments:

I have no objections to the proposed regulations as presented. However, I would suggest that the Air Pollution Control Board (APCB) monitor changes in air quality as a result of these regulations and that it note objections to these regulations made by various groups. I would also suggest that APCB randomly check affected sites after permits are issued.

/s/ Gerald L. Baliles
January 17, 1987

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

VIRGINIA 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 Virginia Department of Agriculture and Consumer Services intends to consider amending regulations regarding the use of **Furadan 15-G**. The reason for the proposed amendments is the possible need to further regulate the sale and use of carbofuran pesticides, i.e., Furadan 15-G an insecticide/nematicide.

Statutory Authority: §§ 3.1-217 and 3.1-217.1 (Virginia Pesticide Law) of the Code of Virginia.

Written comments may be submitted until February 20, 1987.

Contact: William E. Walls, Supervisor, Office of Pesticide Regulation, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 403, Richmond, Va. 23209, telephone (804) 786-3798

DEPARTMENT OF FORESTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Forestry intends to consider promulgating regulations entitled: **Public Participation Guidelines**. The purpose of the proposed regulations is to prescribe procedure to be followed by the agency to obtain public participation in the development of regulations.

Statutory Authority: § 10-31.2 of the Code of Virginia.

Written comments may be submitted until February 27, 1987.

Contact: Harold L. Olinger, Assistant Chief, Administration, Department of Forestry, Box 3758, Charlottesville, Va. 22903, telephone (804) 977-6555

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **1984 Editions of the Uniform Statewide Building Code, Volumes I and II; Public Building Safety Regulations; Industrialized Building and Mobile Home Safety Regulations; LP Gas Regulations; and the Tradesmen Certification Standards**. The purpose of these amendments is to provide safety standards for the construction and maintenance of buildings and structures; provide safety standards for the handling and storage of LP Gas; and to provide standards for the certification of building related tradesmen.

Statutory Authority: Article 1 (§ 36.97 et seq.) of Chapter 6 of the Code of Virginia.

Written comments may be submitted until April 30, 1987.

Contact: Jack A. Proctor, CPCA Deputy Director, DBRS, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to promulgate regulations entitled: **(1) The Virginia Amusement Device Regulations and (2) The Virginia Statewide Fire Prevention Code**. The purpose of the proposed regulations is to (i) provide safety standards for the construction, maintenance, operation and inspection of amusement devices and to provide standards for the certification of amusement device inspectors; and (ii) provide safety standards to safeguard life and property from the hazards of fire or explosion.

Statutory Authority: (1) § 36-98.3 and (2) § 27-97 of the Code of Virginia.

Written comments may be submitted until April 30, 1987.

Contact: Jack A. Proctor, Deputy Director, DBRS, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751.

General Notices/Errata

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Definition of Home Ownership or Contiguous Property**. The purpose of the proposed amendments is to establish a common definition for use by this department for Medicaid eligibility and the Department of Social Services for ADC eligibility.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until February 16, 1987.

Other pertinent information: A copy of the regulation is available from Victoria P. Simmons, telephone (804) 786-7933.

Contact: Ann E. Cook, Director, Division of Medical Social Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 225-4220

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider promulgating regulations entitled: **ADC Grant Diversion Regulations**. The purpose of the proposed regulations is to specify the conditions under which persons participating in work supplement programs, such as ADC Grant Diversion, will continue to be eligible for Medicaid.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until March 2, 1987.

Other pertinent information: A copy of the regulation is available from Victoria P. Simmons at (804) 786-7933.

Contact: Ann E. Cook, Director, Division of Medical Social Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 225-4220

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider promulgating regulations entitled: **Hardship Provisions in "Medicaid Qualifying Trusts."** The purpose of the proposed regulations is to define the hardship conditions which will result in exemption from "Medicaid qualifying trusts" in determining eligibility for Medicaid.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until March 2, 1987.

Other pertinent information: A copy of the regulation is available from Victoria P. Simmons at (804) 786-7933.

Contact: Ann E. Cook, Director, Division of Medical Social Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 225-4220

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health and Mental Retardation intends to consider promulgating regulations entitled: **1) Rules and Regulations for the Licensure of Residential Facilities; 2) Rules and Regulations for the Licensure of Supported Residential Programs; 3) Rules and Regulations for the Licensure of Day Support Programs; and 4) Rules and Regulations for the Licensure of Outpatient Services**. The purpose of the four sets of rules and regulations is to ensure that clients participating in community treatment and residential care facilities within the Commonwealth of Virginia are served in safe environments by qualified staff and to establish standards of quality for the programs provided in such facilities.

Statutory Authority: §§ 37.1-179 through 37.1-183.1 of the Code of Virginia.

Written comments may be submitted until February 20, 1987, to Barry Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Virginia 23214.

Contact: Rubyjean Gould, Administrative Services Director, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3915

General Notices/Errata

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health and Mental Retardation intends to consider repealing regulations entitled: 1) **Community Programs for Mentally Retarded**; 2) **Community Mental Health Programs Standards**; 3) **Community Substance Abuse Programs Standards upon promulgation of new Licensure Standards**. The purpose of the proposed repeal is to update current regulations for licensure.

Statutory Authority: §§ 37.1-179 through 37.1-183.1 of the Code of Virginia.

Written comments may be submitted until February 20, 1987, to Barry Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Virginia 23214.

Contact: Rubyjean Gould, Administrative Services Director, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3915

DEPARTMENT OF REHABILITATIVE SERVICES

Notice of Intended Regulatory Action

NOTE: WRITTEN COMMENT PERIOD HAS BEEN EXTENDED.

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Rehabilitative Services intends to promulgate regulations entitled: **Provision of Vocational Rehabilitation Services**. The purpose of the proposed regulations is to establish policies, procedures and requirements governing the provision of services to disabled persons.

Statutory Authority: §§ 51.01-8 through 51.01-30 of the Code of Virginia.

Written comments may be submitted until March 10, 1987, to Charles H. Merritt, Assistant Commissioner, Department of Rehabilitative Services, P.O. Box 11045, Richmond, Va. 23230

Contact: Jim Hunter, Board Administrator, Department of Rehabilitative Services, P.O. Box 11045, Richmond, Va. 23230, telephone (804) 257-6446 (toll-free 1-800-552-5019)

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services (Board of) intends to consider amending regulations entitled: **The Virginia Fuel Assistance Program**. The purpose of the proposed amendments is to develop policies and procedures for implementation of the 1987-88 Fuel Assistance Program, which will include: (i) any needed changes based on problems identified in the 1986-87 program; (ii) revamping of the energy crisis assistance component; and (iii) other changes as a result of reduced federal funding.

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

Written comments may be submitted until March 3, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Other pertinent information: Regulatory requirements are contained in Title VI of the Human Services Reauthorization Act of 1984 (P.L. 98-558)

Contact: Charlene H. Chapman, Supervisor, Energy and Emergency Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9050

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Lump Sum Payments in the Aid to Dependent Children (ADC) Program**. The purpose of the proposed regulations is to revise policy to require that the following payments also be considered lump sums for purposes of establishing a period of ineligibility: all windfall payments, e.g., inheritances or lottery winnings; personal injury awards; casualty property loss payments for replacement or repair of resources; life insurance settlements, regardless of whether the policy is owned by the client or another individual. In situations involving casualty property loss payments for replacement or repair of resources, such payments will not be considered as income or resources if the client initiates action to replace or repair the resource within 30 days after receipt of the lump sum payment and expends the payment for such replacement or repair within six months after receipt.

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

Written comments may be submitted until March 4, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive,

General Notices/Errata

Richmond, Virginia 23229-8699

Other pertinent information: 45 Code of Federal Regulations 233.20(a) (3) (ii) (F)

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

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 promulgating regulations entitled: **VR 630-10-88.1. Recording Studios (Virginia Retail Sales and Use Tax Regulations)**. The purpose of the proposed regulations is to set forth the application of the sales and use tax to audio and video recording studios.

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

Written comments may be submitted until March 4, 1987.

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

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department for the Visually Handicapped intends to promulgate regulations entitled: **1) Regulations Governing Rehabilitation Teaching; 2) Regulations Governing Independent Living; 3) Regulations Governing Intake and Social Services, 4) Regulations Governing Library Services for the Blind and Physically Handicapped**. The purpose of the proposed regulations is to establish policies, procedures and requirements governing the provision of services to blind and visually impaired persons in the areas of Rehabilitation Teaching, Independent Living and Intake and Social Services, and Library Services for the Blind and Physically Handicapped.

Statutory Authority: §§ 63.1-78 and 63.1-79 of the Code of Virginia.

Written comments may be submitted until March 31, 1987.

Contact: David H. Kennedy, Assistant Program Director, Virginia Department for the Visually Handicapped, 397

Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3140

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **Regulations for the Reporting of Ground Water Withdrawals Greater Than 300,000 Gallons of Water Per Month for Agricultural and Livestock Purposes in Ground Water Management Areas**. The purpose of these regulations will be to more accurately and fully assess the withdrawal of ground water in Ground Water Management Areas.

Statutory Authority: § 62.1-44.87 of the Code of Virginia.

Written comments may be submitted until February 20, 1987.

Contact: Gerard Seeley, Jr., Ground Water Program Manager, Virginia Water Control Board, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 257-6306

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Rules of the Board and Standards for Water Wells**. The purpose of amending the regulations is to (i) delete well standards that will be required as part of § 32.1-176.5 (State Health Department's Well Construction Permit Program); (ii) add agriculture/livestock ground water withdrawal requirements; and (iii) amend and clarify the existing regulations.

Statutory Authority: § 62.1-44.92 of the Code of Virginia.

Written comments may be submitted until February 20, 1987.

Contact: Russell P. Ellison, III, UST Project Manager, Virginia Water Control Board, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 257-6350

GENERAL NOTICES

NOTICE TO THE PUBLIC

1987 STATE GOVERNMENT SAVINGS BOND CAMPAIGN

† April 16, 1987 through May 1, 1987

Contact: Representatives of the three branches of state government.

Executive:

Administration - Charles d'Evegne (804) 786-3831
Economic Development - Mary Nicely (804) 786-1536
Education - Dr. Ann Williams (804) 225-2117
Finance - Carol Milton - (804) 225-2360
Human Resources - Bill Pega (804) 264-3106
Natural Resources - Lee Bess (804) 786-2121
Transportation and Public Safety - David Wheeler
(804) 257-0554

Judicial:

Bill Capers - (804) 786-1258

Legislative:

Glen Tittermary - (804) 786-1258

Other:

Bruce Meador, State Government Savings Bond
Chairman - (804) 786-8013
Carol Duke, U.S. Treasury Savings Bond Manager -
(804) 771-2271

MARCH OF DIMES 1987 WALKAMERICA DAY

† April 26, 1987 - 9 a.m.

Department of Motor Vehicles, 2201 West Broad Street,
Richmond, Virginia

Contact: Bruce Meador, State Government Community
Services Liaison, Department of Planning and Budget, P.O.
Box 1422, Richmond, Va. 23211, telephone (804) 786-8013

NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in
the Virginia Register of Regulations.

All agencies are required to use the appropriate forms

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

FORMS:

PROPOSED (Transmittal Sheet) - RR01
FINAL (Transmittal Sheet) - RR02
NOTICE OF MEETING - RR03
NOTICE OF INTENDED REGULATORY ACTION -
RR04
NOTICE OF COMMENT PERIOD - RR05
AGENCY RESPONSE TO LEGISLATIVE
OR GUBERNATORIAL OBJECTIONS - RR06

CALENDAR OF EVENTS

Symbols Key	
†	Indicates entries since last publication of the Virginia Register
♿	Location accessible to handicapped
☎	Telecommunications Device for Deaf (TDD)/Voice Designation

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.

VIRGINIA CODE COMMISSION

EXECUTIVE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (COMMISSIONER OF)

† April 17, 1987 - 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 amend regulations entitled: **VR 115-03-05. Virginia Grade Standards for Breeder Swine.** These regulations provide official descriptions of requirements to be used by VDACS in determining the quality grade of breeder swine whenever official grading services are requested. The purpose of the proposed revision is to clarify wording and update the Virginia standards to more closely align them with recent changes in the related USDA Grade Standards for Slaughter Swine. The revisions are the result of conformity with the Governor's Regulatory Review Program.

STATEMENT

Purpose: The purpose of the proposed revision is to conform with the Governor's regulatory review program by clarifying wording and updating the Virginia standards to more closely align them with recent changes in the

related USDA Grade Standards for slaughter swine.

The Virginia Grade Standards provide official specifications of the quality requirements for each grade level of breeder swine. The standards are used by the Virginia Department of Agriculture and Consumer Services in performing unbiased third party determinations of the quality grade of each animal. All interested parties may refer to these grades as a known level of quality in price quotes and sales transactions.

Need for regulation: Quality is a major factor in determining value of breeder swine in sales transactions, and official grade standards provide a uniform basis for the Virginia Department of Agriculture to use in identifying levels of quality which is a major factor in determining value. There are no USDA Grade Standards specifically for breeder swine; consequently, the Virginia standards are valuable for sales conducted in Virginia.

Alternatives considered for meeting regulation need: No suitable alternative to the standards could be identified. Use of the official grading services is strictly a voluntary choice of producers, individually or collectively through an association, or of buyers or marketers. Breeder swine can be sold without grading.

A public hearing is not required by § 3.1-338 of the Code of Virginia prior to promulgation of these standards. A 60-day comment period will follow publication in the Virginia Register, and the Commissioner of Agriculture and Consumer Services will promulgate the standards after due consideration of any public comment.

Statutory Authority: § 3.1-338 of the Code of Virginia.

Written comments may be submitted until April 17, 1987, to S. Mason Carbaugh, Commissioner, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Virginia 23219.

Contact: H. Frank Graves, Chief, Bureau of Livestock Marketing Services, Division of Markets, Virginia Department of Agriculture and Consumer Services, Room 711, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-3935

STATE AIR POLLUTION CONTROL BOARD

April 6, 1987 - 9 a.m. - RESCHEDULED TO
† April 3, 1987 - 9 a.m. - Open Meeting
Location to be announced.

Calendar of Events

A general meeting of the board.

Contact: Dick Stone, State Air Pollution Control Board,
P.O. Box 10089, Richmond, Va. 23240, telephone (804)
786-5478

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

February 17, 1987 - 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.

Contact: Robert N. Swinson, 2901 Hermitage Rd.,
Richmond, Va. 23220, telephone (804) 257-0617

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

† March 13, 1987 - 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
November 14, 1986, meeting; (ii) review disciplinary
cases; (iii) review correspondence; and (iv) discuss
regulatory review.

Board of Certified Landscape Architects

† March 12, 1987 - 1 p.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor,
3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes of the March 19,
1987, meeting; (ii) review applications; and (iii)
discuss regulatory review.

Board of Professional Engineers

† March 10, 1987 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor,
3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes of the January 20,
1987, meeting; (ii) review applications; (iii) discuss
regulatory review; and (iv) discuss enforcement cases.

Contact: Joan L. White, Assistant Director, APELSCLA,
Department of Commerce, 3600 W. Broad St., Richmond,
Va. 23230, telephone (804) 257-8555

VIRGINIA BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY

† April 22, 1987 - 10 a.m. - Public Hearing
Department of Commerce, Travelers Building, 3600 West
Broad Street, 5th Floor, Conference Room 1, Richmond,
Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Virginia Board of
Examiners for Audiology and Speech Pathology intends
to amend regulations entitled: **State Board of
Examiners for Audiology and Speech Pathology.**
These regulations govern the licensure of audiologist
and speech pathologists in the Commonwealth of
Virginia. The proposed amendment to these regulations
will reinstate the issuance of temporary permits.

STATEMENT

Pursuant to § 54.1-28(5) of the Code of Virginia, and in
accordance with Chapter 1.1:1 (§ 9-6.14:1 et seq.), Title 9
of the Code of Virginia, the Virginia State Board of
Examiners for Audiology and Speech Pathology proposes to
amend its existing regulations governing the licensure of
audiologist and speech pathologists in Virginia.

The regulations apply directly to approximately 1,000
actively licensed Virginia audiologists and speech
pathologists, and indirectly to those individuals who utilize
their services.

The Virginia Board of Examiners for Audiology and
Speech Pathology proposes to amend § 1.2 of the current
regulations to add a section reinstating the issuance of
temporary permits in accordance with Chapter 534 of the
statute.

The proposed change of the regulation § 1.2 to include
reinstatement of the temporary permit provision will affect
all 1,000 audiologists and speech pathologists. It is not
anticipated that there will be a fee associated with the
addition of this provision.

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

Written comments may be submitted until March 31, 1987.

Contact: Gerald W. Morgan, Assistant Director,
Department of Commerce, 3600 W. Broad St., Richmond,
Va. 23230, telephone (804) 257-8508

GOVERNOR'S ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

March 6, 1987 - 10 a.m. - Open Meeting
Koger Executive Center, Koger Building, Conference Room,
8007 Discovery Drive, Richmond, Virginia. ☐

Calendar of Events

A regularly scheduled quarterly meeting.

Contact: D. Ray Sirry, Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9081

A general business meeting.

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

COMMONWEALTH TRANSPORTATION BOARD

February 19, 1987 - 10 a.m. – Open Meeting
Department of Transportation Building, Board Room, 3rd Floor, 1401 East Broad Street, Richmond, Virginia. ☒
(Interpreter for deaf provided if requested)

A monthly meeting 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., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Division of Historic Landmarks State Review Board

February 17, 1987 - 10 a.m. – Open Meeting
221 Governor Street, Richmond, Virginia

A meeting to consider the addition of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places:

Bell House, Colonial Beach, Westmoreland County;
Buckshoal Farm, Halifax County;
Bull Thistle Cave Archaeological Site, Tazewell County;
Croakers Landing Archaeological Site, James City County;
Dykeland, Amelia County;
Rapidan Historic District, Orange and Culpeper Counties;
Roanoke County Courthouse, Salem;
Rocklands, Loudoun County;
Virginia Manor, Rockbridge County.

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

Virginia Historic Landmarks Board

February 17, 1987 - 2 p.m. – Open Meeting
221 Governor Street, Richmond, Virginia

BOARD OF CORRECTIONS

March 11, 1987 - 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

CRIMINAL JUSTICE SERVICES BOARD

April 1, 1987 - 9 a.m. – Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-11. Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections.** The above regulation amends existing training standards for noncustodial employees of the Department of Corrections.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until March 19, 1987, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone 786-4000

* * * * *

April 1, 1987 - 9 a.m. – Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-4. Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers/Courthouse and Courtroom Security**

Calendar of Events

Officers/Deputy Sheriffs Designated to Serve Process. The regulations amend existing training standards for the above Officers and Deputy Sheriffs.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until March 19, 1987, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

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

VIRGINIA BOARD OF DENTISTRY

† **March 6, 1987 - 1 p.m.** – Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, Conference Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

The examination committee will meet to review bids for exam services.

† **April 2, 1987 - 8 a.m.** – Open Meeting
† **April 3, 1987 - 8 a.m.** – Open Meeting
Omni Hotel, 235 West Main Street, Charlottesville, Virginia. ☐

A meeting to (i) consider disciplinary actions; (ii) review bids for examination services; (iii) review budget for 1988-90 biennium; and (iv) elect Board of Dentistry officers.

† **May 8, 1987 - 9 a.m.** – Open Meeting
Martha Washington Hotel, Abingdon, Virginia

A meeting to consider comments and adoption of proposed board regulations.

Contact: N. Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

* * * * *

† **April 10, 1986 - Public hearing was held on this date.**

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Dentistry intends to propose new regulations and repeal existing regulations entitled: VR 255-01-1. **Virginia Board of Dentistry Regulations.**

STATEMENT

Purpose: These regulations are designed to protect the health, safety, and welfare of the citizens of the Commonwealth. Regulatory provisions set minimal

competence through requirements for education and examination, establish standards for the practice of dentistry and dental hygiene, and delineate acts which constitute grounds for disciplinary action against a licensee.

Health of the oral cavity and its contiguous structure directly affect the quality of human life from birth until death. Dentistry is not an exact science; effective treatment depends on the skills and judgment of the practitioner. Dental examinations, diagnosis, and treatment must be thorough, appropriate for the particular need, and conducted by a competent licensee.

For 100 years, any individual wishing to practice dentistry in Virginia has been required to obtain a license prior to rendering dental treatment. Regulations establish provisions to measure an applicant's competence by requiring accredited education, followed by board-approved written and clinical examinations. Upon obtaining the practice license, the licensee is bound by regulations which provide standards governing the practice of dentistry and dental hygiene, including new regulations proposed to apply to the previously unregulated use of general anesthesia, conscious sedation, and nitrous oxide sedation by licensees. Throughout the practice life of the licensee, regulations define those acts which are considered unprofessional conduct, the commission of which may result in action against the licensee.

The significant increase in complaints filed by patients against dentists during the current biennium is clearly indicative of the seriousness and need to regulate the practice of dentistry.

In summary, the Virginia General Assembly has granted the board statutory authority to develop regulations which are needed to insure the public receives acceptable quality of care from dentists and dental hygienists. These proposed regulations have been stated with greater specificity, clarity, and comprehensibility to the public.

Estimated Impact: Regulated entities: The proposed regulations will affect approximately 4,500 currently licensed dentists, 2,050 currently licensed dental hygienists, and 30 temporary teacher's permit holders. The proposed regulations will also affect annually approximately 150 individuals who work in the dental office and who are tested to permit the taking of dental x-rays and, in addition, approximately 250 dentists and 150 dental hygienists who annually apply for licensure by examination. A substantial number of individuals licensed in other jurisdictions may also apply for licensure in Virginia under regulations governing reciprocity.

Legal Authority: Section 54.163 of the Code of Virginia authorizes the Board of Dentistry to adopt and revise rules and regulations.

Other changes to the regulations are made for the purpose of clarification as indicated by the following index and do

Calendar of Events

not have significant impact unless so indicated.

VIRGINIA STATE BOARD OF DENTISTRY INDEX OF EXISTING AND PROPOSED REGULATIONS

Existing Proposed

Bylaws — Deleted

Regulation 1. Definitions

- A — Deleted
- B — Restated Sec. 1.1.
- C — Restated Sec. 1.1.
- D — Restated Sec. 1.1.
- D-2 — Restated Sec. 1.1.
- E — Deleted
- F — Restated Sec. 1.1
- G — Revised Sec. 1.1.
- H — Restated Sec. 1.1.

New Regulations

—“Conscious Sedation (oral, intravenous, intramuscular, subcutaneous, submucosal, or rectal)”

—“Diagnosis”

—“Examination of Patient”

—“General Anesthesia”

—“Local Anesthesia”

—“Monitoring of General Anesthesia and Conscious Sedation”

—“Monitoring of Nitrous Oxide Oxygen Inhalation Analgesia”

—“Radiographs”

Public Participation Guidelines

Sec. 1. — No change

Regulation 2. Dental Hygienist/Dental Assistant

- A — Revised Sec. 5.2
- B.1. — Restated Sec. 5.4.A.1. and 3.
- B.2. — Restated Sec. 5.4.A.18
- B.3. — Revised Sec. 5.5.B
- B.4. — Modified Sec. 5.4.A.4
- B.5. — Restated 5.4.A.5
- B.6. — Restated 5.4.A.5
- B.7. — Restated 5.4.A.19
- B.8. — Restated 5.4.A.21.
- B.9. — Restated 5.4.A.7.
- B.10. — Deleted
- B.11. — Deleted
- B.12. — Restated Sec. 5.4.A.8.
- B.13. — Restated Sec. 5.4.A.9.
- B.14. — Modified Sec. 5.4.A.11.
- B.15. — Restated Sec. 5.4.A.14.
- B.16. — Restated Sec. 5.4.A.12.
- B.17. — Restated Sec. 5.4.A.14.
- B.18. — Deleted

- B.19. — Restated Sec. 5.4.A.13.
- B.20. — Restated Sec. 5.4.A.14.
- B.21. — Restated Sec. 5.4.A.14.
- B.22. — Restated Sec. 5.4.A.15. and Sec. 4.5.A.10.
- B.23. — Restated Sec. 5.4.A.16.
- B.24. — Revised Sec. 5.4.A.22.

New Regulations

- Sec. 5.3.A.2.
- Sec. 5.4.A.10.
- Sec. 5.4.A.17.

- C. — Restated Sec. 5.1.
- D. — Restated Sec. 5.3.A.
- D.1. — Modified Sec. 5.3.A.1.
- D.2. — Restated Sec. 5.3.A.1.
- D.3. — Restated Sec. 5.3.A.10.
- D.4.
- D.5.
- E. — Restated Sec. 4.2.A.
- F.
- G. — Restated Sec. 4.5.A.
- G.1. — No change Sec. 4.5.A.1.
- G.2. — Restated Sec. 4.5.A.3.
- G.3. — No change Sec. 4.5.A.3.
- G.4. — Revised Sec. 4.5.A.12
- G.5. — Revised Sec. 4.5.A.4.
- G.6. — Restated Sec. 4.5.A.5.
- G.7. — No change Sec. 4.5.A.7.
- G.8. — Revised Sec. 4.5.A.7.
- G.9. — No change Sec. 4.5.A.8.
- G.10. — No change Sec. 4.5.A.9
- G.11. — Revised Sec. 4.5.A.7.
- G.12. — Restated Sec. 4.5.A.aa.

Regulation 3.

- Paragraph 1. — Restated Sec. 2.4.A.
- Paragraph 2. — Restated Sec. 2.4.B.
- Paragraph 3. — Restated Sec. 2.4.C.

Regulation 4.

- A.1. — Restated Sec. 1.5.
- B.1. — Revised Sec. 2.2.A.2.
- B.2. — Revised Sec. 2.2.B.2.
- B.3. — No change Sec. 4.5.A.11.
- B.4. — Revised Sec. 1.4.A.
- C.1. — Revised Sec., 1.4.C.1.2.C.1.a. Revised Sec. 2.1.A.
- C.1.b. — Deleted
- C.1.c. — Deleted
- C.1.d.1. — Restated Sec. 2.1.C.1.
- C.1.d.2. — Restated Sec. 2.1.C.2.
- C.1.d.3. — Revised Secs. 2.1.C.3 and 2.2.A.1.
- C.1.d.4. — Restated Sec. 2.2.A.3.
- C.1. - Last Paragraph — Deleted
- C.2. — Revised Sec. 1.4.B.
- C.2. - Last Paragraph — Deleted
- C.2.a. — Revised Sec. 2.1.B.
- C.2.b. — Deleted

Calendar of Events

C.2.c. — Deleted
C.2.d.1. — Restated Sec. 2.1.C.1
C.2.d.2. — Restated Sec. 2.1.C.2.
C.2.d.3. — Revised Sec. 2.1.C.1.
C.2.d.4. — Restated Sec. 2.2.A.3.
C.2. - Last Paragraph — Deleted
D.1. — Revised by Emergency Reg. Secs. 1.3.A. and 1.3.B.
D.1. - Paragraph 2 — Revised Sec. 4.2.B.
E.1. - Paragraphs 1 & 2 — Revised Secs. 1.3.C and 1.3.D.
F.1. — Revised Sec. 1.4.E.
G.1. — Revised Sec. 1.4.C.
H.1. and 2.— Revised Sec. 1.4.H.
I.1. — Revised Sec. 1.4.G.
J.1. — Revised Sec. 1.4.F.
K.1. — Revised Sec. 1.4.J.
L.1. — Revised Sec. 1.4.D.

Regulation 5.

A. — Restated Sec. 4.1.A.

Regulation 6.

A. — Revised Sec. 4.3.
A.1. — No change Sec. 4.3.A.
A.2. — Restated Sec. 4.3.B.
A.3. — Restated Sec. 4.3.C.
A.4. — Revised Sec. 4.3.D.
A.5. — Restated Sec. 4.3.E.
A.6. — Deleted
A.7. — Deleted
A.8. — Revised Sec. 4.3.F.
A.9. — No change Sec. 4.3.G.
A.10. — Restated Secs. 4.3.H. and 4.5.A.11.

New Regulation

Sec. 4.3.I.

Regulation 7.

7 — Restated 1.1. "Advertising"
A.
A.1. — Revised Sec. 4.4. (full section)
A.2. — Revised Sec. 4.4.F.
A.2.a. and b. — Revised Sec. 4.4.F.1.
A.2.c. — Revised Sec. 4.4.F.2.
A.2.d. — Revised Sec. 4.4.A.
A.2.e. — Revised Sec. 4.4.F.2.
A.2.f. — Revised Sec. 4.4.C
A.3. — Revised Sec. 4.4.B.
A.4.
A.4.a. — Deleted
A.4.b. — Deleted
A.4.c. — Deleted
A.4.d. — Deleted

New Regulations - Advertising

Sec. 4.4.D.

Sec. 4.4.E.1-8
Sec. 4.4.F.3.
Sec. 4.4.G.

Regulation 8 — No change Sec. 6.1.

Policy Statements - Deleted

New Regulations - Preamble

Sec. 1.3.E.
Sec. 1.4.I
Sec. 2.3.A.
Sec. 2.3.B.

New Regulations - Regulation III

Sec. 4.1.B.
Sec. 5.5.A.

Statutory Authority: § 54-163 of the Code of Virginia.

Written comments may be submitted until April 17, 1987.

Other pertinent information: The board may conduct another public hearing on these proposed regulations if the comments are substantive and present new issues.

Contact: Nancy T. Feldman, Executive Director, Virginia Board of Dentistry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-6609

STATE BOARD OF EDUCATION

February 26, 1987 - 9 a.m. — Open Meeting
February 27, 1987 - 9 a.m. — Open Meeting
March 19, 1987 - 9 a.m. — Open Meeting
March 20, 1987 - 9 a.m. — Open Meeting
April 22, 1987 - 9 a.m. — Open Meeting
April 23, 1987 - 9 a.m. — Open Meeting
April 24, 1987 - 9 a.m. — Open Meeting
James Monroe Building, 1st Floor, Conference Rooms C and D, 101 North 14th Street, Richmond, Virginia. ☐

The State Board of Education will hold its regularly monthly meeting. 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

* * * * *

† April 17, 1987 - 3 p.m. — Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to repeal existing vocational education regulations and adopt new regulations entitled: **Vocational Education Regulations**. These regulations govern the operation and administration of secondary vocational education programs in the public schools of Virginia.

STATEMENT

Subject and substance: Proposed adoption by the Board of Education of new regulations for vocational education.

Issues:

1. Lessens the regulatory effect upon local school divisions for the operation and administration of secondary vocational education school divisions. It may be argued that this will weaken the quality of vocational education.
2. Maximum class sizes for vocational courses are altered. In some instances this will change the amount of reimbursement to localities; however, changes to others will balance out any additional cost.

Basis: §§ 22.1-16, 22.1-17 and 22.1-227 of the Code of Virginia.

Purpose: To update and modify current regulations to prescribe the operation and administration of vocational education programs in the secondary public schools of Virginia.

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

Written comments may be submitted until April 17, 1987.

Contact: Dewey T. Oakley, Jr., Administrative Director, Vocational Education, Virginia Department of Education, P.O. Box 6-Q, Richmond, Va. 23216-2060, telephone (804) 225-2073

VIRGINIA EMPLOYMENT COMMISSION

† April 23, 1987 - 10 a.m. - Public Hearing
Virginia Employment Commission Administrative Office
Courtroom, 703 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to repeal regulations entitled: **Rules and Regulations Affecting Unemployment Compensation XV - Governmental Subrogation**. The regulation proposed for repeal concerns the rights of governmental entities to recoup overpayments of unemployment compensation to claimants who formerly worked for them.

STATEMENT

Subject: Governmental subrogation in cases of unemployment compensation overpayments to former employees when the governmental unit has already reimbursed the agency for its share of the costs of benefits provided.

Basis: This regulation is being repealed pursuant to authority granted the agency by § 60.2-111 of the Code of Virginia.

Purpose: To eliminate inoperative language which could cause confusion. The General Assembly repealed that portion of § 60.1-131 (Recodified effective January 1, 1987, as § 60.2-633) of the Code of Virginia which permitted governmental subrogation benefit overpayments. This leaves the agency charged with the sole responsibility of collecting overpayments; and by virtue of the requirements of § 9-6.14:9.1 of the Code of Virginia that any regulation be necessary, the inoperative language should be deleted.

Impact: No impact is anticipated from the repeal of this regulation since the statutory basis for it has been removed.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until April 18, 1987.

Other pertinent information: Text of existing and proposed regulations available upon request.

Contact: Joseph L. Hayes, Employment Commission Appeals Administrative Chief, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

* * * * *

† April 23, 1987 - 10 a.m. - Public Hearing
Virginia Employment Commission Administrative Office
Courtroom, 703 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to repeal regulations entitled: **Rules and Regulations Affecting Unemployment Compensation VII - Notices**. The regulation proposed for repeal concerns the posting of notices concerning unemployment compensation by employers.

STATEMENT

Subject: Notices relating to unemployment insurance which are required to be displayed by employers.

Basis: This regulation is being repealed pursuant to authority granted the agency by § 60.2-111 of the Code of Virginia.

Calendar of Events

Purpose: The regulation is slated for repeal because § 60.2-106 of the Code of Virginia already requires each employer to post and maintain, in readily accessible places all such posters relating to unemployment insurance as are furnished by the agency. The language of the regulation does not explain or clarify the law to any extent and is therefore superfluous. In view of the requirements of § 9-6.14:9.1 of the Code of Virginia that any regulation be necessary, and in view of the requirements for regulatory review mandated by Executive Order, repeal is warranted.

Impact: Due to the duplication of language found in the Code of Virginia, no impact is anticipated from the repeal of this regulation.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until April 18, 1987.

Other pertinent information: Text of existing and proposed regulations available upon request.

Contact: Joseph L. Hayes, Employment Commission Appeals Administrative Chief, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

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† April 23, 1987 - 10 a.m. – Public Hearing
Virginia Employment Commission Administrative Office
Courtroom, 703 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to amend regulations entitled: **VR 300-01-1. Definitions of General Provisions (Virginia Employment Commission Regulations and General Rules)**. The proposed regulation revises an existing one defining terms and providing for the development and review of regulations.

STATEMENT

Subject: The definition of terms used within the agency's regulations and the provision of procedures by which regulations will be developed, promulgated, and reviewed.

Basis: This regulation is being amended pursuant to authority granted the agency by § 60.2-111 of the Code of Virginia.

Purpose: To comply with the mandates of the Virginia Register Form, Style, and Procedure Manual by consolidating all definitions at the beginning and restructuring the regulation in accordance with its standard terminology. Also, to comply with the requirements of § 9-6.14:7.1 of the Code of Virginia regarding public participation guidelines for the formulation of regulations and to provide a framework by which the agency's regulations will be reviewed on a periodic basis.

Impact: No impact is anticipated from this amendment to the existing regulation on the subject.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until April 18, 1987.

Other pertinent information: Text of existing and proposed regulations available upon request.

Contact: Joseph L. Hayes, Employment Commission Appeals Administrative Chief, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

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† April 23, 1987 - 10 a.m. – Public Hearing
Virginia Employment Commission Administrative Office
Courtroom, 703 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to amend regulations entitled: **VR 300-01-2. Unemployment Taxes (Virginia Employment Commission Regulations and General Rules)**. The proposed regulation combines and revises six existing regulations relating to the collection of unemployment taxes, maintenance of records, submission of reports, combination of employer accounts, and coverage of work performed in more than one state.

STATEMENT

Subject: Unemployment taxes, including liability for taxes or payments in lieu thereof, records required to be maintained by employers, reports required from employers, the combination of employer accounts, and elections for the coverage of multi-state workers.

Basis: This regulation is being amended pursuant to authority granted the agency by § 60.2-111 of the Code of Virginia.

Purpose: To make the agency's regulations more logical and consistent by combining six existing regulations concerning unemployment taxes into one, while restructuring the resulting regulation in accordance with the mandates of the Virginia Register Form, Style, and Procedure Manual.

Impact: No impact is anticipated from this combination and amendment of the existing regulations on the subject.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until April 18, 1987.

Other pertinent information: Text to existing and proposed regulations available upon request.

Calendar of Events

Contact: Joseph L. Hayes, Employment Commission Appeals Administrative Chief, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

* * * * *

† **April 23, 1987 - 10 a.m. – Public Hearing**
Virginia Employment Commission Administrative Office
Courtroom, 703 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to amend regulations entitled: **VR 300-01-3. Benefits (Virginia Employment Commission Regulations and General Rules)**. The proposed regulation combines and revises five existing regulations concerning total and partial unemployment compensation benefits, interstate claims, combined wage claims, and miscellaneous benefit provisions.

STATEMENT

Subject: Unemployment compensation benefits, including claims for total and part-total unemployment, claims for partial unemployment, interstate claims, combined wage claims, and miscellaneous benefit provisions.

Basis: This regulation is being amended pursuant to authority granted the agency by § 60.2-111 of the Code of Virginia.

Purpose: To make the agency's regulations more logical and consistent by combining five existing regulations concerning unemployment compensation benefits into one, while restructuring the resulting regulation in accordance with the mandates of the Virginia Register Form, Style and Procedure Manual. Also, to clarify ambiguous language in accordance with present agency interpretation.

Impact: No impact is anticipated from this combination and amendment of the existing regulations on the subject.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until April 18, 1987.

Other pertinent information: Text of existing and proposed regulations available upon request.

Contact: Joseph L. Hayes, Employment Commission Appeals Administrative Chief, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

* * * * *

† **April 23, 1987 - 10 a.m. – Public Hearing**
Virginia Employment Commission Administrative Office
Courtroom, 703 East Main Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Employment Commission intends to amend regulations entitled: **VR 300-01-4. Adjudication (Virginia Employment Commission Regulations and General Rules)**. The proposed regulation revises an existing regulation concerning appeals from determinations on claims for unemployment compensation, including the conduct of administrative hearings.

STATEMENT

Subject: The administrative adjudication of issues arising from claims for unemployment compensation.

Basis: This regulation is being amended pursuant to authority granted the agency by § 60.2-111 of the Code of Virginia.

Purpose: To clarify the existing process for the benefit of those employers and claimants who might have the occasion to use it so as to insure that issues arising from claims for unemployment compensation are resolved in a consistent, fair, and expeditious manner.

Impact: No impact is anticipated from this rewriting and amendment to the existing regulation on the subject.

Statutory Authority: § 60.2-111 of the Code of Virginia.

Written comments may be submitted until April 18, 1987.

Other pertinent information: Text of existing and proposed regulations available upon request.

Contact: Joseph L. Hayes, Employment Commission Appeals Administrative Chief, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

VIRGINIA FARMERS' MARKET BOARD

February 24, 1987 - 9:30 a.m. – Open Meeting
Washington Building, 2nd Floor, Board Room, 1100 Bank Street, Richmond, Virginia

A regular business meeting to discuss Farmers' Market proposals.

Contact: R. Duke Burruss, Washington Bldg., Room 701, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-3549

DEPARTMENT OF FORESTRY

February 27, 1987 - 10 a.m. – Public Hearing
Region Office, 2229 East Nine Mile Road, Sandston,

Calendar of Events

Virginia. ☒

A public hearing to receive verbal or written comment on proposed guidelines for public participation in the development and review of any regulations proposed by the Department of Forestry.

Contact: Harold L. Olinger, Department of Forestry, P.O. Box 3758, Charlottesville, Va. 22903-0758, telephone (804) 977-6555

Reforestation of Timberlands Board

March 3, 1987 - 10 a.m. – Open Meeting
Department of Forestry, 509 East Nine Mile Road, Sandston, Virginia. ☒

Semi-annual meeting of the board to review accomplishments and budget.

Contact: James D. Starr, Department of Forestry, P.O. Box 3758, Charlottesville, Va. 22903-0758, telephone (804) 977-6555

Board of Forestry

† **March 4, 1987 - 10 a.m. – Open Meeting**
New Kent Forestry Center, Route 60 (4 miles east of Providence Forge), New Kent, Virginia. ☒

A general business meeting.

Contact: Deborah L. Mills, Forest Resource Planner, Department of Forestry, Box 3758, Charlottesville, Va. 22903, telephone (804) 977-6555

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **February 19, 1987 - 9 a.m. – Open Meeting**
Virginia Department of Health Regulatory Boards, Koger Center, Surry Building, Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The board will meet for final review of the proposed regulations and impact statement.

Contact: Mark L. Forberg, Executive Secretary, Department of Health Regulatory Boards, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

March 6, 1987 - 10 a.m. – Open Meeting
Virginia Museum of Fine Arts, Main Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☒

The board will advise the director of the Department of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

Contact: M. Stanley Krause, AIA, AICP, Rancorn, Wildman & Krause, Architects and City Planning Consultants, P.O. Box 1817, Newport News, Va. 23601, telephone (804) 867-8030

State Insurance Advisory Board

March 20, 1987 - 9:30 a.m. – Open Meeting
Department of General Services, 9th Street Office Building, Conference Room of the Director of the Department of General Services, Room 209, Richmond, Virginia. ☒

A quarterly meeting of the State Insurance Advisory Board.

Contact: Charles F. Scott, Department of General Services, Division of Risk Management, 9th Floor, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 225-4619

VIRGINIA STATE BOARD OF GEOLOGY

February 17, 1987 - 9 a.m. – Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of the January 13, 1987, meeting; (ii) develop examinations; and (iii) discuss regulatory review.

Contact: Joan L. White, Assistant Director, Geology, Department of Commerce, 5th Floor, Room 507, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555

DEPARTMENT OF HEALTH (BOARD OF)

February 17, 1987 - 7 p.m. – Public Hearing
Harrisonburg Election Commission, 89 West Bruce Street, Harrisonburg, Virginia

February 18, 1987 - 7 p.m. – Public Hearing
Warren/Green Building, Meeting Room, 10 Hotel Street, Warrenton, Virginia

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to amend regulations entitled: **VR 355-34-02. Sewage Handling and Disposal Regulations.** The Sewage Handling and Disposal Regulations specific criteria by which sewage is handled and disposed of in a safe and sanitary manner.

Written comments may be submitted until February 8, 1986.

Contact: Robert W. Hicks, Director, Division of Sanitation Services, James Madison Bldg., Room 522, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3559

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February 24, 1987 - 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 intends to amend regulations entitled: **VR 355-01-5. Virginia Voluntary Formulary (July 1987 Revision).** 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 February 24, 1987.

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

Commission on Medical Care Facilities

February 16, 1987 - 10 a.m. – Open Meeting
March 9, 1987 - 10 a.m. – Open Meeting
April 13, 1987 - 10 a.m. – Open Meeting
James Monroe Building, Conference Room B, 101 North 14th Street, Richmond, Virginia. ☐

By Executive Order Thirty-One (86) Governor Baliles created an Advisory Commission with two responsibilities: (i) to examine the effectiveness of the Certificate of Public Need Program in controlling medical care costs while making good quality, accessible health care available to all Virginians; and (ii) if this examination demonstrates that the Commonwealth's existing health planning process no longer effectively meets these objectives, the commission shall assess alternatives and recommend revisions to the existing Certificate of Public Need Process.

Contact: E. George Stone, State Health Department, James Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6970

VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

February 23, 1987 - 1 p.m. – Public Hearing
James Madison Building, Main Floor Conference Room, 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 adopt regulations entitled: **VR 360-01-03. Standards for Evaluating Certificate of Public Need Applications to Establish or Expand Nursing Home Services.** (Amends portions of the Virginia State Health Plan; supersedes the nursing home bed need projection methodology currently published in the State Medical Facilities Plan.) These regulations specify the method by which nursing home bed need shall be computed and specifies other standards for evaluating Certificate of Public Need Applications.

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

Written comments may be submitted until February 23, 1987.

Contact: John P. English, Health Planning Consultant, Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4766

DEPARTMENT OF HEALTH REGULATORY BOARDS

† **February 19, 1987 - 9 a.m. – Open Meeting**
Department of Health Regulatory Boards, Koger Center, Surry Building, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A meeting to (i) conduct general board business; (ii) respond to routine correspondence; and (iii) review applications for licensure.

Contact: Phyllis Henderson, 1601 Rolling Hills Dr., Richmond, Va., telephone (804) 662-9913

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **February 25, 1987 - 9:30 a.m. – Open Meeting**
† **March 25, 1987 - 9:30 a.m. – Open Meeting**
Johnston-Willis Hospital, 1401 Johnston-Willis Drive, Richmond, Virginia. ☐

Calendar of Events

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. McGee, Director, 9th Floor, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-6371

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

March 13, 1987 - 10 a.m. - Public Hearing
James Monroe Building, Conference Room C, 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 and repeal regulations entitled: **VR 380-02-01. Regulations Governing the Approval of Certain Institutions to Confer Degrees, Diplomas, and Certificates.** This regulation states process and conditions for approval of private in-state institutions to offer credit instruction and to award degrees, diplomas, and certificates in Virginia.

Statutory Authority: § 23-268 of the Code of Virginia.

Written comments may be submitted until March 6, 1987.

Contact: Dr. John Molnar, Institutional Approval Coordinator, SCHEV, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2634

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Amusement Device Technical Advisory Committee

February 26, 1987 - 8:30 a.m. - Open Meeting
† **March 12, 1987 - 8:30 a.m. - Open Meeting**
† **March 26, 1987 - 8:30 a.m. - Open Meeting**
4th Street Office Building, 7th Floor Conference Room, 205 North 4th Street, Richmond, Virginia. ☒

A meeting to develop recommended regulations pertaining to the construction, maintenance, operation and inspection of amusement devices for consideration by the Board of Housing and Community Development.

Division of Building Regulatory Services

April 13, 1987 - 10 a.m. - Open Meeting
Prince William County Board of Supervisors' Chambers, 1 County Complex Court, Prince William, Virginia. ☒

April 14, 1987 - 10 a.m. - Open Meeting
Buena Vista Circuit Court Room, City Hall, 2039 Sycamore Street, Buena Vista, Virginia. ☒

April 15, 1987 - 10 a.m. - Open Meeting
Smyth County Court House, Board of Supervisors' Room, Main Street, Marion, Virginia. ☒

April 16, 1987 - 10 a.m. - Open Meeting
Human Services Building, Auditorium, 5249 Olde Town Road (Route 658), James City County, Virginia. ☒

A meeting to solicit public input for amendments to the 1984 Editions of the Uniform Statewide Building Code, Volumes I and II; Public Building Safety Regulations; Industrialized Building and Mobile Home Safety Regulations; LP Gas Regulations; and the Tradesmen Certification Standards; and for promulgating the Amusement Device Regulations and the Statewide Fire Prevention Code.

Contact: Jack A. Proctor, CPCA, Deputy Director, Division of Building Regulatory Services, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219-1747, telephone (804) 786-4751

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

February 17, 1987 - 9 a.m. - Open Meeting
13 South 13th Street, Richmond, Virginia. ☒

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

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

DEPARTMENT OF LABOR AND INDUSTRY

April 13, 1987 - 7 p.m. - Public Hearing
Pulaski Armory, 140 First Street, Pulaski, Virginia

April 14, 1987 - 7 p.m. - Public Hearing
Central Virginia Community College, Amherst Classroom

Calendar of Events

Building, Room 2123, Lynchburg, Virginia

April 15, 1987 - 7 p.m. - Public Hearing
Gar-Field Senior High School, Auditorium, 14000
Smoketown Road, Dale City, Virginia

April 16, 1987 - 7 p.m. - Public Hearing
Christopher Newport College, Administration Building, John
Anderson Auditorium, Room A-105, 50 Shoe Lane, Newport
News, Virginia

April 20, 1987 - 7 p.m. - Public Hearing
State Capitol, House Room 4, 9th and Grace Streets,
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Apprenticeship Council intends to adopt regulations entitled: **VR 425-01-27. Regulations Governing the Administration of Apprenticeship Program in the Commonwealth of Virginia, Biennial Program Sponsor Evaluation (XI)**. The proposed program sponsor evaluation procedure is intended to improve the quality control capabilities of the Virginia Apprenticeship Council and the Division of Apprenticeship Training by establishing an evaluation system which will provide sufficient program information to recognize outstanding programs and to aid in the identification and correction of deficiencies in sponsors' apprenticeship programs.

Statutory Authority: § 40.1-118 of the Code of Virginia.

Written comments may be submitted until April 1, 1987, to Commissioner Carol A. Amato, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381 or (804) 786-3075

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April 13, 1987 - 7 p.m. - Public Hearing
Pulaski Armory, 140 First Street, NW, Pulaski, Virginia

April 14, 1987 - 7 p.m. - Public Hearing
Central Virginia Community College, Amherst Classroom
Building, Room 2123, Lynchburg, Virginia

April 15, 1987 - 7 p.m. - Public Hearing
Gar-Field Senior High School, Auditorium, 14000
Smoketown Road, Dale City, Virginia

April 16, 1987 - 7 p.m. - Public Hearing
Christopher Newport College, Administration Building, John
Anderson Auditorium, Room A-105, 50 Shoe Lane, Newport
News, Virginia

April 20, 1987 - 7 p.m. - Public Hearing

State Capitol, House Room 4, 9th and Grace Streets,
Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Apprenticeship Council intends to amend regulations entitled: **VR 425-01-28. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia, Standards of Apprenticeship Programs: Numeric Ratio of Apprentices to Journeymen (IV.B.14)**. These regulations propose to amend the ratio of apprentices to journeymen from 1:3 to 1:1 in order to meet the present and future skilled manpower needs.

Statutory Authority: § 40.1-118 of the Code of Virginia.

Written comments may be submitted until April 1, 1987, to Commissioner Carol Amato, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23214, telephone (804) 786-2381 or (804) 786-3075

COMMISSION ON LOCAL GOVERNMENT

March 24, 1987 - 11 a.m. - Open Meeting
Town of Lebanon - Russell County (site to be determined)

Oral presentations regarding the Town of Lebanon's annexation action.

March 24, 1987 - 7:30 p.m. - Public Hearing
Town of Lebanon - Russell County (site to be determined)

Public hearing regarding the Town of Lebanon's annexation action.

March 25, 1987 - 9 a.m. - Open Meeting
Town of Lebanon - Russell County (site to be determined)

Oral presentations regarding the Town of Lebanon's annexation action. (Continuation of oral presentations by the Town of Lebanon if needed)

Contact: Barbara Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

MARINE RESOURCES COMMISSION

† **March 3, 1987 - 9:30 a.m. - Open Meeting**
Newport News City Council Chamber, 2400 Washington
Avenue, Newport News, Virginia

The Marine Resources Commission meets on the first

Calendar of Events

Tuesday of each month to hear and decide cases on fishing 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 five days.

Contact: Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

BOARD OF MEDICAL ASSISTANCE SERVICES

April 3, 1987 - 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 Board of Medical Assistance Services intends to amend regulations entitled: VR 460-03-2.6152. **Definition of Home Ownership.** This regulation amends the State Plan for Medical Assistance and establishes the definition of home ownership (contiguous property) to be used in determining eligibility for Medicaid.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until April 3, 1987.

Other pertinent information: For a copy of the regulation, contact Victoria P. Simmons, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219, telephone (804) 786-7933.

Contact: Ann E. Cook, Director, Medical Social Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 225-4220

VIRGINIA STATE BOARD OF MEDICINE

- † March 19, 1987 - 8:30 a.m. - Open Meeting
- † March 20, 1987 - 8:30 a.m. - Open Meeting
- † March 21, 1987 - 8:30 a.m. - Open Meeting
- † March 22, 1987 - 8:30 a.m. - Open Meeting

The board will meet (i) to review reports; (ii) to interview licensees and make decisions on discipline matters before the board on Thursday, Friday and Saturday morning; and (iii) at 1:30 p.m., Saturday, March 21, 1987, and on Sunday, March 22, 1987, the

full board will meet in open session to conduct general board business.

Joint Executive Committee and Psychiatric Advisory Board Meeting

† February 28, 1987 - 10 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, Second Floor, Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to discuss the newly instituted procedures regarding cases that come before the Board of Medicine.

Informal Conference Committee

February 25, 1987 - 1 p.m. - Open Meeting
Department of Health Regulatory Boards, Surry Building, 2nd Floor, Conference Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

February 27, 1987 - 1 p.m. - Open Meeting
Department of Health Regulatory Boards, Surry Building, 2nd Floor, Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to 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 subsection A, subdivision 6, § 2.1-344 of the Code of Virginia, executive and closed meetings.

† March 6, 1987 - 10 a.m. - Open Meeting
Fredericksburg Sheraton Resort and Conference Center, Route 1 and I-95, Fredericksburg, Virginia. ☒

The Informal Conference Committee composed of three members of the Virginia Board 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 (A)(6) of the Code of Virginia.

Advisory Board on Physical Therapy

† February 20, 1987 - 8:30 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, 2nd Floor, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The meeting will cover the (i) review of the proposed regulations; (ii) reports from the Ad Hoc Committee; (iii) presentations from Compliance Procedures; and (iv) other items which may come before the board.

Calendar of Events

Ad Hoc Committee on Respiratory Therapy

† February 17, 1987 - 10 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center,
Surry Building, 2nd Floor, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

A meeting to study the feasibility, mandatory certification for Respiratory Therapy Practitioners.

Contact: Eugenia K. Dorson, Regulatory Board Administrator, Surry Bldg., 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9925

STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

February 25, 1987 - 10 a.m. - Open Meeting
Western Tidewater Community Services Board, Suffolk, Virginia. ☒

A regular monthly meeting. The agenda will be published on February 18 and may be obtained by calling Jane Helfrich.

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

Forensic Issues Advisory Committee

† March 6, 1987 - 10 a.m. - Open Meeting
Madison Building, 13th Floor, Conference Room, 109 Governor Street, Richmond, Virginia. ☒

A regular meeting to discuss issues related to the provision of forensic mental health, mental retardation and substance abuse services.

Contact: Russell C. Petrella, Director of Forensic Services, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-4837

VIRGINIA STATE BOARD OF NURSING

† February 19, 1987 - 2 p.m. - Open Meeting
† February 20, 1987 - 8:30 a.m. - Open Meeting
Courtyard by Marriott, 6400 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regular meeting of the Virginia State Board of Nursing to consider matters related to (i) nursing education programs; (ii) discipline of licensees; (iii) licensing by examination and endorsement; and (iv) other matters under jurisdiction of the board.

Informal Conference Committee

February 26, 1987 - 10 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, Conference Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

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March 23, 1987 - 1:30 p.m. - Public Hearing
Holiday Inn West, 6531 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 Nursing intends to adopt, amend or repeal regulations entitled: **VR 495-01-1. Board of Nursing Regulations.**

Statutory Authority: § 54-367.11 of the Code of Virginia.

Written comments may be submitted until April 6, 1987.

Other pertinent information: The proposed regulations were developed as a part of the comprehensive review of regulations initiated by Governor Charles S. Robb.

Contact: Corinne F. Dorsey, Executive Director, Virginia State Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

STATE BOARD OF PHARMACY

March 17, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Executive Center, Surry Building, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A board meeting concerning routine business and regulation proposals.

March 18, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Executive Center, Surry Building, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A regular meeting of the Pharmacy Jurisprudence Committee.

Contact: J. B. Carson, Executive Director, 1601 Rolling

Calendar of Events

Hills Dr., Richmond, Va. 23229, telephone (804) 786-0182

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

April 15, 1987 - 10 a.m. - Open Meeting
Hasler and Company, 212 Tazewell Street, Norfolk, Virginia

The board will meet to conduct routine business at its regular quarterly meeting.

Contact: David E. Dick, 3600 W. Broad St., Richmond, Va., 23230, telephone (804) 257-8515 or William L. Taylor, 3327 Shore Dr., Virginia Beach, Va., 23451, telephone (804) 496-0995

BOARD OF PROFESSIONAL COUNSELORS

† February 27, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) conduct general business; (ii) make policies, (iii) respond to board correspondence; and (iv) conduct credentials review.

† March 11, 1987 - 10 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, 2nd Floor, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

Informal conference

Contact: Joyce D. Williams, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9912

VIRGINIA REAL ESTATE BOARD

† February 18, 1987 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A regular business meeting of the board. The agenda will consist of (i) investigative cases (files) to be considered; (ii) files to be reconsidered; and (iii) matters relating to fair housing, property registration and licensing issues (e.g., reinstatement, eligibility requests). The board will also discuss proposed regulations.

Contact: Florence R. Brassier, Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., Richmond, Va., telephone (804) 257-8552

Condominium Advisory Committee

February 25, 1987 - 10:30 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to review proposed revisions to the Condominium regulations of the Real Estate Board.

Time Share Advisory Committee

February 27, 1987 - 10:30 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to review proposed regulation revisions to the Time-Share regulations of the Real Estate Board.

Contact: Lucia Anna Trigiani, Property Registration Administrator, Virginia Real Estate Board, Department of Commerce, 5th Floor, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8510 (toll-free number 1-800-552-3016)

BOARD OF REHABILITATIVE SERVICES

February 27, 1987 - 9:30 a.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A regularly scheduled meeting to (i) consider revisions to the proposed vocational rehabilitation regulations; (ii) consider recommended priorities and new initiatives for the board and department; and (iii) conduct the business of the Department of Rehabilitative Services.

Evaluation and Analysis Committee

February 26, 1987 - 1 p.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to (i) discuss and evaluate policies and procedures; (ii) develop proposed board priorities and new initiatives for consideration by the board; and (iii) develop recommendations for presentation to the Board of Rehabilitative Services at its regular meeting.

Calendar of Events

Finance Committee

February 26, 1987 - 3 p.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to (i) review the second quarter financial report; (ii) review grants and contracts entered into by the Department of Rehabilitative Services; and (iii) discuss other budgetary matters.

Program Committee

February 26, 1987 - 9 a.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting to review, discuss and consider information and recommendations on proposed vocational rehabilitation regulations received from January 1987 public hearings and to consider other comments received through the public comment period, written and verbal, toward development of regulations and adoption by the Board of Rehabilitative Services.

Contact: Jim Hunter, Department of Rehabilitative Services, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 257-6446 (toll-free number 1-800-552-5019)

VIRGINIA RESOURCES AUTHORITY

† **March 10, 1987 - 10 a.m. - Open Meeting**
Mutual Building, Authority Board Room, Suite 305, 909 East Main Street, Richmond, Virginia. ☒

The board will meet to (i) approve minutes of the January 6, 1987, meeting; (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Shockley D. Gardner, Jr., Executive Director, P.O. Box 1300, Richmond, Va. 23210, telephone (804) 644-3100

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

February 25, 1987 - 9 a.m. - Open Meeting
James Monroe Building, Room C, 101 North 14th Street, Richmond, Virginia. ☒

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: David Effert, James Madison Bldg., Room 502, 109 Governor St., Richmond, Va. 23119, telephone (804) 786-1750

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **February 17, 1987 - 10:30 a.m. - Public Hearing**
1000 Washington Building, Audio Visual Room, 9th Floor, 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. Following the public hearing, the authority will conduct its regular business meeting.

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

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

† **February 18, 1987 - 2 p.m. - Open Meeting**
† **February 19, 1987 - 9 a.m. - Open Meeting**
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☒

An information session and formal business meeting.

Contact: Phyllis Sisk, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 281-9236

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February 20, 1987 - 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 adopt regulations entitled: **VR 615-50-3. Minimum Standards for Local Agency Operated Volunteer Respite Care Programs.** These regulations establish minimum standards for the provision of volunteer staffed respite care for children by local social service/public welfare agencies.

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

Written comments may be submitted until February 20, 1987.

Contact: Vernon Simmons, State Volunteer Services Coordinator, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804)

Calendar of Events

281-9288 (toll free 1-800-552-7091)

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April 3, 1987 - 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 adopt regulations entitled: **VR 615-01-17. Deprivation Requirement in the Aid to Dependent Children (ADC) Program.** The proposed regulation will simplify the process of establishing deprivation on the basis of continued absence.

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

Written comments may be submitted until April 3, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Other pertinent information: Developed pursuant to 45 CFR, § 233.90(c)(1)(iii)

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

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April 3, 1987 - 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 615-01-18. Entitlement Date in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.** An amendment to begin entitlement for ADC and GR with the date of application.

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

Written comments may be submitted until April 3, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Other pertinent information: Developed pursuant to 45 CFR § 206.10(1)(6)(i)(C)

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

BOARD OF SOCIAL WORK

February 20, 1987 - 9:30 a.m. - Open Meeting
Department of Health Regulatory Boards, Koger Center, Surry Building, 1601 Rolling Hills Drive, Richmond,

Virginia. ☒

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; and (iv) discuss regulations.

Contact: Stephanie Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 786-7703

DEPARTMENT OF TAXATION

April 6, 1987 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-10-112. Welfare Assistance Redeemable in Goods (Retail Sales and Use Tax).** This regulation references the exemption for purchases with food stamps and WIC drafts enacted by the 1986 Session of the General Assembly and explains how food dealers may account for such exempt sales.

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

Written comments may be submitted until March 20, 1987.

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

February 17, 1987 - 1 p.m. - Open Meeting
February 18, 1987 - 8 a.m. - Open Meeting
February 19, 1987 - 8 a.m. - Open Meeting
The Homestead, Hot Springs, Virginia

General board business and informal conferences.

February 19, 1987 - 1 p.m. - Open Meeting
The Homestead, Hot Springs, Virginia

A meeting to conduct examinations for veterinarian applicants.

Contact: Moria C. Lux, Executive Director, Virginia Board of Veterinary Medicine, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9915

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March 5, 1987 - Written comments may be submitted until this date.

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Veterinary Medicine intends to adopt, amend, or repeal new and existing regulations entitled: **VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine.** The proposed regulations, a revision of existing ones, provide standards for the practice of veterinary medicine in Virginia and state requirements for candidates for licensure of veterinary medicine, animal technology, and animal facilities.

Statutory Authority: § 54-784.03(13) of the Code of Virginia.

Written comments may be submitted until March 5, 1987.

Contact: Moira C. Lux, Executive Director, Virginia Board of Veterinary Medicine, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9915

VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

March 8, 1987 - 10:30 a.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Diane E. Allen, Executive Secretary, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3145

VIRGINIA WASTE MANAGEMENT BOARD

February 17, 1987 - 10 a.m. – Open Meeting
James Monroe Building, Conference Room D, 101 North 14th Street, Richmond, Virginia. ☒

A general business meeting. This meeting will take the place of the January 28, 1987, meeting.

Contact: Cheryl Cashman, James Monroe Bldg., 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667

STATE WATER CONTROL BOARD

February 24, 1987 - 7 p.m. – Open Meeting

NOTE: CHANGE IN LOCATION
Accomac County Administration Building, Board of Supervisor's Room, Greenbush Avenue, Accomac, Virginia

February 25, 1987 - 2 p.m. – Open Meeting

NOTE: CHANGE IN LOCATION
Suffolk Extension Office, Human Resources Building, 3rd Floor Conference Room, 440 Market Street, Suffolk, Virginia

The State Water Control Board is considering promulgation of a regulation to obtain data on agricultural ground water withdrawals in Ground Water Management Areas pursuant to the 1986 amendments to the Groundwater Act (§ 62.1-44.87 of the Code of Virginia). The purpose of the meeting will be to discuss the reporting method employed by the Virginia Cooperative Extension Services in 1986 to obtain such data; to determine if this method was effective; and if not, discuss what other methods may be suitable.

Contact: Gerard Seely, Jr., Ground Water Program Manager, Virginia Water Control Board, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 257-6306

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March 9, 1987 - 2 p.m. – Public Hearing
King George General District Courthouse, King George, 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: **Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin Water Quality Management Plan.** Revision of the plans to include water quality management planning for RADCO Study Area IV which includes waste treatment disposal alternatives for the King George Courthouse area of King George County where previous planning had not yet occurred.

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

Written comments may be submitted until March 19, 1987, to Ms. Doneva Dalton, Hearing Reporter, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Stephen L. Hogye, Supervisor, Water Resources Development, State Water Control Board, 5515 Cherokee Ave., Suite 404, Alexandria, Va. 22312, telephone (703) 642-7422

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REPEAL NOTICE: The State Water Control Board proposes

Calendar of Events

to repeal the four following regulations: **Regulation No. 3; Regulation No. 7. Industrial Waste Survey; Regulation No. 10. Trash and Pumpout Services for Vessels at Anchor; Priority System for Construction Grant Recipients to Determine Whether a Supplemental State Grant Should be Provided to Help Relieve an Extraordinary Hardship in Local Funding.**

March 11, 1987 - 2 p.m. - Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, 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 repeal regulations entitled: **Regulation No. 3.** Regulation No.3 provides for local approval of the location or site of any proposed nongovernmentally owned sewage treatment plant before issuance of a certificate by the State Water Control Board.

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

Written comments may be submitted until March 11, 1987, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cindy M. Berndt, Policy Analyst, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

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March 11, 1987 - 2 p.m. - Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, 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 repeal regulations entitled: **Regulation No. 7 - Industrial Waste Survey.** Regulation No. 7 sets forth the methodology for owners of sewerage systems or treatment works to survey discharges of industrial wastes or other wastes into their systems and to submit the results of the survey to the board by July 1, 1977.

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

Written comments may be submitted until March 11, 1987, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cindy M. Berndt, Policy Analyst, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

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March 11, 1987 - 2 p.m. - Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, 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 repeal regulations entitled: **Regulation No. 10 - Trash and Pumpout Services for Vessels at Anchor.** Regulation No. 10 requires commercial vessels in the foreign trade larger than 1,000 gross tons that anchor in Virginia waters for longer than 48 hours to properly dispose of trash, garbage, sewage and sewage sludge.

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

Written comments may be submitted until March 11, 1987, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cindy M. Berndt, Policy Analyst, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

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March 11, 1987 - 2 p.m. - Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, 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 repeal regulations entitled: **Priority System for Construction Grant Recipients to Determine Whether a Supplemental State Grant Should be Provided to Help Relieve an Extraordinary Hardship in Local Funding.** The Priority System (more commonly referred to as the Hardship System) sets forth the criteria for properly evaluating and ranking communities which are receiving federal construction grant assistance in ascending order of the degree of financial hardship brought about by building and operating wastewater treatment facilities.

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

Written comments may be submitted until March 11, 1987, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cindy M. Berndt, Policy Analyst, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

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March 11, 1987 - 2 p.m. - Open Meeting
Virginia War Memorial Auditorium, 621 South Belvidere

Calendar of Events

Street, Richmond, 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 680-41-01. Public Participation Guidelines.** The guidelines set forth the manner in which the agency will encourage the participation of parties in the formation and development of regulations. The proposed amendments are intended to clarify requirements of the Guidelines and the Administrative Process Act and facilitate the regulatory adoption process.

Statutory Authority: § 62.1-44.15(7) of the Code of Virginia.

Written comments may be submitted until March 11, 1987 to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cindy M. Berndt, Policy Analyst, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

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March 11, 1987 - 2 p.m. - Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, 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 680-11-03. Water Resources Policy.** The Water Resources Policy is a statement of broad water resource management principles. The proposed amendments are editorial changes not affecting the principles set forth in the policy.

Statutory Authority: § 62.1-44.38 of the Code of Virginia.

Written comments may be submitted until March 11, 1987 to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Cindy M. Berndt, Policy Analyst, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

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March 23, 1987 - 9 a.m. - Open Meeting
March 24, 1987 - 9 a.m. - Open Meeting
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☐

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 257-6829

THE COLLEGE OF WILLIAM AND MARY

Board of Visitors

February 26, 1987 - 3 p.m. - Open Meeting
February 27, 1987 - 8 a.m. - Open Meeting
February 28, 1987 - 8 a.m. - Open Meeting
Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to (i) review quarterly operations of the college and Richard Bland College; (ii) receive reports from several committees of the board; and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland Colleges.

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

March 26, 1987 - 3 p.m. - Open Meeting
March 27, 1987 - 8 a.m. - Open Meeting
March 28, 1987 - 8 a.m. - Open Meeting
Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to (i) review the budgets and fees of the college and Richard Bland College; (ii) receive reports from several committees of the board; and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland Colleges.

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

April 24, 1987 - 3 p.m. - Open Meeting
April 25, 1987 - 8 a.m. - Open Meeting
April 26, 1987 - 8 a.m. - Open Meeting
Campus Center, Jamestown Road, Williamsburg, Virginia

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

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

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

LEGISLATIVE

Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in the Virginia Register of Regulations. You may call Legislative Information for information on standing committee meetings. The number is (804) 786-6530.

CHRONOLOGICAL LIST

OPEN MEETINGS

February 16

Health, Department of
- Commission on Medical Care Facilities

February 17

Alcoholic Beverage Control Board
Conservation and Historic Resources, Department of
- Division of Historic Landmarks
- Virginia Historic Landmarks Board
Geology, Virginia State Board of
Housing Development Authority, Virginia
† Medicine, Virginia State Board of
- Ad Hoc Committee on Respiratory Therapy
Veterinary Medicine, Virginia Board of
Waste Management Board, Virginia

February 18

† Real Estate Board, Virginia
† Social Services, State Board of
Veterinary Medicine, Virginia Board of

February 19

Commonwealth Transportation Board
† Funeral Director and Embalmers, Virginia Board of
† Health Regulatory Boards, Department of
† Nursing, Virginia State Board of
† Social Services, State Board of
Veterinary Medicine, Virginia Board of

February 20

† Medicine, Virginia State Board of
- Physical Therapy, Advisory Board on
† Nursing, Virginia State Board of
Social Work, Board of
Social Services, Department of

February 24

Farmers' Market Board, Virginia
Water Control Board, State

February 25

† Health Services Cost Review Council, Virginia

Medicine, Virginia State Board of
- Informal Conference Committee
Mental Health and Mental Retardation Board
Real Estate Board, Virginia
- Condominium Advisory Committee
Sewage Handling and Disposal Appeals Review Board, State
Water Control Board, State

February 26

Education, State Board of
Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee
Nursing, Virginia State Board of
Rehabilitative Services, Board of
- Evaluation and Analysis Committee
- Finance Committee
- Program Committee
William and Mary, The College of
- Board of Visitors

February 27

Education, State Board of
Medicine, Virginia State Board of
- Informal Conference Committee
† Professional Counselors, Board of
Real Estate Board, Virginia
- Time-Share Advisory Committee
Rehabilitative Services, Board of
William and Mary, The College of
- Board of Visitors

February 28

† Medicine, Virginia State Board of
- Joint Executive Committee and Psychiatric
Advisory Board
William and Mary, The College of
- Board of Visitors

March 3

Forestry, Department of
- Reforestation of Timberlands Board
† Marine Resources Commission

March 4

† Department of Forestry
- Board of Forestry

March 6

Child Abuse and Neglect, Governor's Advisory Board
on
† Dentistry, Virginia Board of
General Services, Department of
- Art and Architectural Review Board
† Medicine, Virginia State Board of
- Informal Conference Committee
† Mental Health and Mental Retardation, Department
of
- Forensic Issues Advisory Committee

March 8

Calendar of Events

Visually Handicapped, Virginia Department for the
- Advisory Committee on Services

March 9

Health, Department of
- Commission on Medical Care Facilities

March 10

† Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architect, State Board of
- Board of Professional Engineers
† Resources Authority, Virginia

March 11

Corrections, Board of
† Professional Counselors, Board of

March 12

† Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Board of Certified Landscape Architects
† Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee

March 13

† Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of

March 17

Pharmacy, State Board of

March 18

Pharmacy, State Board of

March 19

Education, State Board of
† Medicine, Virginia State Board of

March 20

Education, State Board of
General Services, Department of
- State Insurance Advisory Board
† Medicine, Virginia State Board of

March 21

† Medicine, Virginia State Board of

March 22

† Medicine, Virginia State Board of

March 23

Water Control Board, State

March 24

Local Government, Commission on
Water Control Board, State

March 25

† Health Services Cost Review Council, Virginia
Local Government, Commission on

March 26

† Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee
William and Mary, The College of
- Board of Visitors

March 27

William and Mary, The College of
- Board of Visitors

March 28

William and Mary, The College of
- Board of Visitors

April 2

† Dentistry, Virginia Board of

April 3

† Air Pollution Control Board
† Dentistry, Virginia Board of

April 13

Health, Department of
- Commission on Medical Care Facilities
Housing and Community Development, Department of
- Division of Building Regulatory Services

April 14

Housing and Community Development, Department of
- Division of Building Regulatory Services

April 15

Housing and Community Development, Department of
- Division of Building Regulatory Services

April 16

† Government Savings Bond Campaign, State
Housing and Community Development, Department of
- Division of Building Regulatory Services
Pilots, Board of Commissioners to Examine

April 17

† Government Savings Bond Campaign, State

April 18

† Government Savings Bond Campaign, State

April 19

† Government Savings Bond Campaign, State

April 20

† Government Savings Bond Campaign, State

April 21

† Government Savings Bond Campaign, State

April 22

Education, State Board of
† Government Savings Bond Campaign, State

April 23

Calendar of Events

Education, State Board of
† Government Savings Bond Campaign, State

April 24
Education, State Board of
† Government Savings Bond Campaign, State
William and Mary, The College of
- Board of Visitors

April 25
† Government Savings Bond Campaign, State
William and Mary, The College of
- Board of Visitors

April 26
† Government Savings Bond Campaign, State
† WalkAmerica Day at DMV
William and Mary, The College of
- Board of Visitors

April 27
† Government Savings Bond Campaign, State

April 28
† Government Savings Bond Campaign, State

April 29
† Government Savings Bond Campaign, State

April 30
† Government Savings Bond Campaign, State

May 1
† Government Savings Bond Campaign, State

May 8
† Dentistry, Virginia Board of

PUBLIC HEARINGS

February 17
Health, Department of
† Small Business Financing Authority, Virginia

February 18
Health, Department of

February 23
Statewide Health Coordinating Council, Virginia

February 24
Health, Department of

February 27
Forestry, Department of

March 9
Water Control Board, State

March 11
Water Control Board, State

March 13
Higher Education for Virginia, State Council of

March 23
Nursing, Virginia State Board of

March 24
Local Government, Commission on

April 1
Criminal Justice Services Board

April 6
Taxation, Department of

April 13
Labor and Industry, Department of
- Apprenticeship Council

April 14
Labor and Industry, Department of
- Apprenticeship Council

April 15
Labor and Industry, Department of
- Apprenticeship Council

April 16
Labor and Industry, Department of
- Apprenticeship Council

April 17
† Education, State Board of

April 20
Labor and Industry, Department of
- Apprenticeship Council

April 22
† Audiology and Speech Pathology, Virginia Board of
Examiners for

April 23
† Employment Commission, Virginia

Calendar of Events
