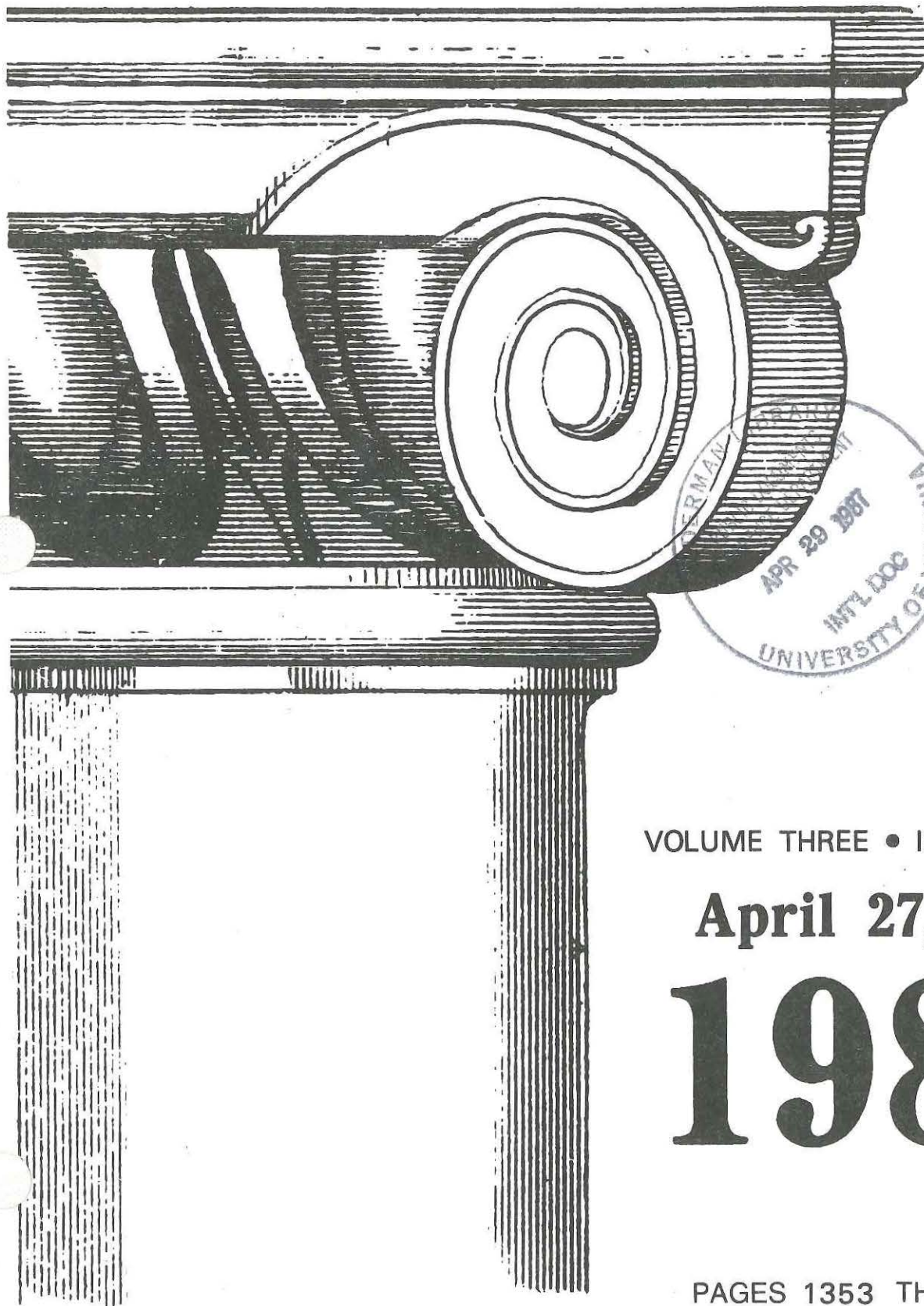


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VIRGINIA REGISTER

OF REGULATIONS



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April 27, 1987

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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.

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VIRGINIA REGISTER OF REGULATIONS

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PROPOSED REGULATIONS

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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 FORESTRY

Title of Regulation: VR 312-01-1. Public Participation Guidelines.

Statutory Authority: § 10-31.2 of the Code of Virginia.

Public Hearing Date: July 1, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The guidelines prescribe the procedure to be followed by the Department of Forestry in the development and adoption of regulations. The procedures follow the Administrative Process Act enacted as Chapter 5 of the 1984 Acts of Assembly (§ 9-6.14:7.1).

The guidelines establish a procedure for initiation of rule making, rule development, public participation in rule development, notice of intended regulatory action, public hearings, approval by the board, public comment, final public comment and adoption.

§ 1. Introduction.

Amendments to the Administrative Process Act enacted as Chapter 5 of the 1984 Acts of Assembly (§ 9-6.14:7.1) require each regulatory agency to develop, adopt, and use public participation guidelines for seeking comments from interested parties when developing, revising, or repealing regulations. These guidelines shall be followed during the formulation, promulgation, and adoption of all regulations adopted after October 1, 1984. These regulations have been developed to fulfill this requirement.

§ 2. Statutory authority.

These regulations are adopted under the rule-making authority of the Department of Forestry as specified in the Code of Virginia including but not limited to § 10-31.2.

§ 3. Applicability.

These guidelines shall apply to all regulations subject to the Administrative Process Act which are administered by the State Forester or the Department of Forestry. They shall not apply to regulations adopted on an emergency basis.

§ 4. Initiation of rule making.

Rule making procedures may be initiated at any time by

the State Forester. A petition for amendment, addition or repeal of any regulation may be filed with the State Forester at any time by any group or individual. It shall be at the State Forester's discretion to initiate the procedures as a result of such a petition or petitions.

The petition shall contain the following information:

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. Recommended addition, deletion, or amendment of specific regulation(s).
4. Why is change needed? What problem is it meant to address?
5. What is the anticipated effect of not making the change?
6. Estimated costs or savings to regulated entities, the public, or others incurred by this change as compared to current regulations.
7. Who is affected by recommended change? How affected?
8. References and supporting documents (if available).

The State Forester may also consider any other written request for regulatory change at his discretion.

§ 5. Rule making procedures.

A. Upon direction of the State Forester the department shall:

1. Identify

a. Parties interested in the development of new regulations, and compile a Regulation Development List. This shall be done through a special exploratory mailing to every individual or group who has given oral testimony at a public meeting or written comment on this group of regulations within the past two years or is otherwise known to have an interest in the regulations. The mailing may require written response from the interested parties within 30 days of the date of any exploratory mailing.

b. Media in which notices concerning changes to each set of regulations will be published including but not limited to newspapers, agency publications,

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or other publications identified as serving the agency's clients. A Virginia Media List shall be compiled for each set of regulations.

While the initial exploratory mailing is taking place, acceptable coverage will be achieved by sending out the mailings to the department's newsletters mailing lists, and to the media list as well. Failure of the persons, organizations or publications on either list to receive any documents described herein shall not affect the validity or any regulations otherwise properly adopted under the Administrative Process Act.

An exploratory mailing similar to the initial mailing shall be made on June first of every year to each person who has expressed interest in the regulations. All persons or organizations from which written responses have not been received within 30 days of the date of any exploratory mailing may be removed from the list. Where mail is returned as undeliverable, an effort will be made to verify the address before deletion from the list.

2. From a work committee consisting of persons selected from the Regulation Development List to make recommendations on the proposed regulation and formulate draft language. Each draft of the regulation will be labeled with the word "Draft" and the date on which it was written.

3. Prepare a Notice of Intended Regulatory Action, which shall include:

- a. Subject of the proposed action.
- b. Identification of the entities that will be affected.
- c. Discussion of the purpose of the proposed action and the issues involved.
- d. Regulatory alternatives.
- e. Regulatory or legal constraints.
- f. Tentative determinations by the agency, if any.
- g. Listing of applicable laws or regulations, and location where these documents can be reviewed or obtained.
- h. Timetable for reaching a decision.
- i. Request for comments from interested parties and deadline for receipt of written comments.
- j. Notification of time and place of public meeting.
- k. Name, address and telephone number of staff person to be contacted for further information.

4. Disseminate Notice of Intended Regulatory Action to the public via:

- a. Distribution by mail to persons on the Regulation Development List.
- b. Publication in the department's newsletters, if schedule permits.
- c. Publication in the Notices section of the Virginia Register of Regulations.
- d. Press release to media on media list.

5. Schedule a regulation development public meeting to receive views and comments and answer questions of the public. The meeting will be held at least 30 days following publication of the notice. It normally will be held in Richmond, but if the proposed regulation will apply only to a particular area of the Commonwealth, the meeting will be held in the area affected. The public meeting may be waived, at the discretion of the State Forester, for amendments or deletions of existing regulations.

6. After consideration of public input, prepare a final proposed draft regulation and prepare the necessary document for forwarding to the Governor's office.

7. Send a copy of the draft regulation to the work committee and to all who offered testimony at the regulation development public meeting or submitted comments.

8. Submit the proposed regulation for approval by The Board of the Department of Forestry.

9. Submit the proposed regulation for a 60 day final public hearing/comment period by forwarding the following documents to the Registrar two weeks prior to the desired date of publication and beginning of comment period:

- a. Notice of public hearing/comment period (the hearing notice), which shall contain the following:
 - (1) The date, time and place of the hearing.
 - (2) The legal authority of the department to act.
 - (3) The name, address and telephone number of an individual to contact for further information.
 - (4) Summary of regulation.
- b. Full text of regulation.
- c. Statement of subject, substance, issues, basis, purpose and impact.

10. Concurrently with the preceding step, submit

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required documentation to the Governor's office.

11. Upon receiving the department's proposed regulation and documentation, the Virginia Registrar will publish the hearing notice in the Virginia Register and in Richmond area newspapers. The regulation will also be published in the Register. The department, in cooperation with the Registrar, shall publish the hearing notice in other media listed in its media list. The department shall also mail a copy of the notice to persons on its Regulation Development List.

B. During the final public comment period, the regulation will be reviewed concurrently by the following:

1. The public
2. The Governor
3. The Legislature
4. The Cabinet Secretary
5. The Attorney General

C. Upon expiration of the public comment period, the remaining steps in the adoption process shall be carried out in accordance with the provisions of the Administrative Process Act.

§ 6. Annual public review.

The State Forester shall hold an annual public meeting at which any person may submit oral or written comments to the State Forester concerning any regulation. This meeting shall be publicized in the same manner as other public meetings required by these regulations. It shall be at the State Forester's discretion to initiate rule making procedures as a result of comments received prior to or at the public meeting.

COMMISSION OF GAME AND INLAND FISHERIES

NOTE: The Commission of Game and Inland Fisheries is exempted from the Administrative Process Act, (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations. These regulations are numbered to conform to the new classification system established by the Virginia Code Commission. Numbers in parentheses are the existing regulation numbers.

Title of Regulation: VR 325-02. Game.

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

Effective Date: July 1, 1987

Public Hearing Notice:

The Commission of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29-125, 29-126 and 29-127 of the Code of Virginia, the following proposed new and amended Commission regulations, applicable Statewide. A public hearing on the advisability of adopting, or amending and adopting, the proposed regulations, or any part thereof, will be held at the Hyatt Richmond, 6624 West Broad Street and I-64, Richmond, Virginia, beginning at 9:30 a.m. on Friday, May 8, 1987, at which time any interested citizen present shall be heard. If the Commission is satisfied that the proposed regulations, or any part thereof, are advisable, in the form in which published or as amended as a result of the public hearing, the Commission may adopt such proposals at that time, acting upon the proposals separately or in block.

Summary:

Summaries are not provided since, in most instances, the summary would be as long or longer than the full text.

VR 325-02-1. IN GENERAL.

§ 14. Trapping prohibited except by permit on certain wildlife management areas.

It shall be unlawful to trap except by commission permit on the Chicahominy, Barbour's Hill, Briery Creek, Hog Island, Lands End, Pocahontas-Trojan, Powhatan and Saxis Wildlife Management Areas.

§ 20. Restricted use of certain steel leg-hold traps.

It shall be unlawful to set above the ground any steel leg-hold trap with teeth set upon the jaws, or larger than size No. 2, or with a jaw spread exceeding 6-1/2 inches.

§ 22. Dates for setting traps in water.

It shall be unlawful to set any trap in water prior to December 1 in all counties and portions of counties west of U.S. Route I-95 and prior to December 15 in all counties and portions of counties east of U.S. Route I-95.

VR 325-02-2. BEAR.

§ 1. Open season; generally.

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this regulation, it shall be lawful to hunt bear from the fourth Monday in November through ~~January 5~~ the first Saturday in January, both dates inclusive.

§ 3. Continuous closed season in certain counties and areas.

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It shall be unlawful to hunt bear at any time in the Counties of Accomack, Amelia, Appomattox, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Greensville, Halifax, Hanover, Henrico, Henry, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, New Kent, Northampton, Northumberland, Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Richmond, ~~Roanoke~~, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Westmoreland, Wise and York; and in the Cities of Hampton, Newport News and Virginia Beach; and on the Hidden Valley Wildlife Management Area.

§ 7. Bow and arrow hunting.

A. It shall be lawful to hunt bear with bow and arrow from the ~~second third~~ Saturday in October through the Saturday prior to the ~~second third~~ Monday in November, both dates inclusive.

(NOTE: Subsections B, C and D of this section not affected by amendment.)

VR 325-02-3. BEAVER.

§ 2. Open season generally .

Except as otherwise provided by the sections appearing in this regulation, It shall be lawful to trap beaver from December ~~15~~ 1 through the last day of February, both dates inclusive.

§ 3. Same; in certain counties and cities.

Rescind this section in its entirety. Open season will be controlled by § 2 of this regulation.

§ 5. Pelts to be sealed before sale, etc.

Rescind this section in its entirety.

VR 325-02-6. DEER.

§ 1. Open season; generally.

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this regulation, it shall be lawful to hunt deer from the third Monday in November through ~~January 5~~ the first Saturday in January, both dates inclusive.

§ 4. Bow and arrow hunting.

A. Season generally.

It shall be lawful to hunt deer with bow and arrow

from the ~~second third~~ Saturday in October through the Saturday prior to the ~~second third~~ Monday in November, both dates inclusive, except where there is a closed general hunting season on deer.

(NOTE: Subsections B through F of this section not affected by amendment.)

§ 5. Muzzle-loading gun hunting.

A. Season.

Except as otherwise specifically provided by the sections appearing in this regulation, it shall be lawful to hunt deer with primitive weapons (muzzle-loading guns) from the third Monday in December through ~~January 5~~ the first Saturday in January, both dates inclusive, in all counties west of the Blue Ridge Mountains, and in the counties of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad).

B. What deer may be taken; deer counted toward seasonal bag limit.

Only deer with antlers visible above the hair may be taken with a muzzle-loading gun during a special muzzle-loading season, and any deer taken during such special season shall apply toward the seasonal bag limit for deer in said county or area open to fall deer hunting; provided, that deer of either sex may be taken on the last day ~~three days~~ of a special muzzle-loading season in counties permitting either sex deer hunting during the general firearms deer season.

(NOTE: Subsections C and D of this section not affected by amendment.)

§ 6. Bag limit; generally.

Except with the specific exceptions provided in the sections appearing in this regulation, the bag limit for deer shall be one ~~buck antlered deer~~ a license year. ~~Anterless deer may be taken only during designated either-sex deer hunting days.~~

§ 8. Same; one a day, two a license year, either sex last three days, in certain counties and areas.

The bag limit for deer shall be one a day, two a license year, either sex on the last three hunting days only, in the counties of Amherst, Bedford, Buckingham (except on Buckingham-Appomattox State Forest), Campbell, Cumberland (except on Cumberland State Forest), Fluvanna, Franklin (except on Philpott Reservoir), Goochland, ~~Hanover, Henrico, Henry~~ (except on Fairystone Wildlife Management Area and Philpott Reservoir), Louisa, Nelson, Patrick (except on Fairystone Park, Fairystone Wildlife Management Area and Philpott Reservoir) Pittsylvania, Powhatan and Prince George and

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Spotsylvania; and on Fort A.P. Hill (non-impact areas) and Fort Pickett, and on the Powhatan, G. Richard Thompson, Leesville and White Oak Mountain Wildlife Management Area Areas .

§ 9. Same; one a day, two a license year, either sex last 12 days, in certain counties and areas.

The bag limit for deer shall be one a day, two a license year, either sex during the last 12 hunting days only, in the counties of Brunswick, Caroline, Essex, Fauquier (except on the G. Richard Thompson and Chester F. Phelps Wildlife Management Areas), King and Queen ; King George, Lancaster, and Loudoun Northumberland, Rappahannock, Richmond, and Westmoreland ; and on Fort A.P. Hill (impact area).

§ 10. Same; one a day, three a license year, either sex, one of which must be an antlerless deer, in certain counties, cities and areas.

The bag limit for deer shall be one a day, three a license year, either sex, one of which must be an antlerless deer, in the county of Fairfax, and on Back Bay National Wildlife Refuge, Camp Peary, Cheatham Annex, Chincoteague National Wildlife Refuge ~~(six and white tail deer in the aggregate)~~ , Dahlgren Naval Surface Weapons Center, Dam Neck Amphibious Training Base, Eastern Shore of Virginia National Wildlife Refuge, Fort Belvoir, Fort Dustis, Harry Diamond Laboratory, Langley Air Force Base, Yorktown Naval Weapons Station, Quantico Marine Corps Reservation, Radford Army Ammunition Plant, the City of Suffolk (except west of the Dismal Swamp line), and Dismal Swamp and Presquite National Wildlife Refuges.

§ 11. Same; one a day, two a license year, either sex last day, in certain counties and areas.

The bag limit for deer shall be one a day and two a license year, either sex the last hunting day only, in the counties of Appomattox, Chesterfield, Greene, Madison, Mathews, and Middlesex; and on the Buckingham-Appomattox State Forest, Chester F. Phelps Wildlife Management Area, Cumberland State Forest, Fairystone Wildlife Management Area, Fairystone State Park, Philpott Reservoir and Prince Edward State Forest.

§ 12. Same; one a day, two a license year, either sex last six days, in certain counties, cities and areas.

The bag limit for deer shall be one a day, two a license year, either sex on the last six hunting days only, in the counties of Albemarle, Amelia, Bedford, Caroline, Charlotte, Chesterfield, Culpeper (except on Chester F. Phelps Wildlife Management Area), Dinwiddie (except on Fort Pickett), Gloucester, Halifax, Hanover, Henrico, James City, King William, Louisa, Lunenburg, Mecklenburg, Nottoway (except on Fort Pickett), Orange, Pittsylvania (west of Norfolk Southern Railroad), Powhatan (except on Powhatan Wildlife Management Area), Prince Edward

(except on Prince Edward State Forest), Prince William (except on Harry Diamond Laboratory and Quantico Marine Reservation), Spotsylvania, Stafford (except on Quantico Marine Reservation), and York (except on Camp Peary, Cheatham Annex and Naval Weapons Station); and in the cities of Chesapeake (except on Dismal Swamp National Wildlife Refuge), Hampton (except on Langley Air Force Base), Newport News (except on Fort Eustis), and Virginia Beach (except on Back Bay National Wildlife Refuge, Dam Neck Amphibious Training Base and False Cape State Park) ; and on the G. Richard Thompson and Chester F. Phelps Wildlife Management Areas .

§ 13. Same; one a day, three a license year, one of which must be an antlerless deer, either sex last six days, in certain counties.

The bag limit for deer shall be one a day, three a license year, one of which must be an antlerless deer, either sex last six days, in the counties of Accomack (except on Chincoteague National Wildlife Refuge), Brunswick, Charles City, Halifax, Mecklenburg, New Kent, Northampton (except Eastern Shore of Virginia National Wildlife Refuge and Fisherman's Island National Wildlife Refuge), Pittsylvania (east of Norfolk Southern Railroad, except on White Oak Mountain Wildlife Management Area) and Prince George .

§ 14.1. Same; one a day, three a license year, one of which must be an antlerless deer, either-sex last 12 days, in certain counties.

The bag limit for deer shall be one a day, three a license year, one of which must be an antlerless deer, either-sex last 12 days, in the counties of King George, Lancaster, Northumberland, Rappahannock, Richmond and Westmoreland.

VR 325-02-15. OTTER.

§ 2. Open season for trapping in counties and cities east of Blue Ridge Mountains generally .

Except as otherwise provided by the sections appearing in this regulation, It shall be lawful to trap otter in all counties east of the Blue Ridge Mountains from December 15 1 through the last day of February, both dates inclusive.

§ 3. Same; in certain counties and parts thereof and cities.

Rescind this section in its entirety. Trapping season now covered by § 2 of this regulation.

VR 325-02-16. PHEASANT.

§ 1. Open season; counties east of Blue Ridge Mountains.

It shall be lawful to hunt pheasant in all counties east of the Blue Ridge Mountains from the second first Monday in November through January 31 the first Saturday in

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February, both dates inclusive.

VR 325-02-17. QUAIL.

§ 1. Open season; Counties east of Blue Ridge Mountains U.S. Route I-95 generally.

Except as otherwise specifically provided by the sections appearing in this regulation, it shall be lawful to hunt quail in all counties and portions of counties east of the Blue Ridge Mountains U.S. Route I-95 from the Monday immediately preceding Thanksgiving through the last day of the third Saturday in February, both dates inclusive.

§ 2. Same; Fort Pickett and Fort A.P. Hill.

It shall be lawful to hunt quail from the second first Monday in November through January 31 on Fort Pickett and Fort A.P. Hill.

§ 3. Same; Counties west of Blue Ridge Mountains U.S. Route I-95.

It shall be lawful to hunt quail in all counties and portions of counties west of the Blue Ridge Mountains U.S. Route I-95 from the first Monday in November through January 31 the first Saturday in February, both dates inclusive.

§ 4. Bag limit.

The bag limit for quail shall be eight a day and 125 a license year; provided, that, the bag limit for quail shall be two four per day on the Elm Hill Wildlife Management Area.

VR 325-02-19. RACCOON.

PART I. CHASING.

§ 1.2. Open season; counties west of Blue Ridge Mountains; possession of certain devices unlawful.

Rescind this section in its entirety.

PART II. HUNTING AND TRAPPING.

§ 2.1. Open season for hunting; counties east of the Blue Ridge Mountains.

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this regulation, it shall be lawful to take raccoon by hunting in all counties east of the Blue Ridge Mountains from November 1 through the last day of February March 10, both dates inclusive.

§ 2.3. Open season for trapping; counties east of the Blue Ridge Mountains.

Except as otherwise specifically provided by local legislation and with the specific exceptions provided in the sections appearing in this regulation, it shall be lawful to take raccoon by trapping in all counties east of the Blue Ridge Mountains from November 15 through the last day of February March 10, both dates inclusive.

§ 2.5. Bag limit for hunting and trapping; counties east of the Blue Ridge Mountains.

The bag limit for hunting raccoon in all counties east of the Blue Ridge Mountains shall be two five per hunting party, individual or organized, taken between noon of one day and noon the following day. The season bag limit shall be 25 raccoons in the aggregate, taken by hunting and trapping combined.

§ 2.6. Same; counties west of the Blue Ridge Mountains.

Except as provided by local legislation, the bag limit for hunting raccoon in all counties west of the Blue Ridge Mountains shall be two per hunting party, individual or organized, taken between noon of one day and noon the following day. The season bag limit shall be 15 raccoons in the aggregate, taken by hunting and trapping combined.

VR 325-02-21. SQUIRREL.

PART I. GRAY AND RED SQUIRREL.

§ 1.6. Season; certain counties; Same - Same October 1 through October 14 and the first Monday in November through January 31.

It shall be lawful to hunt squirrel from October 1 through 14, both dates inclusive, and from the first Monday in November through January 31, both dates inclusive, in the counties of Accomack, Alleghany, Amherst, Augusta, Clarke, Culpeper, Fairfax (except that section closed to all hunting), Fauquier, Frederick, Gloucester, Greene, Isle of Wight, King George, Lancaster, Loudoun, Louisa, Madison, Mathews, Middlesex, Nelson, Northampton, Northumberland, Orange, Page, Prince William, Rappahannock, Richmond, Rockbridge, Rockingham, Shenandoah, Stafford, Warren and Westmoreland; in the City of Suffolk (that portion formerly Nansemond County); and within Quantico Marine Reservation.

§ 1.8. Bow and arrow hunting.

A. Season.

It shall be lawful to hunt squirrel with bow and arrow from the second third Saturday in October through the Saturday prior to the second third Monday in November, both dates inclusive.

(NOTE: Subsections B and C of this section not affected by amendment.)

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VR 325-02-22. TURKEY.

§ 1. Open season; generally.

Except as otherwise specifically provided in the sections appearing in this regulation, it shall be lawful to hunt turkeys from the first Monday in November last Saturday in October through December 31 the first Saturday in January, both dates inclusive.

§ 2. Same; certain counties and areas.

It shall be lawful to hunt turkeys on the first Monday in November and for 11 consecutive hunting days following in the counties of Charles City, Chesterfield, Greenville, Henrico, Lee, King George, Lancaster, Mecklenburg, Middlesex, New Kent, Prince George, Russell (except on Clinch Mountain Wildlife Management Area), Scott, Northumberland, Richmond, Southampton, Surry, Sussex, Wise, Westmoreland and York, and on Camp Peary.

§ 3. Same; 1986 and 1987 seasons Spring season for bearded turkeys.

It shall be lawful to hunt bearded turkeys only from the second Saturday in April through the second Saturday in May, 1986, both dates inclusive, and from the second Saturday in April through the second Saturday in May, 1987, both dates inclusive, from 1/2 hour before sunrise to 11 a.m. Bearded turkeys may be hunted by calling. It shall be unlawful to use dogs or organized drives for the purpose of hunting.

§ 4. Continuous closed season in certain counties, cities and areas.

There shall be continuous closed turkey season, except where a special Spring season for bearded turkeys is provided for in § 3 of this regulation, in the Counties of Accomack, Arlington, Buchanan, Dickenson, Gloucester, Isle of Wight, James City, King George, Lancaster, Mathews and Northampton; Northumberland, Richmond, Southampton, Surry, and Westmoreland; and in the Cities of Chesapeake, Hampton, Newport News, Suffolk and Virginia Beach.

§ 5. Bow and arrow hunting.

A. Season.

It shall be lawful to hunt turkey with bow and arrow in those counties and area open to Fall turkey hunting from the second third Saturday in October through the Saturday prior to the second third Monday in November, both dates inclusive.

(NOTE: Subsections B through E of this section not affected by amendment.)

§ 6. Bag limit.

The bag limit for hunting turkeys shall be one a day, ~~two three~~ a license year, ~~either sex during the fall season no more than two of which may be taken in the Fall and no more than two of which may be taken in the Spring.~~

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-03-2.6152. Definition of Home Ownership or Contiguous Property: State Plan for Medical Assistance.

Publication: V.A.R., 3:9, pp. 790, February 2, 1987

In accordance with the Code of Virginia § 9-6.14:9.4, the Department of Medical Assistance Services is withdrawing proposed contiguous property regulations which are now undergoing public comment period. These regulations appeared in the February 2nd Register publication.

We will refile different proposed regulations which will better implement the General Assembly's intent in the new language of Senate Bill 372.

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Title of Regulation: VR 560-01-02. Regulations Governing the Practice of Professional Counseling.

Statutory Authority: § 54-929(a) of the Code of Virginia.

Public Hearing Date: May 18, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The Virginia Board of Professional Counselors proposes to repeal existing regulations and promulgate these new regulations to provide the education and experience standards for examination, the examination requirements for licensure, and standards of practice to ensure competency and integrity in the delivery of professional counseling services for the safety and welfare of the citizens of the Commonwealth of Virginia.

VR 560-01-02. Regulations Governing the Practice of Professional Counseling.

PART I GENERAL PROVISIONS.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meanings, unless the

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context clearly indicates otherwise:

"Applicant" means any individual who has submitted an official application and paid the application fee for licensure as a professional counselor.

"Board" means the Virginia Board of Professional Counselors.

"Candidate for licensure" means a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for its examinations.

"Competency area" means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

"Counseling" means assisting an individual, through the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan action reflecting his interests, abilities, aptitudes and needs as they relate to educational progress, occupation and careers, and personal or social concerns.

"Evaluation" has the same meaning as appraisal as defined in § 54-932.d.(2) of the Code of Virginia, "selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements and interests."

"Exempt agency" means an agency established or funded, in whole or part, by the federal government, the Commonwealth or a locality, or a private, nonprofit organization or agency funded, in whole or part, by a community-based citizen group or organization, as provided for in § 54-944 of the Code of Virginia.

"Group supervision" means the process of clinical supervision of no more than 12 persons in a group setting provided by a qualified supervisor.

"Internship" means supervised, planned, practical, advanced experience obtained in the clinical setting observing and applying the principles, methods and techniques learned in training or educational settings. The internship involves a longer period of time than the practicum.

"Practicum" means supervised, planned, practical experience occurring in a clinical setting, for an early introduction to subject matter. It is generally time-bound and for a shorter period of time than an internship, but it allows for demonstration and testing of information, knowledge, and skills acquired.

"Professional counselor" means a person trained in counseling and guidance services with an emphasis on individual and group guidance and counseling designed to assist individuals in achieving more effective personal, social, educational and career development and

adjustment.

"Regional accrediting commission" means one of the six regional organizations recognized by the Council on Postsecondary Accreditation to accredit senior postsecondary institutions.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented face-to-face consultation, guidance and instruction with respect to the clinical skills and competencies of the person supervised.

"Supervisor" means an individual who assumes full responsibility for the activities of a trainee and determines the amount of supervision required.

§ 1.2. Substance abuse counseling.

VR 560-02-01 Regulations Governing the Certification of Substance Abuse Counselors are incorporated by reference in these regulations.

§ 1.3. Ethical standards.

Copies of the Ethical Standards of the American Association for Counseling and Development (AACD) are printed separately and given to all applicants for licensure.

§ 1.4. Fees required by the board.

A. The board has established the following fees applicable to licensure as a professional counselor:

Registration of supervision	\$ 75.
Application processing	100.
Examination	150.
Reexamination	
Written	75.
Oral	75.
Provisional license	30.
Renewal of provisional license	30.
License renewal	75.
Duplicate license	15.
Endorsement to another jurisdiction	10.
Late renewal	10.
Replacement of or additional wall certificate	15.

Name change10.

Returned check15.

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board.

PART II. REQUIREMENTS FOR LICENSURE.

§ 2.1. Requirements, general.

No person shall practice as a professional counselor in the Commonwealth of Virginia except as provided in these regulations and when licensed by this board.

A. Licensure by the board shall be by examination.

B. Every applicant for licensure examination by the board shall:

1. Meet the education and experience requirements prescribed in § 2.2 of these regulations;

2. Have the institution(s) where the applicant completed the required graduate work send directly to the executive director of the board, at least 60 days prior to the date of the written examination, official transcripts documenting the applicant's completion of the education requirements prescribed in § 2.2 A; and

3. Submit to the executive director of the board, not less than 60 days prior to the date of the written examination:

a. A completed application, on forms provided by the board;

b. Documented evidence of having fulfilled the experience requirements of § 2.2 B;

c. Endorsement letters from five responsible persons attesting to the applicant's character and professional integrity; and

d. The licensure application fee prescribed in § 1.4 of these regulations.

§ 2.2. Education and experience requirements for licensure examinations. Every applicant for examination for licensure shall meet the requirements of subsections A and B of this section.

A. Education.

The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study that are primarily counseling in nature from a college or university accredited by a regional accrediting commission.

1. The graduate course work shall have included study in the nine core areas of:

a. Professional identity, function and ethics;

b. Counseling theories;

c. Counseling techniques;

d. Group dynamics, theories, and techniques;

e. Theories of human behavior, learning, and personality;

f. Career development;

g. Evaluation and appraisal procedures;

h. Abnormal behavior; and

i. Supervised practicum or internship.

2. One course may satisfy study in more than one of the nine study areas required in paragraph 1 of this subsection.

B. Supervised experience.

1. The applicant.

After completing coursework in the nine study areas, the applicant for licensure shall have completed 4,000 hours of experience in counseling practice under supervision satisfactory to the board.

a. The experience shall include 200 hours of individual supervision during the 4,000 hours, with a minimum of one hour per week of face-to-face consultation between supervisor and applicant.

b. Group supervision will be acceptable for not more than 100 hours of the required 200 hours of individual supervision on the basis of two hours of group supervision being equivalent to one hour of individual supervision.

c. A post-graduate degree practicum or internship may count for up to 2,000 hours of the required 4,000 hours of experience.

2. The supervisor.

A person who provides supervision for a prospective applicant for licensure as a professional counselor shall be licensed or qualified for licensure as a professional counselor, psychologist, school psychologist, clinical psychologist, clinical social worker, or psychiatrist.

a. Supervision by members of the immediate family will not be approved.

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b. The supervisor of a prospective applicant shall assure full responsibility for the professional activities of that prospective applicant for the duration of the supervised experience.

3. Registration of supervision.

a. Applicants who render counseling services in a nonexempt agency shall:

(1) With their supervisor, register their supervision arrangement on appropriate forms for board approval before starting to practice under supervision;

(2) Have submitted directly to the board an official transcript of their relevant coursework in counseling; and

(3) Pay the registration fee prescribed by the board in § 1.4 of these regulations.

b. Applicants who render counseling services in an exempt agency, as defined in § 54-944 of the Code of Virginia, may register their supervision with the board, as outlined above. Board approval and successful completion of a planned supervision arrangement in an exempt setting will assure its acceptability at the time of application.

4. Documentation of supervision.

Applicants shall document successful completion of their supervised experience on appropriate forms at the time of application.

§ 2.3. Requirements for provisional license.

Every applicant for a provisional license shall:

1. Hold a doctorate in counseling or in a counseling-related field from a college or university accredited by a regional accrediting commission; and

2. Have the institution that awarded the doctorate send directly to the executive director of the board official documentation of the award of the degree required in § 2.3.1; and

3. Have completed either:

a. The graduate course work in nine specified core areas prescribed in § 2.2 A; or

b. The supervised experience prescribed in § 2.2 B; and

4. Provide documentation of the fulfillment of § 2.3.3.a or § 2.3.3.b immediately preceding, whichever is applicable, as follows:

a. If alternative § 2.3.3.a (core area studies) is applicable, have the institution(s) where the applicant completed the graduate work in the required core areas send directly to the executive director of the board the official transcripts documenting the applicant's completion of the required core area studies; or

b. If alternative § 2.3.3.b (supervised experience) is applicable, include documentation of the completion of the required supervised experience as part of the applicant's own application package as prescribed in § 2.3.5; and

5. Submit to the executive director of the board:

a. A completed application, on forms provided by the board;

b. Documentation of having fulfilled the supervised experience requirements of § 2.2 B, if applicable;

c. Endorsement letters from five responsible persons attesting to the applicant's character and professional integrity; and

d. The provisional license fee prescribed in § 1.4 of these regulations; and

6. Submit for board approval the board's form for registering a supervisory agreement with a licensed professional counselor, psychologist, school psychologist, clinical psychologist, clinical social worker, or psychiatrist, under whose supervision the provisional licensee will practice for the duration of the provisional license.

§ 2.4. Applicants with lengthy experience.

Upon documenting educational credentials, as specified in § 2.2 A, and a length of experience deemed adequate by the board, an applicant may practice in Virginia in accordance with the provisions of this section.

A. Such an applicant shall, within one year, take the examination(s) determined appropriate by the board in order to become licensed in the Commonwealth.

B. The applicant may not practice independently in Virginia until licensed by this Commonwealth to do so.

C. Until such time as the applicant receives a Virginia license, the applicant may practice in this Commonwealth in a setting for which a Virginia license is required only under the supervision of a Virginia licensee.

D. The supervised practice of the applicant shall be performed in accordance with all of the provisions prescribed in these regulations for a supervised counselor (§ 2.2 B) except for the duration of the supervisory experience specified for a supervised counselor.

1. As soon as the applicant receives a Virginia license, the licensee may begin independent practice.

2. In no case shall the applicant continue in supervision status for more than two years.

E. The requirements of this section together constitute the only arrangement the board will approve for practice in this Commonwealth by a counselor who has met the experience requirements specified in § 2.2 B. No licensee of another state shall practice in Virginia except as provided in this section.

PART III. EXAMINATIONS.

§ 3.1. General examination requirements.

A. Every applicant for initial licensure by the board as a professional counselor shall take a written examination and an oral examination as prescribed by the board.

B. The board may waive examination requirements if the applicant for licensure has been certified or licensed in another jurisdiction by standards and procedures equivalent to the board's.

C. Examination schedules.

A written and an oral examination will be given at least once each year. The board may schedule such additional examinations as it deems necessary.

1. The executive director of the board shall notify all candidates in writing of the time and place of the examinations for which they have been approved to sit.

2. The candidate shall submit the applicable fees and a case study as prescribed in § 3.3 C.

3. If the candidate fails to appear for the examination without providing written notice at least one week before the examinations, the examination fee shall be forfeited.

4. The executive director will notify all candidates in writing of their success or failure on any examinations.

D. Deferrals by candidate; time limit.

A candidate approved by the board to sit for an examination shall take that examination within two years from the date of such initial board approval. If the candidate has not taken the examination by the end of the two year period here prescribed:

1. The initial board approval to sit for such examination shall then become invalid; and

2. In order to be considered for such examination later, the applicant shall file a complete new application with the board.

§ 3.2. Written examination.

A. The written examination will be objective in format and will cover the core areas of counseling.

B. The board will establish passing scores on the written examination.

§ 3.3. Oral examination.

A. Successful completion of the written examination requirement shall be a prerequisite to taking the oral examination.

B. Candidates who pass the written examination will be notified by the board of the time and place of the oral examination and will be instructed to submit a case study.

C. The case study shall be a report of a case performed in the candidate's counseling practice during the last six months and shall be prepared as follows:

1. The report shall be not less than six or more than eight double-spaced typewritten pages in length. The names of persons in the study shall be disguised to protect clients' identities. The name and address of the candidate shall appear on a cover page.

2. The report shall be a brief summary of biographical data, personal social history, and any relevant medical history of a client, presenting the problem, diagnosis, treatment plan and prognosis. The report should focus on the candidate's role in facilitating movement, including theoretical position, dialogue and tools and techniques used in the treatment plan.

D. The oral examination shall consist of an interview between the board or its designees and the candidate for the purpose of:

1. Reviewing the candidate's education, training and experience;

2. Evaluating the candidate's professional, emotional, and social maturity; the extent and nature of professional identity; and knowledge of the Ethical Standards and probable ability to successfully apply such standards to professional practice;

3. Assessing the candidate's case study;

4. Evaluating the candidate's knowledge of and judgment in professional counseling.

E. Immediately following the oral examination, the examining committee will tell the candidate of the

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licensure recommendation it will make to the board.

F. A majority decision of the board will determine whether the candidate has passed the oral examination.

§ 3.4. Reexamination.

A. Reexamination will be required only on the examination failed.

B. After paying the reexamination fee, a candidate may be reexamined within an 18-month period without filing a new application and without presenting evidence of additional education and experience.

C. To be reexamined, a candidate shall notify the board and pay the appropriate fee no less than 60 days before a scheduled examination.

D. A candidate who fails any examination two times shall reapply and submit documentation of additional education and experience as required by the board.

PART IV. LICENSURE RENEWAL; REINSTATEMENT; NAME CHANGE.

§ 4.1. Annual renewal of licensure.

All licensees shall renew licenses on or before June 30 of each year.

A. Every license holder who intends to continue to practice shall submit to the executive director on or before June 30 of each year:

1. A completed application for renewal of the license; and
2. The renewal fee prescribed in § 1.4.

B. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

§ 4.2. Late renewal; reinstatement.

A. A person whose license has expired may renew it within four years after its expiration date by paying the penalty fee prescribed in § 1.4 as well as the license fee prescribed for each year the license was not renewed.

B. A person who fails to renew a license for four years or more and wishes to resume practice shall:

1. Pay the oral examination fee prescribed in § 1.4;
2. Take an oral examination; and
3. Upon approval for reinstatement, pay the penalty fee prescribed in § 1.4 and the license fee prescribed

for each year the license was not renewed.

§ 4.3. Duration of provisional license and renewal.

A. A provisional license shall expire six months from the date it is issued.

B. A provisional licensee may request in writing a maximum of two renewals of a provisional license. The renewal fee prescribed in § 1.4 shall be paid if the request for renewal is granted.

§ 4.4. Legal name change.

A. An individual practicing under a license issued by the board shall ensure that the current license bears the current legal name of that individual.

B. A licensee whose name is changed by marriage or court order shall promptly:

1. Notify the board of such change and provide a copy of the legal paper documenting the change.
2. Pay the "name change" fee prescribed in § 1.4.
3. Request and obtain from the board a new license bearing the individual's new legal name.

PART V. ADVISORY COMMITTEES.

§ 5.1. Advisory committees.

A. The board may establish examining and advisory committees to assist it in evaluating candidates for licensure.

B. The board may establish an advisory committee to evaluate the mental and emotional competence of any licensee or candidate for licensure when such competence is in issue before the board.

PART VI. STANDARDS OF PRACTICE. UNPROFESSIONAL CONDUCT; DISCIPLINARY ACTIONS; REINSTATEMENT.

§ 6.1. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

B. Persons licensed by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.

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2. Be able to justify all service rendered to clients as necessary for diagnostic or therapeutic purposes.

3. Practice only within the competency areas for which they are qualified by training or experience.

4. Report to the board known or suspected violations of the laws and regulations governing the practice of professional counselors.

5. Use only those educational credentials in association with their licensure and practice as a professional counselor that have been earned at a college or university accredited by a regional accrediting commission and that are counseling in nature. Those credentials include the title "Doctor" as well as academic designations following one's name such as M. Ed. and Ph.D.

6. Use only indicators of current counseling-related credentials awarded by independent credentialing agencies (such as American Association of Marriage and Family Therapists, Certified Rehabilitation Counselors, Certified Clinical Mental Health Counselors, in association with their licensure and practice as professional counselors.

7. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.

8. Ensure that clients are aware of fees and billing arrangements before rendering services.

9. Keep confidential their counseling relationships with clients, with the following exceptions: (i) when the client is in danger to self or others; and (ii) when the professional counselor is under court order to disclose information.

10. Disclose counseling records to others only with the expressed consent of the client.

11. Ensure that the welfare of clients is in no way compromised in any experimentation or research involving those clients.

12. Avoid dual relationships with clients that might compromise the client's well-being or impair the counselor's objectivity and professional judgment (e.g., counseling close friends or relatives, engaging in sexual intimacies with a client).

13. When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading.

§ 6.2. Grounds for revocation, suspension, or denial of renewal of license.

A. In accordance with § 54-929(g) of the Code of

Virginia, the board may, after a hearing, revoke, suspend or decline to renew a board license for just cause.

B. Action by the board to revoke, suspend or decline to renew a license shall be taken in accord with the following procedures for the situation to which they apply:

1. Conviction of a felony.

a. Maximum action: revocation

b. Minimum action: stayed revocation with three years' probation.

c. Condition of probation:

(1) The conditions will depend upon the nature of the conviction and be tailored to educate the offender to avoid a recurrence. The conditions may include a rehabilitation program tailored to the violation.

(2) In appropriate cases, the order may require treatment as recommended by a qualified professional and approved by the board.

2. Procuring of license by fraud or misrepresentation.

Action: revocation.

3. Misuse of drugs or alcohol.

a. Maximum action: revocation.

b. Minimum action: stayed revocation with three years' probation.

c. Conditions of probation:

(1) Misuse of drugs:

(a) Successful completion of an education program on drug abuse approved by the board.

(b) Abstention of use of drugs.

(c) Treatment as recommended by a qualified professional approved by the board and a statement from the professional that the licensee is ready to resume professional responsibility.

(d) Successful completion of an oral examination administered by the board or its designees.

(2) Misuse of alcohol:

(a) Participation in Alcoholics Anonymous or a similar rehabilitation program approved by the board.

(b) Abstention from use of alcohol.

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(c) Treatment as recommended by a qualified professional approved by the board and a statement from the professional that the licensee is ready to resume professional responsibilities.

(d) Successful completion of an oral examination administered by the board or its designees.

4. Negligence in professional conduct or nonconformance with the Standards of Practice (§ 6.1 B of these regulations).

a. Maximum action: revocation.

b. Minimum action: One year's suspension, stayed with three years' probation.

c. Conditions of probation:

(1) Successful completion of a continuing education program related to the worker/client relationship and approved by the board.

(2) Successful completion of an oral examination administered by the board or its designees.

(3) If deemed appropriate by the trier of fact, practice only in a supervised, structured environment that is approved by the board.

5. Performance of functions outside the demonstrable areas of competency.

a. Maximum action: One year's suspension with three years' probation.

b. Minimum action: One year's suspension, stayed, with three years' probation.

c. Conditions of probation:

(1) Successful completion of a continuing education program approved by the board which bears a meaningful relationship to the violation.

(2) If deemed appropriate by the trier of fact, practice only in a supervised, structured environment that is approved by the board.

(3) Successful completion of an oral examination administered by the board or its designees.

6. Mental, emotional, or physical incompetence to practice the profession.

a. Maximum action: revocation.

b. Minimum action: suspension. Application for reinstatement may be made after:

(1) Proof of termination of disability to the

satisfaction of the board.

(2) Successful completion of an oral examination administered by the board or its designees.

(3) If reinstated and deemed appropriate by the board, practice only in a supervised, structured environment that is approved by the board.

7. Violation of or aid to another in violating any provision of Chapter 28 (§ 54-923 et seq.) of Title 54 of the Code of Virginia; any other statute applicable to the practice of professional counseling; or any provision of these regulations.

a. Maximum action: revocation.

b. Minimum action: one year's suspension, stayed, with three years' probation.

C. Petition for rehearing.

A petition may be made to the board for reinstatement upon good cause or as a result of additional evidence being obtained that would alter the determination reached in subsection B of this section.

§ 6.3. Reinstatement following disciplinary action.

A. Any person whose license has been revoked or denied renewal by the board under the provisions of § 6.2 may, two years subsequent to such board action, submit a new application to the board for licensure.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.

C. The applicant for such reinstatement, if approved, shall be licensed upon payment of the appropriate fees applicable at the time of reinstatement.

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.

CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: VR 240-01-4. Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process.

Statutory Authority: § 9-170 of the Code of Virginia.

Effective Date: July 1, 1987

Summary:

In accordance with the provisions of § 9-170(1)(5)(5a)(7) of the Code of Virginia, the Criminal Justice Services Board has adopted regulations relating to Compulsory Minimum Training Standards for Jailors or Custodial/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process. These regulations will supersede the existing regulations which were amended July 6, 1973.

The adopted regulations will combine into one training session the minimum training requirements for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Deputy Sheriffs Designated to Serve Process. As a result certain modifications were made to the curriculum content. Also changes were made relating to some administrative requirements in an effort to simplify and streamline the process.

No changes were made as a result of written or oral comments received during the public comment period. Comments made were addressed in the proposed rules, course resumes and objectives or during the public hearing. No significant changes were made in the basis, purpose, or impact of these regulations as originally proposed.

The proposed amendments revise the minimum training curricula requirements for Jailors or Custodial Officers/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process. Specifically, the proposed amendments will merge the current Rules Relating to Minimum Training Standards for Jailors or Custodial Officers of Local Criminal Justice Agencies and the current Rules Relating to Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process. The Rules Relating to Minimum Training Standards for Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process will be repealed upon the effective date of these regulations subject to

the approval of the Criminal Justice Services Board.

VR 240-01-4. Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process.

Rules Relating to COMPULSORY MINIMUM TRAINING STANDARDS FOR JAILORS OR CUSTODIAL OFFICERS OF LOCAL CRIMINAL JUSTICE AGENCIES

PART I. GENERAL.

Pursuant to the provisions of subdivisions 1, 5, 5A, and 7 of § 9-170 (~~1~~) of the Code of Virginia, the Department Criminal Justice Services Board hereby promulgates the following rules for Compulsory Minimum Training Standards for Jailors or Custodial /Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process .

§ ~~1-0~~. § 1.1. Definitions.

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

A. "Agency administrator" means any chief of police, sheriff or agency head of a state, county or local law enforcement agency.

B. "Approved training school" means a training school which provides instruction of at least the minimum training standards mandated by the Department board and has been approved by the department for the specific purpose of training criminal justice personnel.

C. "Board" means the Criminal Justice Services Board.

D. "Department" means the Department of Criminal Justice Services.

E. "Director" means the chief administrative officer of the department

"Full-time attendance" means that officers in training shall attend all classes and shall not be placed on duty or call except in cases of emergency for the duration of the school.

F. "School director" means the chief administrative officer of an approved training school.

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§ 2-0. § 1.2. Compulsory minimum training standards.

Pursuant to the provisions of subdivisions 1, 5, 5A and 7 of §§ 9-170 (4) and 53.1-120 of the Code of Virginia, the Department board establishes the following as the Compulsory Minimum Training Standards for Jailors or Custodial / Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process .

I. A. Core subjects Hours

1. Administration. Jailors or Custodial Officers and Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process 12

A. a. Orientation 1

1. Welcome

2. School Rules and Regulations

3. Attitude

4. Attendance

5. Pre-Test

B. b. Notebook construction and note taking 1

C. c. Code of ethics 1

D. d. Jail history 1

E. e. Testing and review 6 7

F. f. Evaluations 1

1. Subject Matter

2. Presentations

3. Accommodations

2. Combined subjects. Jailors or Custodial Officers and Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process. 44 63

a. Unusual prisoners 6

b. Officer safety and arrest techniques 16

c. Report writing 4

d. Court systems 2

e. Constitutional law and civil liability 4

f. Code of Virginia 6

g. Search and seizure 8

h. Laws of arrest 6

i. Rules of evidence 8

j. Probable cause 1

k. Juvenile law 2

l. Firearms (refer to § 3.1, subsection D) 2

B. Jailors or custodial officers.

II. 1. Skills. 24

A. a. Chemical agents 1

B. b. Courtroom demeanor and appearance 1

C. c. Multimedia first aid 8

D. d. Transportation of prisoners and physical restraints 6

E. e. Cell search 4

F. f. Fingerprinting and privacy and security of criminal history records 4

III. 2. Legal matters. 17 5

A. a. Role of Commonwealth and defense attorneys 1

B. b. Freedom of Information Act 1

C. c. Juvenile offender and the juvenile justice system 1

d. Discipline and due process 2

IV. 3. Jail operation. 11

A. a. Inmate behavior 1

B. b. Jail climate 1

C. c. Key control and headcount 1

D. d. Classification 1

E. e. Receiving and discharging inmates 3

F. f. Standards for local jails and lockups 4

V. 4. Jail security procedures. 13 7

A. a. Escapes 1

B. b. Trustees 1

C. c. Medication security 1

D. d. Hostage and disturbance situations	2
E. e. Supervisory techniques	2
VI. 5. Community relations.	8
A. a. Public responsibilities	1
B. b. Probation and parole	1
C. c. Work release	1
D. d. Human relations	4
E. e. Community resources	1
C. Courthouse and courtroom security/deputy sheriffs designated to serve process.	
1. Court security process server.	26
a. Laws of civil process	16
b. Legal document workshop	8
c. D.M.V. notices	2
2. Court security procedures and responsibilities. ...	11
a. Duties and responsibilities of court security personnel	2
b. Security threats	1
c. Explosives and security problems	2
d. Identification of personnel, package control and detection devices	2
e. Sequestered juries and witnesses	1
f. Moot problems and courtroom search	3

PART II.

§ 3-0. § 2.1. Applicability.

A. Every person employed as a jailor or custodial officer in accordance with § 9-170(7), of the Code of Virginia, shall meet compulsory minimum training standards herein established in subsections A and B unless provided otherwise in accordance with § 2.1, subsection D.

B. Every person employed as a Courthouse and Courtroom Security Officer/Deputy Sheriff Designated to Serve Process in accordance with subdivisions 5 and 5A of § 9-170 of the Code of Virginia, shall meet compulsory minimum training standards herein established in subsections A and C unless provided otherwise in accordance with § 2.1, subsection D.

C. Any jailor or custodial officer who originally complied with all training requirements and later was separated from full-time jailor or custodial officer status for a period of time in excess of 24 months, will be required to comply with the compulsory minimum training standards unless provided otherwise in accordance with Section 3-0, B, above. Every person employed as a Jailor or Custodial Officer/Courthouse and Courtroom Security Officer/Deputy Sheriff Designated to Serve Process and desires to meet both standards in accordance with subdivisions 5, 5A and 7 of § 9-170 of the Code of Virginia, shall meet compulsory minimum training standards herein established in subsections A, B, and C, unless provided otherwise in accordance with § 2.1, subsection D.

D. The director may grant an exemption or partial exemption of the compulsory minimum training standards as set forth in Section 3-0 to a jailor or custodial officer of any political subdivision of the Commonwealth who has had previous experience and training as a jailor, or custodial officer established herein, in accordance with § 9-173 of the Code of Virginia .

§ 4-0. § 2.2. Time requirement for completion of training.

A. Every jailor or custodial /courthouse and courtroom security officer/deputy sheriff designated to serve process who is required to comply with the compulsory minimum training standards must shall satisfactorily complete such training within 12 months of the date of appointment as a jailor or custodial officer unless provided otherwise in accordance with § 2.2, subsection B of these regulations .

B. The director may grant an extension of the time limit for completion of the minimum training required upon presentation of evidence by the agency administrator that such officer was unable to complete the required training within the specified time limit due to illness, injury, military service or special duty assignment required and performed in the public interest. The agency administrator must shall request such extension prior to expiration of any time limit.

C. Any jailor or custodial/courthouse and courtroom security officer/deputy sheriff designated to serve process who originally complied with all training requirements and later separated from jailor or custodial/courthouse and courtroom security/process server status, in excess of 24 months, upon reentry as a jailor, courthouse and courtroom security officer/process server will be required to complete all compulsory minimum training standards unless provided otherwise in accordance with § 2.1, subsection B of these regulations.

§ 5-0. § 2.3. How compulsory minimum training may be attained.

A. The compulsory minimum training standards shall be attained by attending and satisfactorily completing an approved training school.

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B. Officers attending an approved training school are required to attend all classes and should not be placed on duty or on call except in cases of emergency. *In the event of such an emergency, the agency administrator shall advise the school director within 24 hours. Absences not exceeding 10% of the minimum training curriculum are permissible providing such absence is a result of injury, illness or required court appearance. Officers will be responsible for any material missed during an excused absence.*

§ 6-0. § 2.4. Approved training schools.

A. *Jailor or custodial officer training schools, in order to meet § 1.2, subsections A and B of these rules, shall be approved by the department prior to the first scheduled class. Courthouse and courtroom security officers/deputy sheriffs designated to serve process training schools, in order to meet § 1.2, subsections A and C of these rules, shall be approved prior to the first scheduled class. Combined jailor or custodial/courthouse and courtroom security officers/deputy sheriffs designated to serve process training schools, in order to meet § 1.2, subsections A, B and C of these rules, shall be approved prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which on the basis of curricula, instructors, facilities, and examinations, provide the required minimum training. One application for all mandated training shall be submitted prior to the beginning of each fiscal year. A curriculum listing the subjects, the instructors, dates and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30 day requirement may be waived granted for good cause shown by the school director.*

B. Each school director will be required to maintain a file of all current lesson plans and supporting material for each subject contained in the compulsory minimum training standards.

C. Schools which are approved will be subject to inspection and review by the director or staff, or both.

D. ~~The director~~ department may suspend the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request a hearing before the [*board director or his designee*]. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension revocation. [*The school's director may appeal the decision of the director or his designee to the board. Such request shall be in writing and must be received by the board within 15 days of the date of the decision of the director or his designee.*]

E. ~~The director~~ department may revoke the approval of any approved training school upon written notice, which

shall contain the reason(s) upon which the revocation is based, to the school's director. The school's director may request a hearing before the [*board director or his designee*]. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation. [*The school's director may appeal the decision of the director or his designee to the board. Such request shall be in writing and must be received by the board within 15 days of the date of the decision of the director or his designee.*]

PART III. GRADING.

§ 7-0. § 3.1. Grading.

A. All written examinations shall include a minimum of two (2) questions for each hour of mandatory instruction. ~~This requirement likewise includes the classroom instruction on performance-oriented subject matter. However, for those subjects which exceed five (5) hours of instruction, ten (10) questions will suffice as an acceptable minimum. one test question pertaining to each instructional objective specified in the document entitled "Resumes and Objectives for Jailors or Custodial/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process."~~

B. All officers must attain a minimum grade of 70% in each grading category to satisfactorily complete the compulsory minimum training standards. Any officer who fails to attain the minimum 70% in any grading category will be required to take all subjects comprising that grading category in a subsequent approved training school. The officer may be tested and retested as may be necessary within the limits of § 2.2, subsection A of these rules and each academy's written policy. An officer shall not be certified as having complied with the compulsory minimum training standards unless all applicable requirements have been met.

C. ~~Approved jailors or custodial officers training schools shall maintain accurate records of all tests, grades and testing procedures. Academy training records must be maintained in accordance with the provisions of these rules and Sections 42.1-76 through 42.1-01, Code of Virginia (1950), as amended.~~

C. The following firearms training will be required for each officer attending an approved school:

1. Nomenclature and care of service revolver;
2. Safety (on the firearms range, on duty and off duty);
3. Legal responsibilities and liabilities of firearms;
4. Service revolver (handling, firing principles);
5. Dry firing and application of basic shooting

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principles;

6. Prequalification shooting (150 rounds, minimum);
7. Virginia Modified Double Action Course (70% minimum qualification required);
8. Qualification (70% minimum required) on one of the following record courses:
 - a. Modified Tactical Revolver Course
 - b. Modified Practical Pistol Course
 - c. Virginia Modified Combat Course I
 - d. Virginia Modified Combat Course II

9. D. Familiarization with the police shotgun (20 rounds required - shoulder and hip position).

Firearms training will be graded on a satisfactory/unsatisfactory basis. Any officer that does not achieve a satisfactory rating in firearm training will not be eligible for a certificate of satisfactory completion. For further instructions and specific course requirements, refer to the "Course Resumes and Objectives for Required Compulsory Minimum Training for Jailors or Custodial/Courthouse and Courtroom Security Officers/Deputy Sheriffs Designated to Serve Process."

~~§ 8.0.~~ § 3.2. Failure to comply with rules and regulations.

Any jailor or custodial /courthouse and courtroom security officer/deputy sheriff designated to serve process attending an approved training school shall comply with the rules and regulations promulgated by the board and any other rules and regulations within the authority of the school director. The school director shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. ~~If the school shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees.~~ If the school director considers a violation of the rules and regulations detrimental to the welfare of the school, the school director may expel the officer from the school. Notification of such action shall immediately be reported in writing within 48 hours to the officer's agency administrator and the director.

PART IV. ADMINISTRATION.

~~§ 9.0.~~ § 4.1. Administrative requirements.

A. Reports will be required from the agency administrator and school director on forms approved or provided by the department and at such times as designated by the director.

B. The school director shall, within 30 days upon

completion of an approved training school session, comply with the following:

1. Prepare a grade report on each officer maintaining the original for the academy records and forwarding a copy to the agency administrator of the officer.

2. Submit to the department a roster containing the names of those officers who have satisfactorily completed all training requirements and if applicable, a revised curriculum for the training session.

C. The school director shall furnish each instructor with a complete set of course resumes and objectives for the assigned subject matter.

D. *Approved training schools for jailors or custodial/courthouse and courtroom security officers/deputy sheriffs designated to serve process shall maintain accurate records of all tests, grades and testing procedures. Training school records shall be maintained in accordance with the provisions of these rules and §§ 42.1-67 through 42.1-91 of the Code of Virginia.*

~~§ 10.~~ § 4.2. First aid requirement.

The school director shall be required to insure that each officer has a valid first aid card approved by the American Red Cross or by the State of Virginia EMT Program.

~~§ 11.~~ § 4.3. Effective date.

These rules shall be effective on and after ~~January 1, 1984~~ July 1, 1987, and until amended or rescinded.

~~§ 13.1.~~ § 4.4. Adopted: July 12, 1973.

Amended: [July 6, 1983 April 1, 1987].

* * * * *

Title of Regulation: VR 240-01-11. Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections.

Statutory Authority: § 9-170 of the Code of Virginia.

Effective Date: July 1, 1987

Summary:

In accordance with the provisions of §§ 18.2-308(5), 19.2-81.2, 53.1-29, and 9-170(32) of the Code of Virginia, the Criminal Justice Services Board has adopted regulations relating to the Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections. These regulations will supersede the existing regulations which were amended September 6, 1983.

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The adopted regulations revise the minimum training standards for designated noncustodial employees and set forth operational procedures and administrative requirements for approved schools conducting noncustodial training. In addition, the regulations establish a time limit for completion of training, recertification and annual firearms qualification for noncustodial employees.

As a result of written comments received during the public comment period some changes were made. These changes did not significantly alter the content of the regulations as submitted in proposed form. In addition, there have been no significant changes in the basis, purpose, or impact of these regulations as originally proposed.

VR 240-01-11. Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections.

Pursuant to the provisions of §§ 18.2-308(5), 19.2-81.2, 9-170 and 53.1-29 of the Code of Virginia, the Department of Criminal Justice Services Board hereby promulgates the following rules for compulsory minimum training standards for noncustodial employees of the Department of Corrections.

§ 1-0 § 1. Definitions.

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

D. "Approved training school" means a non-custodial employees training school; training school which provides instruction of at least the minimum training standards as mandated by the board and has been approved by the department for the specific purpose of training criminal justice personnel.

A. "Board" means the Criminal Justice Services Board.

B. "Department" means the Department of Criminal Justice Services.

C. "Director" means the chief administrative officer of the department.

"Noncustodial employee" includes those employees specifically designated by the director of the Department of Corrections who, by their appointment, must carry a weapon.

E. "School director" means the chief administrative officer of an approved training school.

§ 2-0 § 2. Compulsory minimum training standards for noncustodial employees.

Pursuant to the provisions of §§ 18.2-308 (5) , 19.2-81.2,

9-170 and 53.1-29 of the Code of Virginia, the Department board establishes the following as the compulsory minimum training standards for noncustodial employees of the Department of Corrections:

	<u>Hours</u>
I. General	1
A. a. Orientation	1
B. b. Evaluation	1
II. 2. Skills	4
A. a. Firearms (Four hours classroom plus range firing)	4
III. 3. Legal Matters	3
A. a. Corrections and Related Law	1
B. b. Legal Responsibility and Authority of Employees	2
.....	TOTAL 8 plus range

§ 3-0 § 3. Applicability.

Every person employed in a noncustodial position who by appointment to that position has been designated by the Secretary of Public Safety or the Director of the Department of Corrections to carry a weapon must meet the compulsory minimum training standards herein established.

§ 4-0 § 4. Time required for completion of training.

A. Every noncustodial employee, so designated, shall not carry a weapon until the compulsory minimum training standards as set forth in § 2. 0 of these regulations have been satisfactorily completed.

B. Every noncustodial employee so designated shall complete Firearms Recertification as set forth in Section 8-0 within 24 months of the effective date of these regulations or within 24 months of the date of satisfactory completion of the compulsory minimum training standards for non-custodial employees. Every noncustodial employee, so designated, shall satisfactorily complete the compulsory minimum training standards for noncustodial employees within 120 days of assuming a position which is designated as a noncustodial position.

§ 5-0 § 5. How compulsory minimum training standards may be attained.

A. The compulsory minimum training standards shall be attained by attending and satisfactorily completing an approved training school.

B. Noncustodial employees attending an approved training school are required to attend all classes and should not be placed on duty or on call except in cases of emergency.

§ 6-0. § 6. Approved training schools.

A. Noncustodial employees training schools must be approved by the department prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which on the basis of curricula, instructors, facilities, and examinations, provide the required minimum training. One application for all mandated training shall be submitted prior to the beginning of each fiscal year. A curriculum listing the subject matter, instructors, dates and times for the entire proposed training session shall be submitted to the department 30 days prior to the beginning of each proposed session. An exemption to the 30 day requirement may be waived for good cause shown by the school director.

B. Each school director will be required to maintain a current file of all current lesson plans and supporting material for each subject contained in the compulsory minimum training standards.

C. Schools which are approved will be subject to inspection and review by the director and/or staff, or both.

D. The Director department may suspend the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request a hearing before the board director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension. [The school's director may appeal the decision of the director or his designee to the board. Such request shall be in writing and must be received by the board within 15 days of the date of the decision of the director or his designee.]

E. The Director department may revoke the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the revocation is based, to the school's director. The school's director may request a hearing before the Board director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation. [The school's director may appeal the decision of the director or his designee to the board. Such request shall be in writing and must be received by the board within 15 days of the date of the decision of the director or his designee.]

§ 7-0. § 7. Grading.

A. All written examinations shall include a minimum of

two questions for each hour of mandatory instruction. This requirement likewise includes the classroom instruction on performance-oriented subject matter.

B. All noncustodial employees must shall attain a minimum grade of 70% in each grading category to satisfactorily complete the compulsory minimum training standards. Any noncustodial employee who fails to attain the minimum 70% in any grading category will be required to take all subjects comprising that grading category in a subsequent approved training school. A noncustodial employee may be tested and retested as may be necessary within the time limits of § 4. 0 of these rules and each academy's written policy. A noncustodial employee shall not be certified as having complied with the compulsory minimum training standards unless all applicable requirements have been met.

C. Approved noncustodial employee training schools shall maintain accurate records of all tests, grades and testing procedures. Academy training records must be maintained in accordance with the provisions of these rules and §§ 42.1-76 through 42.1-91 of the Code of Virginia.

§ 8-0. § 8. Firearms.

The following firearms training will be applicable to noncustodial employees of the Department of Corrections who have been designated to carry a weapon:

A. 1. Classroom - .38 caliber revolver, 12 gauge Service handgun, shotgun and special weapons (four hours).

1. a. Nonmenclature and Care of Weapons

2. b. Safety

3. c. Legal Aspects of Firearms Use

4. d. Principles of Shooting

5. e. Special Weapons (as utilized by the Department of Corrections) - Familiarization, no firing

B. 2. Range.

1. a. .38 Caliber hand weapon Service Handgun .

a. (1) combat course [~~two-handed~~ (double action)]

60 rounds

Silhouette Target

Qualification - 70% (5 points per hit on silhouette)

(Minimum 210 points out of a possible 300 points)

b. (2) Course.

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- 7 yards - two handed crouch - 6 rounds (one on whistle)
- 7 yards - two handed crouch - 6 rounds (two on whistle)
- 7 yards - two handed crouch - 12 rounds (30 seconds from whistle)
- 15 yards - two handed point shoulder - 6 rounds (one on whistle)
- 15 yards - two handed point shoulder - 6 rounds (two on whistle)
- 15 yards - two handed point shoulder - 12 rounds (30 seconds from whistle)
- 25 yards - two handed point shoulder - 6 rounds (10 seconds/right hand)
- 25 yards - two handed point shoulder - 6 rounds (10 seconds/left hand)

~~Qualification 70%~~ using 5 points/hit on a silhouette target.

2. b. Shotgun 12 Gauge

- a. (1) 10 rounds
Bobber Target
No. 4 Buck

~~Qualification - 80%~~ (10 points per hit on bobber target)

25 yards - shoulder level position - 10 rounds

~~Qualification 80%~~ - 10 points/hit on bobber target.

§ 9. Recertification.

A. All noncustodial employees shall recertify every other calendar year by satisfactorily completing the firearms training set forth in § 8 of these rules. The specific time frame for compliance by currently certified noncustodial employees is enumerated in paragraphs C and D below. Any noncustodial employee who does not comply as set forth below in paragraphs C and D shall be subject to the provisions of § 9-181 of the Code of Virginia.

B. All noncustodial employees shall be required to qualify annually with service handgun and shotgun in accordance with § 8 of these regulations.

C. All noncustodial employees whose recertification due date is in 1987 shall comply with the recertification requirements by December 31, 1987, and thereafter by December 31 of every other calendar year.

D. All noncustodial employees whose recertification due date is in 1988 shall comply with the recertification requirements by December 31, 1988, and thereafter by December 31 of every other calendar year.

§ 9.0. § 10. Failure to comply with rules and regulations.

A. Noncustodial employees attending an approved training school shall comply with the rules and regulations promulgated by the department and any other rules and regulations within the authority of the school director. The director of the school shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees. If the school director considers a violation of the rules and regulations detrimental to the welfare of the school, the school director may expel the noncustodial employee from the school. Consistent with Department of Corrections' policy, notification of such action shall immediately be reported in writing to the supervisor of the individual expelled and the appropriate Department of Corrections Division Director.

~~§ 10.0.~~ § 11. Administrative requirements.

A. Reports will be required from the school director on forms approved by the department and at such times as designated by the director.

B. The school director shall, within 30 days upon completion of an approved training school, comply with the following:

1. Submit to the department a roster containing the names of those noncustodial employees who have satisfactorily completed all training requirements and, if applicable, a revised curriculum for the training session.

C. The school director shall furnish each instructor with a complete set of course resumes and objectives for the assigned subject matter.

~~§ 11.0.~~ § 12. Effective date.

These rules shall be effective on and after ~~January 1, 1984,~~ July 1, 1987, and until amended or rescinded.

~~§ 12.0.~~ § 13. Adopted: October 12, 1979

Amended: [~~September 6, 1983~~ April 1, 1987]

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: VR 355-01-5. Virginia Voluntary Formulary.

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

Effective Date: June 15, 1987

Summary:

The revised Virginia Voluntary Formulary amends the Formulary that was effective January 15, 1987. The revised Voluntary Formulary lists drugs of accepted

therapeutic value commonly prescribed within the Commonwealth which are available from more than one source of supply. It also lists distributors of drug products and their respective manufacturers which the board has found acceptable based upon data submitted by these distributors and their respective manufacturers.

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

Prior to enactment of the Virginia Voluntary Formulary legislation, several alternatives were considered (i.e., utilizing another states's formulary or a formulary of an agency of the United States); however, the Virginia Voluntary Formulary was the least burdensome alternative available to meet the need which the regulation and supporting statutes address.

VR 355-01-5. Virginia Voluntary Formulary (July, 1987 Revision).

ADDITIONS TO THE VIRGINIA VOLUNTARY FORMULARY

ACETAMINOPHEN Capsules

Private Formulations, Inc.500mg
(VHA Plus)

ACETAMINOPHEN with CODEINE Tablets

Purepac/Kalipharma, Inc.300mg-60mg

ACETAMINOPHEN with HYDROCODONE BITARTRATE Tablets

Barr Laboratories500mg-5mg
(Bioline Labs., Goldline Labs.)

ACETAMINOPHEN with OXYCODONE Tablets

Barr Laboratories325mg-5mg
(Major Pharm.)

Halsey Drug Co. (Towne Paulsen) 325mg-5mg

ACETAZOLAMIDE

Tablets

Bolar Pharmaceutical Co.250mg
(Towne Paulsen)
Danbury Pharmacal250mg
(Geneva Generics)

ALLOPURINOL Tablets

Boots Pharmaceuticals 100mg, 300mg
(Major Pharm.)
Cord Laboratories, Inc. 100mg, 300mg
(Geneva Generics)
Purepac/Kalipharma, Inc. 100mg, 300mg

AMANTADINE HYDROCHLORIDE Capsules

DuPont Pharmaceuticals Symmetrel 100mg
Reid-Rowell, Inc./Scherer, Inc.100mg
(Bioline Labs., Geneva Generics,
Goldline Labs., International Labs.,
Major Pharm., H.L. Moore,
Purepac Pharm., Rugby Labs.,
United Research)

AMILORIDE HYDROCHLORIDE Tablets

Merck, Sharp & Dohme Midamor 5mg
Par Pharmaceuticals5mg
(Bioline Labs., Goldline Labs.)

AMINOPHYLLINE Tablets

Duramed Pharmaceuticals200mg
(Towne Paulsen)
Richlyn Laboratories, Inc.100mg
(Towne Paulsen)

AMITRIPTYLINE HYDROCHLORIDE Tablets

MD Pharmaceuticals10mg, 25mg, 50mg, 75mg, 100mg
(Towne Paulsen)
Sidmak Laboratories, Inc.10mg, 25mg, 50mg, 75mg,
100mg, 150mg
(Major Pharm.)

[AMITRIPTYLINE HCl with PERPHENAZINE Tablets

Chelsea Labs. (Rugby) 10mg-2mg, 10mg-25mg,
..... 25mg-2mg, 25mg-4mg]

ASPIRIN with CAFFEINE & BUTALBITAL Tablets

Boots Laboratories, Inc.325mg-40mg-5mg

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(Major Pharm.)
 [Cord Labs. (Geneva Generics) 325mg-40mg-50mg]

ASPIRIN with CODEINE
 Tablets

Barr Laboratories, Inc. 325mg-30mg, 325mg-60mg
 (Major Pharm.)

ASPIRIN with OXYCODONE
 Tablets

Halsey Drug Co. (Towne Paulsen) 325mg-4.5mg-0.38mg

BACITRACIN ZINC-HYDROCORTISONE-NEOMYCIN
 SULFATE-POLYMYXIN B SULFATE
 Ophthalmic Ointment

Pharmafair, Inc. 400u-1%-3.5mg(Base)-10,000u/Gm
 (Bioline Labs., Goldline Labs.)

BENZTROPINE MESYLATE
 Tablets

Par Pharmaceuticals 0.5mg, 1mg, 2mg
 (Geneva Generics)

BETHANECHOL CHLORIDE
 Tablets

Bolar Pharmaceutical Co. 10mg, 25mg
 (Towne Paulsen)

BROMODIPHENHYDRAMINE with CODEINE
 PHOSPHATE
 Syrup

National Pharm. Mfg. Co. 12.5mg-10mg/5ml
 (Major Pharm.)

BROMPHENIRAMINE MALEATE with
 PHENYLPROPANOLAMINE HCl
 Elixir

National Pharm. Mfg. Co. 2mg-12.5mg/5ml
 (Barr Drug, Bioline Labs., Cooper,
 Goldline Labs., Lederle Labs., Major,
 H.L. Moore, Purepac Pharm.,
 Parmed Pharm., Ascot Pharm.,
 Henry Schein, Glenlawn,
 United Research)

A. H. Robins Co. Dimetapp 2mg-12.5mg/5ml

BROMPHENIRAMINE MALEATE with
 PHENYLPROPANOLAMINE HCl and CODEINE
 Syrup

National Pharm. Mfg. Co. 2mg-12.5mg-10mg/5ml
 (Barre Drug, Goldline Labs.,
 Lederle, H. Schein, Rugby,

United Research, Bioline, H.L. Moore,
 Major Pharm., R.A. McNeil)

CARBAMAZEPINE
 Tablets

Colmed Labs./Pharmaceutical Basics 200mg
 (Bioline Labs., Goldline Labs., Purepac)

CARISOPRODOL
 Tablets

Bolar Pharmaceutical Co. 350mg
 (Towne Paulsen)

CHLORAL HYDRATE
 Capsules

Scherer, Inc. (Towne Paulsen) 500mg

CHLORAMPHENICOL
 Ophthalmic Ointment

Pharmafair, Inc. (Major Pharm.) 1%

CHLORAMPHENICOL
 Ophthalmic Solution

Pharmafair, Inc. (Major Pharm.) 5mg/ml

CHLORDIAZEPOXIDE HCl
 Capsules

Vitarine Pharmaceuticals, Inc. 5mg, 10mg, 25mg
 (Towne Paulsen)

CHLOROTHIAZIDE
 Tablets

Bolar Pharmaceutical Co. 250mg
 (Towne Paulsen)

CHLORPHENIRAMINE MALEATE
 Controlled Release Capsules

Vitarine Pharmaceuticals 8mg, 12mg
 (Major Pharm.)

CHLORPHENIRAMINE MALEATE with
 PHENYLPROPANOLAMINE HCl
 Controlled Release Capsules

Smith, Kline & French Labs. Ornade 12mg-75mg
 Vitarine Pharmaceuticals, Inc. 12mg-75mg

CHLORPROMAZINE HCl
 Tablets

Pharmaceutical Basics, Inc. 10mg, 25mg, 50mg, 100mg,
 200mg
 (Major, Towne Paulsen)

CHLORPROPAMIDE
Tablets

Cord Laboratories 100mg, 250mg
(Geneva Generics)
Duramed Pharmaceuticals 100mg, 250mg
(Towne Paulsen)

CHLORTHALIDONE
Tablets

Parke-Davis & Co.25mg, 50mg

[**CHOLESTYRAMINE**
Powder Packets

Mead Johnson & Co. Questran 4 Gm
Pharmaceutical Basics, Inc. 4 Gm]

CLOFIBRATE
Capsules

Chase Chemical/Pharm. Basics500mg
(Bioline Labs., Goldline Labs.)

CLONIDINE HCl
Tablets

[*American Therapeutics*0.1mg, 0.2mg, 0.3mg
(*Parke Davis*)]
Par Pharmaceuticals, Inc.0.1mg, 0.2mg, 0.3mg
(Bioline Labs., Geneva Generics,
Goldline Labs.)

CYPROHEPTADINE
Tablets

Par Pharmaceuticals 4mg
(Geneva Generics)

[**DEXAMETHASONE**
Elixir

Naska Pharmacal Co. (Rugby Labs.) 0.5mg/5ml]

DEXAMETHASONE
Tablets

Par Pharm. 0.25mg, 0.5mg, 0.75mg, 1.5mg, 4mg, 6mg
(Geneva Generics, Major Pharm.)
Roxane Laboratories, Inc.1mg, 4mg, 6mg

DEXAMETHASONE-NEOMYCIN
SULFATE-POLYMYXIN B SULFATE
Ophthalmic Ointment

Pharmafair, Inc. 0.1%-3.5mg(Base)-10,000u/Gm
(Major Pharm.)

DEXAMETHASONE-NEOMYCIN
SULFATE-POLYMYXIN B SULFATE

Ophthalmic Suspension

Pharmafair, Inc. 0.1%-3.5mg(Base)-10,000u/ml
(Major Pharm.)

DEXAMETHASONE SODIUM PHOSPHATE
Ophthalmic Ointment

Pharmafair, Inc. (Major Pharm.) 0.05%

DEXAMETHASONE SODIUM PHOSPHATE
Ophthalmic Solution

Carter-Glogau Labs. 0.1%
(Geneva Generics)
Pharmafair, Inc. (Major Pharm.) 0.1%

DEXAMETHASONE SODIUM PHOSPHATE with
NEOMYCIN SULFATE
Ophthalmic Solution

Pharmafair, Inc. (Major Pharm.)0.1%-3.5mg(Base)/ml

DIAZEPAM
Tablets

Cord Laboratories, Inc. 2mg, 5mg, 10mg
(Geneva Generics)
[*Parke Davis* 2mg, 5mg, 10mg]
Purepac/Kalipharma, Inc. 2mg, 5mg, 10mg
[*Quantum Pharmics/ICN (Parmed)* 5mg, 10mg]
Superpharm Corp. (Bioline, Goldline) [5mg,] 10mg
Zenith Labs., Inc. 2mg, 5mg, 10mg
(Major Pharm., Towne Paulsen)

DICLOXACILLIN SODIUM
Capsules

Biocraft Labs., Inc. (Purepac) 250mg, 500mg

DICYCLOMINE HCl
Capsules

Bolar Pharmaceutical Co. 10mg
(Towne Paulsen)

DIETHYLPROPION HCl
Controlled Release Tablets

Riker Labs., Inc. 75mg
(Major Pharm., Towne Paulsen)

DIMENHYDRINATE
Tablets

Barr Labs., Inc. 50mg
(Towne Paulsen)

DIPHENOXYLATE HCl with ATROPINE SULFATE
Tablets

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MD Pharmaceutical, Inc. 2.5mg-0.025mg
(Towne Paulsen)

Zenith Labs., Inc. (Major Pharm.) 2.5mg-0.025mg

DIPYRIDAMOLE Tablets

Cord Labs., Inc. (Geneva Generics)50mg, 75mg

Par Pharmaceuticals, Inc. 25mg, 50mg, 75mg
(Major Pharm.)

Zenith Labs., Inc. (Towne Paulsen) 25mg, 50mg, 75mg

DISOPYRAMIDE PHOSPHATE Capsules

Biocraft Labs., Inc. 100mg, 150mg
(Purepac Pharm.)

Cord Labs., Inc. 100mg, 150mg
(Geneva Generics)

[*Chelsea Labs. (Rugby)*100mg, 150mg]

DOCUSATE CALCIUM Capsules

Pharmacaps, Inc. (Major Pharm.)240mg

DOCUSATE SODIUM Capsules

R. P. Scherer, Inc. 100mg, 250mg
(Towne Paulsen)

DOCUSATE SODIUM with CASANTHRANOL Capsules

R. P. Scherer, Inc.100mg-30mg
(Towne Paulsen)

DOXEPIN HYDROCHLORIDE Capsules

Cord Labs., Inc. (Geneva Generics) 25mg, 50mg, 75mg

Mylan Pharm., Inc.10mg, 25mg, 50mg, 75mg, 100mg

DOXYCYCLINE HYCLATE Capsules

Danbury Pharmacal, Inc. 50mg, 100mg
(E. R. Squibb)

EPHEDRINE SULFATE Capsules

Zenith Labs., Inc. (Major Pharm.) 25mg

ERYTHROMYCIN Ophthalmic Ointment

Pharmafair, Inc. (Major Pharm.) 5mg/Gm

ERYTHROMYCIN STEARATE

Tablets

Barr Labs., Inc. (Towne Paulsen)250mg

Zenith Labs., Inc. (Major Pharm.) 250mg, 500mg

[ESTROPIPATE Tablets

Abbott Labs., Inc.Ogen 1.5mg, 3mg

Pharmaceutical Basics, Inc.1.5mg, 3mg]

FERROUS FUMARATE Tablets

Richlyn Labs., Inc.325mg
(Towne Paulsen)

FERROUS SULFATE Tablets

Richlyn Labs., Inc.325mg
(Towne Paulsen)

FLUOCINONIDE Cream

K-Line Pharmaceuticals, Inc. 0.05%
(Bioline Labs., Goldline Labs.)

FLURAZEPAM HCl Capsules

Mylan Pharmaceuticals, Inc.15mg, 30mg
(Purepac Pharm.)

Par Pharmaceuticals15mg, 30mg
(Geneva Generics)

FOLIC ACID Tablets

Private Formulations, Inc. 1mg

FUROSEMIDE Tablets

Chelsea Labs., Inc. (Rugby Labs.)20mg, 40mg

Roxane Labs., Inc. 80mg

Zenith Labs. (Major Pharm.)20mg, 40mg

GENTAMICIN SULFATE Ophthalmic Ointment

Pharmafair, Inc. (Major Pharm.) 3mg/Gm

GENTAMICIN SULFATE Ophthalmic Solution

Pharmafair, Inc. (Major Pharm.) 3mg/ml

GENTAMICIN SULFATE Ointment

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Thames Pharmacal Co. 0.1%

GLYCOPYROLATE
Tablets

Bolar Pharmaceutical Co. 1mg, 2mg
(Major Pharm.)

**GRAMICIDIN with NEOMYCIN SULFATE and
POLYMYXIN B SULFATE**
Ophthalmic Solution

Pharmafair, Inc. 0.025mg-1.75mg(Base)-10,000u/ml
(Major Pharm.)

GUAIFENESIN with DEXTROMETHORPHAN HBr.
Syrup

National Pharm. Mfg. Co. 100mg-15mg/5ml
(Bioline Labs., Goldline Labs.)

HALOPERIDOL
Tablets

McNeil Pharmaceuticals Haldol 10mg
Mylan Pharmaceuticals, Inc. 0.5mg, 1mg, 2mg, 5mg
(Bioline Labs., Goldline Labs.)

Searle Pharmaceuticals 10mg

HALOPERIDOL LACTATE
Concentrate

National Pharm. Mfg. Co. 2mg/ml
(Barre Drug, Bioline Labs.,
Goldline Labs., Major Pharm.,
Rugby Labs.)

HYDRALAZINE HCl
Tablets

Sidmak Labs., Inc. (Towne Paulsen) 25mg, 50mg
Zenith Labs., Inc. (Towne Paulsen) 10mg

HYDRALAZINE with HYDROCHLOROTHIAZIDE
Capsules

Reid-Rowell, Inc. 25mg-25mg, 50mg-50mg
(Geneva Generics, H.L. Moore, Regal labs.)

HYDROCHLOROTHIAZIDE
Tablets

Private Formulations, Inc. 25mg, 50mg

**HYDROCHLOROTHIAZIDE-HYDRALAZINE
HCl-RESERPINE**
Tablets

Reid-Rowell, Inc. 15mg-25mg-0.1mg
(Bioline Labs., Geneva Generics,
Major Pharm., H.L. Moore,

Richie Pharmacal, H. Schein)

HYDROCORTISONE
Topical Ointment

Clay Park Labs. 1%
(Geneva Generics)

Thames Pharmacal Co. 1%
(Geneva Generics)

HYDROXYZINE HCl
Tablets

Par Pharmaceuticals, Inc. 10mg, 25mg, 50mg
(Major Pharm.)

HYDROXYZINE PAMOATE
Capsules

Par Pharmaceuticals 25mg, 50mg, 100mg
(Major Pharm., Towne Paulsen)

Zenith Labs., Inc. 25mg, 50mg
(Major Pharm., Towne Paulsen)

IBUPROFEN
Tablets

Boots Pharmaceuticals, Inc. 400mg, 600mg, 800mg
(Major Pharm.)

[*Chelsea Labs. (Rugby)* 300mg]
Par Pharmaceuticals 400mg, 600mg [, 800mg]
(Geneva Generics, Major Pharm.)

[*Superpharm Corp.* 400mg, 600mg
(*Bioline, Goldline*)]

Upjohn Company Motrin 800mg

IMIPRAMINE HCl
Tablets

Biocraft Labs., Inc. 10mg
(Geneva Generics)

Bolar Pharmaceutical Co. 10mg, 25mg, 50mg
(Towne Paulsen)

INDOMETHACIN
Capsules

Lemmon Company 25mg, 50mg
Par Pharmaceuticals 25mg, 50mg
(Major Pharm.)

[*Parke Davis* 25mg, 50mg]

ISOSORBIDE DINITRATE
Tablets

Par Pharmaceuticals 10mg
(Towne Paulsen)

ISOSORBIDE DINITRATE
Sublingual Tablets

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Zenith Labs., Inc. (Towne Paulsen) 2.5mg, 5mg

LITHIUM CARBONATE Capsules

Reid-Rowell, Inc. 300mg
(Bioline, Geneva Generics, Goldline,
International Labs., Major Pharm.,
H. Schein, Wms. Generics,
United Research)

LORAZEPAM Tablets

[American Therapeutics (Zenith) 0.5mg, 1mg, 2mg]
Danbury Pharmacal, Inc. 0.5mg, 1mg, 2mg
[Duramed Pharmaceuticals, Inc. 0.5mg, 1mg, 2mg]
Quantum Pharmics Ltd. 0.5mg, 1mg, 2mg
(Geneva Generics, Purepac Pharm.,
Towne Paulsen)

MECLIZINE HCl Chewable Tablets

Richlyn Labs., Inc. (Major Pharm) 25mg

METHADONE HCl Tablets

Eli Lilly & Co. Dolophine 5mg, 10mg
Roxane Labs., Inc. 5mg, 10mg

METHENAMINE MANDELATE Suspension

National Pharm. Mfg. Co. 500mg/5ml
(Major Pharm.)

METHOCARBAMOL Tablets

Bolar Pharmaceutical Co. 500mg, 750mg
(Towne Paulsen)

METHOCARBAMOL with ASPIRIN Tablets

Zenith Labs., Inc. 400mg-325mg
(Major Pharm.)

METHYLDOPA Tablets

Danbury Pharmacal, Inc. 250mg, 500mg
Duramed Pharmaceuticals, Inc. 250mg, 500mg
Mylan Pharmaceuticals, Inc. 250mg, 500mg
(Major Pharm.)
[Parke Davis 250mg, 500mg]
Purepac/Kalipharma, Inc. 250mg, 500mg
Zenith Labs., Inc. (Major Pharm.) 250mg, 500mg

METHYLDOPA with HYDROCHLOROTHIAZIDE Tablets

Cord Labs., Inc. 250mg-15mg, 250mg-25mg
(Geneva Generics) 500mg-30mg, 500mg-50mg
Merck, Sharp & Dohme Aldoril D 30 500mg-50mg
..... Aldoril D 50 500mg-50mg
Purepac/Kalipharma, Inc. 250mg-25mg
..... 500mg-50mg

METHYLPHENIDATE HCl Tablets

MD Pharmaceutical, Inc. 5mg, 10mg, 20mg
(Purepac, Towne Paulsen)

METOCLOPRAMIDE HCl Tablets

Biocraft Labs., Inc. 10mg
(Towne Paulsen)
[Martec/Schering (Rockhill) 10mg]
Purepac/Kalipharma, Inc. 10mg
Quantum Pharmics, Ltd. (Adria) 10mg
[Watson Labs., Inc. 10mg]

METRONIDAZOLE Tablets

Zenith Labs., Inc. (Towne Paulsen) 250mg, 500mg

NEOMYCIN SULFATE Tablets

Lannett Co. (Towne Paulsen) 500mg

NEOMYCIN SULFATE with HYDROCORTISONE and POLYMYXIN B SULFATE Otic Suspension

Lemmon Co. 3.5mg(Base)-1%-10,000u/ml
(Major Pharm.)
Pharmafair, Inc. 3.5mg(Base)-1%-10,000u/ml
(Major Pharm.)

NEOMYCIN SULFATE with HYDROCORTISONE and POLYMYXIN B SULFATE Otic Solution

Carter Glogau, Inc. 3.5mg(Base)-1%-10,000u/ml
(Geneva Generics)
Lemmon Co. 3.5mg(Base)-1%-10,000u/ml
(Major Pharm.)
Pharmafair, Inc. 3.5mg(Base)-1%-10,000u/ml
(Major Pharm.)

NITROFURANTOIN (NOT MACROCRYSTALLINE) Tablets

Bolar Pharmaceutical Co. 100mg
(Towne Paulsen)

<p style="text-align: center;">NYSTATIN Cream</p> <p>Clay Park Labs., Inc.100,000u/Gm (Towne Paulsen)</p> <p>NMC Labs., Inc. (Geneva Generics)100,000u/Gm</p>	<p>[Lemmon Co. (Geneva Generics) 30mg] Pharmaceutical Basics, Inc. 30mg (Geneva Generics)</p>
<p style="text-align: center;">NYSTATIN Oral Tablets</p> <p>Quantum Pharmics, Ltd.500,000u Vitarine Pharmaceuticals, Inc.500,000u (Geneva Generics)</p>	<p style="text-align: center;">PHENYTOIN SODIUM Extended Capsules</p> <p>Bolar Pharmaceutical Co.100mg (Major Pharm., Purepac Pharm.)</p>
<p style="text-align: center;">NYSTATIN Suspension</p> <p>National Pharm. Mfg. Co.100,000u/ml (Purepac Pharm.)</p>	<p style="text-align: center;">PREDNISOLONE Tablets</p> <p>Private Formulations, Inc. 5mg</p>
<p style="text-align: center;">NYSTATIN with TRIAMCINOLONE ACETONIDE Cream</p> <p>Altana, Inc. (Fougera, 100,000u-lmg/Gm Pharmaderm, Savage)</p> <p>Clay Park Labs., Inc. 100,000u-lmg/Gm (Bioline Labs., Goldline Labs.)</p>	<p style="text-align: center;">PREDNISONE Tablets</p> <p>Heather Drug Co. 5mg, 10mg, 20mg, 50mg (Major Pharm.)</p> <p>Mutual Pharmaceutical5mg, 10mg, 20mg Private Formulations, Inc.5mg, 20mg</p>
<p style="text-align: center;">NYSTATIN with TRIAMCINOLONE ACETONIDE Ointment</p> <p>Altana, Inc. (Fougera, 100,000u-lmg/Gm Pharmaderm, Savage)</p> <p>Clay Park Labs., Inc. 100,000u-lmg/Gm (Bioline Labs., Goldline Labs.)</p>	<p style="text-align: center;">PRIMIDONE Tablets</p> <p>Danbury Pharmacal, Inc.250mg (Major Pharm.)</p>
<p style="text-align: center;">PAPAVERINE HYDROCHLORIDE Controlled Release Capsules</p> <p>Vitarine Pharmaceuticals, Inc.150mg (Major Pharm.)</p>	<p style="text-align: center;">PROCAINAMIDE HYDROCHLORIDE Capsules</p> <p>Cord Labs., Inc. 250mg, 375mg, 500mg (Geneva Generics)</p>
<p style="text-align: center;">PENICILLIN V POTASSIUM Tablets</p> <p>Biocraft Labs., Inc.500mg (Towne Paulsen)</p> <p>Mylan Pharmaceuticals, Inc.250mg (Towne Paulsen)</p>	<p style="text-align: center;">PROCAINAMIDE HYDROCHLORIDE Controlled Release Tablets</p> <p>Bolar Pharmaceutical Co.250mg, 500mg, 750mg (Major Pharm., Purepac Pharm.)</p> <p>Danbury Pharmacal, Inc.250mg, 500mg, 750mg (Geneva Generics)</p>
<p style="text-align: center;">PHENAZOPYRIDINE HYDROCHLORIDE Tablets</p> <p>Copley Pharmaceutical, Inc. 100mg, 200mg (Purepac Pharm.)</p> <p>Quantum Pharmics, Ltd. 100mg, 200mg (Geneva Generics)</p>	<p style="text-align: center;">PROMETHAZINE HCl Tablets</p> <p>Richlyn Labs., Inc. (Major Pharm.) 25mg</p>
<p style="text-align: center;">PHENOBARBITAL Tablets</p>	<p style="text-align: center;">PROMETHAZINE HCl with CODEINE PHOSPHATE Syrup</p> <p>National Pharm. Mfg. Co.6.25mg-10mg/5ml (Bioline Labs., Goldline Labs., Major Pharm.)</p>
	<p style="text-align: center;">PROMETHAZINE HCl with DEXTROMETHORPHAN Syrup</p> <p>National Pharm. Mfg. Co.6.25mg-15mg/5ml (Major Pharm.)</p>

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PROMETHAZINE HCl with PHENYLEPHRINE HCl Syrup	Private Formulations, Inc. 60mg-2.5mg (VHA Plus)
National Pharm. Mfg. Co. 6.25mg-5mg/5ml (Major Pharm.)	QUINIDINE SULFATE Tablets
PROMETHAZINE HCl with PHENYLEPHRINE HCl and CODEINE PHOSPHATE Syrup	Private Formulations, Inc. 200mg
National Pharm. Mfg. Co. 6.25mg-5mg-10mg/5ml (Major Pharm.)	QUININE SULFATE Tablets
PROPANTHELINE BROMIDE Tablets	Danbury Pharmacal, Inc. 260mg (Geneva Generics)
Par Pharmaceuticals, Inc. (Major) 15mg	QUININE SULFATE Capsules
PROPARACAINE HCl Ophthalmic Solution	Danbury Pharmacal, Inc. 200mg (Geneva Generics)
Pharmafair, Inc. (Major Pharm.) 0.5%	SELENIUM SULFIDE Lotion/Shampoo
PROPOXYPHENE NAPSYLATE with ACETAMINOPHEN Tablets	National Pharm. Mfg. Co. 2.5% (Major Pharm.)
[<i>Chelsea Labs.</i> 50mg-325mg, 100mg-650mg (<i>Rugby Labs.</i>)]	SPIRONOLACTONE with HYDROCHLOROTHIAZIDE Tablets
Lemmon Company (Major Pharm.) 100mg-650mg	[<i>Parke/Davis</i> 25mg-25mg]
Mylan Pharmaceuticals, Inc. 100mg-650mg (Major Pharm.)	Purepac/Kalipharma, Inc. 25mg-25mg
Zenith Labs., Inc. (Major Pharm.) 100mg-650mg	[SUCRALFATE Tablets
PROPRANOLOL HCl Tablets	Marion Labs., Inc. Carafate 1 Gm
Ayerst Labs., Inc. Inderal 60mg, 90mg	Pharmaceutical Basics, Inc. 1 Gm]
Cord Labs., Inc. 10mg, 20mg, 40mg, 80mg (Geneva Generics)	SULFABENZAMIDE with SULFACETAMIDE SULFATHIAZOLE and UREA Vaginal Cream
Duramed Pharmaceuticals, Inc. 60mg, 90mg	NMC Labs., Inc. 3.7%-2.8%-3.42%-0.64% (Major Pharm.)
PROPRANOLOL with HYDROCHLOROTHIAZIDE Tablets	SULFACETAMIDE SODIUM with PREDNISOLONE ACETATE Ophthalmic Suspension
Ayerst Labs., Inc. Inderide 40/25 40mg-25mg Inderide 80/25 80mg-25mg	Pharmafair, Inc. (Major Pharm.) 10%-0.5%
[<i>Chelsea Labs. (Rugby Labs.)</i> 40mg-25mg, 80mg-25mg]	SULFIN PYRAZONE Capsules
Duramed Pharmaceuticals, Inc. 40mg-25mg, 80mg-25mg	Barr Labs. (Major Pharm.) 200mg
Purepac/Kalipharma, Inc. 40mg-25mg, 80mg-25mg (Bioline Labs., Goldline Labs.)	Par Pharmaceuticals, Inc. (Geneva) 200mg
PSEUDOEPHEDRINE HCl Tablets	SULFINPYRAZONE Tablets
Cord Labs., Inc. (Geneva Generics) 60mg	Barr Labs., Inc. (Major Pharm.) 100mg
Private Formulations, Inc. 30mg (VHA Plus)	
PSEUDOEPHEDRINE with TRIPROLIDINE Tablets	

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Par Pharmaceuticals, Inc.100mg
(Geneva Generics)

SULFISOXAZOLE
Tablets

Zenith Labs.; Inc. (Major Pharm.)500mg

TEMAZEPAM
Capsules

Mylan Pharmaceuticals, Inc.15mg, 30mg
Quantum Pharmics, Ltd.15mg, 30mg
(Bioline Labs., Geneva Generics,
Goldline Labs.)

THEOPHYLLINE with GUAIFENESIN
Liquid

National Pharm. Mfg. Co. 150mg-90mg/15ml
(Major Pharm.)

THIORIDAZINE HCl
Tablets

Danbury Pharmacal, Inc. (Geneva)150mg

TOLAZAMIDE
Tablets

Cord Labs., Inc. (Geneva Generics) 250mg, 500mg

TRAZODONE HCl
Tablets

Chelsea Labs., Inc. (Rugby Labs.) 50mg, 100mg
Danbury Pharmacal, Inc. 50mg, 100mg
Mead Johnson & Co. Desyrel 50mg, 100mg
[~~Pharmaceutical Basics, Inc.50mg, 100mg~~]

TRIAMCINOLONE ACETONIDE
Lotion

National Pharm. Mfg. Co. (Major)0.025%, 0.1%

TRIMETHOPRIM with SULFAMETHOXAZOLE
Tablets

Biocraft Labs., Inc.80mg-400mg
(Purepac Pharm.)
Danbury Pharmacal, Inc.80mg-400mg, 160mg-800mg
(E.R. Squibb)
Par Pharmaceuticals, Inc.80mg-400mg, 160mg-800mg
(Major)
Sidmak Labs., Inc.80mg-400mg, 160mg-800mg

TRIMETHOPRIM with SULFAMETHOXAZOLE
Suspension

Biocraft Labs., Inc.40mg-200mg/5ml
(Purepac Pharm.)(Pediatric) 40mg-200mg/5ml

TRIPLENNAMINE HCl
Tablets

Danbury Pharmacal, Inc. (Geneva)50mg

VALPROIC ACID
Capsules

Par Pharmaceuticals, Inc.250mg
(Bioline Labs., Goldline Labs., Purepac Pharm.)
Pharmaceutical Basics, Inc.250mg
[~~Reid-Rowell/Seherer, Inc.250mg~~
(International Labs.)]

VERAPAMIL HCl
Tablets

Chelsea Labs., Inc. 80mg, 120mg
(Rugby Labs.)
Danbury Pharmacal, Inc. 80mg, 120mg

**DELETIONS FROM THE VIRGINIA VOLUNTARY
FORMULARY**

**NYSTATIN with NEOMYCIN SULFATE, GRAMICIDIN
and TRIAMCINOLONE ACETONIDE**
Cream

Deletion of Drug Category.

**NYSTATIN with NEOMYCIN SULFATE, GRAMICIDIN
and TRIAMCINOLONE ACETONIDE**
Ointment

Deletion of Drug Category.

* * * * *

Title of Regulation: VR 355-39-01. Regulations Governing
Eligibility Standards and Charges for Medical Care
Services.

Statutory Authority: § 32.1-12 of the Code of Virginia

Effective Date: July 1, 1987

Summary:

The regulations contain the methods by which the Health Department will determine patients' eligibility for free services; identify patients for which a copayment is required for services; contain the methods of billing patients for service charges; provide a waiver process by which a copayment patient may become exempt from service charges and if denied a request waiver there is an appeals process by which the patient can pursue.

The amended regulations provide clearer definitions, extend limited eligibility to persons already

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determined eligible for certain social service and school program benefits, incorporate the Commonwealth's accounts receivable procedures and require the Health Department to strictly control patient waivers.

VR 355-39-01. Regulations Governing Eligibility Standards and Charges for Medical Care Services.

PART I. SECTION 2-00 DEFINITIONS.

2-01 § 1.1. Definitions.

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

2-01-01 "Applicant" means the person requesting medical care services for themselves or on behalf of a dependent family member or foster child.

2-01-02 "Automatic eligibility" means applicants [whose gross income is defined as Income Level A and who are] recipients of public assistance programs:

Aid to Dependent Children (ADC)

General Relief

Title XIX - MEDICAID

[Automatic eligibility for certain services: Food Stamp Benefits]

[Maternal, preventive child health (well child clinics, child development clinic networks), and family planning services for recipients in Income Levels B and C, or recipients who qualify for food stamp benefits] seeking the above medical services [:]

Dental services for children who qualify for the national school lunch program or its equivalent.

Identifying information [must shall] be collected on these persons in order to make the above determinations.

2-01-03 "Board" means the State Board of Health.

["Chargeable services" means medical and dental services offered by the department for which a charge is made.]

2-01-04 "Charges for services" means [that after complying with the Administrative Process Act, the board shall establish the] reasonable charges [established by the board] for medical care services. [In calculating service charges consideration will be given to (i) patient caseloads, (ii) manpower requirements, and (iii) the cost of support services, supplies and equipment.] These

charges shall be based on the state average cost for providing the services. The charges may be further adjusted when cost changes occur.

["Child" means a biological or adopted child, and any child placed for adoption or foster care unless otherwise treated as a separate unit by these regulations.]

2-01-05 "Commissioner" means the Commissioner of Health.

2-01-06 "Department" means the State Department of Health [to include and includes] central [offices office], regional offices and health districts [, and local health departments] .

"Disabled" means any person crippled or otherwise incapacitated from earning a living. Incapacity must be supported by a physician's determination.

2-01-10 Adult disabled children (persons) may or may not be included in the family unit depending on the support received from the parents. If the adult disabled child operates as a separate economic unit, she/ he will be excluded even though she/ he shares the parent's residence.

2-01-08 "Family - family unit" means the [family economic] unit [and includes which may include] the patient, the spouse of the patient, the [parent or] parents of a patient who is an unemancipated minor, the parents of a patient who has been declared by a physician to be disabled, and any other person actually and properly dependent upon or contributing to the family's income for subsistence.

[Child includes a biological or adopted child, and children placed for adoption or foster care unless otherwise treated as a separate unit by these regulations.]

[Parents include Parent includes a] biological, adoptive, or step parent, or a cohabiting partner included in the family unit.

2-01-09b A husband and wife who have been separated and are not living together, or and who are not dependent on each other for support shall be considered separate family units.

2-01-09e The family unit which is based on cohabitation is considered to be a separate family unit for determining eligibility for services. The cohabitating partners and any children shall be considered a family unit. (§ 63.1-90.1 of the Code of Virginia.)

2-01-09d Eligible [ADC] Medicaid children shall be considered a separate family unit.

2-01-11 ["Family gross income" means gross income

earned by members of a family with the exception of wages of minor children.]

2.01-07 "Non-Chargeable Services" "Free services" means services which the Health Department provides to all persons without charge as mandated by the Code of Virginia (see Part IV).

The department may also provide certain free services to all citizens, i.e., hypertension check-ups, pregnancy testing, etc., which are not necessarily required by the Code of Virginia.

2.01-12 "Gross income" means total cash receipts before taxes from all sources. These include money wages and salaries before any deductions, but do not include food or rent in lieu of wages. These receipts include net receipts from nonfarm or farm self-employment (e.g., receipts from own business or farm after deductions for business or farm expenses.) They include regular payments from public assistance (including supplemental security income), social security or railroad retirement, unemployment and worker's compensation, strike benefits from union funds, veterans' benefits, training stipends, alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions, and regular insurance or annuity payment; and income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts. Funds obtained through college work-study programs, scholarships, grants used for the current living costs are included. These receipts further include funds obtained through college work study programs, scholarships, and grants to the extent said funds are used for current living costs .

2.01-13 ["Exclusions from gross" "Gross] income" [means income] does not include the value of food stamps, WIC checks, fuel assistance, money borrowed, tax refunds, gifts, lump sum [settlements,] inheritances or insurance payments, withdrawal of bank deposits, earnings of minor children, money received from the sale of property and any funds derived from a college work study program, a scholarship, a loan, or a grant not used for current living cost . Gross income also does not include funds derived from college work study programs, scholarships, loans, or grants to the extent such funds are not used for current living costs .

2.01-14 "Income scales" mean scales based on individual or family gross income [which] will be established: one for Northern Virginia and one for the remainder of the [state: Commonwealth as follows:]

2.01-14a Income Level A - will be set at 100% of the poverty income guidelines, except for Northern Virginia where the Income Level A will be set at 110% of the poverty income guidelines.

2.01-14b Income Level B - will be set at 110% of the poverty income guidelines, except for Northern

Virginia where the Income Level B will be set at 133.3% of the poverty income guidelines.

2.01-14c Income Level C - will be set at 133.3% of the poverty income guidelines, except Northern Virginia where the Income Level C will be set at 166.6% of the poverty income guidelines.

2.01-14d Income Level D - will be set at 166.6% of the poverty income guidelines, except Northern Virginia where the Income Level D will be set at 200% of the poverty income guidelines.

2.01-14e Income Level E - will be set at 200% of the poverty income guidelines, except Northern Virginia where the Income Level E will be set at 233.3% of poverty income guidelines.

2.01-14f Income Level F - will be set at 233.3% of the poverty income guidelines, except Northern Virginia where the Income Level F will be set at 266.6% of poverty income guidelines.

["Medically indigent" means applicants whose family gross income is defined at income level A and below.]

2.01-14 MEDICALLY INDIGENT - Applicants whose family gross income is as defined by Section 2.01-11 at Income Level A or below:

2.01-14a Automatic Eligibility Persons who are receiving public assistance under Aid to Dependent Children and General Relief, or who are receiving medical assistance under Title XIX (Medicaid), are to be considered as medically indigent and are therefore eligible for medical care services of the Department at no charge to the recipient. Persons who meet this criteria are not required to go through the entire eligibility determination process as defined in Section 4-00.

2.01-00a "Minor" means a person less than 18 years of age whose parents are responsible for his /her care. A minor will be considered a separate family unit when married, or when 15 years of age and over and not living with any relatives [or deemed an adult].

A minor shall be deemed an adult for the purposes of consenting to:

[a. 1.] Medical or health services needed to determine the presence of or to treat venereal disease or any infectious and contagious disease which the State Board of Health requires to be reported.

[b. 2.] Medical and health services required in case of birth control, pregnancy, or family planning except for the purposes of sexual sterilization. (§ 54-325 of the Code of Virginia.)

2.01-15 "Northern Virginia" means the area which

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includes the cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park, and the counties of Arlington, Fairfax, Loudoun, and Prince William.

PART II. SECTION 1.00 GENERAL INFORMATION.

1-01 § 2.1. Authority for regulations.

Section 32.1-12 of the Code of Virginia establishes the responsibility of the board as follows: "The board may formulate a program of environmental health services, laboratory services and preventive, curative and restorative medical care services, including home and clinic health services described in Titles V, XIII and XIX of the United States Social Security Act and amendments thereto, to be provided by the department on a regional, district or local basis. The board shall define the income limitations within which a person shall be deemed to be medically indigent. Persons so deemed to be medically indigent shall receive the medical care services of the department without charge. The board may also prescribe the charges to be paid for the medical care services of the department by persons who are [*not*] deemed to be medically indigent and may, in its discretion and within the limitations of available funds, prescribe and scale of such charges based upon ability to pay. Funds received in payment of such charges are hereby appropriated to the board for the purpose of carrying out the provisions of this title. The board shall review periodically the program and charges adopted pursuant to this section.

1-01 § 2.2. Purpose of regulations.

The board has promulgated these regulations to: (i) establish financial eligibility criteria to determine if a person is medically indigent and therefore qualified to receive medical care services of the department without charge; and (ii) to establish income scales and charges for services for medical care provided by the department to individuals who are not medically indigent, based upon their ability to pay. The regulations are constructed to assure that eligibility criteria remain appropriate for changing economic conditions.

1-02 § 2.3. Administration of regulations.

These regulations are administered by the following:

1-02-01 A. State Board of Health. The Board of Health is the governing body of the State Department of Health.

1-02-02 B. State Health Commissioner. The State Health Commissioner is the chief executive officer of the State Department of Health. The commissioner has the authority to act for the board when it is not in session. The commissioner shall publish specific income levels expressed in dollar amounts for determining eligibility for medical care services of the department. The income levels shall be based on the official poverty guidelines

defined by the *federal* Office of Management and Budget and revised annually in accordance with § 624 of the Economic Opportunity Act of 1964.

1-04 § 2.4. Recipients of services.

These regulations shall apply to all persons seeking laboratory and preventive, curative and restorative services including medical and dental clinic services provided by the department, except where other eligibility criteria are required for programs administered under federal statute.

1-05 § 2.5. Effective date of regulations.

These regulations are *will be* effective [*January 1, 1987* July 1, 1987].

1-06 § 2.6. Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act govern the adoption of these regulations and any subsequent amendments.

1-07 § 2.7. Powers and procedures of regulations not exclusive.

The board reserves the right to authorize any procedure necessary for the enforcement of the provisions set forth herein under the provisions of § 32.1-12 of the Code of Virginia.

1-08 [§ 2.8. Severability.

If any portions or applications of these regulations are declared invalid, such invalidity shall not affect other portions or applications.]

PART III.

SECTION 3.00

[INCOME LIMITATIONS CHARGES FOR SERVICES]

3-01 § 3.1. CHARGEABLE SERVICE Income levels.

3-01-01 A. Applicants for medical care services, who are found to be medically indigent as defined by Section 2-01-04 Part I of these regulations shall be provided care at no charge to the applicant.

3-01-02 B. Applicants for medical care services, including those in Northern Virginia as defined in 2-01-05 Part I, whose family income exceeds Income Level A shall be assessed a fee as follows:

1. Income Level A - No charge for service.
2. Income Level B - 10% of the established charge for the service.
3. Income Level C - 25% of the established charge for the service.

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4. Income Level D - 50% of the established charge for the service.

5. Income Level E - 75% of the established charge for the service.

6. Income Level F - 100% of the established charge for the service.

For the income levels other than Income Level A, calculations of charges will be made so that amounts will be rounded off to the highest \$.25 and the minimum fee to be collected for any chargeable service shall be at least \$.50.

3.01.03. A continuing exception to the above standard principles for assessing charges/fees for clinic services will exist for patients determined to be eligible for services under the Crippled Children's Services Program, the Special Supplemental Food Program for Women, Infants and Children (WIC), and to recipients of treatment and food supplements under the phenylketonuria (PKU) Program. The conditions under which each of these programs are operated constitute unusual circumstances which dictate the following special principles for determining the charges to be made as reimbursement for those Program's services.

3.01.03a The Crippled Children's Services Program shall charge the annual patient fee for those persons determined to be above Income Level A. Charges shall be imposed in accordance with regulations as stated in the latest State Plan for Provision of Crippled Children's Services approved by the Board of Health.

3.01.03b The Phenylketonuria (PKU) Program shall impose no charges for screening, clinic, or laboratory services which are necessary to establish a diagnosis or to recommend treatment of PKU (Section 32.1-65). Charges for specific food supplements will not be made to families in Income Level A nor will charges for these supplements be made to persons financially eligible for the services authorized under the Women, Infants and Children (WIC) Program.

3.01.03c Specific food supplements which from time-to-time may be required by recipients of other programs offered by the Department, and which may be provided by the Department, will be supplied in the same manner as provided in Section 3.01.03b.

3.01.04 Except under unusual circumstances, chargeable clinic services may not be given to individuals above the income level - Statewide and above the income level - for Northern Virginia, as defined in Section 2.01-13, unless similar services are not otherwise available in the community.

3.02.02 The Department may provide immunization services free of charge to all individuals in the event of an epidemic or when declared necessary by the

Commissioner to protect the public health of all citizens of the Commonwealth.

PART IV. SECTION 4.00 FREE SERVICES.

3.02 NON-CHARGEABLE SERVICES

3.02.01 The following services are provided without charge and eligibility determination to all citizens regardless of income as required by the Code of Virginia.

3.02.01a Immunization of children against diphtheria, tetanus, whooping cough, polio myelitis, measles (rubeola), german measles (rubella) and mumps.

3.02.01b Examination of persons suspected of having or known to have tuberculosis.

3.02.01c Examination, testing and treatment of persons for venereal disease.

3.02.01d Screening of persons for the disease of sickle cell anemia or the sickle cell trait.

3.02.01e Screening for phenylketonuria, hypothyroidism-homocystinuria, galactosemia and Maple Syrup Urine Disease.

[§ 4.1. Free services.

[§ 4.1.] 4.01.01 The following services are provided without charge and [without an] eligibility determination to all citizens regardless of income as required by the Code of Virginia.

4.01.01a 1. Immunization of children against diphtheria, tetanus, whooping cough, [polio myelitis poliomyelitis], measles (rubeola), german measles (rubella) and mumps as required by § 32.1-46 of the Code of Virginia [, and of persons up to the age of 21 when the person lacks evidence of complete and appropriate immunizations for these diseases].

4.01.01b 2. Examination of persons suspected of having or known to have tuberculosis as required by § 32.1-50 of the Code of Virginia .

4.01.01c 3. Examination, testing and treatment of persons for venereal disease as required by § 32.1-57 of the Code of Virginia .

4.01.01d 4. Screening of persons for the disease of sickle cell anemia or the sickle cell trait as required by § 32.1-68 of the Code of Virginia .

4.01.01e 5. Screening for phenylketonuria, hypothyroidism homocystinuria, galactosemia and Maple Syrup Urine Disease as required by §§ 32.1-65 and 32.1-67 of the Code of Virginia .

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[PART V.]
SECTION 5.00
[NONCHARGEABLE SERVICES.

§ 5.1. *Nonchargeable services § 4.2*]. In the event of an epidemic or when necessary, the State Health Commissioner, may provide immunization services free of charge to all citizens to protect the public health of all citizens of the Commonwealth. The department may provide immunization services free of charge to all individuals in the event of an epidemic or when declared necessary by the commissioner to protect the public health of all citizens of the Commonwealth.

[§ 4.3. The department may elect to provide other medical services at no charge to all citizens of the Commonwealth when directed by the commissioner.]

PART [VI V].
SECTION 6.00
CHARGEABLE SERVICES.

[§ 6.1. § 5.1.] Chargeable services.

The department may prescribe charges for certain medical services to be paid by persons who are not deemed to be medically indigent and may within the limitations of available funds prescribe a scale of such charges based upon ability to pay.

PART [VII VI].
SECTION 7.00
EXCEPTIONS.

[§ 7.1. § 6.1.] Exceptions.

7.01-01 A. A continuing exception to the above standard principles for assessing charges/fees for clinic services will exist for patients determined to be eligible for services under the [~~Crippled Handicapped~~] Children's Services Program, the Special Supplemental Food Program for Women, Infants and Children (WIC), *the Child Development Clinic Network*, and to recipients of treatment and [~~food supplements medical food products~~] under the Phenylketonuria (PKU) Program. The conditions under which each of these programs is operated constitute unusual circumstances which dictate the following special principles for determining the charges to be made as reimbursement for those program's services.

7.01-02 B. The [~~Crippled Handicapped~~] Children's Services Program shall charge the annual patient fee for those persons determined to be above Income Level A. Charges shall be imposed in accordance with regulations as stated in the latest State Plan for Provision of Crippled Children's Services approved by the Board of Health.

7.01-03 C. The Phenylketonuria (PKU) Program shall impose no charges for screening, clinic, or laboratory services which are necessary to establish a diagnosis or to recommend treatment of PKU. Charges for specific [~~food~~

~~supplements medical food products~~] will not be made to families in Income Level A nor will charges for these [~~supplements products~~] be made to persons financially eligible for the services authorized under the Women, Infants and Children (WIC) Program.

7.01-04 D. Specific [~~food supplements medical food products~~] which from time to time may be required by recipients of other programs offered by the department, and which may be provided by the department will be supplied in the same manner as provided in § 3.01-03b, 7.01-03 [§ 7.2 C subsection C of § 6.1 of these regulations].

7.01-05 E. *The Child Development Clinic Network shall impose no charges for services provided children from families in Income [Levels A, B and C Level A]*.

7.02 [§ 7.2. § 6.2.] When necessary, the health and/or medical program director can deny certain medical services to full-paying patients (Income Levels F and above). Such denial is appropriate when the following situations exist:

7.02a 1. *The demand is great for providing services to lower income patients and/or [certain when local] restrictions apply to giving certain services; and*

7.02b 2. *The same services are available in the community by the private sector.*

PART [VIII VII].
SECTION 8.00
ELIGIBILITY DETERMINATION.

[§ 8.1 § 7.1.] Upon request for medical services by an individual, the department will require information as to the family size, financial status and other related data as described on the application for health care (CHS-1). The applicant [~~must shall~~] be informed during the interviewing process of the provisions as described in this section of the regulations. This process does not apply to services described in Section 3.024-01 § 4.1 [*of these regulations*] .

8.01-01 A. An application date is established when the applicant, his ~~her~~ authorized representative, or other persons acting in his ~~her~~ behalf, completes and signs the application for medical care services.

8.01-01a 1. For the Special Supplemental Food Program for Women, Infants and Children (WIC), the application date is established when an individual visits the health department during office hours to make an oral or written request for WIC Program benefits.

8.01-02 B. When an applicant is in need of emergency medical care services, the district director, or his ~~her~~ designee shall waive this application process for that individual until such time as the individual is able to

respond normally to the interviewing process.

8-01-03 C. It is the applicant's responsibility to furnish the department with the correct financial data in order to be appropriately classified according to income level and to determine applicable charges for medical care services. The applicant shall be required to provide written verification of financial income such as check stubs, written letter from an employer, W-2 [or W-4] forms, etc., in order to provide documentation for the application.

8-01-04 D. Any individual who is acting on behalf of a minor will be held responsible for the accuracy of all financial data provided the department.

8-02 [§ 8-2, § 7.2.] **EXPLANATION OF CHARGES** If the patient's family gross income is such that a partial or full charge for service is determined to be required, an explanation of the charges shall be provided to the patient prior to services being rendered.

8-03 [§ 8-3, § 7.3] **PERIODIC REVIEW OF FINANCIAL ELIGIBILITY** A person's financial eligibility to receive chargeable medical care services [must shall] be redetermined every 12 months, except when the department has reason to believe an applicant's financial or family status has changed sooner or when laws or regulations dictate otherwise.

A. 8-02-02 The Department may provide immunization services free of charge to all individuals in the event of an epidemic or when declared necessary by the Commissioner to protect the public health of all citizens of the Commonwealth.

SECTION 4.00 ELIGIBILITY DETERMINATION

4.01 **APPLICATION PROCESS** - Upon request for medical services by an individual, the Department will require information as to the family size, financial status and other related data as described on the Application for Health Care (CHS-1). The applicant must be informed during the interviewing process of the provisions as described in this section of the regulations. This process does not apply to services to individuals as described in Section 3-02.

4.01-01 An application date is established when the applicant, his/her authorized representative, or other persons acting in his/her behalf, completes and signs the application for medical care services.

4.01-01a For the Special Supplemental Food Program for Women, Infants and Children (WIC), the application date is established when an individual visits the health department during office hours to make an oral or written request for WIC Program benefits.

4.01-02 When an applicant is in need of emergency

medical care services, the District Director, or his/her designee shall waive this application process of that individual until such time as the individual is able to respond normally to the interviewing process.

4-01-03 It is the applicant's responsibility to furnish the Department with the correct financial data to be appropriately classified according to income level and determine applicable charges for medical care services. The applicants shall be required to provide written verification of financial income such as check stubs, written letter from an employer, W-2 forms, etc., in order to provide documentation for the application.

4-01-04 Any individual who is acting on behalf of a minor will be accuracy of all financial data provided the Department.

4-02 **EXPLANATION OF CHARGES** - If the patient's family gross income is such that a partial or full charge for service is determined to be required, an explanation of the charges shall be provided to the patient prior to services being rendered.

4-03 **PERIODIC REVIEW OF FINANCIAL ELIGIBILITY** - A person's financial eligibility to receive chargeable medical care services must be redetermined every twelve months, except when the Department has reason to believe an applicant's financial or family status has changed sooner or when Laws or Regulations dictate otherwise.

PAYMENTS FOR CHARGEABLE SERVICES - Applicants for medical care services provided by the Department, who are not medically indigent and who do not have third party pay sources, shall be required to pay the full charge or a portion of the charge for such services, as prescribed, according to determined Income Levels. Application of third party resources shall be as follows:

4.04-01 Applicants who are not medically indigent and have third party pay sources will be responsible for paying for services which are not covered by their insurance. Where the Department has accepted assignment of third party pay sources, the applicant is responsible for any deductible and co-insurance based on their income level.

4.04-02 After third party payments are received, and if the applicant is determined to be medically indigent after the deductible and co-insurance have been satisfied, the remainder of any charges will be written off against the Department as non-collectible payments.

8-03-02 [§ 8-4, § 7.4] The department's policy is to require that a reasonable effort shall be made to collect any fees due for chargeable services.

The department should request payment for a chargeable service at the time the service is given.

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When payments are not made at the time of service, the department will present to the patient, guardian or other [interested parties authorized person], a bill each 30, 60, 90 and 120 calendar days.

If the payment is not made within 120 calendar days of the date of service, additional chargeable services [are temporarily refused will be discontinued] to individuals whose income levels have been determined Income Levels [D B] through F, until arrangements for payment have been made.

A written notice, including the development of a payment plan, on overdue payments, [must shall] be presented to the patient at least 30 days prior to the effective date on which additional chargeable services will be refused because of payment delinquency.

The notice shall describe how a temporary waiver can be obtained in order for the individual to have a fair opportunity to settle on an overdue account.

If a waiver is denied, the department will continue to bill the patient, guardian, or the [interested parties authorized person] according to the above criteria.

8-03.04 [§ 8.5. § 7.5.] The individual, family unit, or other [interested parties authorized person], may seek relief from the application of the above provisions by using Parts II, §§ 5.00 9.00 and 6.00 10.00 [~~IX and X VIII and IX~~] of these regulations.

4.03.03 A payment for a chargeable service is to be made at the time the service is given. If the payment is not made within 120 calendar days of the date of service. The Department's policy is to require that a reasonable effort shall be made to collect any fees due for chargeable services. Notice on payments overdue must be presented to the patient at least 30 days prior to the effective date on which additional chargeable medical services will be refused because of payment delinquency, in order for the individual to have a fair opportunity to settle an overdue account.

4.03.04 The individual or family unit may seek relief from the application of the above provisions by using Part II, Section 5.00 and 6.00 of the Regulations.

PART [~~IX VIII~~]. SECTION 5.00-9.00 VARIANCES WAIVER OF PAYMENTS.

5-01 The commissioner is designated to act for the Board of Health in granting variances when unusual family or individual health problems or financial hardships are demonstrated to exist and the patient has no other avenue of care. These variances will be granted to postpone payments while continuing to receive chargeable medical services.

0-01 [§ 0-1. § 8.1.] When an unusual family or individual

health problem or financial hardships are demonstrated to exist, and there are no other avenues of care, the patient, guardian or other [interested parties authorized person] may request a waiver of payment for chargeable services [for up to 90 calendar days. A waiver may be requested orally or in writing to the Health Department.] A new eligibility determination will be completed on the patient at this time. If the new eligibility determination places the patient in a lower payment plan of Income Levels A, B or C, the amounts of service payments incurred before the new eligibility determination will be considered for discharge by the Department. During the waiver period, the patient will not be charged for continued medical care. Once the waiver has elapsed and the patient's eligibility determination status returns to Income Levels D through F, the patient will be required to make payments on future medical care. If the new eligibility determination places the patient in a lower payment plan, the amount of service payments incurred before the new eligibility determination and subsequent to the bona fide change in circumstances will be considered for possible discharge by the department or for payment at a level consistent with the newly determined income level. If complete waiver is allowed, during the waiver period the patient will not be charged for continued medical care. If partial waiver is allowed in the form of reduced payments, during the waiver period the patient will be charged at the reduced rate. Once the waiver period has elapsed, or earlier if the reason for the waiver no longer exists, if the patient's eligibility determination status has returned to its previous status or has improved to a higher payment level, the patient will be required to make payments on future medical care at the original or other appropriate level.

If the new eligibility determination made in response to the waiver request reveals no change in income level status, extraordinary circumstances may be taken into account to allow complete or partial waiver for up to [30 60] days, at which time the continuation of the extraordinary circumstances will be reassessed and the waiver terminated or extended for an additional period up to 30 days, with a repeat reassessment at the end of that time. Extraordinary circumstances will include but not necessarily be limited to natural disasters, uninsured real or personal property damage or legal liability to another for the same, obligatory and unavoidable expenditures for close relatives outside the family unit. Waivers shall not be accorded in the absence of [at least one of the foregoing findings of hardship a finding of hardship].

If the new eligibility determination proves that the patient's income level status has not changed, the department will continue to charge the patient at the appropriate level for medical care. At this time, the department will work with the patient, guardian, or other [interested parties authorized person] to assure that a reasonable payment plan for services received is established as described in [§ 8-1 subsection D of § 7.1.] Documentation [must shall] be made in the patient's medical file that proper procedures have been taken to assist the patient.

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9-02 [§ 9-2. § 8.2.] The Commissioner of Health is designated to act for the Board of Health to grant or deny requested waivers .

9-03 [§ 9-2. § 8.3.] At his discretion, the commissioner may delegate the authority to [grant or deny waivers to] medical directors in the central, regional and district offices.

9-04 [§ 9-4. §8.4.] Medical directors may designate other individuals within their supervision to grant or deny waivers of patient payments in accordance with [§ 9-1 § 8.1] .

9-05 [§ 9-5. § 8.5] In the event of an adverse decision, the patient, guardian or other [interested parties authorized person] will be advised of their rights to appeal under Part IX.

9-06 [§ 9-6. § 8.6] Waivers may be requested for any period of time as specified by the Medical Director or his/her designee according to the medical and/or financial situation of the patient. At the time of request in a waiver, the applicant should provide information regarding the length of time he anticipates the waiver may be in force, with a justification for that estimate. The medical director or his/her designee will then determine and specify a reasonable time period based on the facts and circumstances of the particular case. The time specified should serve only as a guide; in operation the waiver should apply only for the duration of the change in the applicant's circumstances. Prior to the expiration date of the waivers, each case will be reviewed by the medical director or his/her designee for further determination. A waiver may be requested orally or in writing to the Health Department. No waiver can be extended beyond a 6 six- month period without review.

After the waiver period has elapsed, a new eligibility determination will be performed to determine the patient's new income level status, or whether another waiver needs to be extended for continued care.

5.01.01 At his discretion, the Commissioner may delegate the authority to grant or deny variances to Medical Directors in Central, Regional, and District Offices. In the event of an adverse decision, individuals will be advised of their rights to appeal under Section 6-00.

5.01.02 Variances may be granted for a period not to exceed ninety (90) days. Prior to expiration of the variances, the case will be reviewed by the Medical Director for further determination. All variances will be reviewed after a six (6) month period has elapsed. The granting of a variance does not remove charges already incurred and the individuals will continue to be charged for future services as their income level indicates.

5.01.03 9-06.01 Services to applicant/recipients patients

shall continue pending a final decision on a request for a variance waiver .

PART [X IX]. SECTION 6-00-10-00 APPEAL PROCESS.

6-01-10-00 [§ 10-1. § 9.1.] If [applicants applicant] for or [recipients recipient] of medical care services as defined in these regulations [are is] denied such services, [have has] services terminated, or [are is] denied a variance waiver as defined in § 5-01 [§ 9-1 Part VIII] of these regulations , the applicant/recipient is entitled to [an] appeal [that action] as set forth under this [section part]. There are no further rights of appeal except as set forth in this [section part] .

6.01-01-10-01-01 A. [If an The] applicant/recipient [is denied medical care services as defined in these regulations, the applicant/recipient] has the right to be informed in writing of the appeal process, including time limits; and the right to receive a written statement of the reasons for denial. If a person already receiving services is denied those services, a written notice of termination [must shall] be given 30 days in advance of discontinuing services. The person has the right to confront any witnesses who may have testified against him/her .

6.01-02-10-01-02 B. An individual or his representative may make a written or oral appeal to the district health director or program medical director within 30 days of the denial of service.

6.01-03-10-01-03 C. Upon receipt of the appeal, the district health director shall review and make written recommendations to the regional medical director and commissioner within 15 days. The regional medical director shall submit his/her recommendations to the commissioner within 15 days of the receipt of the local health director's recommendations. Within 45 days following the date on which an appeal is filed, the commissioner shall make a final decision.

6.01-04-10-01-04 D. Upon receipt of the appeal, the program medical director shall review and make written recommendations to the division director and the commissioner within 15 days. The division director shall submit his/her recommendations to the commissioner within 15 days of the receipt of the division director's recommendation. Within 45 days following the date on which an appeal is filed, the commissioner shall make a final decision.

6.01-05-10-01-05 E. Services to applicants/recipients shall continue during an appeal process.

PART [XI X]. SECTION 7-00-11-00 FRAUD.

7-01-11-00 [§ 11-1. §10.1.] If the district health director

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finds a pattern of abuse of services such as willful misrepresentation, withholding or falsification of information in an attempt to obtain medical services free or at a reduced rate, he ~~she~~ may discontinue services to the affected person 30 days after notification to the person of the intended discontinuation. Such recipient is entitled to the appeal process set forth in Section ~~6-00 10-00~~ Part [X IX] of these regulations.

STATEWIDE HEALTH COORDINATING COUNCIL

Title of Regulation: VR 360-01-03. Standards for Evaluating Certificate of Public Need Applications to Establish or Expand Nursing Home Services.

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

Effective Date: June 1, 1987

Summary:

The purpose of these regulations is to contain the cost of health care in Virginia by promoting an efficient distribution of nursing home services consistent with the population's need for reasonable access to such services. In their present form, however, these regulations make use of outdated information about demand for nursing home care, appear inadequately responsive to local demand for such care, and may inadvertently frustrate the entry of new providers in areas where the number of additional beds that could be approved each year is relatively small as well as the entry of life care communities whose HMO-like characteristics appear to offer opportunities for cost containment.

The new standards make use of a 1985 study of demand for care by the residents of each planning district. They no longer incorporate an adjustment factor for demand that should be directed to alternative settings, and no longer require the consideration of surplus capacity outside the relevant planning district. They provide limited exceptions for projects involving planning districts whose annual increase in bed need is relatively small, and for projects involving life care communities. As with the existing regulations, the new standards require applications to address the issues of availability of essential personnel, physical accessibility, operational viability, compliance with applicable codes and requirements, and proper service by essential utilities.

VR 360-01-03. Standards for Evaluating Certificate of Public Need Applications to Establish or Expand Nursing Home Services.

PART I INTRODUCTION.

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

While this regulation's official location is within the State Health Plan, it may also be published in whole or in part in the State Medical Facilities Plan or elsewhere as a convenience to the public. Traditionally, the State Medical Facilities Plan contains current projection methodologies so that the reader may understand the derivation of future resource requirements published elsewhere in that document. This does not make the State Medical Facilities Plan a regulatory document, since it merely presents information (current regulations and the results of their application) that could be obtained through other means.

This regulation provides specific standards to be used by the State Health Commissioner to determine whether a public need exists for a proposed project to establish or expand nursing home services. This regulation supersedes the "Nursing Home Bed Need Projection Methodology" adopted by the State Board of Health March 16, 1982, with an effective date of July 15, 1982, and recently published as § B.4 of Part II of the 1985 State Medical Facilities Plan. It also supersedes paragraph NH 1.1B on page 714 of Volume 1 of the Virginia State Health Plan 1980-84 as well as § E of Part II of the 1982 Amendment to the 1980-84 Virginia State Health Plan, adopted March 16, 1983, with an effective date of September 1, 1983.

As a convenience to the public, a summary of how to compute nursing home bed need may be published in the State Medical Facilities Plan, as may the results of such computations with respect to one or more future time periods and the implications of those computations given the availability of resources as of a specified date.

NH 1.1-B. The Statewide Health Coordinating Council and the State Health Department should not approve any new nursing home beds where excess capacity has been identified in the State Medical Facilities Plan or where excess capacity would occur as a result of such approval.

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

Article 1. Definitions.

§ 2.1. Definitions.

Unless the context clearly indicates otherwise, the following definitions shall be used in carrying out these regulations.

"Contractholder" means an individual with a valid life care contract.

"Department" means the Virginia Department of Health.

"Estimated nursing home bed demand rate" means the number of nursing home beds per 1,000 population estimated by the department to be necessary to meet that population's demand for nursing home services. The department's most recent official estimates of such rates are published as part of this regulation. Factors considered by the department in computing these estimates may include, but are not limited to, one or more of the following: persons occupying nursing home beds, persons awaiting placement in nursing home beds, migration, desirable average occupancy of nursing home beds, and the likelihood that observed demand is reflective of actual need.

"Fifth planning horizon year" means the fifth year following the title year of the State Medical Facilities Plan currently in effect.

"Health service area" (abbreviation: HSA) means one of the following groups of planning districts:

1. Planning Districts 6, 7, 9, 10, and 16 (HSA I).
2. Planning District 8 (HSA II).
3. Planning Districts 1, 2, 3, 4, 5, 11, and 12 (HSA III).
4. Planning Districts 13, 14, 15, and 19 (HSA IV).
5. Planning Districts 17, 18, 20, 21, and 22 (HSA V).

"Life care community" means a place, used for group living, whose arrangements for residential occupancy are provided under life care contracts. Its residential capacity is the sum of the following: nursing care capacity, which is the number of nursing home beds licensed by the department as part of the life care community's physical plant regardless of the contract status of the occupants of those beds; and nonnursing care capacity, which is the maximum number of residents that the life care community is designed to accommodate exclusive of its nursing care capacity.

"Life care contract" means a written agreement guaranteeing, for the life of the contractholder, that at least board, lodging, [licensed or certified home health agency services,] and nursing home services will be provided to the contractholder when and as needed in consideration of either the payment of fixed periodic

charges adjustable once annually or an entrance fee, or both.

"Nursing home" means a nursing home as defined in § 32.1-123 of the Code of Virginia.

"Nursing home services" means services provided by a nursing home.

"Sixth planning horizon year" means the sixth year following the title year of the State Medical Facilities Plan currently in effect.

Article 2. General Standards.

E. NURSING HOME SERVICES

1. The following criteria will be used, as applicable, in the consideration of applications for Certificates of Public Need for nursing home construction or modernization:

(a) a need for additional beds exists in the Health Service Area;

(b) in a Health Service Area where a need for beds is indicated, the proposed facility would be located within a Planning District where a need is also indicated.

(c) the applicant has provided adequate evidence that the proposed facility is reasonably accessible to acute care facilities and medical services

(d) sufficient health manpower resources are available;

(e) the proposed facility is designed to be accessible to major transportation arteries;

(f) the proposed facility is designed to meet all applicable codes and requirements;

(g) water, sewage and other utilities will be available;

(h) the applicant proposes a facility of a viable operational size;

(i) the conversion of other types of underutilized beds is not possible under current law or would not prove cost effective for funding by government financed programs;

(j) appropriate alternatives to long-term inpatient care services are not available, and

(k) alternatives to the proposed project have been explored and documented in the proposal and reasonable rationale is provided for the option

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chosen:

§ 2.2. An application to establish new or expand existing nursing home services may be approved only if it demonstrates to the satisfaction of the department that each of the following can reasonably be expected to occur:

1. Essential personnel will be available in sufficient quantity to meet the needs of the proposed services upon completion of the project; and
2. The proposed services will be provided in one or more facilities that are:
 - a. Reasonably accessible to acute care facilities and medical services, and,
 - b. Linked by paved roads to a state or federal highway, and
 - c. Of a viable operational size, and
 - d. Designed to meet all applicable codes and requirements, and
 - e. Properly served by essential utilities (such as water, sewage, and power).

Article 3.

Standards Pertaining to Bed Complement.

§ 2.3. An application to establish new or expand existing nursing home services in a given planning district may be approved only if the resulting number of licensed or approved nursing home beds in that planning district does not exceed the number of such beds projected to be needed in that planning district in the fifth planning horizon year.

4.0 NURSING HOME BED NEED PROJECTION METHODOLOGY

1. Estimate the number of beds needed to satisfy total demand without community services development, by multiplying the 1981 total demand rate (per the 1981 Nursing Home Survey) times the estimated population* for the projection year, for each of the following age groups within each Health Service Area: under 65, 65 to 74, 75 or older. The 1981 total demand rate, which reflects an average occupancy level of 95%, is as follows:

..... Beds per 1,000 Population**

HSA	Under 65	65-74	75+
I	0.62	14.0	90.0
II	0.21	9.6	94.4
III	0.51	9.6	72.2
IV	0.45	10.0	77.0
V	0.47	12.5	81.1

*As most recently reported by the State Department of Planning and Budget

**Revised to correct inaccuracies in previous estimates of waiting lists at non-reporting facilities.

2. Estimate the number of beds not needed if community services were more readily available, by multiplying the Medicaid portion (67% of the preceding step's results) by 15% and the remainder by 5%.

3. Subtract the results of step 2 from the results of step 1 to obtain the number of beds needed in the projection year, assuming 95% average occupancy and assuring community services are readily available as an alternative to nursing home care.

4. Compare the results of step 3 with the inventory of licensed beds corrected for any changes in capacity approved through the certificate of need process, to determine the additional number of beds needed (or the expected excess of beds) for the projection year.

5. To obtain projected need for a specific Planning District (PD), multiply the PD's projected age specific populations by its HSA's total demand rate, and proceed with steps 2-4.

NOTE: This methodology assumes no significant change will occur after 1981 with respect to the reliance of out-of-state residents upon Virginia facilities.

§ 2.4. The number of nursing home beds projected to be needed in a given planning district in a given year shall be computed by multiplying that planning district's population, in thousands (for that year, for each specified age group) times its corresponding estimated nursing home bed demand rates, rounding these products to the nearest whole bed, and summing the results. The population of a planning district for a given year shall be that most recently published as such by the Virginia Department of Planning and Budget.

§ 2.5. Estimated nursing home bed demand rates [per 1,000 population] are as follows:

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Health Service Area	Planning District	Age 0-64	Age 65-74	Age 75-84	Age 85+
I	6	[0-593 .680]	[10-929 11.7]	[50-629 54.5]	[205-184 218]
I	7	[0-446 .446]	[0-852 10.5]	[45-755 49.1]	[174-376 185]
I	9	[0-395 .450]	[0-182 8.9]	[42-697 46.6]	[192-273 202]
I	10	[0-343 .390]	[9-418 10.3]	[44-602 48.8]	[102-733 216]
I	16	[0-320 .380]	[7-024 7.6]	[39-266 41.4]	[188-523 200]
II	8	[0-329 .380]	[6-877 7.6]	[46-753 49.9]	[218-985 235]
III	1	[0-540 .612]	[7-833 9.0]	[42-815 46.2]	[194-092 209]
III	2	[0-346 .387]	[6-877 7.6]	[35-001 37.9]	[169-289 183]
III	3	[0-586 .680]	[8-953 11.0]	[35-001 41.8]	[171-952 198]
III	4	[0-329 .356]	[9-095 9.5]	[42-282 44.3]	[218-905 235]
III	5	[0-593 .680]	[11-039 12.1]	[50-629 54.5]	[186-881 203]
III	11	[0-593 .597]	[8-777 9.1]	[41-864 44.5]	[175-444 187]
III	12	[0-460 .498]	[9-398 9.9]	[41-993 44.4]	[211-289 225]
IV	13	[0-593 .680]	[10-133 10.7]	[42-406 42.3]	[188-866 191]
IV	14	[0-403 .452]	[8-484 9.2]	[37-374 40.1]	[206-680 219]
IV	15	[0-427 .531]	[8-955 10.1]	[41-136 45.4]	[175-225 190]
IV	19	[0-585 .678]	[11-039 12.1]	[50-629 54.5]	[211-336 229]
V	17	[0-446 .558]	[7-041 7.6]	[38-644 40.7]	[218-905 235]
V	18	[0-513 .557]	[7-420 8.2]	[48-330 52.2]	[205-659 221]
V	20	[0-368 .476]	[10-324 12.1]	[47-802 54.0]	[163-184 203]
V	21	[0-447 .547]	[10-399 12.0]	[50-629 54.5]	[208-452 228]
V	22	[0-443 .545]	[7-549 8.6]	[36-710 39.1]	[210-646 227]

Article 4. Exceptions.

2.6. An application that would result in an increase in the number of nursing homes located within a given planning district may be approved notwithstanding § 2.3 if:

1. The number of beds projected to be needed in that planning district does not increase by at least 60 beds between the fifth and sixth planning horizon years, and
2. The resulting number of beds in that planning district does not exceed the number projected to be needed in that planning district in the sixth planning horizon year, and
3. Accessibility of services, geographic distribution of nursing homes, and competition among nursing homes would be enhanced within that planning district as a result of the proposed project.

2.7. An application involving nursing home beds within a life care community (LCC) may be approved notwithstanding § 2.3 so long as:

1. It would not result in the LCC's nursing care capacity exceeding [~~15.20%~~ 16%] of its nonnursing care capacity for life care contractholders; and
2. The application contains written assurances that:
 - a. All admissions to the LCC's nursing care beds occurring after three years from the date of the

project's completion shall be restricted to the LCC's contractholders, and

b. The LCC's average number of contractholders shall be at least [~~7.25~~ 6.5] times its total number of licensed or approved nursing care beds for each year beginning with the third year following the date of the project's completion, and

c. Beginning with the third year following the date of the project's completion, the LCC will promptly submit all data requested by the department pertaining to its number of contractholders and its policies with respect to admission to its nursing care beds; and

3. The application contains written acknowledgement that a breach of any of the preceding assurances shall constitute grounds for revocation of the certificate of public need whose issuance was [~~predicated~~ predicated] upon those assurances.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTICE: 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 400-02-0011. Procedures, Instructions and Guidelines for Allocation of Low-Income Housing Tax Credits.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Effective Date: March 26, 1987

Summary:

The procedures, instructions and guidelines establish the procedures and requirements for the solicitation, submission, review, and selection of applications for low-income housing tax credits and for the set-aside and allocation of such credits.

The substantial changes which were made to the proposed procedures, instructions and guidelines are as follows:

1. In the selection of applications for set-aside of low-income housing tax credits, the executive director was authorized to rely on the underwriting of federal agencies and instrumentalities.
2. A provision was included in § 7 to specify the objective of the authority in applying the criteria for the selection of applications for set-asides of the low-income housing credits.

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3. The provision in the proposed procedures, instructions and guidelines authorizing the executive director to waive or modify any of the provisions therein was amended to require the request or consent of the applicant.

4. The criterion in item 6 of § 7 relating to the attractiveness of a proposed development was modified by deletion of the terms attractive, esthetically appealing, habitable and pleasant.

5. The provisions relating to the administrative fee were modified to require that the amount of such fee be based upon the authority's administrative costs for allocating the low-income housing tax credits.

6. Modifications were made to § 5 to permit the authority to accept satisfactory assurances, other than attorneys' and accountants' opinions, as to compliance with the Code and calculation of the amount of the credits. Section 7 was modified to authorize the authority to require receipt of such opinions at the time that the set-asides are made.

VR 400-02-0011. Procedures, Instructions and Guidelines for Allocation of Low-Income Housing Tax Credits.

§ 1. Definitions.

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

"Authority" means the Virginia Housing Development Authority.

"Code" means the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

"Credits" means the low-income housing tax credits as described in § 42 of the Code.

"Executive director" means the executive director of the authority or any other officer or employee of the authority who is authorized to act on behalf of the authority pursuant to a resolution of the authority.

"Low-income housing units" means those units which meet the applicable requirements in § 42 of the Code to qualify for credits thereunder.

§ 2. Purpose and applicability.

The following procedures, instructions and guidelines will govern the allocation by the authority of credits pursuant to § 42 of the Code.

Notwithstanding anything to the contrary herein, [acting at the request or with the consent of the applicant for credits,] the executive director is authorized to waive or modify any provision herein where deemed appropriate by

him for good cause, to the extent not inconsistent with the Code.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the processing and administration of the credits. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time.

§ 3. General description.

The Code provides for credits to the owners of residential rental projects providing low-income housing units as described therein. The aggregate amount of such credits (other than credits for developments financed with certain tax-exempt bonds) allocated in any calendar year within the Commonwealth may not exceed the Commonwealth annual low-income credit authority limitation for such year, which is equal to \$1.25 for every resident of the Commonwealth. An amount equal to 10% of such limitation is set-aside for certain qualified nonprofit organizations. Credit allocations are counted against the Commonwealth's annual credit authority limitation for the calendar year in which the credits are allocated. The Code provides for the allocation of the Commonwealth's credit authority limitation to the housing credit agency of the [state Commonwealth] . The authority has been designated by executive order of the Governor as the housing credit agency under the Code and, in such capacity, shall allocate for each calendar year credits to owners of low-income housing units in accordance herewith.

Credits may not be allocated before the calendar year in which the subject building in a development is placed in service. Prior to such allocation, the authority shall receive and review applications for set-asides of credits as described hereinbelow and shall make such set-asides of credits to low-income housing units, subject to satisfaction of certain terms and conditions as described herein. Upon compliance with such terms and conditions and the placement in service of the low-income housing units, the credits shall be allocated to the owner of such units in the calendar year for which such credits were set-aside by the authority.

The authority shall charge to each applicant who receives an allocation of credits an administrative fee in such amount as the executive director shall determine [to be necessary to cover the administrative costs to the authority,] but not to exceed the maximum amount permitted under the Code. Such fee shall be payable at such times as hereinafter provided or at such other times as the executive director shall for good cause require.

§ 4. Solicitations of applications.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for credits. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications and the selection thereof as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which available credits are to be allocated and such other matters as he shall deem appropriate relating to the selection of applications. The authority may also consider and approve applications submitted from time to time to the authority without any solicitation therefor on the part of the authority.

§ 5. Application.

Application for a set-aside of credits shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe [or approve], together with such documents and additional information as may be requested by the authority, including, but not limited to: site, elevation and unit plans; information with respect to the status of the proposed development site and the surrounding community; any option or sales contract to acquire the site; evidence of a source of financing for the proposed development; an evaluation of the need and effective demand for the proposed development in the market area of such site; information regarding the legal, business and financial status and experience of the members of the applicant's proposed development team and of the principals in any entity which is a member thereof, including current financial statements (which shall be audited in the case of a business entity) for the mortgagor (if existing), the general contractor and the principals therein; information regarding amenities and services proposed to be offered to the tenants; an estimate of the housing development costs and the individual components thereof; the proposed schedule of rents; identification of the low-income housing units; the maximum incomes of the persons and families who are to occupy the low-income housing units and the maximum rents which may be charged to such persons and families under the Code; an estimate of the annual operating budget and the individual components thereof; the estimated utility expenses to be paid by the residents of units in the proposed development; the allowances permitted by the Code for utility expenses to be paid by the residents of the low-income housing units; the amount of any governmental loan, insurance, subsidy or assistance which the applicant expects to receive for the proposed development; a schedule for the acquisition of the property, obtaining any financing, commencement and completion of any construction or rehabilitation, and

placement of the development in service; a legal opinion [or other assurances satisfactory to the executive director] as to compliance of the proposed development with the Code; and a certification, together with an opinion of an independent certified public accountant [or other assurances satisfactory to the executive director], setting forth the calculation of the amount of credits requested by the application and certifying that under the existing facts and circumstances the applicant will be eligible for the amount of credits requested.

[In the case of developments which are to be financed or otherwise assisted by a federal agency or instrumentality or on which the financing is to be insured by such an agency or instrumentality, the application may be submitted on the forms provided by such agency or instrumentality, provided that all information required by this § 5 is set forth on such forms or other documents submitted with such forms.]

The development for which an application is submitted may be, but shall not be required to be, financed by the authority. If any such development is to be financed by the authority, the application for such financing shall be submitted to and received by the authority in accordance with its applicable procedures, instructions and guidelines.

The authority may consider and approve, in accordance herewith, the allocation of credits to any developments which the authority may own or may intend to acquire, construct and rehabilitate.

§ 6. Review of application.

The authority's staff shall review each application and any additional information submitted by the applicant or obtained from other sources by the authority in its review of each application. Such review shall include, but not be limited to, the following:

1. A review of the rights of the applicant with respect to the acquisition and ownership of the site and an analysis of the site characteristics, surrounding land uses, available utilities, transportation, employment opportunities, recreational opportunities, shopping facilities and other factors affecting the site;
2. A review of the proposed housing development costs and an analysis of the adequacy of the proposed financing and other available moneys to fund such costs;
3. A review and evaluation of the applicant's schedule and of the feasibility of placing the low-income housing units in service in accordance therewith;
4. A review of the estimated operating expenses, utility expenses and allowances, and proposed rents and an evaluation of the adequacy of the proposed rents and other income to sustain the proposed development based upon the occupancy rate approved

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or required by the authority and upon estimated operating expenses and financing costs;

5. A market analysis as to the present and projected demand for the proposed development in the market area;

6. A review of the terms and conditions of the proposed financing and any governmental assistance;

7. A review of the (i) ability, experience and financial capacity of the applicant and general contractor and (ii) the qualifications of the architect, management agent and other members of the proposed development team;

8. An analysis of the proposed design and structure of the development, including the functional use and living environment for the proposed residents, the marketability of the units, the amenities and facilities to be provided to the proposed residents, and the management and maintenance characteristics of the proposed development; and

9. An analysis as to the feasibility of the applicant's qualifying for the credits in accordance with the Code.

[In reviewing applications, the executive director may rely on the underwriting or other review procedures performed by or on behalf of any federal agency or instrumentality which is to finance, insure the financing on, or otherwise assist the development.]

§ 7. Selection of application; set-aside of credits.

Based on the authority's review of applications, documents and any additional information submitted by the applicants or obtained from other sources by the authority, the executive director shall prepare a recommendation to the Board of Commissioners of the authority that a set-aside of credits be made to those applications which he determines best satisfy the following criteria:

1. The vicinity of the proposed development is and will continue to be a residential area suitable for the proposed development and is not now, nor is it likely in the future to become, subject to uses or determination which could adversely affect its operation, marketability or economic feasibility.

2. There are or will be available on or before the estimated completion date such public and private facilities (such as schools, churches, transportation, retail and service establishments, parks, recreational facilities and major public and private employers) in the area of the proposed development as the executive director determines to be necessary or desirable for use and enjoyment by the contemplated residents.

3. The characteristics of the site (such as its size,

topography, terrain, soil and subsoil conditions, vegetation, and drainage conditions) are suitable for the construction and operation of the proposed development.

4. The location of the proposed development will promote and enhance the marketability of the units to the person and families intended for occupancy thereof.

5. The applicant either owns or leases the site of the proposed development or has the legal right to acquire or lease the site in such manner, at such time and subject to such terms as will permit the applicant to proceed with the development in accordance with the proposed schedule and these procedures, instructions and guidelines.

6. The design of the proposed development [~~is attractive and esthetically appealing,~~] will contribute to the marketability of the proposed development [;] and will [~~otherwise~~] provide a safe [; ~~habitable and pleasant~~] living environment for such residents.

7. The applicant and general contractor have the experience, ability and financial capacity necessary to carry out their respective responsibilities for the acquisition, construction, ownership, operation, marketing, maintenance and management of the proposed development.

8. The architect, management agent and other members of the proposed development team have the qualifications necessary to perform their respective functions and responsibilities.

9. The application and proposed development conform to the requirements, limitations and conditions, if any, imposed by the executive director pursuant to § 4 of these [~~regulations~~] procedures, instructions and guidelines [].

10. The applicant's estimates of housing development costs (i) include all costs necessary for the development and construction of the proposed development, (ii) are reasonable in amount, (iii) are based upon valid data and information, and (iv) are comparable to costs for similar multifamily rental developments; provided, however, that if the applicant's estimates of such costs are insufficient in amount under the foregoing criteria, such criteria may nevertheless be satisfied if, in the judgment of the executive director, the applicant will have the financial ability to pay any costs estimated by the executive director to be in excess of the total of the applicant's estimates of housing development costs.

11. All operating expenses (including customary replacement and other reserves) necessary or appropriate for the operation of the proposed development are included in the proposed operating

budget, and the estimated amounts of such operating expenses are reasonable, are based on valid data and information and are comparable to operating expenses experienced by similar developments.

12. Based upon the proposed rents and projected occupancy level required or approved by the executive director, the estimated income from the proposed development is reasonable and comparable to income received on similar developments. The estimated income may include (i) rental income from commercial space within the proposed development if the executive director determines that a strong, long-term market exists for such space and (ii) income from other sources relating to the operation of the proposed development.

13. The estimated income from the proposed development, including any governmental subsidy or assistance, is sufficient to pay debt service, operating expenses, and customary replacement and other reserves.

14. The low-income housing units will, prior to such data and during such period as the Code shall require, be occupied by persons and families whose incomes do not exceed the limits prescribed by the Code.

15. Sufficient demand in the market area of the development exists and will exist for the units in the development during the term of the credits. Occupancy of the development will be achieved in such time and manner that the proposed development will (i) attain self-sufficiency (i.e., the rental and other income from the development is sufficient to pay all operating expenses, debt service and replacement and other reserves and escrows) within the usual and customary time for a development for its size, nature, location and type and (ii) will continue to be self-sufficient for the full term of the credits.

16. The estimated utility expenses and other costs to be paid by the residents are reasonable, are based upon valid data and information and are comparable to such expenses experienced by similar developments, and the estimated amounts of such utility expenses and costs will not have a materially adverse effect on the occupancy of the units in accordance with paragraph [15] of this section.

17. The proposed development includes such appliances, equipment, facilities and amenities as are customarily used or enjoyed by the contemplated residents in similar developments.

18. In the case of any development to be insured, subsidized or otherwise assisted or aided by any federal, state or local government, the proposed development will comply in all respects with any laws, rules and regulations relating thereto, and adequate insurance, subsidy, or assistance is available for the

development and will be expected to remain available in the due course of processing with the applicable governmental entity.

19. The gross rents to be paid by families for the low-income housing units do not exceed 30% of the applicable qualifying income for a family of its size (reduced by any utility allowances as required by the Code). The amounts of any utility allowances are calculated in accordance with the requirements of the Code.

20. The applicant will be able to proceed with the development in accordance with the schedule submitted with the application, and as a result the proposed development will be placed in service prior to or during the initial year for which the credits are requested.

21. A reliable source of financing is available in an amount and on terms and conditions which will permit the applicant to proceed with the development as proposed. Such financing, together with other moneys to be available to the applicant, will be sufficient to fund the acquisition and any construction or rehabilitation of the proposed development.

22. The prerequisites necessary for the members of the applicant's development team to acquire, own, construct or rehabilitate, operate and manage the proposed development have been satisfied or can be satisfied within a period of time consistent with the applicant's schedule for the proposed development. These prerequisites include, but are not limited to obtaining: (i) site plan approval, (ii) proper zoning status, (iii) assurances of the availability of the requisite public utilities, (iv) commitments by public officials to construct such public improvements and accept the dedication of streets and easements that are necessary or desirable for the construction and use of the proposed development, (v) building [,] occupancy, and other permits required for any construction or rehabilitation and occupancy of the proposed development, and (vi) licenses and other legal authorizations necessary to permit each member to perform his or its duties and responsibilities in the Commonwealth of Virginia.

23. The allocation of credits to the applicant will result in an increase, or will prevent a decrease, in the supply of decent, safe and sanitary housing at affordable rents for the low-income persons and families intended to be served by the credits under the Code.

24. The applicant and the proposed development will satisfy all requirements set forth in the Code in order to be eligible for receipt of the credits in the amount requested.

[In the application of the above criteria for the

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selection of applicants, the objective of the authority shall be that credits shall be set aside for those developments which will best provide (with respect to location; design; quality of construction and management; cost of acquisition, rehabilitation or construction and operation; and other characteristics described in such criteria) decent, safe and sanitary housing at rents affordable to low income persons and families; will permit maximum use of the credits; will proceed successfully to completion or acquisition and operation; will qualify under the Code for such credits upon completion or acquisition; will thereafter continue to qualify for and fully utilize such credits in accordance with the requirements of the Code; and will best serve the housing needs of the Commonwealth.]

If only one application is being reviewed, the executive director shall recommend to the Board of Commissioners that a set-aside of credits be made for such application if he determines that such application adequately satisfies the criteria set forth above in this section.

In determining whether to recommend the selection of an application or applications, the executive director may take into account the desirability of allocating credits to different applicants throughout the Commonwealth. The executive director may also give special consideration to developments located in areas having severe shortages of low-income housing and to developments for the mentally and physically disabled and for persons and families having special housing needs.

An amount, as determined by the executive director, not less than 10% of the Commonwealth's annual credit authority limitation shall be available for set-asides to developments in which "qualified nonprofit organizations" materially participate in the development and operation thereof, as described in the Code. In no event shall more than 90% of the Commonwealth's annual credit authority limitation be available for developments other than those described in the preceding sentence.

If the executive director determines not to recommend the set-aside of credits to an applicant, he shall so notify the applicant.

If the executive director determines that one or more of the criteria set forth above in this section have not been adequately satisfied by an applicant, he may nevertheless in his discretion recommend to the Board of Commissioners that the set-aside be approved subject to the satisfaction of such criteria in such manner and within such time period as he shall deem appropriate.

The Board of Commissioners shall review and consider the analysis and recommendation of the executive director for the set-aside of credits, and, if it concurs with such recommendation, it shall by resolution approve the application and authorize the executive director to set aside the credits to the applicant, subject to such terms and conditions as it shall deem necessary or appropriate

to assure compliance with the Code and these procedures, instructions and guidelines. If the Board of Commissioners determines not to approve an application for a set-aside of credits, the executive director shall so notify the applicant.

Upon approval by the Board of Commissioners of a set-aside of credits to an applicant, the executive director shall notify the applicant of such set-aside and of any terms and conditions imposed with respect thereto and may require the payment by the applicant of a nonrefundable processing fee, in such amount as the executive director determines, to reimburse the authority for its administrative costs [in processing the application] . Such fee shall be applied, upon allocation of the credits, toward the payment of the authority's administrative fee. The executive director may also require the applicant to make a good faith deposit to assure that the applicant will comply with all requirements under the Code and these procedures, instructions and guidelines for allocation of the credits. Upon allocation of the credits, such deposit (or a pro rata portion thereof based upon the portion of credits so allocated) shall be refunded to the applicant.

[As a condition to the set-aside of credits, the executive director may require the submission of such legal and accounting opinions as he shall deem necessary to evidence that the applicant will be entitled to the credits under the Code.]

If the low-income housing units in the development have been placed in service as of the date the application is approved by the Board of Commissioners and if the owner thereof is otherwise then entitled to the use of the credits under the Code, the executive director may at that time allocate the credits to such owner without first providing a set-aside of such credits.

The executive director may require that applicants to whom credits have been assigned shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the proposed development at its compliance with the schedule submitted with the application. If on the basis of such written confirmation and documentation and other available information the executive director determines that the low-income housing units in the development will not be placed in service prior to or during the calendar year for which such credits are set aside or will not otherwise qualify for such credits, then the executive director may terminate the set-aside of such credits.

Any material changes to the development, as proposed in the application, occurring subsequent to the set-aside of the credits therefor shall be subject to the prior written approval of the executive director. If such changes are made without the prior written approval of the executive director, he may terminate the set-aside of such credits.

In the event any set-aside of credits are terminated by the executive director under this section, he may set aside or allocate, as applicable, such credits to other qualified

applicants in accordance with the provisions hereof on a competitive basis, on a first-come, first-served basis, on a pro rata basis or in such other manner as he shall deem appropriate.

§ 8. Allocation of credits.

At such time as the low-income housing units in a development are placed in service, the applicant shall so advise the authority, shall request the allocation of all of the credits or such portion thereof to which the applicant is entitled under the Code, and shall submit such certifications, legal and accounting opinions, and other documentation (including, without limitations, evidence that the low-income housing units will be occupied within the time period required by the Code) as the executive director shall require in order to determine that the applicant is entitled to such credits under the Code and these procedures, instructions and guidelines. If the executive director determines that the applicant is so entitled to the credits, he shall allocate the credits (or such portion thereof as he deems the applicant to be entitled) to the applicant in accordance with the requirements of the Code. If the executive director shall determine that the applicant is not so entitled to the credits, he shall not allocate the credits to the applicant and shall so notify the applicant; provided, however, that he may nevertheless allocate such credits subject to satisfaction of terms and conditions as he shall deem necessary or appropriate to assure that the applicant shall become entitled to the credits. Upon approval or denial by the executive director of the applicant's request for allocation of credits, the applicant shall pay the balance of the administrative fee to the authority. In the event that any such applicant shall not request all of the allocation of its credits or shall be deemed by the executive director not to be entitled to any or all of its credits, the executive director may set aside or allocate, as applicable, such unallocated credits to other qualified applicants in accordance with the provisions hereof on a competitive basis, on a first-come, first-served basis, on a pro rata basis or in such other manner as he shall deem appropriate.

Prior to the initial determination of the "qualified basis" (as defined in the Code) of the low-income housing units in a development pursuant to the Code, an applicant to whom credits have been set aside may request a set-aside of additional credits. Subsequent to such determination of the qualified basis, the applicant may request an increase in the amount of credits by reason of an increase in the number of low-income housing units or in the amount of floor space of the low-income housing units. Any request for additional credits shall include such opinions, certifications and documentation as the executive director shall require in order to determine that the applicant will be entitled to such additional credits under the Code and these procedures, instructions and guidelines and shall be submitted, reviewed and selected by the executive director in accordance with the provisions hereof.

The effective date of the foregoing procedures, instructions and guidelines shall be [February 17, 1987 March 26, 1987] .

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

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

Effective Date: July 1, 1987

Summary:

Pursuant to Title 45 of the Code of Federal Regulations (CFR), § 233.20 (a)(3)(iv)(F) requires states to limit the disregarded amount of nonrecurring monetary gifts, such as those received for Christmas, birthdays, and graduations, not to exceed \$30 per recipient per quarter.

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

§ 1. Definitions.

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

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

"Department" means the Virginia Department of Social Services.

"Assistance unit" means those persons who have been determined categorically and financially eligible to receive an assistance payment.

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

"Disregard" means the income which is not considered when determining eligibility for the Aid to Dependent

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Children (ADC) Program.

§ 2. Treatment of Monetary Gifts.

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

* * * * *

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 615-01-21. Deeming of Stepparent Income in the Aid to Dependent Children (ADC) Program.

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

Effective Date: July 1, 1987

Summary:

The Omnibus Budget Reconciliation Act of 1981 (OBRA) amended the Social Security Act at § 402 (a)(31)(A), codified in federal regulations at 45 CFR § 233.20 (a)(3)(xiv), by establishing a minimum level of stepparent responsibility, in states without laws of general applicability, for the dependent children with whom he lives when his own needs are not included in the assistance unit. This legislation established a \$75 work expense disregard for stepparents employed full-time and directed states to establish a lesser amount for stepparents not employed on a full-time basis; in Virginia the amount established was \$56.

The Tax Reform Act of 1986 amended § 402 (A)(31)(A) of the Social Security Act by repealing the requirement that mandated states to establish a lower work expense disregard when determining the amount of income to be deemed available to an assistance unit from a stepparent employed less than full-time.

VR 615-01-21. Deeming of Stepparent Income in the Aid to Dependent Children (ADC) Program.

PART I. DEFINITIONS.


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

"Assistance unit" means those persons who have been determined categorically and financially eligible to receive assistance.

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

PART II. CALCULATING DEEMED INCOME.

§ 2.1. When the stepparent of a child receiving Aid to Dependent Children (ADC) resides with the assistance unit



COMMONWEALTH of VIRGINIA
VIRGINIA CODE COMMISSION
General Assembly Building

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April 9, 1987

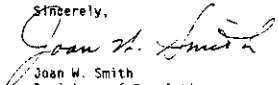
William L. Lukhard, Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229

Re: VR 615-01-16. - Treatment of Casual and Inconsequential Income
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

Final Regulations

but is not a member of that or any other unit, a portion of his income must be deemed available to meet the needs of the assistance unit. The amount to be deemed available is determined by applying the following disregards to the stepparent's income: (i) a work expense allowance of \$75 from full-time earnings or \$56 from the earnings of stepparents who are not employed on a full-time basis or not employed throughout the month; (ii) the standard of need for household members not included in the assistance unit who are or could be claimed as dependents on the stepparent's federal income tax return; (iii) actual support paid to individuals not living in the home who are or could be claimed as tax dependents on the stepparent's federal income tax return; and (iv) payments for child support and alimony paid to individuals not living in the household.

STATE WATER CONTROL BOARD

NOTICE: The State Water Control Board has REPEALED the four regulations listed below:

Title of Regulation: Regulation No. 3.

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

Effective Date: July 1, 1987

Summary:

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.

* * * * *

Title of Regulation: Regulation No. 7 - Industrial Waste Survey.

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

Effective Date: May 27, 1987

Summary:

Regulation No. 7 sets forth the methodology for all 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.

* * * * *

Title of Regulation: Regulation No 10 - Trash and Pumpout Services for Vessels at Anchor.

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


Effective Date: May 27, 1987

Summary:

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, and sewage and sewage sludge.

* * * * *

Title of Regulation: 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.



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VIRGINIA CODE COMMISSION
General Assembly Building

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April 9, 1987

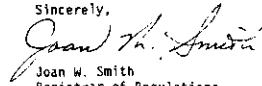
William L. Lukhard, Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229

Re: VR 615-01-21. - Deeming of Stepparent Income 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

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

Effective Date: May 27, 1987

Summary:

The Priority 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, operating and maintaining a new or expanded wastewater treatment system.

* * * * *

Title of Regulation: Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303 (e) Water Quality Management Plan.

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

Effective Date: May 27, 1987

Background:

Water Quality Management Plans set forth those measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and numeric loadings for five day Biological Oxygen Demand (BOD5). These statements and loadings describe the water quality necessary to attain these water quality goals.

Section 62.1-44.15(3) and (13) of the Code of Virginia authorizes the State Water Control Board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and modify, amend, or cancel any such standards or policies established. Such standards or policies shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards or policies as adopted, modified, amended or cancelled.

Title 40 Parts 35 and 130 of the Code of Federal Regulations requires states to develop a continuing planning process of which Water Quality Management Plans (WQMP) are a part. No NPDES permits may be issued that are not in conformance with the plans. If EPA determines that Virginia's continuing planning process is not consistent with the Act, EPA will not approve Virginia's NPDES permit program.

A summary of the proposed amendment follows.

Summary:

The RADCO (Rappahannock Area Development Commission) 208 Areawide Waste Treatment Management Plan and the Potomac-Shenandoah River Basin 303(e) Water Quality Management Plan set forth those measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and numeric loadings for five day Biological Oxygen Demand (BOD5).

Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303 (e) Water Quality Management Plan.

I. § 1. General.

A. This 208 Plan is based on the 208 Areawide Waste Treatment Management Plan for the RADCO Planning District prepared by Roy F. Weston, Consulting Engineers, located in Richmond, Virginia and subsequently amended by RADCO on October 18, 1982 and , September 19, 1983 , and May 19, 1986. The original report was financed through a grant from the U.S. Environmental Protection Agency under § 208 of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500).

B. The purpose of the plan is to set forth those measures to be taken by agencies, companies, and individuals throughout the planning district to obtain and maintain the water quality goals as specified in the federal and state laws and regulations. This plan will be updated annually by the specified planning agency and the appropriate 303(e) River Basin Water Quality Management Plan will be amended as necessary to reflect the 208 Plan.

C. The area considered in this plan consists of the RADCO Planning District (No. 16), which includes the Counties of Stafford, Spotsylvania, King George, and Caroline; and the City of Fredericksburg.

II. § 2. Technical plan.

A. Point source controls.

For the purpose of the 208 study, the RADCO Planning District was divided into six study areas based upon natural and political boundaries as indicated below.

1. Study Area I.

Study Area I is that portion of Stafford County that lies within the Potomac River Hydrologic Planning Unit (HPU). No new treatment facilities construction is envisioned. The Aquia treatment facility currently under construction will provide adequate wastewater treatment and disposal through the study period (20 years).

2. Study Area II.

Study Area II is made up of those portions of Stafford and Spotsylvania Counties within the Rappahannock HPU as well as the City of Fredericksburg. The plan for Study Area II is based upon the document entitled RADCO 208 Plan Amendment, dated September 1983. The Claiborne Run Plant is to be kept in operation to treat wastewater from the South Stafford service area until its design capacity is met (about the year 1990) or until nitrification is required. At such time either the plant can be upgraded or the flows transferred to the FMC plant. The former FMC facility is to be reactivated as a municipal secondary treatment plant, with a design capacity of 4.0 mgd to be initially permitted at 2.619 mgd based on the wasteload allocation, to treat a portion of the wastewater from Spotsylvania County and a portion of flow from the City of Fredericksburg. When nitrification or other more stringent treatment is shown by the Rappahannock River monitoring program to be needed, the plant will be upgraded to meet these requirements. It is expected that upgraded treatment will be required around 1990. The Deep Run interceptor and the Deep Run to FMC interceptor are to be constructed to reroute Spotsylvania County flows to the FMC plant. The Massaponax plant will continue in operation to treat the remainder of Spotsylvania County flows with no upgrading until at least the year 1990 unless nitrification becomes required. The Fredericksburg plant is kept in operation to treat the remainder of flows from the city. The recommendations of the Rappahannock Service Authority Infiltration/Inflow Update are to be implemented by Stafford and Spotsylvania Counties. A coordinated monitoring program for the Rappahannock River is to be conducted by the localities to determine the need for additional treatment at the area facilities.

3. Study Area III.

Study Area III is that portion of Spotsylvania County that lies in the York River HPU.

In the Spotsylvania Courthouse area the Wishner facility will be upgraded to provide secondary treatment and will replace the existing Aldrich lagoon.

4. Study Area IV.

Study Area IV is comprised of the portion of King George County that lies within the Potomac River HPU.

Secondary treatment to be followed by land application of the treated effluent will be provided to the Fairview Beach area.

Secondary treatment will be provided by expanding and upgrading the existing treatment facilities in the Dahlgren area.

Secondary treatment will be provided by building a

new facility to serve an expansion of the King George Courthouse service area.

5. Study Area V.

Study Area V is made up of the areas of Caroline and King George Counties that are within the Rappahannock River HPU.

The U.S. Army Corps of Engineers is currently planning for the upgrade of the Camp A. P. Hill facility.

6. Study Area VI.

Study Area VI is made up of those portions of Caroline County that are within the York River HPU.

The Town of Bowling Green will upgrade the existing facility to provide secondary treatment for the service area.

~~Two additional areas are possible facilities study areas. They are the King George Courthouse area in King George County and the Carmel Church area in Caroline County. Neither of these areas are currently on the State Water Control Board Priority List; however, they will be considered for priority evaluation in the future.~~

B. Nonpoint source pollution.

The following actions are to be taken to insure the high quality of the waters within the planning district.

1. The State Water Control Board will continue, through its sampling programs, to monitor the water quality of the area and will insure that up-to-date water quality information is made available to the planning agency.
2. The existing Soil and Erosion Control Ordinances will be implemented and enforced by the localities.
3. A nonregulatory program will be instituted to voluntarily implement selected Best Management Practices (BMP) contained in the BMP Handbooks adopted by the State Water Control Board and listed in the report, Nonpoint Source Pollution Management in Planning District 16 by Rappahannock Area Development Commission, October 1982. Efforts and resources will be concentrated in those priority watersheds listed in that report and addressing categories of nonpoint source pollutants generated by agricultural, forestry and urban activities.

III. § 3. Management plan.

A. Planning agency.

The RADCO Planning District Commission will be the

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208 Areawide Water Quality Management Planning Agency for the RADCO Planning District.

B. Management agency.

1. Point source plan.

With the exception of the wastewater treatment responsibilities assigned to the Rappahannock Service Authority, each of the political jurisdictions will be responsible for implementing the plan within the boundaries of their jurisdictions with guidance from the Virginia State Water Control Board.

2. Nonpoint source plan.

a. Upon execution of appropriate implementation agreements with the Rappahannock Area Development Commission, the following designated management agencies will be responsible for implementing the nonpoint source control program for the categories of pollutant sources indicated in the areas indicated below. These agencies will prepare annual progress reports and submit them to the Rappahannock Area Development Commission and to the State Water Control Board.

MANAGEMENT AGENCY	NONPOINT SOURCE CATEGORY	AREA OF RESPONSIBILITY
Tri-County Soil and Water Conservation District	Agriculture	King George Co. Spotsylvania Co. Stafford Co.
Hanover-Caroline Soil and Water Conservation District	Agriculture	Caroline Co.
Virginia Soil and Water Conservation [Commission Division]	Agriculture	Advisory to the Soil and Water Conservation Districts
Local Governing Bodies of Caroline, King George, Spotsylvania and Stafford Counties and City of Fredericksburg	Urban	Within the Respective Jurisdictional Boundaries
Virginia [Division Department] of Forestry	Forestry	Within Boundaries of the Rappahannock Area Development Commission Planning District

b. The Rappahannock Area Development

Commission will consolidate progress reports and submit them to the State Water Control Board on or before November 1 each year, to be included in the State Nonpoint Source Progress Report submitted to the U. S. Environmental Protection Agency.

§ 4. King George County and King George Courthouse.

A. Description of facility:

King George County will be served by a 0.039 MGD secondary waste treatment plant, for the King George Courthouse area, which will discharge into Pine Hill Creek, a tributary to Rosier Creek (Potomac River Basin).

B. Project background:

The Courthouse area previously relied on on-site sewage disposal for wastewater treatment. Due to expected high failure rates of individual septic tank - drain field systems continued on-site disposal is infeasible. King George County's Comprehensive plan has identified the Courthouse area as a growth center for the County. Alternative wastewater disposal methods were proposed and the selected plan called for a 0.039 MGD secondary waste treatment plant. Limits for the proposed discharge into Pine Hill Creek are 30 mg/l BOD5.

C. Selection considerations:

Two alternatives were considered for the King George Courthouse area. The first consisted of enhanced secondary treatment to meet stringent limitations, if so required by the stream model. The second alternative was land application which would have to be located outside the study area and would require approximately 20 acres of land for an application site.

The first alternative was chosen since it was considered more cost effective and an acceptable alternative. Stream modeling determined that only secondary levels of treatment are necessary at the 0.039 MGD discharge level.

D. Institutional arrangement:

The institutional arrangement for the facility is for King George County to own and operate the waste treatment plant.

E. Project status:

King George County has received VCDBG funds for \$638,800 of which \$215,000 has been dedicated for the waste treatment plant. The County anticipates additional funds from other sources to complete the improvements for the King George Courthouse area project.

F. Project financing:

Construction costs for the waste treatment plant have been estimated at \$195,000 with an estimated annual

operation and maintenance cost at \$30,000.

TABLE 2A (continued)

POTOMAC RIVER SUB-BASIN - RECOMMENDED PLAN FOR WASTEWATER TREATMENT FACILITIES

FACILITY NUMBER	NAME	RECEIVING STREAM	FACILITY			EFFLUENT LIMITS (mg/l)				INSTITUTIONAL ARRANGEMENT
			RECOMMENDED ACTION	SIZE (MGD)	TREATMENT LEVEL (4)	BOD ₅	UOD	TKN	P	
36	Colonial Beach	Monroe Creek EL (1-28)	No further action recommended	.85	Secondary	28 ⁽⁵⁾	-	-	-	Town of Colonial Beach
37	Machodoc Kinwale		Construct new facility	.89	Secondary & Spray Irrigation	48 ⁽¹⁰⁾	-	-	-	Machodoc Kinwale Sanitary District
38	Callao		Construct new facility	.25	Secondary & Spray Irrigation	48 ⁽¹⁰⁾	-	-	-	Callao Sanitary District
39	Heathville		Construct new facility	.10	Secondary & Spray Irrigation	48 ⁽¹⁰⁾	-	-	-	Heathville Sanitary District
<u>40</u>	King George Courthouse	Pine Hill Creek	Construct new facility	.039	Secondary	30				King George Co.

EMERGENCY REGULATION

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: Emergency Regulation Governing Eligibility Determination Definition of Home Ownership or Contiguous Property.

Statutory Authority: § 32.1-324 C of the Code of Virginia.

Effective Date: April 10, 1987 through April 9, 1988

Background:

Senate Bill 372, passed by the 1987 General Assembly session, revises in part the criteria for determining eligibility. The bill provides that ownership of a dwelling occupied by the applicant as his home does not affect eligibility. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence and all contiguous property as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value.

In order to implement the statute, emergency regulations are necessary. The agency is exercising its regulatory discretion in developing the definition of the lot and the definition of land to be considered essential to the operation of the home. Since SB 372 has an emergency effective date, the attached emergency regulatory language must be approved as soon as possible. The specific language of the attached regulation is necessary to assure the uniform applicability of the statutory language to the statewide eligibility determination process. The Department recognizes that final regulatory language cannot be adopted without engaging in the public comment process required by the Administrative Process Act (Code of Virginia § 9-6.14:1 et seq).

Therefore, the Department of Medical Assistance Services is requesting the Governor's approval to adopt, on an emergency basis, the attached regulations concerning the definition of home ownership or contiguous property. It is the intent of the Department to proceed through the public comment process immediately by filing proposed regulations with the Registrar before the end of April, 1987.

Definition of Emergency:

The Governor is requested to approve the adoption of an emergency regulation in accordance with § 9-6.14:4.1(C)(5). This emergency regulation is to become effective on the date of gubernatorial approval and filing with the Registrar and to remain in effect for twelve full months or until superseded by final regulations resulting from the Administrative Process Act. Without this approval, the Department will have no legal regulation implementing the 1987 Acts of Assembly. Therefore, no regulatory authority would exist for the proper administration of this aspect of the Medicaid program and the Department would be exposed to litigation.

Approval Sought for VR 460-03-2.6152.

Approval of the Governor is sought for the emergency modification of the DMAS regulation in accordance with the Code of Virginia § 9-6.14:4(C)(5) to adopt the following regulation:

Ownership of a dwelling occupied by the applicant as his home does not affect eligibility. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence and all contiguous property as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value.

The lot occupied by the house shall be a measure of land as designated on a plat or survey or whatever the locality sets as a minimum size for a building lot whichever is less. In localities where no minimum building lot requirement exists, a lot shall be a measure of land designated on a plat or survey or one acre whichever is less.

Contiguous property essential to the operation of the home means:

a. land used for the regular production of any food or goods for the household's consumption only, including:

i. vegetable gardens,

ii. pasture land which supports livestock raised for milk or meat, and land used to raise chickens, pigs, etc. (The amount of land necessary to support such animals is established by the local extension service; however, in no case shall more land be allowed than that actually being used to support the

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livestock.)

iii. outbuildings used to process and/or store any of the above;

b. driveways which connect the home site to public roadways;

c. land necessary to the home site to meet local zoning requirements (e.g. building sites, mobile home sites, road frontage, distance from road, etc.);

d. land necessary for compliance with state or local health requirements (e.g. distance between home and septic tank, distance between septic tanks, etc.);

e. water supply for the household;

f. existing burial plots;

g. outbuildings used in connection with the dwelling, such as garages or tool sheds.

All of the above facts must be fully evaluated and documented in the case record before the home site determination is made.

Implementation:

After the Governor's approval is given, the DMAS expects to immediately file this emergency regulation with the Registrar of Regulations, for publication in the Register as soon as possible. The effective period of the emergency regulation will be limited to one year or until full compliance with provisions of the APA process in § 9-6.14:9 of the Code are met. This emergency regulation is to become effective on the date of gubernatorial approval and filing with the Registrar.

Submitted by: /s/ Ray T. Sorrell, Director
Department of Medical Assistance Services
Date: April 8, 1987

Approved: /s/ Gerald L. Baliles, Governor
Date: April 10, 1987

Filed with: /s/ Joan W. Smith
Registrar of Regulations
Date: April 10, 1987 - 10:59 a.m.

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Title of Regulation: Emergency Regulations of the Board of Professional Counselors - Fee Structure.

Statutory Authority: § 54-929 (a)(1) of the Code of Virginia

Effective Date: April 9, 1987 through April 8, 1988

Summary:

The Virginia Board of Professional Counselors has determined that it is necessary to adopt new fees by emergency regulations. If the Board's new fee structure is not adopted prior to the biennial renewal of licenses effective June 30, 1987, the Board's revenue will not be sufficient to meet projected expenditures for the biennium. By increasing its fees, the Board will have the ability to generate adequate funds to support the programs of the Board mandated by law.

Basis of Emergency:

The fees applied to the Board of Professional Counselors were last raised in 1981. Since then, the Board's administrative and investigative costs have increased. The Board ended fiscal year 1985-86 with expenses exceeding revenues.

As a result of a thorough regulatory review, the Board is promulgating a revised body of regulations. These regulations will include an incorporation and revision of the regulations of the Virginia Board of Behavioral Science, the regulations of the Virginia Board of Behavioral Science for the Board of Professional Counselors, and the regulations of the Virginia Board of Professional Counselors. Incorporated within the new regulations is a revised fee structure which is designed to meet the Board's financial needs. Normal rulemaking procedures that provide for the promulgation of the revised regulations will not be completed prior to the time that license renewal notifications are mailed in April 1987. Therefore, the Board finds it necessary to adopt its new fee structure by emergency regulations.

Nature of Regulation:

The emergency regulations will:

1. Change the renewal period for professional counselors from two years to one year. With a proposed increase in the renewal fee, an annual renewal will allow for smaller fee payments to those affected. The adjustment to an annual renewal period will also serve to address the cash-flow problem experienced by the Board.

2. Provide for a \$75 registration fee to be paid for by the applicant for the registration of supervision of the applicant who is applying for licensure. Applicants who render counseling services in nonexempt agencies must register their supervision with the Board while applicants in exempt settings may do so. The registration of supervision fee is to cover the administrative costs to the Board of evaluating the applicant's plans of supervised experience in counseling practice.

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3. Increase the categories of fees required by the Board, such as application processing fees, examination fees, and licensure renewal fees. The increase in fees will allow the Board to account for the increased costs associated with examining applicants for licensure, processing licensure applications, and investigating consumer complaints regarding licensees regulated by the Board.

4. Establish processing fees for returned checks, endorsements to other jurisdictions, name changes, duplicate licenses, and the replacement of or additional wall certificates to allow for the administrative costs to the Board for these services.

The results of the fee changes are illustrated below:

Fiscal Year 1986-87

Proposed Budget Expenditures	\$103,900
Projected Revenue at Current Fee Levels	72,995
Projected One-Year Deficit without Emergency Regulations	48,328
Projected Revenues at Fee Levels Proposed in Emergency Regulations	106,250

The emergency regulations will be effective for a period of one year or until they are modified or superceded by regulations promulgated according to the normal rulemaking procedures under the Administrative Process Act.

The Virginia Board of Professional Counselors will receive, consider, and respond to petitions by any interested person at any time for the reconsideration or revision of these regulations.

Emergency Regulations of the Virginia Board of Professional Counselors - Fee Structure.

SECTION IV.

LICENSURE, EXPIRATION AND RENEWAL OF LICENSE AND/OR CERTIFICATION

A. (1) Every license and/or certificate issued by the Virginia Board of Psychology and the Virginia Board of Social Work shall expire on the ~~thirtieth~~ (30 th) day of June of each odd-numbered year. The Secretary shall mail each license holder or certificate holder at least ~~thirty~~ (30) days prior to the first day of June of each odd-numbered year complete instructions, together with the application upon which he/she may apply for renewal of the license. The renewal application shall be returned to the Secretary before June 30 of that year accompanied by a check made payable to the Treasurer of Virginia for the amount prescribed in the regulations of the applicable professional board as approved by the ~~Board~~ Boards

of Behavioral Science, Psychology and Social Work . Failure of a licensee to receive the notice and application to renew from the Secretary shall not excuse him/her from the requirements for the renewal herein contained.

(2) Every license and/or certificate issued by the Virginia Board of Professional Counselors shall expire on the ~~thirtieth~~ 30th day of June of each ~~odd-numbered~~ year. The Secretary shall mail each license holder or certificate holder at least ~~thirty~~ (30) days prior to the first day of June of each odd-numbered year complete instructions, together with the application upon which he/she may apply for renewal of the license. The renewal application shall be returned to the Secretary before June 30 of that year accompanied by a check made payable to the Treasurer of Virginia for the amount prescribed in the regulation of the applicable professional board as approved by the Board of ~~Behavioral Science~~ Professional Counselors . Failure of a licensee to receive the notice and application to renewal from the Secretary shall not excuse him/her from the requirements for the renewal herein contained.

C. If any licensee fails to renew his/her license as hereinabove provided within ~~thirty~~ (30) days from the last expiration date shown on his/her valid license, said license shall thereupon automatically become invalid. Provided that the licensee meets all requirements for renewal, such license may be renewed at any time within a four-year period from the expiration date of his/her last valid license by paying a penalty fee in the amount of five dollars ~~(\$5.00)~~ \$10 and cost of license(s) for year(s) not renewed. Any license holder who fails to renew his/her license for a period of four years or more shall be required to satisfy the applicable professional board that he/she has maintained competency to perform the duties regulated by that professional board.

Amendments to the regulations of the Virginia Board of Behavioral Science for the Virginia Board of Professional Counselors.

BPC 2.2:C.5 All individuals obtaining their post graduate degree training in Virginia shall be registered with the Board by the supervisor on a registration form by the Board. Applicants who render counseling services in a nonexempt agency must (1) with their supervisor, register their supervision arrangement on appropriate forms for Board approval before starting to practice under supervision; (2) have submitted directly to the Board an official transcript of their relevant coursework in counseling; and (3) pay the registration fee prescribed by the Board.

Applicants who render counseling services in an exempt agency, as defined in § 54-944 of the Code of Virginia, may register their supervision as outlined above. Board approval and successful completion of a planned supervision arrangement in an exempt setting will assure

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its acceptability at the time of application. Applicants must document successful completion of their supervised experience on appropriate forms at the time of application.

1. The processing fee for those persons wishing to be designated as a Board-approved supervisor will be \$50.00 to be paid by the supervisor upon the time of request for such Board approval.

2. A processing fee of ~~\$25.00~~ \$75 will be charged for each supervisory contract submitted. This fee is to be paid by the trainee.

3. The application fee for licensure as a Professional Counselor shall be ~~\$50.00~~ \$100 and ~~\$25.00~~ for each specialty designation, not to be refundable. The application fee shall accompany the application.

4. The examination fee shall be payable upon notification of Board approval to sit for examination and shall be as follows:

a. Licensure as a Professional Counselor ... ~~\$75.00~~
\$150

b. Specialty Designation~~25.00~~ per specialty

5. A candidate who fails any section(s) of the examination may be reexamined upon payment of the appropriate fee(s) as listed below:

Objective Examination ~~\$35.00~~ \$75

Specialty Examination~~35.00~~

Oral Examination ~~35.00~~ 75

Essay Examination ~~35.00~~

BPC 4.5.A. Fees.

1. The renewal application shall be returned to the Secretary of the Board before June 30 of each odd-numbered year accompanied by a check for seventy five dollars (\$75.00) made payable to the Treasurer of Virginia.

REGULATIONS OF THE VIRGINIA BOARD OF PROFESSIONAL COUNSELORS [Authority Section 54-929(A)(L) of the Code of Virginia]

SECTION VI. OTHER FEES PRESCRIBED BY THE BOARD OF PROFESSIONAL COUNSELORS

6.1 Duplicate License\$15

6.2 Endorsement to Another Jurisdiction 10

6.3 Replacement or Additional Wall Certificate 15

6.4 Name Change 10

6.5 Returned Check 15

6.6 Registration of Supervision 75

I endorse the Emergency Regulations of the Virginia Board of Professional Counselors.

/s/ Bernard L. Henderson, Jr., Director
Department of Health Regulatory Boards
Date: March 17, 1987

I approve the emergency regulations of the Virginia Board of Professional Counselors.

/s/ Gerald L. Baliles, Governor
Date: April 8, 1987

/s/ Joan W. Smith, Registrar
Date: April 9, 1987 - 9:33 a.m.

VIRGINIA BOARD OF PSYCHOLOGY

Title of Regulation: Emergency Regulations of the Board of Psychology - Fee Structure.

Statutory Authority: § 54-929 (a)(1) of the Code of Virginia.

Effective Date: April 9, 1987 through April 8, 1988

Summary:

The Virginia Board of Psychology has determined that it is necessary to adopt new fees by emergency regulations. If the Board's new fee structure is not adopted prior to the biennial renewal of licenses effective June 30, 1987, the Board's revenue will be less than half of the amount needed to meet projected expenditures for the biennium. By increasing its fees, the Board will have the ability to generate adequate funds to support the programs of the Board mandated by law.

Basis of Emergency:

The fees applied to the Board of Psychology were last raised in 1981. Since then, the Board's administrative and investigative costs have increased. The Board ended fiscal year 1985-86 with expenses exceeding revenues.

As a result of a thorough regulatory review, the Board is promulgating a revised body of regulations. Those regulations will include an incorporation and revision of the regulations of the Virginia Board of Behavioral Science, the regulations of the Virginia Board of Behavioral Science for the Board of Psychology, and the regulations of the Virginia Board of Psychology.

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Incorporated within the new regulations is a revised fee structure which is designed to meet the Board's financial needs. Normal rulemaking procedures that provide for the promulgation of the revised regulations will not be completed prior to the time that license renewal notifications are mailed in April 1987. Therefore, the Board finds it necessary to adopt its new fee structure by emergency regulations.

Nature of Regulation:

The emergency regulations will:

1. Establish an annual fee for registering an applicant's post-doctoral residency training for psychologists providing direct clinical services and school psychologist applicants. As part of the Board's education and experience requirements, applicants for licensure must possess post-doctoral experience as defined in the Board's regulations. One of the ways that an applicant can attain that experience is through a post-doctoral residency program which must be registered with the Board. Applicants will be required to submit a fee of \$100 to the Board for the registration of residency. This fee is to cover the administrative costs to the Board of evaluating the applicant's plan of post-doctoral supervised experience in the delivery of psychological services.

2. Increase all categories of fees required by the Board such as application processing fees, examination fees, and licensure renewal fees. The increase in fees will allow the board to account for the increased costs associated with examining applicants for licensure, processing licensure applications, and investigating consumer complaints regarding licensees regulated by the Board.

3. Include an initial license fee that is a pro-rated portion of the \$150 biennial renewal fee. The initial license fee will allow the Board to capture revenue that is currently not being captured.

4. Establish a registration fee of \$100 for psychologists, clinical psychologists, and school psychologists who register their technical assistants with the Board of Psychology. The registration fee for a technical assistant is to be paid by the psychologist who plans to utilize the services of a technical assistant in that individual's practice.

5. Establish processing fees for returned checks, endorsements to other licensing jurisdictions, name changes, and replacement of wall certificates to allow for the administrative costs to the Board for these services.

The results of the fee changes are illustrated below:

Fiscal Year 1986-87

Proposed Budget Expenditures\$114,075

Projected Revenue at Current
Fee Levels 55,430

Projected One-Year Deficit
without Emergency Regulations 58,645

Projected Revenues at Fee Levels
Proposed in Emergency Regulations 85,350

The emergency regulations will be effective for a period of one year or until they are modified or superceded by regulations promulgated according to the normal rulemaking procedures under the Administrative Process Act.

The Virginia Board of Psychology will receive, consider, and respond to petitions by any interested person at any time for the reconsideration or revision of these regulations.

Emergency Regulations of the Board of Psychology - Fee Structure.

Amendments to the regulations of the Virginia Board of Behavioral Science for the Virginia Board of Psychology.

2.2:D.4. Applicants must register with the Board before undertaking their post-doctoral residency training. The applicants will have all transcripts of undergraduate and graduate work sent to the Board and fill out the registration materials for the post-doctoral residency training program. The prospective applicant and the proposed supervisor(s) shall, prior to initiating the proposed residency training: (1) register with the Board and have filed with the Board an official transcript of the applicant's educational records; (2) pay the registration fee prescribed by the Board; and (3) submit an agreement signed by the applicant and proposed supervisor(s) stating the nature of the services to be rendered and the nature of the supervision. If the applicant's training does not meet the requirements of the Board, the applicant will assume the responsibility for meeting all additional standards during the residency period (e.g., additional course work).

2.3:G.1.C. All individuals obtaining their post-master's degree training shall be registered with the Board by the supervisor on a registration form provided by the Board. The prospective applicant and the proposed supervisor shall, prior to undertaking the proposed residency training, (1) register and file with the Board an official transcript of the prospective applicant's educational record, and (2) pay the registration fee prescribed by the Board.

3.1. Application and Examination Process.

A. Fees:

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1. The application fee(s) for licensure as a ~~Clinical Psychologist~~, a psychologist, or a school psychologist shall be ~~\$75~~ \$150 for each license and shall not be refundable. The application fee for licensure as a clinical psychologist shall be \$350 and shall not be refundable. The application fee(s) shall accompany the application. The examination fee shall be ~~\$225~~ \$325, payable upon notification of Board approval to sit for examination.

2. A candidate who fails any section(s) of the examination may be reexamined upon payment of the appropriate fee(s) as listed below:

National Licensing Examination \$75 \$125

Essay Examination 75 100

Oral Examination 75 100

4.2.A. A license authorizing the holder to engage in the practice of psychology or school psychology shall be issued by the Virginia Board of Behavioral Science *Virginia Board of Psychology* to each successful candidate for licensure as psychologist or school psychologist upon payment of the pro-rated portion of the biennial licensure fee prescribed by the Board.

4.4: Renewal of License - Fees:

A. The renewal application shall be returned to the Secretary of the Board before June 30 of each odd-numbered year accompanied by a check for seventy-five dollars (~~\$75~~) \$150 made payable to the Treasurer of Virginia.

4.1.B. The licensee and the applicant for technical assistant shall complete a registration form provided by the Board documenting the relevant training and proposed duties of the applicant. To obtain Board approval, the licensee and the applicant for technical assistant shall submit or have submitted to the Board: (1) a completed Board registration form documenting the relevant course work and training, specific duties and services to be performed by the applicant, and the supervisory responsibilities of the licensee; (2) an official transcript sent directly from the institution documenting course work and degree(s) awarded; and (3) the registration fee prescribed by the Board for technical assistants. The registration of a technical assistant shall be renewed biennially at the same time as the renewal of the license of the licensee. The licensee and the technical assistant shall renew the registration on a form provided by the Board and pay the registration renewal fee prescribed by the Board.

Regulations of the Virginia Board of Psychology (Authority Section 54-929(A)(L) of the Code of Virginia.)

SECTION VI: OTHER FEES PRESCRIBED BY THE BOARD.

6.1. Registration of Residency \$100

6.2. Registration of a Technical Assistant 100

6.3. Name Change 10

6.4. Endorsement to Another Jurisdiction 10

6.5. Additional or Replacement Wall Certificate 15

6.6. Returned Check 15

I endorse the Emergency Regulations of the Virginia Board of Psychology.

/s/ Bernard L. Henderson, Jr., Director
Department of Health Regulatory Boards
Date: March 17, 1987

I approve the emergency regulations of the Virginia Board of Social Work.

/s/ Gerald L. Baliles, Governor
Date: April 8, 1987

/s/ Joan W. Smith, Registrar
Date: April 9, 1987 - 12:19 p.m.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulations: VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

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

Effective Date: April 3, 1987 through April 2, 1988.

Preamble:

The 1985 session of the Virginia General Assembly enacted legislation (Senate Bill 605/House Bill 473) which amended § 32.1-325 of the Code of Virginia and mandated the Department of Medical Assistance Services (DMAS) modify the definition of real property to be disregarded as the home in determining eligibility for medical assistance. Pursuant to the provisions of this legislation, the definition of a home in the Medicaid program was amended to include the house, lot, and contiguous property provided the value of the land, exclusive of the lot occupied by the house, is not in excess of \$5,000. The 1985 Acts of the Assembly specified that the Department of Social Services must also modify the definition of a home used to establish eligibility for assistance in the Aid to Dependent Children (ADC) program to comport with the provisions of § 32.1-325 of the Code. In order to implement this change, the Departments of Social Services and Medical Assistance

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Services jointly submitted an emergency regulation (VR 615-01-9.1) which was enacted by then Governor Charles S. Robb effective January 1, 1986; the regulation was extended by Governor Baliles effective January 1, 1987, and will expire March 31, 1987.

On May 12, 1986, the Department of Social Services published a proposed regulation which reflected the intent of emergency regulation VR 615-01-9.1 for a 60-day public comment period. The proposed regulation was reviewed by the Department of Planning and Budget and Governor Baliles; no objections to adoption of the proposed regulation were raised. (See Volume 2, Issue 22 of the Virginia Register dated August 4, 1986.) However, the U. S. Department of Health and Human Services (HHS) did raise objections to the proposed regulation citing a conflict with federal regulations at 45 Code of Federal Regulations (CFR) § 233.20 (a)(3)(i)(B)(1). Based on the federal position, the home is disregarded from resource evaluation for purposes of establishing ADC eligibility. Therefore, while states have the latitude to place limitations on what constitutes a home, if contiguous property is considered a part of the home it must be totally disregarded. It is not permissible under regulations to count the value of contiguous property in excess of \$5,000 as a resource to the family.

The 1987 session of the Virginia General Assembly amended the Acts of the Assembly by deleting language which mandated the Department of Social Services comply with the provisions § 32.1-325 of the Code of Virginia in the determination of eligibility for assistance in the ADC program. The Department of Social Services is, therefore, amending the definition of a home in the ADC program to comply with federal interpretation of regulations at 45 CFR § 233.20(a)(3)(i)(B)(1). Due to the fact that the Department's regulatory authority relative to the definition of a home in the ADC program expires March 31, 1987, enactment of an emergency regulation in accordance with § 9-6.14:4.1 of the Code of Virginia is necessary. The Governor's signature is needed to avoid a delay of several months in amending ADC program policy to comply with federal requirements and to ensure compliance with the requirements of the Administrative Process Act. Due to the fact that the home definition in the ADC program could not be amended until action was taken by the General Assembly, sufficient time was not available to proceed with adoption of this regulation through the usual requirements of the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1, et seq.) of the Code of Virginia. In order to ensure uniformity and consistency, to the greatest extent possible, in the determination of eligibility for the various public assistance programs administered by the Department throughout the Commonwealth, this emergency regulation is being expanded to include the General Relief (GR) program.

The emergency regulation set forth herein, which has been found to be in compliance with federal regulations, became effective on April 3, 1987, and will expire on April 2, 1988, or at such a time when a regulation relative to the definition of a home is promulgated whichever occurs first. During the period in which said emergency regulation is in effect, the Department will receive, consider, and respond to any petitions to reconsider or revise the emergency regulation which are submitted by interested individuals prior to the regulation's expiration.

It should also be noted that the regulation has been amended to reflect the increase in the maximum resource limit; this change became effective July 1, 1986 (VR 615-01-3).

VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

PART I. DEFINITIONS.

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

"Allowable reserves" means all nonexempt real and personal property, including cash and other assets owned by an applicant/recipient, the combined value of which does not exceed \$600 [\$1,000].

"Contiguous" means land which adjoins the home, not separated by land owned by others. Streams and public rights-of-way which run through the adjoining property and separate it from the home will not affect the property's contiguity.

"Home" means the house and lot owned by an applicant/recipient in which he is currently living including adjoining land used for a vegetable garden and/or outbuilding essential to the dwelling used as the principal residence and contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. The lot occupied by the house shall be a measure of land as designated on a plat or survey or whatever the locality sets as a minimum size for a building lot, whichever is less. In localities where no minimum size for a building lot exists, a lot shall be a measure of land designated on a plat or survey or whatever the locality sets as a minimum size for a building lot, whichever is less. In localities where no minimum size for a building lot exists, a lot shall be a measure of land designated on a plat or survey or one acre, whichever is less. [This exemption will also apply to any buildings, in addition to the house, which are situated on the property. If income is received from the use of this property or the buildings on it, however, the income shall be considered available to the applicant/recipient.]

PART II.

Emergency Regulation

RESOURCE EVALUATION.

§ 2.1. In determining financial eligibility for assistance in the Aid to Dependent Children (ADC) Program, all resources of an applicant/recipient real and personal property owned by the applicant/recipient, excluding the home in which the applicant/recipient lives, one motor vehicle with equity value less than [of] \$1,500 [or less] , income producing farm and business equipment, one burial plot per assistance unit member and burial funds or funeral arrangements with equity value less than [of] \$1,500 [or less] , is an available resource and must be considered in relation to the allowable reserves. The home in which the applicant/recipient lives and property contiguous to the home, the value of which does not exceed \$5,000, is exempt and not considered in relation to the allowable reserves.

§ 2.2. [In determining financial eligibility for assistance in the General Relief Program, real and personal property of an applicant/recipient excluding the home in which the applicant/recipient lives; furnishings and equipment used in operation of the home; personal effects; one motor vehicle; the cash surrender value of life insurance owned by any assistance unit member under 21, or over 21 if the policy's face value is less than \$1,500; income producing farm and business equipment; income producing real property; burial plots; funeral arrangements valued at \$900 or less per assistance unit member; life interests in real property; payments from the Uniform Relocation Assistance and Real Property Acquisition Act of 1970; and payments from §§ 25-239, 25-240, and 25-241 of the Code of Virginia for relocation assistance; is an available resource and must be considered in relation to the allowable reserves.]

Submitted by:

/s/ William L. Lukhard, Commissioner
Department of Social Services
Date: March 11, 1987

Approved by:

/s/ Gerald L. Baliles, Governor
Commonwealth of Virginia
Date: March 31, 1987

Filed by:

/s/ Joan W. Smith
Registrar of Regulations
Date: April 3, 1987

VIRGINIA BOARD OF SOCIAL WORK

Title of Regulation: Emergency Regulations of the Board of Social Work - Fee Structure.

Statutory Authority: § 54-929 (a)(1) of the Code of Virginia

Effective Date: April 9, 1987 through April 8, 1988

Summary:

The Virginia Board of Social Work has determined that it is necessary to adopt new fees by emergency regulations. If the Board's new fee structure is not adopted prior to the biennial renewal of licenses effective June 30, 1987, the Board's revenue will not be sufficient to meet projected expenditures for the biennium. By increasing its fees, the Board will have the ability to generate adequate funds to support the programs of the Board mandated by law.

Basis of Emergency:

The fees applied to the Board of Social Work were last raised in 1981. Since then, the Board's administrative and investigative costs have increased. The Board ended fiscal year 1985-86 with expenses exceeding revenues.

As a result of a thorough regulatory review, the Board is promulgating a revised body of regulations. Those regulations will include an incorporation and revision of the regulations of the Virginia Board of Behavioral Science, the regulations of the Virginia Board of Behavioral Science for Social Work, and the regulations of the Virginia Board of Social Work. Incorporated within the new regulations is a revised fee structure which is designed to meet the Board's financial needs. Normal rulemaking procedures that provide for the promulgation of the revised regulations will not be completed prior to the time that license renewal notifications are mailed in April 1987. Therefore, the Board finds it necessary to adopt its new fee structure by emergency regulations.

Nature of Regulation:

The emergency regulations will:

1. Establish an annual fee for registering the supervision of an applicant working towards licensure as a clinical social worker and who works in a nonexempt setting. This registration of supervision fee is to cover the administrative costs to the Board of evaluating the applicant's post-master's degree experience in the delivery of clinical services.

2. Increase all categories of fees required by the Board such as application processing fees, examination fees, and licensure renewal fees. The increase in fees will allow the Board to account for the increased costs associated with examining applicants for licensure, processing licensure applications, and investigating consumer complaints regarding licensees regulated by the Board.

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3. Include an initial license fee that is a pro-rated portion of the \$120 biennial renewal fee. The initial license fee will allow the Board to capture revenue that is currently not being captured.

4. Establish administrative processing fees to allow for Board costs for such services as duplicate licenses, endorsements to other jurisdictions, name changes, returned checks, and the replacement or addition of wall certificates.

The results of the fee changes are illustrated below:

Fiscal Year 1986-87

Proposed Budget Expenditures\$115,275

Projected Revenue at Current Fee Levels103,790

Projected One-Year Deficit without Emergency Regulations11,485

Projected Revenues at Fee Levels Proposed in Emergency Regulations113,615

The emergency regulations will be effective for a period of one year of until they are modified or superceded by regulations promulgated according to the normal rulemaking procedures under the Administrative Process Act.

The Virginia Board of Social Work will receive, consider, and respond to petitions by any interested person at any time for the reconsideration or revision of these regulations.

Emergency Regulations of the Board of Social Work - Fee Structure.

Amendments to the regulations of the Virginia Board of Behavioral Science for the Virginia Board of Social Work.

DOC 2.3:B.4. The individual obtaining his/her post-graduate degree experience in a nonexempt setting in Virginia shall be registered with the Board by the supervisor and supervisee on a registration form provided by the Board prior to the onset of the experience. An individual who proposes to obtain supervised post-graduate experience in a nonexempt setting in Virginia shall, prior to the onset of such experience and annually thereafter for each succeeding year of such experience: (1) be registered on a form provided by the Board and completed by the supervisor and the supervised individual; (2) pay the annual registration-of-supervision fee prescribed by the Board. If the supervisor is not licensed by the Virginia Board of Social Work, he/she must submit a resume to the Virginia Board of Social Work. Once the supervisory arrangement is accepted by the Board, the supervisor is responsible for the professional activities of the

prospective applicant.

DOC 3.1:B. Fees.

1. The application fee(s) for licensure as Social Worker and as Clinical Social Worker shall be ~~\$50.00~~ \$65 for each license and shall not be refundable. The application fee(s) shall accompany the application.

2. The examination fee shall be payable upon notification of Board approval to sit for examination and shall be as follows:

a. Licensure as a Social Worker \$65

Written Examination \$85

Oral Examination 65

b. Licensure as a Clinical Social Work 65

Written Examination 85

Oral Examination 65

Specialty Designation 50 65

3. A candidate who fails any section(s) of the examination may be reexamined upon payment of the appropriate fee(s) as listed below:

a. Written Objective Examination \$50 \$85

b. Written Specialty Examination 50

c. Oral Examination 50 65

DOC 4.2. A license authorizing the holder to engage in the practice of social work or clinical social work shall be issued by the Virginia Board of Behavioral Science Social Work to each successful candidate for licensure as a social worker or clinical social worker upon the payment of a pro-rated portion of the biennial license fee .

DOC 4.3:A. Fees.

1. The renewal application shall be returned to the Secretary of the Board before June 30 of each odd-numbered year accompanied by a check for ninety ~~(\$90.00)~~ \$120 made payable to the Treasurer of Virginia.

4. If any licensee fails to renew his/her license as hereinabove provided within thirty (30) days from the last expiration date shown on his/her valid license, said license shall automatically become invalid. Provided that the licensee meets all applicable requirements, such license may be renewed at any time within a four-year period from the expiration date of his/her last valid license by paying a penalty

Emergency Regulation

fee in the amount of five dollars ~~(\$5.00)~~ \$10 and cost of license(s) for year(s) not renewed. Any license holder who fails to renew his/her license for a period of four years or more shall, prior to being relicensed, be required to satisfy the Board that he/she has maintained competency in the field of social work.

Date: March 17, 1987

I approve the emergency regulations of the Virginia Board of Social Work.

/s/ Gerald L. Baliles, Governor
Date: April 8, 1987

DOC 4.1:A. Every license as either an Associate Social Worker (A.S.W.) or a Registered Social Worker (R.S.W.) issued under the provisions of the Virginia Board of Registration of Social Workers (Section 54-775.4) shall expire on the ~~thirtieth~~ 30th day of June of each odd-numbered year. The Secretary shall mail each registration at least 30 days prior to the first day of June of each odd-numbered year complete instructions, together with an application upon which he/she may apply for renewal of registration. The renewal application shall be returned to the Secretary before June 30, accompanied by a check for ~~twenty-five (\$25.00)~~ \$30 made payable to the Treasurer of Virginia. Failure of a licensee to receive the notice and application to renew from the Secretary shall not relieve him/her from the requirements for the renewal herein contained.

/s/ Joan W. Smith, Registrar
Date: April 9, 1987 - 12:20 p.m.

DOC 4.1:B. If any licensee fails to renew his/her registration as hereinabove provided within ~~thirty~~ (30) days from the last expiration date shown on his/her valid registration, said registration shall thereupon automatically become invalid and all rights to use the title "Registered Social Worker" (R.S.W.) or "Associate Social Worker" (A.S.W.) shall thereupon automatically be suspended. Such registration may be renewed at any time within a four-year period from the expiration date of his/her valid registration by paying a penalty fee in the amount of five dollars ~~(\$5.00)~~ \$10 and renewal fee(s) for the year(s) not renewed. Any person who fails to renew his/her registration for a period of more than four years shall have his/her name stricken from the records.

SECTION VII: OTHER FEES PRESCRIBED BY THE BOARD.

7.1. a. Registration of Supervision	\$25
b. Annual Renewal of Supervision	25
7.2. Name Change	10
7.3. Endorsement to Another Jurisdiction	10
7.4. Additional or Replacement Wall Certificates	15
7.5. Returned Check	15

I endorse the Emergency Regulations of the Virginia Board of Social Work.

/s/ Bernard L. Henderson, Jr., Director
Department of Health Regulatory Boards

AGENCY RESPONSE TO GUBERNATORIAL OBJECTIONS

The Department of Health has replied to the Gubernatorial objection filed on October 13, 1986, and published November 10, 1986, in the Virginia Register of Regulations.

Title of Regulation: VR 355-39-01. Regulations Governing Eligibility Standards and Charges for Medical Care Services.

Agency: Department of Health

Proposed Regulations Published: Vol. II, Issue 23, Page 2237 (8/18/86)

Gubernatorial Objection Filed: October 13, 1986

Agency Response Filed: April 6, 1987

Final Regulations Published: April 27, 1987

Effective Date: July 1, 1987

DEPARTMENT OF HEALTH

April 2, 1987

The Honorable Gerald L. Baliles
Governor of Virginia
State Capitol, 3rd Floor
Richmond, Virginia 23219

Dear Governor Baliles:

I have received your objections to the Department of Health's Regulations Governing Eligibility Standards and Charges for Medical Care Services (VR 355-39-01) which were published in the Virginia Register on August 18, 1986.

I concur with your concern that the Department cannot at this time finance the originally proposed elimination of fees within its existing appropriations. The Department does not plan to adjust fees for clinic patients at this time so additional revenues will not be generated.

Therefore, when the Department submits these regulations for final approval under the Administrative Process Act, they will not include the proposal to eliminate fees for patients in certain income levels. The final regulations will consist of only the procedural changes contained in the proposed version.

I hope this modification will allow you to approve the changes to these regulations.

/s/ C. M. G. Buttery, M.D., M.P.H.
State Health Commissioner

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

Bureau of Insurance

March 26, 1987

Administrative Letter 1987-5

TO: All Persons Licensed as Surplus Lines Brokers in
Virginia

RE: Insurance Regulation No. 25
Rules Governing Surplus Lines Insurance

The State Corporation Commission, by Order entered in Case No. INS860118, has adopted Regulation No. 25, Rules Governing Surplus Lines Insurance.

Enclosed are copies of the new SLB forms for your use, which must be reproduced since the Bureau will not supply the forms. The information and instructions on use of the SLB forms, sent to you with your new or renewal license this year, continue to be applicable to the new forms. You should begin using the new forms on May 1, 1987, the effective date of Regulation No. 25.

Regulation No. 25 should be carefully reviewed by each Surplus Lines Broker, and by all individuals authorized under the license of the Broker, to ensure full compliance with its requirements on and after May 1, 1987. If, after review, you have any questions, please contact Mr. James L. Sheets at (804) 786-6099.

/s/ Steven T. Foster
Commissioner of Insurance

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF THE TREASURY AND TREASURY BOARD

Title of Regulation: VR 640-02. Virginia Security for
Public Deposits Act Regulations.

Governor's Comment:

No objection to the proposed regulation as presented.

/s/ Gerald L. Baliles
March 27, 1987

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Board intends to consider promulgating, amending or repealing regulations pursuant to § 5.1 of the Public Participation Guidelines. The board intends to solicit petitions from any group or individual concerning the adoption, amendment or repeal of its regulations. The purpose is to receive information from industry, the general public and licensees of the board concerning adopting, amending or repealing the board's regulations.

Statutory Authority: §§ 4-11, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103 and 9-6.14:1 et seq., of the Code of Virginia.

Written comments may be submitted until April 30, 1987.

Other pertinent information: A public meeting will be held on June 25, 1987, at 10 a.m. in the 1st Floor Hearing Room, 2901 Hermitage Road, Richmond, Virginia, to receive comments from the public (see notice attached).

Contact: Robert N. Swinson, Acting Secretary to the Board, P.O. Box 27491, Richmond, Va. 23261, telephone (804) 257-0617

DEPARTMENT OF COMMERCE (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **State Board of Examiners for Nursing Home Administrators**. The board intends to consider proposals to revise regulations with special consideration applied to (i) implementation of a requirement for continuing education and (ii) establishment of a fee for approval of preceptors.

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

Written comments may be submitted until May 1, 1987.

Contact: Geralde W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508 (toll-free 1-800-552-3016)

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 Title 36 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 consider promulgating 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, CPCA Deputy Director, DBRS, Department of Housing and Community Development, 205

General Notices/Errata

N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

COMMONWEALTH TRANSPORTATION BOARD

† 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 promulgating regulations entitled: **Virginia Private Activity Bond Regulations**. The purpose of the proposed regulations is to (i) provide an application procedure for individual projects to request an allocation of private activity bond authority; (ii) describe the policies and procedures of the Commonwealth for providing allocations of private activity bond authority to projects throughout each calendar year; and (iii) specify the reporting requirements for projects that utilize an allocation of bond authority.

Statutory Authority: §§ 15.1-1399.15 and 15.1-1399.16 of the Code of Virginia.

Written comments may be submitted until May 11, 1987.

Contact: Paul J. Grasewicz, Associate Director, Office of Policy Analysis, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-7893

DEPARTMENT OF REHABILITATIVE 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 Rehabilitative Services intends to consider promulgating regulations entitled: **Provision of Independent Living 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: § 51.01-5(7) of the Code of Virginia.

Written comments may be submitted until June 1, 1987, to David R. Ziskind, Deputy Commissioner, Department of Rehabilitative Services, P.O. Box 11045, Richmond, Virginia 23230.

Contact: James L. Hunter, Board Administrator, Department of Rehabilitative Services, P.O. Box 11045, Richmond, Va. 23230, telephone (804) 257-6446

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Commonwealth Transportation Board intends to consider amending three separate sets of regulations now in use into a single regulation entitled: **Hazardous Materials Transportation Regulations at Tunnel, Ferry and Bridge Facilities Throughout the Commonwealth of Virginia**. The purpose of the proposed amendments is to provide new rules and regulations including operating requirements for the transportation of hazardous materials through tunnels, on bridges and on ferries in form and content consistent with the Commonwealth's regulations and in conformance with the federal Department of Transportation regulations, as identified in the Code of Federal Regulations (Title 49).

Statutory Authority: §§ 33.1-12 and 33.1-13 of the Code of Virginia.

Written comments may be submitted until July 13, 1987.

Contact: John I. Butner, Engineering Programs Supervisor, Department of Transportation, Traffic Engineering Division, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2878

GENERAL NOTICES

DEPARTMENT FOR THE AGING

General Notice to the Public

Notice of Intent to Apply for Federal Funds

The Virginia Department for the Aging hereby gives notice of its intent to apply for federal funds for aging services under Title III of the Older Americans Act (as amended), Title V of the Older Americans Act (as amended) and the Job Training Partnership Act. The application for funding will be filed on August 15, 1987, and will include intrastate funding formulas for the distribution of Title III funds, Title V funds, and Job Training Partnership Act funds to local area agencies on aging.

Written comments on this application will be received until 5 p.m., Friday, June 19, 1987. Copies of the proposed application will be available to the public after April 17, 1987. Written comments and requests for copies of the proposed application should be sent to:

Mr. Robert Knox, Director
Division of Program Management
Virginia Department for the Aging
101 North 14th Street, 18th Floor
Richmond, Virginia 23219-2797
telephone (804) 225-2801

Public hearings to receive comments on the proposed application will also be held on the following dates:

June 8, 1987

Wytheville Community College
Wytheville, Virginia

June 9, 1987

Germanna Community College
Locust Grove, Virginia

June 10, 1987

Richard Bland Community College
Petersburg, Virginia

Public hearings are open to all interested individuals and will begin at 10 a.m. and conclude no later than 1 p.m.

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

Notice to the Public

A. Pursuant to the Virginia Alcoholic Beverage Control Board's "Public Participation Guidelines for Adoption or Amendment of Regulations" (VR 125-01-1, Part V of the Regulations of the Virginia Alcoholic Beverage Control Board), the board will conduct a public meeting on June 25, 1987, at 10 a.m. in the Hearing Room, 1st Floor, A.B.C. Board, Main Offices, 2901 Hermitage Road, Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of board regulations. Any group or individual may file with the board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information if available.

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. Recommended adoption, amendment or repeal of specific regulation(s).
4. Why is change needed? What problem is it meant to address?
5. What is the anticipated effect of not making the change?
6. Estimated costs or saving, or both to regulated entities, the public, or others incurred by this change as compared to current regulations.

7. Who is affected by recommended change? How affected?
8. Supporting documents.

The board may also consider any other request for regulatory change at its discretion. All petitions or requests for regulatory change should be submitted to the board no later than April 30, 1987.

B. The board will also be appointing an Ad Hoc Committee consisting of persons on its general mailing list who will be affected by or interested in the adoption, amendment or repeal of board regulations. This committee will study requests for regulatory changes, make recommendations, and suggest actual draft language for a regulation, if it concludes a regulation is necessary. Anyone interested in serving on such committee should notify the undersigned by April 30, 1987.

C. Applicable laws or regulations (authority to adopt regulations): §§ 4-11, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103 and 9-6.14:1 et seq., Virginia Code; VR 125-01-1, Part V, board regulations.

D. Entities affected: (1) All licensees (manufacturers, wholesalers, importers, retailers) and (2) the general public.

E. For further information contact the undersigned at the above address or by phone (804) 257-0617.

Robert N. Swinson
Acting Secretary

DEPARTMENT OF WASTE MANAGEMENT

Notice to the Public

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia (Administrative Process Act) that the Virginia Waste Management Board intends to amend the regulations entitled: **Regulations Governing the Transportation of Hazardous Materials.**

The proposed Amendment 6 to these regulations includes changes to the U.S. Department of Transportation (DOT) regulations on hazardous materials transportation and motor carrier safety. These new provisions enacted by the U.S. Department of Transportation during 1985-86, require that changes be made to the existing state regulations. These proposed changes maintain consistency with the federal regulations.

On May 28, 1987 at 10 a.m. an open meeting will be held at the James Monroe Building, Conference Room B, 101 North 14th Street, Richmond, Virginia. The location is accessible to the handicapped. The purpose of the open meeting is to explain this proposed draft of Amendment 6

General Notices/Errata

to the regulated community, the public, and any interested persons, prior to a final draft for comment at the public hearing to be scheduled for later in 1987.

STATEMENT

Amendment 6 to the Regulations Governing the Transportation of Hazardous Materials

Basis and authority: Section 10-305 (Chapter 24, Title 10) of the Code of Virginia directs the Virginia Waste Management Board to promulgate rules and regulations concerning the transportation of hazardous materials in the Commonwealth, but shall be no more restrictive than applicable federal laws and regulations. Changes in the federal regulations promulgated in 1985-86 necessitate an amendment which keeps the Virginia Regulations Governing the Transportation of Hazardous Materials consistent with these federal regulations.

Purpose: The Virginia Waste Management Board and the executive director of the Virginia Department of Waste Management promulgate these amended regulations in order to ensure that hazardous materials transported within the Commonwealth are loaded, packed, identified, marked, and placarded in order to protect public health and safety and the environment.

Summary and analysis: Amendment 6 proposes to incorporate, by reference, changes that were made by the U.S. Department of Transportation to Title 49 Code of Federal Regulations, §§ 171-179 and 390-397 from January 1, 1985, to December 31, 1986. Changes in the U.S. Department of Transportation regulations include: (i) changes made to reflect new requirements regarding the international transportation of hazardous materials, (ii) reclassification of some explosive materials to reduce risks associated with the transportation of these materials, (iii) improvements in all requirements relating to certain poisonous liquids which pose a potential inhalation risk if there is a release, (iv) improvements in the placarding and shipping paper requirements relating to empty tank cars, (v) incorporate into the hazardous materials tables the CERCLA hazardous substances which require notification if a discharge occurs, (vi) conversion of individual exemptions to make new packagings and shipping alternatives available to the entire regulated community, (vii) extensions provided for certain exemptions and regulatory deadlines, and (viii) corrections, editorial changes, and other minor reversions.

Impact: These requirements have already been through the federal rulemaking process and are in force in the interstate, and some intrastate, transport of hazardous materials. Therefore, these proposed changes in the initial draft of the amendment are not expected to have a significant impact on the regulated community.

Written comments on proposed Amendment 6 can be submitted until 5 p.m., May 28, 1987, to William F. Gilley,

Director, Division of Regulation, Virginia Department of Waste Management, James Monroe Building, 11th Floor, 101 North 14th Street, Richmond, Virginia 23219.

Contact: Cheryl Cashman, Information Officer, Virginia Department of Waste Management, James Monroe Bldg., 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667

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

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, Deputy 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

ERRATA

MARINE RESOURCES COMMISSION

Title of Regulation: VR 450-01-0035. Pertaining to the
Culling of Oysters.

Publication: V.A.R 3:13, pp. 1205-1207, March 30, 1987

Correction: Subsection C of § 6

Correction to the final regulation is as follows:

C. In the James River seed area, if as much as one four-quart measure of undersized oysters or shell is found per bushel of market oysters, or if as much as one six-quart measure of shells is found per bushel of soup-sized oysters, or if as much as one 10-quart measure of shell is found per bushel of small seed oysters, it shall constitute a violation of this regulation. (See § 3 C for definitions of clean cull, soup-sized seed, and small seed oysters for the James River.)

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

VIRGINIA AGRICULTURAL COUNCIL

May 11, 1987 - 9 a.m. - Open Meeting
Holiday Inn-Airport, 5203 Williamsburg Road, Sandston, Virginia

A meeting called by the chairman to (i) review progress reports on approved funded research projects; (ii) hear any new project proposals which are properly supported by the Board of Directors of a commodity group; and (iii) any other business that may come before the members of the council.

Contact: Henry H. Budd, Assistant Secretary, Department of Agriculture and Consumer Services, Washington Bldg., Room 203, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2373

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **May 19, 1987 - 1 p.m. - Open Meeting**
† **May 20, 1987 - 9 a.m. - Open Meeting**
Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia. ☒

A regular meeting of the board.

Contact: Raymond D. Vaughan, Secretary, 1100 Bank St.,

Richmond, Va. 23219, telephone (804) 786-3501

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

September 28, 1987 - 2 p.m. - Public Hearing
Washington Building, Board Room, 2nd Floor, 1100 Bank Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to adopt regulations entitled: **VR 115-02-15. Rules and Regulations for the Registration of Poultry Dealers.** The proposed regulations would require that poultry dealers doing business in Virginia keep records of their transactions as a means of tracing poultry disease to its source. They also would require that poultry dealers maintain a regimen of sanitation in their dealings.

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

Written comments may be submitted until June 30, 1987.

Contact: A. J. Roth, D.V.M., Chief, Bureau of Veterinary Services, Division of Animal Health, Virginia Department of Agriculture and Consumer Services, Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

* * * * *

September 28, 1987 - 3 p.m. - Public Hearing
Washington Building, Board Room, 2nd Floor, 1100 Bank Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds Into Virginia.** The proposed amendment to the above-referenced regulation would set health requirements for the admission of South American camelids of the genus lama into Virginia.

Statutory Authority: § 3.1-726 of the Code of Virginia.

Written comments may be submitted until June 29, 1987.

Contact: A. J. Roth, D.V.M., Chief, Bureau of Veterinary Services, Division of Animal Health, Virginia Department of Agriculture and Consumer Services, Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

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

† **May 29, 1987 - 9 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

The board will meet to (i) approve minutes of the March 13, 1987, meeting; (ii) review disciplinary cases; (iii) review correspondence; and (iv) conduct a regulatory review.

Virginia Board of Land Surveyors

† **May 28, 1987 - 9 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

The board will meet to (i) approve minutes of the February 20, 1987 meeting; (ii) consider the psychometrician study; (iii) discuss NCEE Part IV exam; (iv) discuss enforcement cases; and (v) review applications.

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555

VIRGINIA CATTLE INDUSTRY BOARD

May 5, 1987 - 2 p.m. - Open Meeting
May 6, 1987 - Noon - Open Meeting
Virginia Cattlemen's Association Office, U.S. Route 220, Daleville, Virginia. ☒

A meeting to consider the 1987-1988 budget and funds.

Contact: Reggie Reynolds, Secretary, P.O. Box 176, Daleville, Va. 24083-0176, telephone (703) 992-1992

VIRGINIA CAVE BOARD

May 16, 1987 - 1 p.m. - Open Meeting
Longwood College, Board Room, 163 Ruffner Hall, Farmville, Virginia. ☒

A regular business session of 11-member board to consider problems relating to the conservation and preservation of caves. All board meetings are open to

the interested public.

Contact: Evelyn Bradshaw, Chairman, 1732 Byron St., Alexandria, Va. 22303, telephone (703) 765-0069 or (202) 483-3721

INTERDEPARTMENTAL COUNCIL ON RATE-SETTING FOR CHILDREN'S FACILITIES

April 28, 1987 - 10 a.m. - Open Meeting
St. Joseph's Villa, Conference Room, 8000 Washington Highway, Richmond, Virginia. ☒

The council will review and consider a response to the surveys on the rules and regulations pursuant to § 2.1-703 of the Code of Virginia and review its budget and plans for the year 1987-1988.

Contact: Mrs. Nancy Bockes, P.O. Box 434, Independence, Va. 24349, telephone (703) 773-2452

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

Coordinating Committee

† **May 8, 1987 - 8 a.m. - Open Meeting**
Department of Corrections, 4615 West Broad Street, Room 105, Richmond, Virginia. ☒

A meeting to consider the Annual Administrative Plan and Automated Systems Project/Department of Information Technology.

Contact: John J. Allen, Jr., Office of the Coordinator, 8007 Discovery Drive, Richmond, VA. 23229-8699, telephone (804) 281-9025

STATE BOARD FOR COMMUNITY COLLEGES

May 20, 1987 - 3 p.m. - Open Meeting
Tidewater Community College, Portsmouth, Virginia

The regularly scheduled meeting of the State Board Committees (Audit, Facilities, Personnel, Curriculum and Program, Budget and Finance) will meet. (No agenda is available.)

May 21, 1987 - 9 a.m. - Open Meeting
Tidewater Community College, Portsmouth, Virginia

A general board meeting. No agenda is available.

Calendar of Events

Contact: Joy Graham, James Monroe Bldg., 15th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2126

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Goose Creek Scenic River Advisory Board

† April 30, 1987 - 2 p.m. - Open Meeting
Middleburg Community Center, Main Street, Middleburg, Virginia

A biannual business meeting to discuss issues and matters pertaining to the Goose Creek Scenic River.

Contact: Richard G. Gibbons, Division of Parks and Recreation, 1201 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-4132

Virginia Soil and Water Conservation Board

† May 21, 1987 - 9 a.m. - Open Meeting
203 Governor Street, Suite 206, Richmond, Virginia

A regular bimonthly business meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-2064

STATE BOARD OF CORRECTIONS

May 13, 1987 - 10 a.m. - Open Meeting
June 17, 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.

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

† May 6, 1987 - 11 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

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

Committee on Criminal Justice Information Systems

† June 17, 1987 - 10 a.m. - Open Meeting
Ninth Street Office Building, 9th and Grace Streets, Governor's Cabinet Conference Room, 6th Floor, Richmond, Virginia. ☐

A meeting to discuss projects and business of the committee.

Committee on Training

† May 6, 1987 - 9:30 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

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

Contact: Dr. Jay W. Malcan, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

VIRGINIA BOARD OF DENTISTRY

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: Nancy T. Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

STATE BOARD OF EDUCATION

June 11, 1987 - 7 p.m. - Public Hearing
Hermitage High School, 8301 Hungary Spring Road, Richmond, Virginia

June 11, 1987 - 7 p.m. - Public Hearing
Lake Taylor High School, 1384 Kempsville Road, Norfolk, Virginia

June 11, 1987 - 7 p.m. - Public Hearing
George Wythe High School, 1500 West Pine Street, Richmond, Virginia

June 11, 1987 - 7 p.m. - Public Hearing
Warrenton Junior High School, 244 Waterloo Street, Warrenton, Virginia

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 adopt regulations entitled: **VR**

270-01-0012. Standards for Accrediting Schools in Virginia. These regulations cover the accreditation of elementary and secondary education programs in Virginia.

STATEMENT

Subject: Standards for Accrediting Public Schools in Virginia

Substance: The substance of the proposed regulations consists of criteria for measuring and evaluating compliance with educational standards determined necessary for quality in Virginia's public schools.

Issues: The overriding issue is to define those criteria which each public school must meet to determine compliance with standards set by the Board of Education. Virginia has 139 separate school divisions containing approximately 1,750 public schools. It is imperative that uniform standards as mandated by § 22.1-19 of the Code of Virginia and the Standards of Quality be set for all schools.

Basis: §§ 22.1-19 and 22.1-253.10 of the Code of Virginia.

Purpose: The standards for accreditation of schools in Virginia are designed to provide a foundation for quality education. Accreditation standards provide guidance and direction to assist schools in their continuing efforts to offer educational programs to meet the needs, interests, and aspirations of all students. The accreditation standards are designed to achieve the following objectives:

1. Seek to ensure that schools provide educational programs of high quality for all students.
2. Encourage continuous appraisal and improvement of the school program.
3. Foster public confidence.
4. Assure recognition by other institutions of learning.
5. Assist in identifying commendable schools.*
6. Assist in identifying educationally deficient schools.*

*To become effective for the 1990-91 school year.

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

Written comments may be submitted until June 11, 1987.

Contact: Dr. Robert B. Jewell, Associate Director, Department of Education, Accreditation Service, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2105

STATE BOARD OF ELECTIONS

May 20, 1987 - 10 a.m. - Open Meeting
Ninth Street Office Building, Room 101, 9th and Grace Streets, Richmond, Virginia. ☒

A meeting to review (i) agency budget and (ii) voting equipment submissions for approval.

June 23, 1987 - 10 a.m. - Open Meeting
Ninth Street Office Building, Room 101, 9th and Grace Streets, Richmond, Virginia. ☒

Canvass June 9, 1987, Primary Election and hear oral presentations from voting machine vendors.

Contact: M. Debra Mitterer, Ninth Street Office Bldg., Room 101, Richmond, Va. 23219, telephone (804) 786-6551

VIRGINIA FARMERS' MARKET BOARD

† **May 4, 1987 - 7:30 p.m. - Open Meeting**
† **May 5, 1987 - 7:30 p.m. - Open Meeting**
Jefferson Sheraton Hotel, Richmond, Virginia

A business meeting to discuss the proposals for contracting the site analysis services for determining the most feasible locations for establishing Farmers' Market facilities.

Contact: R. Duke Burruss, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3549

BOARD OF FORESTRY

† **June 24, 1987 - 10 a.m. - Open Meeting**
National Resources Building, Alderman and McCormick Roads, Charlottesville, Virginia

A regular meeting of the board to conduct general business.

Contact: Harold L. Olinger, Department of Forestry, P. O. Box 3758, Charlottesville, Va. 22903, telephone (804) 977-6555

DEPARTMENT OF FORESTRY

† **July 1, 1987 - 10 a.m. - Public Hearing**
Department of Forestry, 2229 East Nine Mile Road, Sandston Office, Sandston, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Forestry intends to adopt regulations entitled: **Public**

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Participation Guidelines. Guidelines to be followed by the Department of Forestry to obtain public participation in development of regulations.

STATEMENT

Basis: This regulation is issued under authority granted by § 10-31.2 of the Code of Virginia.

Subject: This regulation prescribes procedures which will assure public participation in the development of regulations by the Department of Forestry.

Purpose: This regulation provides for public participation in the development of regulations as required by the Administrative Process Act.

Substance: This regulation specifies the procedure to be used to adopt, amend or eliminate regulations. The public must be involved in the development and review process. The agency will maintain lists of persons interested in participating in the review process. Public hearings will be held in both the development and review phases of regulation adoption.

Issues: The intent of this regulation is to give the public an opportunity to become involved in regulation development, review and adoption.

Statutory Authority: § 10-31.2 of the Code of Virginia.

Written comments may be submitted until June 30, 1987.

Contact: Harold L. Olinger, Chief, Administration, Department of Forestry, Box 3758, Charlottesville, Va. 22903, telephone (804) 977-6555

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **May 11, 1987 - 10 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☐

A general board meeting and disciplinary matters.

† **May 12, 1987 - 9 a.m.** – Open Meeting
† **May 13, 1987 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

The Virginia Board of Funeral Directors and Embalmers will meet to administer examinations and have a general board meeting.

These examinations and board meeting may be moved to the Embassy Suites Hotel, Commerce Center, 2925 Emerywood Parkway, Richmond, Virginia.

Please contact the Virginia Board of Funeral Directors and Embalmers board office prior to this meeting for further information concerning the meeting place.

Contact: Mark L. Forberg, Executive Secretary, Virginia Board of Funeral Directors and Embalmers, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

COMMISSION OF GAME AND INLAND FISHERIES

† **May 8, 1987 - 9:30 a.m.** – Open Meeting
Hyatt Richmond (at Brookfield), 6624 West Broad Street, Richmond, Virginia. ☐

The Commission will consider action on the PROPOSALS regarding changes in the hunting and trapping regulations, which resulted from the public hearing held on March 19-20, 1987. The proposed changes pertain to hunting seasons and bag limits on certain species of game animals and game birds; and the trapping regulations for the 1987-89 hunting seasons.

Regulations adopted at this meeting will become effective July 1, 1987.

Contact: Mrs. Norma G. Adams, Administration, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† **May 1, 1987 - 10 a.m.** – Open Meeting
† **June 5, 1987 - 10 a.m.** – Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, 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, Rancord, Wildman & Krause, Architects & City Planning Consultants, P. O. Box 1817, Newport News, Va. 23601, telephone (804) 867-8030

State Insurance Advisory Board

† **June 12, 1987 - 9:30 a.m.** – Open Meeting
Department of General Services, Ninth Street Office Building, Room 209, Conference Room of the Director, Richmond, Virginia. ☐

A quarterly meeting of the State Insurance Advisory Board.

Contact: Charles F. Scott, Department of General Services, Division of Risk Management, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-5968

VIRGINIA BOARD OF GEOLOGY

† **May 5, 1987 - 9 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

The board will meet to (i) approve minutes of the March 24, 1987 meeting; (ii) develop examination and (iii) review applications.

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555

GEORGE MASON UNIVERSITY

Board of Visitors

† **May 7, 1987 - 7 p.m. - Open Meeting**
George Mason University, Student Union II, Rivanna Lane, Fairfax, Virginia. ☒

An informational meeting of the Board of Visitors to hear university staff explain the budget planning process (legislative and university).

† **May 11, 1987 - 7 p.m. - Open Meeting**
George Mason University, Student Union II, Rivanna Lane, Fairfax, Virginia. ☒

An informational meeting of the GMU Board of Visitors to hear Secretary of Education, Donald J. Finley, speak about preparation for the 1988 biennial budget.

The Faculty and Academic Standards Committee will meet following the presentation. An agenda will be available four days prior to the board meeting for those individuals or organizations who request it.

† **May 12, 1987 - 2:30 p.m. - Open Meeting**
George Mason University, Student Union II, Rivanna Lane, Fairfax, Virginia. ☒

A regularly scheduled meeting of the GMU Board of Visitors to (i) review recommendations of faculty appointments, (ii) receive reports of the standing committees, and (iii) act on those recommendations presented by the administrators of George Mason

University.

Standing Committees - Finance and Resource Development, EEO and Affirmative Action, Land Use and Physical Facilities, and Student Affairs, will meet prior to the board meeting beginning at 9 a.m. on May 12.

An agenda will be available four days prior to the board meeting for those individuals or organizations who request it.

Contact: Ann Wingblade, Office of the President, George Mason University, 4400 University Dr., Fairfax, Va. 22030, telephone (703) 323-2041

DEPARTMENT OF HEALTH

June 4, 1987 - 9 a.m. - Open Meeting
Ramada Inn, Duffield, Virginia. ☒

The State Board of Health will have a working session from 9 a.m. to noon. The regular business meeting of the board will begin at 1 p.m. The agenda will be available two weeks in advance of the meeting.

Contact: Sally Camp, James Madison Bldg., Room 400, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3561

STATEWIDE HEALTH COORDINATING COUNCIL

May 15, 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 amend regulations entitled: **VR 360-01-05. Virginia State Health Plan 1980-94.** These regulations are standards for evaluating certificate of public applications to establish or expand extracorporeal shock wave lithotripsy services.

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

Written comments may be submitted until May 15, 1987.

Contact: John P. English, Health Planning Consultant, 1010 Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4891

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COUNCIL ON HEALTH REGULATORY BOARDS

May 4, 1987 - 10 a.m. – Open Meeting
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☒

The Council on Health Regulatory Boards will hear public comment on the need, if any, for the regulation of hypnosis and hypnotherapy as practiced by licensed health professionals and others who teach, offer, or use hypnosis. Written comments will be received through May 29, 1987.

Contact: Richard D. Morrison, Executive Director, Council on Health Regulatory Boards, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9918 or 662-9904

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

May 27, 1987 - 9:30 a.m. – Open Meeting
Johnston-Willis Hospital, 1401 Johnston-Willis Road,
Richmond, Virginia. ☒

A monthly business meeting of the council for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Floor, Richmond, Va. 23219, telephone (804) 786-6371

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **May 6, 1987 - 10 a.m. – Open Meeting**
James Monroe Building, 101 North 14th Street, 9th Floor
Conference Room, Richmond, Virginia. ☒

A monthly council meeting. The agenda is available on request.

Contact: Grace I. Lessner, 101 N. 14th St., 9th Floor, Richmond, Va. 23219, telephone (804) 225-2632

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Amusement Device Technical Advisory Committee

May 7, 1987 - 8:30 a.m. – Open Meeting
Fourth Street Office Building, 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.

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

DEPARTMENT OF LABOR AND INDUSTRY

Apprenticeship Council

April 30, 1987 - 9 a.m. – Open Meeting
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☒

A regular quarterly meeting. The council will hear public comments and then conduct the remainder of the meeting.

If anyone wishes to address council during the public comment session, please send a written request to: Richard H. Webb, Chairman, Virginia Apprenticeship Council, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

Contact: R. S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381

LAND EVALUATION ADVISORY COUNCIL

† **May 4, 1987 - 10:30 a.m. – Open Meeting**
Department of Taxation, 2220 West Broad Street,
Richmond, Virginia. ☒

A general discussion of use value issues.

Contact: Otho C. W. Fraher, Director, Property Tax Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23220, telephone (804) 257-8020

STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

April 27, 1987 - 10:30 a.m. – Open Meeting
Department of Commerce, Travelers Building, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

An open board meeting to conduct (i) regulatory review; (ii) discussion of revenue and expenditures; and (iii) signing of certificates.

Contact: Geralde W. Morgan, Assistant Director, 3600 W. Broad St., 5th Floor, Richmond, Va. 23230-4917, telephone (804) 257-8508

the Aging, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2912

LIBRARY BOARD

May 2, 1987 - 9:30 a.m. - Open Meeting
Roanoke Public Library, Steve Brody Room, 706 South Jefferson Street, Roanoke, Virginia. ☒

A regular meeting to discuss administrative matters.

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

COMMISSION ON LOCAL GOVERNMENT

May 27, 1987 - 10 a.m. - Open Meeting
Ninth Street Office Building, Room 901, Richmond, Virginia. ☒

A regular meeting to consider such matters as may be presented.

Contact: Barbara W. Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219 (804) 786-6508

LONG-TERM CARE COUNCIL

Local Long-Term Care Coordinating Committees

May 12, 1987 - 9:30 a.m. - Open Meeting
Ramada Inn, 7104 Studley Road, Manassas, Virginia. ☒

May 13, 1987 - 9:30 a.m. - Open Meeting
Sheraton Inn (Coliseum), 1215 West Mercury Boulevard, Hampton, Virginia. ☒

May 14, 1987 - 9:30 a.m. - Open Meeting
Holiday Inn (Crossroads), 2000 Staples Mill Road, Richmond, Virginia. ☒

May 15, 1987 - 9:30 a.m. - Open Meeting
Western State Hospital, Staunton, Virginia. ☒

May 21, 1987 - 9:30 a.m. - Open Meeting
The Hardware Company Restaurant, Abingdon, Virginia. ☒

Mutual discussion and information-sharing concerning the activities and concerns of both the council and local coordinating committees.

Contact: Catherine P. Saunders, Virginia Department for

LONGWOOD COLLEGE

Executive Committee of the Board of Visitors

† **May 8, 1987 - 2 p.m. - Open Meeting**
Longwood College, Prince Edward Room, Farmville, Virginia. ☒

A meeting to handle business of the college.

Contact: Dr. Janet D. Greenwood, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211 (SCATS 265-4211)

MARINE RESOURCES COMMISSION

May 5, 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 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

COMMISSION ON MEDICAL CARE FACILITIES

† **May 11, 1987 - 10 a.m. - Open Meeting**

† **June 8, 1987 - 10 a.m. - Open Meeting**

† **July 13, 1987 - 10 a.m. - Open Meeting**

James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒

By Executive Order 31 (86) Governor Baliles created an advisory commission with two responsibilities: (1) to examine the effectiveness of the Certificate of Public Need program in controlling medical care costs while making good quality, accessible health care available

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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., 109 Governor St., Room 1010, Richmond, Va. 23219, telephone (804) 786-6970

VIRGINIA STATE BOARD OF MEDICINE

May 5, 1987 - 9 a.m. - Public Hearing

NOTE LOCATION CHANGE: General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given that the Board of Medicine will hold a public hearing to receive oral or written comments on § 54-317 (12) of the Code of Virginia regarding physicians selling medicine, drugs, eyeglasses, medical appliances, or devices.

Contact: Hilary H. Conner, M.D., Executive Director, Surry Bldg., 2nd Floor, 1601 Rolling Hills Dr., Richmond, Va. 23219-5005, telephone (804) 662-9925

May 7, 1987 - 12:30 p.m. - Open Meeting
Sheraton Patriot Inn, 3032 Richmond Road (off Route 60), Williamsburg, 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) (6) of § 2.1-344 of the Code of Virginia.

Advisory Board on Physical Therapy

May 7, 1987 - 9 a.m. - Open Meeting

May 8, 1987 - 9 a.m. - Open Meeting

Department of Health Regulatory Boards, Koger Center, 2nd Floor Surry Building, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The advisory board will meet to conduct general board business and respond to correspondence. This will be a two day work session for the board. They will also discuss other items which may come before the advisory board.

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

April 29, 1987 - 10 a.m. - Open Meeting
Piedmont Regional Community Services Board, Martinsville, Virginia. ☒

A regular monthly meeting. The agenda will be published on April 22 and may be obtained by calling Jane Helfrich.

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

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Office of Cross Cultural Services

† May 8, 1987 - 9 a.m. - Open Meeting
Johnny Appleseed Inn, Fredericksburg, Virginia. ☒

A quarterly Planning Group meeting.

Contact: Roberta A. Culbertson, Ph. D., 217 Governor St., Richmond, Va. 23214, telephone (804) 786-1196

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION; UNIVERSITY OF VIRGINIA INSTITUTE OF LAW, PSYCHIATRY AND PUBLIC POLICY

Division of Continuing Education and Office of Continuing Medical Education

May 28, 1987 - Open Meeting

May 29, 1987 - Open Meeting

Conference Center, Colonial Williamsburg Lodge, Williamsburg, Virginia. ☒

Tenth Annual Symposium on Mental Health and the Law, entitled: "Professional Liability in the Mental Health, Mental Retardation and Substance Abuse Professions."

An annual symposium addressing issues related to mental health and the law. Ten hours in Category 1 CME, 1 CEU and 10 CLE credits applied for.

Contact: Lynn Daidone, Administrator, Institute of Law, Psychiatry and Public Policy, Blue Ridge Hospital, Box 100, Charlottesville, Va. 22901, telephone (804) 924-5435

GOVERNOR'S MIGRANT AND SEASONAL FARMWORKERS BOARD

† May 13, 1987 - 9:30 a.m. - Open Meeting
Eastern Shore Community College, Melfa, Virginia. ☒

A regularly scheduled bimonthly meeting.

Contact: Marilyn Mandel, Planning Director, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2385

DEPARTMENT OF MOTOR VEHICLES

April 30, 1987 - 7 p.m. - Open Meeting
Department of Motor Vehicles, Dale City Branch Office, Exam Room, 14008 Smoketown Road, Woodbridge, Virginia. ☒

May 4, 1987 - 7 p.m. - Open Meeting
Department of Motor Vehicles, Military Circle Branch Office, 5745 Poplar Hall Drive, Norfolk, Virginia. ☒

May 5, 1987 - 1 p.m. - Open Meeting
South Hill Municipal Building, Town Council Meeting Room, 117 West Atlantic Street, South Hill, Virginia

May 6, 1987 - 1 p.m. - Open Meeting
Department of Motor Vehicles Headquarters Building, Agecroft Room, 2300 West Broad Street, Richmond, Virginia. ☒

In accordance with § 9-6.14:25 of the Code of Virginia and Executive Order Number Twenty-Six (86), the Department of Motor Vehicles is conducting a comprehensive review of its regulations and associated forms. As part of this review process, public meetings will be held throughout the Commonwealth for the purpose of soliciting comments and suggestions related to the below listed regulations.

1. Accident prevention courses for older drivers.
2. Evidence required to permit registration or reregistration of vehicles for which proof of tax payment and of State Corporation Commission registration is required.
3. International registration plan.
4. Overload permit regulations.
5. Privacy Protection Act Rules and Regulations.
6. Public participation guidelines.
7. Rules and regulations for Motorcycle Rider Safety Training Center Program.
8. Virginia Driver Improvement Act rules and regulations.
9. Virginia Motor Vehicle Rental Tax rules and regulations.

Contact: Bruce Gould, Room 319, P. O. Box 27412, Richmond, Va. 23269, telephone (804) 257-0453

NORFOLK STATE UNIVERSITY

Board of Visitors

May 16, 1987 - 10 a.m. - Open Meeting
Harrison B. Wilson Administration Building, Board Room, Norfolk State University, Norfolk, Virginia

The purpose of the meeting is to discuss various issues pertaining to the university. The agenda should be available at least five working days prior to the meeting.

Contact: Gerald D. Tyler, Norfolk State University, Wilson Hall-S340, 2401 Corprew Ave., Norfolk, Va. 23504, telephone (804) 623-8373

VIRGINIA STATE BOARD OF NURSING

† April 29, 1987 - 10 a.m. - Open Meeting
Community Hospital of Roanoke Valley, 101 Elm Avenue, SE, 4th Floor, Gray Room, Roanoke, Virginia. ☒
(Interpreter for deaf provided if requested.)

A formal hearing on Phyllis Dalton, L.P.N., will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated.

† April 29, 1987 - 12:30 p.m. - Open Meeting
Community Hospital of Roanoke Valley, 101 Elm Avenue, SE, 4th Floor, Gray Room, Roanoke, Virginia. ☒
(Interpreter for deaf provided if requested.)

A formal hearing on Derek Price, L.P.N., will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated.

† May 1, 1987 - 10 a.m. - Open Meeting
John T. Hazel Conference Center, Arlington Hospital, 1701 George Mason Drive, Conference Room A, Arlington, Virginia. ☒ (Interpreter for deaf provided if requested.)

A formal hearing on Rhonda Muchmore, R.N., will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

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VIRGINIA BOARD OF OPTOMETRY

May 13, 1987 - 1 p.m. – Open Meeting
National Conference Center, 50 Kingsmill Road,
Williamsburg, Virginia. ☒

A formal hearing regarding John H. Kauffman, III,
O.D.

May 14, 1987 - 9 a.m. – Open Meeting
National Conference Center, 50 Kingsmill Road,
Williamsburg, Virginia. ☒

A meeting to (i) discuss implementation of new
regulations; (ii) review disciplinary matters; and (iii)
discuss general board business.

Contact: Moria C. Lux, Executive Director, Virginia Board
of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229,
telephone (804) 662-9910

OLD DOMINION UNIVERSTIRY

Board of Visitors

† **June 18, 1987 - Time to be announced – Open Meeting**
Old Dominion University, Webb University Center, Norfolk,
Virginia. ☒

The annual meeting of the Board of Visitors to handle
affairs of the university. (Specific times included in
agenda distributed two weeks prior to meeting.)

Contact: Gordon A. McDougall, Office of the Board of
Visitors, Old Dominion University, Norfolk, Va. 23508,
telephone (804) 440-3072

STATE BOARD OF PHARMACY

April 28, 1987 - 9 a.m. – Open Meeting
April 29, 1987 - 9 a.m. – Open Meeting
Department of Health Regulatory Boards, Koger Center,
Surry Building, Conference Room 1, 1601 Rolling Hills
Drive, Richmond, Virginia. ☒

On April 28 board business and formulation of board
regulation proposals; April 29 Pharmacy Jurisprudence
Examination Committee meeting.

May 6, 1987 - 9 a.m. – Open Meeting
Department of Health Regulatory Boards, Koger Center,
Surry Building, Conference Room 2, 1601 Rolling Hills
Drive, Richmond, Virginia. ☒

An informal conference committee composed of two
members of the State Board of Pharmacy will inquire

into allegations that certain pharmacists may have
violated laws and regulations governing the practice of
pharmacy in Virginia. The committee will meet in
open and closed sessions pursuant to subdivision 6 of
subsection A of § 2.1-344 of the Code of Virginia.

Contact: J. B. Carson, Executive Director, 1601 Rolling
Hills Dr., Richmond, Va. 23229, telephone (804) 662-9921

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

† **May 18, 1987 - 10 a.m. – Public Hearing**
State Capitol, House Room 4, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Virginia Board of
Professional Counselors intends to repeal existing
regulations entitled: **The Virginia Board of
Professional Counselors Regulations** and adopt new
regulations entitled: **VR 560-01-02. Regulations
Governing the Practice of Professional Counseling.**

STATEMENT

Statement of purpose: These regulations establish the
requirements governing the practice of professional
counseling in the Commonwealth of Virginia. They include
the educational and experience requirements necessary for
licensure; provide criteria for the written and oral
examinations; set the standards of practice, and establish
procedures for the disciplining of licensed professional
counselors.

The Board of Professional Counselors is repealing its
current regulations and promulgating new regulations. The
proposed regulations are the result of an extensive
regulatory review conducted by the Board of Professional
Counselors pursuant to Executive Order 52(84) of former
Governor Charles S. Robb. The proposed regulations are
necessary to clarify existing requirements set by the
Virginia Board of Behavioral Science (abolished by the
General Assembly in 1983) and the current regulations of
the Board of Professional Counselors. During its review of
existing regulations, the Board of Professional Counselors
examined its education, experience, examination, and
practice requirements. In most areas, the proposed
regulations reflect a less burdensome requirement.
Proposed changes to the regulations that increase the
regulatory burden are noted in this statement. Other
proposed changes to the regulations are stated in an index
to the existing and proposed regulations, which is
incorporated by reference. Copies of existing and proposed
regulations of the index are available to the public
through the Board of Professional Counselors, Department
of Health Regulatory Boards, Richmond, Virginia.

Estimated impact:

A. Regulated entities: Virginia's 1,035 licensed

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professional counselors are affected by the proposed regulations. In addition, approximately 100 applicants for licensure each year are affected as well as approximately 150 licensed mental health practitioners who supervise applicants gaining the required experience for licensure.

B. Projected costs to regulated entities: The impact on licensees and applicants for new or modified regulations is discussed below.

1. § 1.4.

Type of Fee	Current	Proposed
Registration of	\$25 trainee	<u>\$75</u>
Supervision (75 per year)	\$50 supervisor	Trainee
Application	\$50	<u>\$100</u>
Processing (100 per year)	\$25 specialty designation	
Examination Fee (100 per year)	\$75	<u>\$150</u>
Reexamination Fee		
Written	\$35	<u>\$75</u>
Oral (10 each per year)	\$35	<u>\$75</u>
Provisional License Fee (20 per year)	-	<u>30</u>
Renewal of Provisional License (10 per year)	-	<u>\$30</u>
License Renewal (1,035 per year)	\$75 biennially	<u>\$75</u> annually
Duplicate License (20 per year)	--	<u>\$15</u>
Endorsement to Another Jurisdiction (35 per year)	--	<u>\$10</u>
Late Renewal (20 per year)	\$5	<u>\$10</u>
Replacement of or Additional Wall Certificate (20 per year)	--	<u>\$15</u>
Name Change (10 per year)	--	<u>\$10</u>
Returned Check	--	<u>\$15</u>

(10 per year)

Since the services of professional counselors are offered on a fee-for-service basis, it is possible that clients may experience slightly higher fees.

2. § 2.2:B Revises the required amount of supervised experience in counseling practice to read 4,000 hours rather than two years as specified in the current regulations. 200 hours are required to be spent in individual supervision rather than the current minimum of two hours per week. This revision in the regulations does not increase the amount of time a trainee must work under supervision; consequently, there should be no increase in the financial impact on the individual working under supervision. Approximately 150 individuals working under supervision as well as an equal number of mental health professionals providing supervision are affected by this regulation.

3. § 2.2:b(2). Removes the requirement that supervisors be specifically designated by the board. It modifies the category of those individuals qualified to act as supervisors by specifying, among the mental health professionals available to supervise applicants, clinical social workers rather than social workers. Currently, 233 licensed social workers may provide supervision in addition to 895 licensed clinical social workers. Within the last two years, the board has not registered a supervisee working under the supervision of a social worker.

This regulation removes one category of the licensed and eligible mental health professional available to act as supervisors for the 75 applicants registering their supervision annually.

4. § 2.2:B(3). Requires approximately 75 applicants annually who render counseling services in nonexempt agencies to register their supervision before starting to practice under supervision and to pay the registration fee. Applicants registering supervision will be subject to an increased financial burden by having to submit a higher registration fee (\$75) than is required in the current regulations (\$25).

Some prospective applicants will be required to "hire" supervision from private practitioners on an hourly basis, while other prospective applicants will gain half of this experience in paid internships which provide supervision. Others will arrange for supervision as part of an employment agreement. The cost to the prospective applicant of supervision varies according to the supervisory arrangement.

5. § 2.3. Establishes the criteria for a provisional license. The provisional license is optional for those individuals who qualify and, therefore, any financial burden is assumed voluntarily.

It is estimated that 20 applicants may qualify annually for the provisional license. The provisional licensee will also

Calendar of Events

incur the costs required for registering a supervisory agreement with the board (\$75) and for contracting with a supervisor, under whose supervision the provisional licensee will practice for the duration of the provisional license.

6. § 3.1.C. Reduces to once a year the number of times written and oral examinations must be given. While this revision to the current regulations will create some hardship for applicants for licensure, the board's practice is to offer these examinations twice yearly. The board may schedule additional examinations as it deems necessary.

Approximately 20 candidates for licensure a year may be affected by having to remain under supervision, with the financial costs incurred with supervision, if the board chooses to examine candidates only once a year. Those individuals who are not able to be examined during the annual examination period may experience a delay in incremental income associated with the inability to complete the licensure process.

7. § 3.1.D. Provides that a candidate must take the examination for which that individual has been approved within two years of the board's initial approval or that approval is invalidated. To be considered for the examination at a later date, the applicant must file a completely new application with the board, paying the appropriate application fees. Approximately five applicants annually may be affected by this regulation.

8. § 3.4.B. Specifies a period of 18 months within which a candidate may be reexamined without filing a new application with attendant fees and presenting additional education or experience. This regulation would only impact those applicants who fail to apply for reexaminations within the 18-month period, estimated to be no more than 10-20 annually. Individuals who are required to file a new application as a result of this regulation would incur the cost of reapplying for licensure (\$100) as well as the costs resulting from having to gain additional education relative to counseling or undertaking additional supervised experience.

9. § 3.4.C. Requires that candidates who are requesting to be reexamined notify the board and pay the appropriate fee (\$75) not less than 60 days before a scheduled examination. This regulation would not be expected to have an impact on the majority of the candidates; only those requesting reexamination—approximately 20 per year request reexamination.

10. § 4.1. Establishes an annual renewal of license with the submission of an annual renewal fee as prescribed in § 1.4. The board is proposing an annual renewal fee of \$75. This change in the regulations, which currently provides for a biennial license renewal, will have an impact on all the board's licensees by effectively doubling the renewal fee for the approximately 1,035 licensees who currently renew their licenses on a biennial basis.

11. § 4.2.B. Requires that an individual who fails to renew a license for four years or more and who wishes to resume practice (i) pay the oral examination fee; (ii) take an oral examination incurring the attendant costs, including expenses associated with preparing the case study and travelling to Richmond for one day for the examination; and (iii) upon approval for reinstatement, pay the penalty fee as prescribed in § 1.4 as well as the prescribed license fee. Only those individuals who have failed to keep their licenses current would be affected, approximately 10 individuals annually.

12. § 4.4. Requires individuals whose name is changed by marriage or court order to notify the board of such a change and provide a copy of the legal paper documenting the change. A name change fee (\$10) is also required as well as a fee for a new license (15) bearing the individual's new legal name.

§ 6.1. Establishes Standards of Practice governing the practice of professional counseling that professional counselors must adhere to in their practice. The standards constitute a revision of the Code of Ethics found in the current regulations. Section 6.1.B:4 requires licensees to report to the board any known or suspected violations of the laws and regulations governing the practice of professional counseling.

C. Projected costs to the agency for implementation and enforcement: Data processing and administrative costs associated with the processing of renewals on an annual basis, in addition to the processing of a provisional license, will increase the costs to the board by approximately \$3,000. The board can expect an increase in its investigative costs as a result of § 6.1:B(4) requiring the reporting to the board of known or suspected violations of the Standards of Practice by licensees.

The board reviewed its anticipated revenue and expenditures for the 1986-1988 biennium prior to making its proposal to increase its current fees and establish new fees. The board concluded that the current fee structure was not adequate to meet the necessary operating expenses of the board. The board's fees have not been raised since 1981, although the costs to the board of administering its programs have increased significantly. Inflation, the enhancement of data processing operations and equipment, an increase in the number of consumer complaints under investigation, and the addition of two citizen members to the board have contributed to the increased administrative costs. In an effort to address its cash-flow problem while dispersing the effects of an increase in the renewal fee to its licensees, the board is proposing an annual renewal fee of \$75 rather than a biennial renewal fee of the same amount.

The board also proposed adding a category of fees for services it provides such as the provision of duplicate licenses, endorsements to other jurisdictions, and the replacement of wall certificates.

D. Sources of funds: All funds of the Board of Professional Counselors are derived from the fees paid by licensees and applicants for licensure.

III. Statutory authority: Section 54.929(a) of the Code of Virginia authorizes the Board of Professional Counselors to adopt and revise rules and regulations.

Written comments may be submitted until June 29, 1987.

Other pertinent information: The proposed regulations were developed as part of the comprehensive review of regulations initiated by Governor Charles S. Robb.

Contact: Stephanie A. Sivert, Executive Director, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912

VIRGINIA BOARD OF PSYCHOLOGY

April 30, 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) review application; (iii) respond to correspondence; and (iv) discuss regulations.

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9913

VIRGINIA BOARD OF SOCIAL WORK

May 15, 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 conduct (i) general board business; (ii) review applications; (iii) respond to correspondence; and (iv) discuss regulations.

Contact: Stephanie A. Sivert, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9914

COMMONWEALTH TRANSPORTATION BOARD

May 21, 1987 - 10 a.m. - Open Meeting
Washington/Dulles Ramada Renaissance, 13869 Park Center Road, Herndon, Virginia. ☐

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

VIRGINIA BOARD OF VETERINARY MEDICINE

† **May 12, 1987 - 8 a.m. - Open Meeting**
† **May 13, 1987 - 8 a.m. - Open Meeting**
Medical College of Virginia, 410 North 12th Street, A. G. Smith Building, Room 103, Richmond, Virginia

May 12 - A meeting to administer the national board examination to veterinarian applicants.

May 13 - A meeting to administer the clinical competency test to veterinarian applicants.

† **June 9, 1987 - 8 a.m. - Open Meeting**
Medical College of Virginia, 1101 East Marshall Street, Sanger Hall, Room 1-044, Richmond, Virginia

A meeting to administer the national board and state board examinations to animal technician applicants.

† **June 17, 1987 - 8:30 a.m. - Open Meeting**
State Capitol, House Room 2, Richmond, Virginia. ☐

A meeting to (i) review disciplinary cases, (ii) discuss implementation of regulations; (iii) prepare state licensing examinations; and (iv) conduct general board business.

† **June 18, 1987 - 8 a.m. - Open Meeting**
Medical College of Virginia, 1101 East Marshall Street, Sanger Hall, Room 2-020, Richmond, Virginia. ☐

A meeting to administer the state licensing examinations to veterinarian applicants.

Contact: Moira C. Lux, Executive Director, Virginia Board of Veterinary Medicine, 1601 Rolling Hills Drive, Richmond, Va. 23229, telephone (804) 662-9915

BOARD FOR THE VISUALLY HANDICAPPED

May 20, 1987 - 11 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia ☐ (Interpreter for deaf provided if requested) ☐

A quarterly meeting to review policy and procedures. The board reviews and approves the department's budget, executive agreement and operating plan.

Calendar of Events

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3145 (TTD number (804) 264-3140)

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

July 18, 1987 - 10:30 a.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

A quarterly meeting 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 Senior, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3145 (TTD number 264-3140)

VIRGINIA WASTE MANAGEMENT BOARD

† **May 28, 1987 - 10 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒

An informational meeting will be held for Amendment 6 to the Virginia Hazardous Waste Regulations Governing the Transportation of Hazardous Materials. The proposed amendment will incorporate, by reference, changes made from January 1, 1985 – December 31, 1986 to the U. S. Department of Transportation Hazardous Materials Regulations.

Contact: Cheryl Cashman, Information Officer, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, Va. 23219, telephone (804) 225-2667

STATE WATER CONTROL BOARD

† **May 19, 1987 - 7 p.m.** – Public Hearing
Exmore-Willis Wharf Elementary School, Route 600, Exmore, Virginia

A public hearing to receive comments on an application to increase the amount of withdrawal presently in American Original's permit, to be used for industrial use at a claim processing plant in Willis Wharf.

† **June 11, 1987 - 9 a.m.** – Open Meeting
† **June 12, 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., P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

COUNCIL ON THE STATUS OF WOMEN

May 12, 1987 - 9 a.m. – Open Meeting
Koger Executive Center, Koger Building, Conference Room 124, 8001 Franklin Farms Drive, Richmond, Virginia

At 9 a.m. a meeting of the standing committees of the council.

At 10 a.m. a regular meeting of the council to conduct general business and to receive reports from the council committees.

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

LEGISLATIVE

VIRGINIA ALCOHOL SAFETY ACTION PROGRAM COMMISSION

Advisory Committee

† **May 19, 1987 - 10 a.m.** – Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

An organizational meeting for the advisory committee recently appointed to assist VASAP.

Contact: Oscar Brinson, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

VIRGINIA COAL AND ENERGY COMMISSION

Energy Preparedness Subcommittee

† **May 19, 1987 - 1:30 p.m.** – Open Meeting
General Assembly Building, 4th Floor West Conference Room, Capitol Square, Richmond, Virginia. ☒

The agenda will include a status report by the administration on the use of oil overcharge funds and a briefing by the Department of General Services describing current efforts to reduce energy costs in state facilities.

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

JOINT SUBCOMMITTEE STUDYING THE COMMONWEALTH'S SUPPORT FOR TOURISM AND ECONOMIC DEVELOPMENT

† **May 12, 1987 - 10 a.m. - Open Meeting**
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

First meeting of interim for two-year study committee. The subcommittee will receive testimony from agency personnel and hold a working session. (HJR 132)

Contact: Angela Bowser, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

COMMISSION ON VETERANS' AFFAIRS

May 2, 1987 - 10 a.m. - Public Hearing
Clinch Valley College, Main Lecture Hall, Wise, Virginia. ☒

June 6, 1987 - 10 a.m. - Public Hearing
Virginia Military Institute, Nickols Engineering Hall, Room 507, Lexington, Virginia. ☒

July 11, 1987 - 10 a.m. - Open Meeting
Clarke County Circuit Court, Main Court Room, Berryville, Virginia. ☒

The commission will conduct a public hearing, taking testimony from individual veterans, representatives of veterans' organizations, and the general public on any matters concerning Virginia's veterans.

Contact: Alan Wambold, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

- April 27**
Government Savings Bond Campaign, State Librarians, State Board for the Certification of
- April 28**
Children's Facilities, Interdepartmental Council on Rate-Setting for Government Savings Bond Campaign, State Pharmacy, State Board of
- April 29**
Government Savings Bond Campaign, State Mental Health and Mental Retardation Board, State † Nursing, Virginia State Board of Pharmacy, State Board of
- April 30**
† Conservation and Historic Resources, Department of - Goose Creek Scenic River Advisory Board Government Savings Bond Campaign, State Labor and Industry, Department of - Apprenticeship Council Motor Vehicles, Department of Psychology, Virginia Board of
- May 1**
† General Services, Department of - Art and Architectural Review Board Government Savings Bond Campaign, State † Nursing, Virginia State Board of
- May 2**
Library Board
- May 4**
† Farmers' Market Board, Virginia Health Regulatory Boards, Council on † Land Evaluation Advisory Council Motor Vehicles, Department of
- May 5**
Cattle Industry Board, Virginia † Farmers' Market Board, Virginia † Geology, Virginia Board of Marine Resources Commission Motor Vehicles, Department of
- May 6**
Cattle Industry Board, Virginia † Criminal Justice Services Board † Criminal Justice Services Board - Committee on Training † Higher Education for Virginia, State Council of Motor Vehicles, Department of Pharmacy, State Board of

Calendar of Events

- May 7**
† George Mason University
- Board of Visitors
Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee
Medicine, Virginia State Board of
- Informal Conference Committee
- Advisory Board on Physical Therapy
- May 8**
† Children's Residential Facilities, Interdepartmental
Licensure and Certification of Children
- Coordinating Committee
Dentistry, Virginia Board of
† Game and Inland Fisheries, Commission of
† Longwood College
- Executive Committee of the
Board of Visitors
Medicine, Virginia State Board of
- Advisory Board on Physical Therapy
† Mental Health and Mental Retardation, Department
of
- Office of Cross Cultural Services
- May 11**
Agricultural Council, Virginia
† Funeral Directors and Embalmers, Virginia Board of
† George Mason University
- Board of Visitors
† Medical Care Facilities, Commission on
- May 12**
† Funeral Directors and Embalmers, Virginia Board of
† George Mason University
Board of Visitors
Long-Term Care Council
- Local Long-Term Care Coordinating Committees
† Veterinary Medicine, Virginia Board of
† Tourism and Economic Development, Joint
Subcommittee Studying the Commonwealth's Support
for
Women, Council on the Status of
- May 13**
Corrections, State Board of
† Funeral Directors and Embalmers, Virginia Board of
† George Mason University
- Board of Visitors
Long-Term Care Council
- Local Long-Term Care Coordinating Committees
† Migrant and Seasonal Farmworkers Board,
Governor's
Optometry, Virginia Board of
† Veterinary Medicine, Virginia Board of
- May 14**
Long-Term Care Council
- Local Long-Term Care Coordinating Committees
Optometry, Virginia Board of
- May 15**
- Long-Term Care Council
- Local Long-Term Care Coordinating Committees
Social Work, Virginia Board of
- May 16**
Cave Board, Virginia
Norfolk State University
- Board of Visitors
- May 19**
† Agriculture and Consumer Services, Board of
† Alcohol Safety Action Program Commission, Virginia
- Advisory Committee
† Coal and Energy Commission, Virginia
- Energy Preparedness Subcommittee
† Water Control Board, State
- May 20**
† Agriculture and Consumer Services, Board of
Community Colleges, State Board for
Elections, State Board of
Visually Handicapped, Board for the
- May 21**
Community Colleges, State Board for
† Conservation and Historic Resources, Department of
Virginia Soil and Water Conservation Board
Long-Term Care Council
- Local Long-Term Care Coordinating Committees
Transportation Board, Commonwealth
- May 27**
Health Services Cost Review Council, Virginia
Local Government, Commission on
- May 28**
† Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board of
- Virginia Board of Land Surveyors
Mental Health and Mental Retardation, Department of;
University of Virginia Institute of Law, Psychiatry and
Public Policy
- Division of Continuing Education and Office of
Continuing Medical Education
† Waste Management Board, Virginia
- May 29**
† Architects, Professional Engineers, Land Surveyors
and Certified Landscape Architects, State Board
Mental Health and Mental Retardation, Department of;
University of Virginia Institute of Law, Psychiatry and
Public Policy
- Division of Continuing Education and Office of
Continuing Medical Education
- June 4**
Health, Department of
- June 5**
† General Services, Department of
- Art and Architectural Review Board

Calendar of Events

June 8

Medical Care Facilities, Commission on

† Forestry, Department of

June 9

† Veterinary Medicine, Virginia Board of

July 11

Veterans' Affairs, Commission on

June 11

† Water Control Board, State

September 28

Agriculture and Consumer Services, Department of

June 12

† General Services, Department of
- State Insurance Advisory Board
† Water Control Board, State

June 17

Corrections, State Board of
† Criminal Justice Services Board
- Committee on Criminal Justice Information Systems
† Veterinary Medicine, Virginia Board of

June 18

† Old Dominion University
- Board of Visitors
† Veterinary Medicine, Virginia Board of

June 23

Elections, State Board of

June 24

† Forestry, Board of

July 13

Medical Care Facilities, Commission on

July 18

Visually Handicapped, Department for the
- Advisory Committee on Services

PUBLIC HEARINGS

May 2

Veterans' Affairs, Commission on

May 5

Medicine, Virginia State Board of

May 15

Health Coordinating Council, Statewide

May 18

† Professional Counselors, Virginia Board of

June 6

Veterans' Affairs, Commission on

June 11

Education, State Board of

July 1

Calendar of Events

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

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

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-03-2.6152. Definition of Home Ownership or Contiguous Property - State Plan for Medical Assistance.

Statutory Authority: § 32.1-324 C of the Code of Virginia.

Public Comment Period: Public comments may be submitted from May 11, 1987, through June 9, 1987.

Summary:

These regulations amend the State Plan for Medical Assistance and are being proposed in response to changes in the Code of Virginia brought about by Senate Bill 372. This bill revised in part, the criteria for determining eligibility for Medicaid applicants by redefining the home and contiguous property for ADC-eligible applicants to include the house and lot of principal residence and all contiguous property regardless of value. For all other applicants, a home is defined as the house and lot of principal residence and all contiguous property not exceeding \$5,000 in value. The Senate bill also provided for those cases in which the \$5,000 contiguous property requirement is more restrictive than that in effect on January 1, 1972, by permitting the homesite exemption in such cases to include the house, lot and contiguous property essential to the operation of the home regardless of value.

VR 460-03-2.6152. Definition of Home Ownership or Contiguous Property - State Plan for Medical Assistance.

§ 200. Aged, blind, and disabled (SSI-related) individuals.

§ 201. Real property.

§ 201.1. Home ownership. Ownership of a dwelling occupied by the applicant as his home does not affect eligibility. A home means the house and lot. In rural areas, one acre is regarded as the equivalent of a lot. Additional land contiguous to the homesite, valued at an amount up to a maximum of \$5,000 is also exempt as the homesite. The additional value of land contiguous to the home site is not exempted unless it meets the income producing requirements in section 201.2 below, or the exceptions to ownership of other real property precluding eligibility (below).

§ 201.1. Home Ownership.

Ownership of a dwelling occupied by the applicant as his home does not affect eligibility. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence and all contiguous property as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value.

The lot occupied by the house shall be a measure of land as designated on a plat or survey or whatever the locality sets as a minimum size for a building lot whichever is less. In localities where no minimum building lot requirement exists, a lot shall be a measure of land designated on a plat or survey or one acre whichever is less.

Contiguous property essential to the operation of the home means:

1. Land used for the regular production of any food or goods for the household's consumption only, including:

a. Vegetable gardens;

b. Pasture land which supports livestock raised for milk or meat, and land used to raise chickens, pigs, etc. (The amount of land necessary to support such animals is established by the local extension service; however, in no case shall more land be allowed than that actually being used to support the livestock.)

c. Outbuildings used to process or store any of the above;

2. Driveways which connect the homesite to public roadways;

3. Land necessary to the homesite to meet local zoning requirements (e.g., building sites, mobile home sites, road frontage, distance from road, etc.);

Proposed Regulations

4. Land necessary for compliance with state or local health requirements (e.g., distance between home and septic tank, distance between septic tanks, etc.);

5. Water supply for the household;

6. Existing burial plots;

7. Outbuildings used in connection with the dwelling, such as garages or tool sheds.

All of the above facts shall be fully evaluated and documented in the case record before the home site determination is made.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION (STATE BOARD OF)

Title of Regulation: VR 470-02-09. Rules and Regulations for the Licensure of Outpatient Facilities.

Statutory Authority: §§ 37.1-10 and 37.1-179.1 of the Code of Virginia

Public Hearing Dates:

July 21, 1987 - 10 a.m.

July 28, 1987 - 10 a.m.

Written comments will be received through July 31, 1987.

(See Calendar of Events section for additional information)

Summary:

Under the current definitions in Chapter 8 (§ 37.1-179 et seq.) of Title 37.1 of the Code of Virginia the Department of Mental Health and Mental Retardation is responsible for the licensure of facilities and institutions providing care or treatment to mentally ill, mentally retarded and substance abusing persons.

The term "outpatient facility" includes any publicly or privately owned institution, establishment or other entity by whatever name or designation which provides a variety of treatment interventions which individually are less than three consecutive hours duration for mentally ill, mentally retarded or substance abusing persons in a nonresidential setting. Outpatient facilities usually provide these interventions through a multidisciplinary staff that is employed by the outpatient facility. In contrast, similar interventions provided by individual practitioners of the same healing art or of the same behavioral science profession, or provided by 'private practice' organizations organized under pertinent provisions of the Code of Virginia by groups of practitioners of the same healing art or of the same behavioral science profession, are not subject to licensure by the Department of Mental Health and Mental Retardation

and are, therefore, excluded from the term "outpatient facility". For further clarification see the definitions of 'outpatient facility' and 'professional service' in § 1.1 of the regulations.

These regulations articulate the minimum requirements for licensure of outpatient facilities in order to protect the health and safety of mentally ill, mentally retarded and substance abusing clients in outpatient facilities and to assure that they receive services that are appropriate to meet their identified needs.

The regulations are comprised of the following issues which have impact on outpatient facilities subject to licensure:

Organization and administration, personnel, physical environment, programs and services, disaster or emergency plans, and special requirements for outpatient methadone treatment facilities.

These are new regulations that will partially replace the current Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities and will be subject to licensure for the first time outpatient facilities serving mentally ill or emotionally disturbed persons.

VR 470-02-09. Rules and Regulations for the Licensure of Outpatient Facilities.

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:

"Advocate" means a person or persons appointed by the commissioner after consultation with the State Human Rights Director and the local human rights committee who exercise the duties set forth in Part III of the Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health and Mental Retardation.

"Allegation" means an accusation that a facility is operating without a license.

"Ambulatory detoxification services" means a program/service provided in an outpatient facility to people under the influence of intoxicants that provides a safe place to withdraw from such intoxicants, but the term "ambulatory detoxification services" does not include detoxification and treatment with the controlled drug methadone (see Part VII). Trained staff are present to monitor withdrawal. People who experience medical

Proposed Regulations

complications are sent to a hospital emergency room. Clients may be referred to an outpatient substance abuse facility or to an intermediate care facility when appropriate.

"Applicant" means the person, corporation, partnership, association or public agency which has applied for a license.

"Behavior management" means planned and systematic use of various techniques selected according to group and individual differences of the residents and designed to teach awareness of situationally appropriate behavior, to strengthen desirable behavior, and to reduce or to eliminate undesirable behavior. (The term is consistently generic and is not confined to those techniques which derive specifically from behavior therapy, operant conditioning, etc.)

"Board" means the State Mental Health and Mental Retardation Board.

"Case record" or "record" means written information assembled in one folder or binder relating to one individual. This information includes social and medical data, agreements, notations of ongoing information, service plan with periodic revisions, aftercare plans and discharge summary, and any other data related to the client.

"Child" means any person legally defined as a child under state law.

"Client" means mentally ill or mentally retarded persons, or persons addicted to the intemperate use of narcotic drugs, alcohol or other stimulants.

"Commissioner" means the Commissioner of Mental Health and Mental Retardation.

"Complaint" means an accusation against a licensed facility regarding an alleged violation of regulations or law.

"Corporal punishment" means the inflicting of pain or discomfort to the body through actions such as but not limited to striking or hitting with any part of the body or with an implement; or through pinching, pulling or shaking; or through any similar action which normally inflicts pain or discomfort.

"Day off" means a period of not less than 32 consecutive hours during which a staff person has no responsibility to perform duties related to the facility. Each successive day off immediately following the first shall consist of not less than 24 additional consecutive hours.

"Day support program" means any publicly or privately operated facility, institution or other entity which provides day support services to mentally ill or mentally retarded persons or to persons addicted to the intemperate use of

narcotic drugs, alcohol or other stimulants but does not include:

1. Sheltered workshops;
2. Supported or transitional employment programs;
3. Alternative day support arrangements;
4. Educational programs;
5. Recreational programs; or
6. Outpatient facilities.

"Day support services" means a planned program of treatment or training interventions of more than three consecutive hours duration for mentally ill or mentally retarded persons or for persons addicted to the intemperate use of narcotic drugs, alcohol or other stimulants including the detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone. These interventions are provided in a nonresidential setting and focus on the treatment of pathological conditions or on the training or strengthening of client abilities to deal with everyday life. "Day support services" includes such services as day treatment/partial hospitalization, psychosocial rehabilitation, work activity and adult development day programs. The term "day support services" does not include such services as sheltered employment, supported or transitional employment, alternative day support arrangements, education or recreational services.

"Day treatment/partial hospitalization" means a treatment program that includes the major diagnostic, medical, psychiatric, psychosocial, prevocational and educational treatment modalities designed for patients with serious mental disorders or substance abuse problems who require coordinated, intensive, comprehensive and multidisciplinary treatment of pathological conditions not provided in outpatient facility settings.

"Department" means the Department of Mental Health and Mental Retardation.

"Detoxification facility" means a residential facility or a portion thereof that is licensed according to the provisions of Chapter 8 (§ 37.1-179 et seq.) of Title 37.1 of the Code of Virginia as a nonhospital medical detoxification service, a sobering-up shelter service or a social detoxification service, but does not include a hospital based medical detoxification service or an inpatient substance abuse facility as defined in these regulations.

"Drug addict" means a person who: (i) through the use of habit forming drugs or other drugs enumerated in the Virginia Drug Control Act (§ 54-524.1 et seq.) of the Code of Virginia, as controlled drugs, has become dangerous to the public or himself; or (ii) because of such drug use, is medically determined to be in need of medical or

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psychiatric care, treatment, rehabilitation or counseling.

"Facility" or "institution" means any facility not operated by an agency of the federal government by whatever name or designation which provides care or treatment for mentally ill or mentally retarded persons, or persons addicted to the intemperate use of narcotic drugs, alcohol or other stimulants including the detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone. Such institution or facility shall include a hospital as defined in § 32.1-123 of the Code of Virginia, outpatient clinic, special school, halfway house, home and any other similar or related facility.

"Hospital" or "hospitals" when not modified by the words "state" or "private" means both state hospitals and private hospitals devoted to or with facilities for the care and treatment of mentally ill, mentally retarded or substance abusing persons.

"Hospital-based medical detoxification service" means a program/service which offers medical treatment to persons suffering from alcohol or other drug intoxication. This service is provided in a hospital under the direction of a physician and hospital staff and is designed to monitor and control medical complications and other disorders which may be associated with withdrawal.

"Human research" means any medical or psychological investigation designed to develop or contribute to general knowledge and which utilizes human subjects who may be exposed to the possibility of physical or psychological injury as a consequence of participation as subjects and which departs from the application of those established and accepted methods appropriate to meet the subjects' needs but does not include:

1. The conduct of biological studies exclusively utilizing tissue of fluids after their removal or withdrawal from human subject in the course of standard medical practice;
2. Epidemiological investigations; or
3. Medical treatment of an experimental nature intended to save or prolong the life of the subject in danger of death, to prevent the subject from becoming disfigured or physically or mentally incapacitated.

"Individualized service plan" means a written plan of action developed, and modified at intervals, to meet the needs of each client. It specifies short and long-term goals, the methods and time frames for reaching the goals and the individuals responsible for carrying out the plan.

"Inpatient substance abuse facility" means an organization established to provide effective intervention for substance abuse by providing medical detoxification and by treating the medical and psychiatric complications of substance abuse through an organized medical and

professional staff, with continuous nursing service at the hospital level of care, when such organized plan of substance abuse services can be separately identified.

"Intermediate care substance abuse facility" means an organization established to provide a continuous, structured residential program of services including assessment, counseling, vocational and social rehabilitation for four or more substance abusing persons. This type of facility provides full-time residential treatment services and is exemplified by therapeutic communities and residential treatment centers.

"Intrusive aversive therapy" means a formal behavior modification technique designed to reduce or eliminate severely maladaptive, violent or self-injurious behavior through the application of noxious or painful stimuli contingent upon the exhibition of such behavior. The term shall not include actions defined in these regulations as corporal punishment, nor does it include verbal therapies, seclusion, physical or mechanical restraints used in conformity with the applicable human rights regulations promulgated pursuant to § 37.1-84.1 of the Code of Virginia, or psychotropic medications which are not used for purposes of intrusive aversive therapy.

"Licensee" means the person, corporation, partnership, association, or public agency to whom a license is issued and who is legally responsible for compliance with the regulations and statutory requirements relating to the facility.

"Local human rights committee" means a committee of at least five members broadly representative of professional and consumer groups appointed by the State Human Rights Committee for each group of community services board or licensed organization after consultation with the commissioner, and whose responsibility shall be to perform the functions specified in applicable human rights regulations. Except where otherwise provided, the term "local human rights committee" shall mean this body or any subcommittee thereof.

"Mechanical restraint" means the application of machinery or tools as a means of physically restraining or controlling a resident's behavior, such as handcuffs, straitjackets or shackles but not including bed straps, bed rails, slings and other devices employed to support or protect physically incapacitated residents.

"Mental retardation" means substantial subaverage general intellectual functioning which originates during the development period and is associated with impairment in adaptive behavior.

"Nonhospital medical detoxification service" means a program/service which provides a medically supervised withdrawal from alcohol and/or other drug intoxication in a nonhospital setting. Twenty-four hour nursing care and the services of on-call physicians are available. Services include medical screening and evaluation, basic laboratory

analysis, physical exams and chemotherapy, as ordered by a physician. Medical referrals are made as necessary. Case management including referral to further residential or outpatient treatment is available.

"On duty" means that period of time during which a staff person is responsible for the care and supervision of one or more residents.

"Outpatient facility" means any publicly or privately owned institution, establishment or other entity by whatever name or designation which provides a variety of treatment interventions of less than three consecutive hours duration for mentally ill or mentally retarded persons, or persons addicted to the intemperate use of narcotic drugs, alcohol or other stimulants including the detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone. These interventions are provided in a nonresidential setting to individuals, groups and families and include but are not limited to emergency services, crisis intervention, counseling, psychotherapy, behavior management, chemotherapy, ambulatory detoxification, and methadone detoxification and maintenance. The term outpatient facility does not include the treatment rooms or offices used to provide the services of:

1. Professional associations organized by three or more practitioners of the same healing art or by three or more psychologists under the provisions of Chapter 25 (§ 54-873 et seq.) of Title 54 of the Code of Virginia for the sole and specific purpose of rendering the same and specific professional service, provided that the associates and any employees of the association who render professional services on behalf of the association are individually licensed under the provisions of Title 54 of the Code of Virginia to practice the same healing art or to practice psychology;
2. Professional corporations organized by one or more practitioners of the same healing art or by practitioners of the same behavioral science profession under the provisions of Chapter 7 (§ 13.1-542 et seq.) of Title 13.1 of the Code of Virginia for the sole and specific purpose of rendering the same and specific professional service, provided that the shareholders and any employees of the professional corporation who render professional services on behalf of the professional corporation are individually licensed under the provisions of Title 54 of the Code of Virginia to practice the same healing art or to practice the same behavioral science profession;
3. General partnerships formed under the provisions of Chapter 1 (§ 50-1 et seq.) of Title 50 of the Code of Virginia by two or more individual practitioners of the same healing art or of the same behavioral science profession for the sole and specific purpose of rendering the same and specific professional service, provided that the partners and any employees of the

general partnership who render professional services on behalf of the general partnership are individually licensed under the provisions of Title 54 of the Code of Virginia to practice the same healing art or to practice the same behavioral science profession;

4. Individual practitioners of the healing arts licensed under the provisions of Chapter 12 (§ 54-273 et seq.) of Title 54 of the Code of Virginia.
5. Individual practitioners of the behavioral science professions licensed under the provisions of Chapter 28 (§ 54-923 et seq.) of Title 54 of the Code of Virginia;
6. Psychiatric hospitals licensed pursuant to the provisions of Chapter 8 (§ 37.1-179 et seq.) of Title 37.1 of the Code of Virginia, provided that such treatment rooms or offices are situated on the same premises as the psychiatric hospital so licensed; or
7. Day support programs licensed pursuant to the provisions of Chapter 8 (§ 37.1-179 et seq.) of Title 37.1 of the Code of Virginia.

"Outpatient substance abuse facility" means an establishment which provides in a nonresidential setting a variety of services to substance abusing persons and their families including assessment, direct substance abuse treatment services which the facility's organization can itself provide, and indirect treatment services which the facility's organization secures through referral, on both a scheduled and unscheduled basis.

"Patient" means a person voluntarily or involuntarily admitted to or receiving services from a facility licensed according to the provisions of Chapter 8 (§ 37.1-179 et seq.) of Title 37.1 of the Code of Virginia.

"Physical restraint" means any act by the facility or staff which exercises the use of physical confrontation or force, or both, with residents as a method or technique of managing harmful client behavior.

"Premises" means the tract(s) of land on which any part of a residential facility is located and any buildings on such tract(s) of land.

"Private hospital" means a hospital or similar institution which is not operated by the department and is duly licensed pursuant to the provisions of § 37.1-179 et seq. of the Code of Virginia and includes psychiatric wards of general hospitals.

"Private institution" means an establishment which is not operated by the department and which is licensed pursuant to the provisions of under § 37.1-179 et seq. of the Code of Virginia.

"Professional service" means any type of personal service to the public which requires as a condition precedent to the rendering of such services or use of such

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title the obtaining of a license, certification or other legal authorization from a state examining board issued under the provisions of Title 54 of the Code of Virginia, except that the phrase 'rendering the same and specific professional service' as used in these regulations in the exclusions from the term "outpatient facility" shall not be interpreted to prohibit such excluded professional associations, professional corporations, and general partnerships from employing such person to assist in rendering the sole and specific professional service for which such entities are organized such as: (i) professional nurses and licensed practical nurses licensed pursuant to the provisions of Chapter 13.1 (§ 54-367.1 et seq.) of Title 54 of the Code of Virginia; (ii) physical therapists licensed pursuant to the provisions of Chapter 12 (§ 54-273 et seq.) of Title 54 of the Code of Virginia; or (iii) clerks, secretaries, bookkeepers, technicians and other assistants who are not usually and ordinarily considered by custom and practice to be rendering professional service to the public for which a license or other legal authorization is required.

"Program" means a combination of procedures or activities carried out in order to meet a specific goal or objective.

"Punishment" means the use of an aversive event or the removal of a positive event following a behavior which decreases, or is intended to decrease the probability of that behavior. This includes a pain, loss, or penalty inflicted for a fault or mistake.

"Regional advocate" means a person or persons who perform the functions set forth in Part IV of the Rules and Regulations Assuring the Rights of Clients in Community Programs and who are appointed by the commissioner after consultation with the State Human Rights Director.

"Rehabilitation" means assistance provided for a disabled individual to return to his fullest potential in occupational, social and psychological life by reducing the residual effects of his handicapping condition.

"Resident" means a person admitted to a residential facility for supervision, care, training or treatment on a 24 hour basis. For the purpose of these regulations, the words "resident" and "client" are used interchangeably.

"Residential facility" means any publicly or privately owned facility or institution by whatever name or designation which provides 24 hour domiciliary or residential care or treatment for four or more mentally ill or mentally retarded persons, or persons addicted to the intemperate use of narcotic drugs, alcohol or other stimulants including the detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone, including special residential schools, halfway houses, residential treatment centers, substance abuse treatment and rehabilitation facilities, domiciliary facilities, shelter care facilities, group homes

and any other similar or related facility except:

1. A residential facility operated by an agency of the federal government;
2. A private family home;
3. A hospital as defined in § 32.1-123 of the Code of Virginia serving mentally ill persons;
4. A hospital-based medical detoxification service; an inpatient substance abuse facility; an outpatient substance abuse facility using the controlled drug methadone for the detoxification, treatment or rehabilitation of drug addicts; or a screening and referral facility (substance abuse) as these facilities are defined in these regulations;
5. A facility or portion of a facility licensed by the State Board of Social Services;
6. A facility or portion of a facility licensed by the State Board of Health;
7. A facility or portion of a facility which provides domiciliary or residential care to children; or
8. A residential respite care/emergency shelter facility.

"Residential respite care/emergency shelter facility" means a facility that is specifically approved to provide periodic residential respite care/emergency shelter services for four or more clients but does not include:

1. A residential facility as defined in these regulations;
2. A residential facility operated by an agency of the federal government;
3. A private family home;
4. A hospital as defined in § 32.1-123 of the Code of Virginia serving mentally ill persons;
5. A hospital-based medical detoxification service; an inpatient substance abuse facility; an outpatient substance abuse facility using the controlled drug methadone for the detoxification, treatment or rehabilitation of drug addicts; or a screening and referral facility (substance abuse) as these facilities are defined in these regulations;
6. A facility or portion of a facility licensed by the State Board of Social Services;
7. A facility or portion of a facility licensed by the State Board of Health; or
8. A facility or portion of a facility which provides domiciliary or residential care to children.

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"Residential respite care/emergency shelter services" means the provision of periodic residential care for periods not to exceed 21 consecutive days duration for crisis stabilization, emergency shelter or to provide temporary relief to parents/guardians from responsibility for the direct care of the client.

"Right" means that to which one has a natural, legal or moral claim.

"Sanitize" means to wash or rinse with water containing a laundry bleach with an active ingredient of 5.25% sodium hypochlorite. The amount of bleach used may be in accordance with manufacturer's recommendation on the package.

"Screening and referral facility (substance abuse)" means an organization which provides services in a nonresidential setting to determine the type and extent of the substance abuse problem of the individual seeking help and which is conducted by persons competent to make such judgments and to direct, guide and link the recipient to other appropriate services and follow-up on services rendered.

"Seclusion" means confining a client in a room with the door secured in any manner that will prohibit the client from opening it.

"Severe weather" means extreme environmental or climatic conditions which pose a threat to the health, safety or welfare of residents.

"Sobering-up shelter service" means a residential program/service offered to people under the influence of intoxicants that provides a safe place to "sleep it off." Trained staff are present to monitor withdrawal. People who experience medical complications are sent to a hospital emergency room. Outpatient or intermediate care facility referral may be available.

"Social detoxification service" means a residential program/service which enables intoxicated persons to safely withdraw from the effects of intoxicants. Trained staff are present to monitor vital signs. People who experience medical complications are sent to a hospital emergency room. The program/service does not prescribe medication although clients may remain on prescription drugs while in the program if a physician authorizes the use of such drugs. Clients participating in social detoxification services receive supervised care during withdrawal followed by alcohol education, an opportunity to attend Alcoholics Anonymous meetings and individual and group counseling. Case management including referral to further residential or outpatient treatment is available.

"Standard" means a statement which describes in measurable terms a required minimum performance level.

"State hospital" means a hospital, training school or other such institution operated by the department for the

care and treatment of the mentally ill or mentally retarded.

"State human rights committee" means a committee of nine members appointed by the board pursuant to the Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health and Mental Retardation and the Rules and Regulations to Assure the Rights of Clients in Community Programs whose responsibility it shall be to perform the functions specified in those regulations. The term "state human rights committee" includes any subcommittee thereof.

"Substance abuse" means the use, without compelling medical reason, of any substance which results in psychological or physiological dependency as a function of continued use in such a manner as to induce mental, emotional or physical impairment and cause socially dysfunctional or socially disordering behavior.

"Substantial compliance" means a demonstration by a facility of full compliance with sufficient applicable regulations to clearly demonstrate that its program and physical plant can provide reasonably safe and adequate care while approved plans of action to correct findings of noncompliance are being implemented.

"Time-out procedure" means a systematic behavior management technique designed to reduce or eliminate inappropriate behavior by temporarily removing a client from contact with people or other reinforcing stimuli through confining the client alone to a special time-out room that is unfurnished or sparsely furnished and which contains few reinforcing environmental stimuli. The time-out room shall not be locked nor the door secured in any manner that will prohibit the client from opening it.

"Transitional domiciliary substance abuse facility" means a facility which provides an organized program of domiciliary and supportive services, to four or more substance abusing persons unrelated by birth or marriage, and such services are administered according to the degree of transitional needs of service recipients. As distinguished from the intermediate care facility, this type of facility provides part-time residential treatment services as exemplified by halfway houses, quarterway houses, and other community residential facilities wherein the resident may leave the facility for part of the day for work, training, education or other community based services.

"Treatment" means any intervention which helps a person in the reduction or amelioration of disability, discomfort, symptoms, disorders or undesirable changes or conditions specific to physical, mental, behavioral or social functioning.

Article 2.
Legal Base.

§ 1.2. Pursuant to § 37.1-179 et seq. of the Code of Virginia, no person shall establish, conduct, maintain or

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operate in this Commonwealth any facility or institution as defined in § 37.1-179 without first being duly licensed, except where such facility or institution is exempt from licensing.

Article 3.

Facilities Subject to Licensure Under These Regulations.

§ 1.3. No person shall establish, conduct, maintain or operate in this Commonwealth any outpatient facility as defined in § 1.1 of these regulations without first being duly licensed, except where such outpatient facility is exempt from licensing.

Article 4.

General Licensing Requirements.

§ 1.4. All outpatient facilities shall demonstrate an acceptable level of compliance with these regulations and other applicable statutory requirements and shall submit a plan of corrective action acceptable to the commissioner for remedying within a specified time any noncompliance with these regulations in order to be licensed to operate in this Commonwealth.

Article 5.

Separate License Required.

§ 1.5. A separate license shall be required by facilities, establishments, or institutions maintained on separate premises even though they are operated under the same management. Separate buildings on the same grounds utilized for the same licensed program or activity shall not be required to have separate licenses. In the event alterations or additions increase the bed capacity of a facility, approval by the commissioner and a new or modified license shall be obtained before beginning operation of the additional space.

Article 6.

Preapplication Consultation Services.

§ 1.6. Upon receipt of an inquiry or a referral, preapplication consultation services will be made available by the Licensure Office.

§ 1.7. Preapplication consultation may be designed to accomplish the following purposes:

1. To explain regulations and statutes;
2. To help the potential applicant explore the operational demands of a licensed facility;
3. To provide assistance in locating sources of information and technical assistance;
4. To refer the potential applicant to appropriate agencies such as the Department of Health, State Fire Marshal, local fire department and local building

officials; and

5. To comment, upon request, on plans for proposed construction or on existing property in terms of suitability for the purposes proposed.

Article 7.

Application for License or License Renewal.

§ 1.8. A request for an original application shall be made in writing to the department.

§ 1.9. Application for license or license renewal to establish or maintain a facility shall be made in writing and submitted to the department upon the application forms secured from the department.

§ 1.10. Structural changes in a proposed or existing facility shall not be undertaken until notification has been made to the department and building plans for such structural changes have been approved by the department.

§ 1.11. Written zoning approval or a use permit where required by local jurisdictions shall be a prerequisite for an original license.

§ 1.12. A certificate of use and occupancy or approval from the authorized inspection agency for building code compliance, when applicable, shall be a prerequisite for original licensure.

§ 1.13. A check or money order for the license fee, payable to the Treasurer of Virginia, shall be forwarded to the department with the application. The board may fix a reasonable fee not in excess of \$50 for each license issued, and for any renewal thereof.

§ 1.14. Every facility shall be designated by a permanent and distinctive name and physical location which shall appear on the application for license or license renewal and which shall not be changed without first securing approval of the department.

§ 1.15. Corporations sponsoring outpatient facilities shall maintain their corporate status in accordance with Virginia law. Corporations not organized and empowered solely to operate outpatient facilities shall provide for such operations in their charters.

§ 1.16. Corporate applicants shall provide the name and address of the registered agent and a copy of the articles of incorporation.

§ 1.17. Ownership interest shall be made fully known to the department and in the case of corporations, all individuals or entities holding 5.0% or more of total ownership shall be identified by name and address.

§ 1.18. Application for license renewal should be submitted to the department at least 60 days prior to the expiration date.