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# THE VIRGINIA REGISTER

OF REGULATIONS



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# INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

## VIRGINIA REGISTER

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

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

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

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

## EMERGENCY REGULATIONS

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

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

## STATEMENT

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

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Index - 3rd Issue, Vol. III	
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Sept. 23	Oct. 12
Oct. 7	Oct. 26
Oct. 21	Nov. 9
Nov. 4	Nov. 23
Nov. 18	Dec. 7
Dec. 2	Dec. 21
Dec. 16	Jan. 4, 1988
Index - 1st. Issue, Vol. IV	
Dec. 30	Jan. 18
Jan. 13	Feb. 1
Jan. 27	Feb. 15
Feb. 10	Feb. 29
Feb. 24	Mar. 14
Mar. 9	Mar. 28

# TABLE OF CONTENTS

## PROPOSED REGULATIONS

### DEPARTMENT OF FIRE PROGRAMS (VIRGINIA FIRE SERVICES BOARD)

Regulations Establishing Certification Standards for Fire Investigators. (VR 310-01-3) ..... 1921

### COMMONWEALTH TRANSPORTATION BOARD

Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities. (VR 385-01-5) ..... 1921

### BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Virginia Private Activity Bond Regulations. (VR 394-01-200) ..... 1921

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Return on Equity Capital: State Plan for Medical Assistance.

Hospitals. (VR 460-02-4.1914) ..... 1930

Long Term Care. (VR 460-02-4.1943) ..... 1930

Supplement to Nursing Home Regulations. (VR 460-03-4.194) ..... 1931

### VIRGINIA BOARD OF PSYCHOLOGY

Regulations Governing the Practice of Psychology. (VR 565-01-2) ..... 1932

### STATE WATER CONTROL BOARD

Water Quality Standards. (VR 680-21-00) ..... 1941

## FINAL REGULATIONS

### DEPARTMENT OF EDUCATION (BOARD OF)

Regulations Governing Pupil Accounting Records. (VR 270-01-010) ..... 1943

### DEPARTMENT OF FIRE PROGRAMS (BOARD OF)

Regulations Establishing Certification Standards for Fire Inspectors. (VR 310-01-2) ..... 1944

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Third Party Liability: State Plan for Medical Assistance. (VR 460-04-4.221) ..... 1970

Elimination of Return on Equity Capital to Proprietary Providers: State Plan for Medical Assistance. (VR 460-02-4.1921) ..... 1971

Burial Trusts: State Plan for Medical Assistance. (VR 460-03-2.6199) ..... 1972

## EMERGENCY REGULATIONS

### STATE BOARD OF CORRECTIONS

Minimum Standards for Jails and Lockups. (VR 230-30-001) ..... 1973

### VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Regulations Governing the Certification of Substance Abuse Counselors. (VR 560-01-03) ..... 1973

## STATE CORPORATION COMMISSION

### ORDERS

Rules Governing Multiple Employer Health Care Plans. (INS870162) ..... 1981

Rules Implementing the Small Water or Sewer Utility Act. (PUE870037) ..... 1991

## GOVERNOR

### GOVERNOR'S EXECUTIVE ORDERS

Federal Limit on Private Activity Bonds. 54 (85) (Revised) ..... 1999

Legislative Coordination. 19 (86) ..... 2005

# Table of Contents

---

## GOVERNOR'S COMMENTS

### **VIRGINIA STATE BOARD OF NURSING**

Board of Nursing Regulations. (VR 495-01-1) ..... 2006

### **GENERAL NOTICES/ERRATA**

#### NOTICES OF INTENDED REGULATORY ACTION

Notices of Intent ..... 2007

#### GENERAL NOTICES

### **ALCOHOLIC BEVERAGE CONTROL BOARD**

Notice to consider the amendment or adoption of regulations VR 125-01-1 through VR 125-01-6. .... 2010

### **DEPARTMENT OF HEALTH**

1987 State Medical Facilities Plan. .... 2015

#### NOTICE TO STATE AGENCIES

Forms for filing material on date for publication in the Virginia Register of Regulations ..... 2015

#### ERRATA

### **STATE AIR POLLUTION CONTROL BOARD**

Regulations for the Control and Abatement of Air Pollution: Permits for New and Modified Sources, Part VIII. (VR 120-01) ..... 2015

### **DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)**

Provision of Vocational Rehabilitation Services. (VR 595-01-1) ..... 2015

## **CALENDAR OF EVENTS**

### EXECUTIVE

Open Meetings and Public Hearings ..... 2016

### LEGISLATIVE

Open Meetings and Public Hearings ..... 2039

### CHRONOLOGICAL LIST

Open Meetings ..... 2040

Public Hearings ..... 2042

# 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 FIRE PROGRAMS (VIRGINIA FIRE SERVICES BOARD)

**Title of Regulation:** VR 310-01-3. Regulations Establishing Certification Standards for Fire Investigators.

**Statutory Authority:** § 9-155 of the Code of Virginia.

**Public Hearing Date:** August 14, 1987 - 10 a.m.

**REGISTRAR'S NOTICE:** Due to its length, the Virginia Fire Services Board and the Department of Fire Programs Regulations Establishing Certification Standards for Fire Investigators are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia a summary in lieu of full text is being published. The full text of the regulation is available for inspection at the offices of the Registrar of Regulations and the Department of Fire Programs.

### Summary:

The Virginia Fire Services Board proposes to promulgate Regulations Establishing Certification Standards for Fire Investigators to be adopted pursuant to § 27-34.2:1 of the Code of Virginia.

The Regulations Establishing Certification Standards for Fire Investigators are being promulgated to comply with § 26-34.2:1 of the Code of Virginia. The purpose of the regulations is to establish, in writing, the standards which fire investigators authorized by their localities to issue summonses and serve warrants shall meet before they may exercise that authority.

The regulations also contain the administrative procedures which the Department of Fire Programs will follow in administering the regulations.

## COMMONWEALTH TRANSPORTATION BOARD

**Title of Regulation:** VR 385-01-5. Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities.

**Statutory Authority:** §§ 33.1-12 and 33.1-13 of the Code of Virginia.

**Public Hearing Date:** August 19, 1987 - 1:30 p.m.

**REGISTRAR'S NOTICE:** Due to its length, the Hazardous Materials Transportation Rules and Regulations at

Bridge-Tunnel Facilities filed by the Commonwealth Transportation Board are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia a summary in lieu of full text is being published. The full text of the regulation is available for inspection at the offices of the Registrar of Regulations and the Department of Transportation.

### Summary:

The Virginia Department of Transportation, in conjunction with Virginia Polytechnic Institute and State University, has developed a handbook entitled "Hazardous Materials, Transportation Rules and Regulations at Virginia Bridge-Tunnel Facilities."

The purpose of this manual is to provide the current rules and regulations, including operating requirements, for the transport of hazardous materials through Virginia's Bridge-Tunnel facilities. The manual and its contents are consistent with the Commonwealth of Virginia's regulations and in conformance with Department of Transportation regulations as identified in the Code of Federal Regulations (Title 49).

Further, the manual provides interested parties with detailed and specific information concerning the regulations established by the Virginia Department of Transportation and the Chesapeake Bay Bridge-Tunnel District governing the transportation of hazardous materials, as well as a useful table (alphabetized) of hazardous materials transported through the Commonwealth, and the restrictions governing their transport.

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**Title of Regulation:** VR 394-01-200. Virginia Private Activity Bond Regulations.

**Statutory Authority:** §§ 15.1-1399.15 and 15.1-1399.16 of the Code of Virginia

**Public Hearing Date:** July 20, 1987 - 10 a.m.

### Summary:

The proposed regulations will provide the specific administrative policies and procedures for the private activity bond program in the Commonwealth. The private activity bond program is established to provide

# Proposed Regulations

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allocations of tax-exempt bond financing authority to projects for the development of housing, manufacturing facilities, and exempt facilities pursuant to the limitations established by the Internal Revenue Code of 1986 together with regulations and rulings issued pursuant to federal law.

The 1987 General Assembly enacted legislation (Chapter 33.2 (§§ 15.1-1399.10 through 15.1-1399.17) in Title 15.1 of the Code of Virginia) to provide a framework for the allocation of private activity bond authority in the Commonwealth. The legislation sets aside a specific amount of the annual state ceiling on private activity bonds for the different types of projects (housing, manufacturing, exempt facilities, and projects of state and regional interest) during each calendar year. The legislation was established to assure the availability of bond authority for all project types during each year and to allow the Commonwealth to maximize the benefits of different types of development financed with tax-exempt private activity bonds.

The purposes of these regulations are as follows:

1. To provide an application procedure for individual projects requesting an allocation of private activity bond authority.
2. To describe the policies and procedures of the Commonwealth for providing allocations of private activity bond authority to projects throughout each calendar year.
3. To specify the reporting requirements for projects that use an allocation of bond authority.

VR 394-01-200. Virginia Private Activity Bond Regulations.

## PART I. INTRODUCTION.

### Article 1. Definitions.

#### § 1.1. Definitions.

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

"Allocation" or "award" means the notice given by the Commonwealth to provide a project with a specified amount from the state ceiling for a specific issue of bonds.

"Code" means the Internal Revenue Code of 1986 together with the regulations and rulings issued pursuant thereto.

"Exempt project" means a project requesting private activity bond authority for the following types of facilities.

1. Sewage, solid waste, and qualified hazardous waste disposal facilities; and facilities for the local furnishing of electric energy or gas;
2. Facilities for the furnishing of water (including irrigation systems);
3. Mass commuting facilities; and
4. Local district heating and cooling facilities.

"Governing body" means the board of supervisors of each county and the council of each city and of each town.

"Housing bonds" means multifamily housing bonds and single family housing bonds.

"Issued" means that the private activity bonds have been issued within the meaning of § 103 of the Internal Revenue Code.

"Issuing authority" means any political subdivision, governmental unit, authority, or other entity of the Commonwealth which is empowered to issue private activity bonds.

"Local housing authority" means any issuer of multifamily housing bonds or single family housing bonds, created and existing under the laws of the Commonwealth, excluding the Virginia Housing Development Authority.

"Localit(y) (ies)" means the individual and collective cities and counties of the Commonwealth of Virginia.

"Manufacturing facility" means any facility which is used in the manufacturing or production of tangible personal property, including the processing resulting in a change of condition of such property.

"Multifamily housing bond" means any obligation which constitutes an exempt facility bond under federal law for the financing of a qualified residential rental project within the meaning of § 142 of the Code.

"Population" means the most recent estimate of resident population for Virginia and the counties, cities, and towns published by the United States Bureau of the Census or the Tayloe Murphy Institute of the University of Virginia before January 1 of each calendar year.

"Private activity bond" means a part or all of any bond (or other instrument) required to obtain an allocation from the state's volume cap pursuant to § 146 of the Code in order to be tax exempt, including but not limited to the following:

1. Exempt project bonds;
2. Manufacturing facility bonds;

3. Industrial development bonds;
4. Multifamily housing bonds;
5. Single family housing bonds;
6. Student loan bonds; and
7. Any other bond eligible for a tax exemption as a private activity bond pursuant to § 141 of the Code.

"Project" means the facility (as described in the application) proposed to be financed, in whole or in part, by an issue of bonds.

"Qualified mortgage bond" means any obligation described as a qualified mortgage bond in § 143 of the Code.

"State allocation" means the portion of the state ceiling set aside for state issuing authorities and for projects of state or regional interest as determined by the Governor.

"State ceiling" means the amount of private activity bonds that the Commonwealth of Virginia may issue in any calendar year under the provisions of the Code.

## Article 2. Changes in Federal Law.

### § 1.2. Changes in project eligibility.

The Internal Revenue Code of 1986 specifies the types of projects that are eligible for tax-exempt private activity bond financing during each calendar year. In 1988, 1989 and 1990, the code ends the eligibility of certain types of projects for private activity bond financing. Therefore, the types of projects eligible to issue private activity bonds will differ for each calendar year. Federal law does not provide any further changes after 1990. The projects eligible to issue tax-exempt private activity bonds during each calendar year, pursuant to the Internal Revenue Code of 1986, are as follows:

- A. Eligible projects during calendar year 1988:
  1. Manufacturing facilities;
  2. Single family housing (last year of eligibility);
  3. Multifamily rental housing development;
  4. Exempt facilities;
  5. Student loans; and
  6. Governmental bond projects in which the private use portion of the issue exceeds \$15 million. In order for a governmental bond issue to be tax-exempt, any private use portion of the bond in excess of \$15 million shall receive an allocation from the state's

private activity bond authority.

### B. Eligible projects during calendar year 1989:

1. Manufacturing facilities (last year of eligibility);
2. Multifamily rental housing development;
3. Exempt facilities;
4. Student loans; and
5. Governmental bond projects in which the private use portion of the issue exceeds \$15 million. In order for a governmental bond issue to be tax-exempt, any private use portion of the bond in excess of \$15 million must receive an allocation from the state's private activity bond authority.

### C. Eligible projects during calendar years 1990 and beyond:

1. Multifamily rental development;
2. Exempt facilities;
3. Student loans; and
4. Governmental bond projects in which the private use portion of the issue exceeds \$15 million. In order for a governmental bond issue to be tax-exempt, any private use portion of the bond in excess of \$15 million must receive an allocation from the state's private activity bond authority.

## Article 3. Program Administration.

### § 1.3. Department of Housing and Community Development.

The Department of Housing and Community Development shall administer the private activity bond program in the Commonwealth. In administering the program, the department's activities include, but are not limited to, the following:

- A. To determine the state ceiling on private activity bonds each year based on the federal per capita limitation on private activity bonds and the most recent estimate of resident population in the Commonwealth.
- B. To set aside the proper amount of the state ceiling on private activity bonds for each project type as specified in state legislation, Chapter 33.2 (§§ 15.1-1399.10 through 15.1-1399.17) of Title 15.1 of the Code of Virginia.
- C. To receive and review project applications for private activity bond authority.
- D. To allocate private activity bond authority to projects



# Proposed Regulations

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pursuant to the provisions of these regulations.

## § 1.4. Governor's office.

The Governor's office shall administer a portion of the annual state ceiling on private activity bond authority. This portion, referred to as the "state allocation," shall be used for allocations to state issuing authorities and for projects of state or regional interest as determined by the Governor. The allocation procedures for this portion of the state ceiling shall be determined by the Governor's office.

## § 1.5. Virginia Housing Development Authority.

A portion of the annual state ceiling on private activity bonds shall be allocated to the Virginia Housing Development Authority to be used to finance multifamily or single family residential projects, or both, pursuant to the restrictions provided by federal law. The Virginia Housing Development Authority shall develop project allocation criteria and housing bond authority carryforward procedures that will assure compliance with federal regulations.

## § 1.6. Allocation of bond authority.

The Department of Housing and Community Development shall administer the allocation of Virginia's private activity bond state ceiling to projects other than those portions distributed to the state allocation and to the Virginia Housing Development Authority.

### Article 4.

#### Private Activity Bond Program Dates and Deadlines.

## § 1.7. Program dates.

The following is a listing of important application and allocation dates and deadlines concerning the private activity bond program administered by the Department of Housing and Community Development:

### January 1 - November 1

Specified amounts of the state ceiling will be set-aside for different project types as required by state law. Allocations of private activity bond authority will be awarded to projects in accordance with state law and these regulations. The state set-aside for specified project types ends on November 1.

### November 1 - December 13

Allocations of the state's remaining unused private activity bond authority after November 1 will be awarded to eligible projects of any project type in chronological order of receipt of applications. All outstanding allocation awards will expire on December 13.

### December 13

Last day to apply for year-end carryforward allocations. Last day for the issuance of private activity bonds other than year-end carryforward projects.

### December 20-31

Allocations shall be made to year-end carryforward projects in accordance with the priority system established by these regulations.

## § 1.8. Weekend and holiday deadline dates.

If any deadline dates specified are on a weekend or a holiday, the deadline shall be moved to the next regular state working day.

## PART II. ALLOCATION OF BOND AUTHORITY.

### Article 1. Framework of State Legislation.

## § 2.1. State private activity bond legislation.

Chapter 33.2 (§§ 15.1-1399.10 through 15.1-1399.17) of Title 15.1 of the Code of Virginia sets aside specified amounts of the state's limited private activity bond issuing authority for different types of projects. The Internal Revenue Code of 1986 provides a state ceiling on the amount of private activity bonds that may be issued in any calendar year to \$50 per capita of the state's population.

A portion of the private activity bond state ceiling is reserved each calendar year pursuant to §§ 15.1-1399.12 through 15.1-1399.14 of the Code of Virginia for the issuance of tax-exempt housing bonds. The primary purpose of providing a set-aside of private activity bond authority for these bonds is to increase the availability and affordability of housing opportunities in Virginia. Private activity housing bonds will be issued by local housing authorities and by the Virginia Housing Development Authority.

A portion of the private activity bond state ceiling is also reserved by state legislation to provide economic development in the Commonwealth and to provide facilities needed in the Commonwealth to improve public health, safety, and convenience. A separate amount of the state ceiling is reserved each year pursuant to §§ 15.1-1399.12 through 15.1-1399.14 of the Code of Virginia for manufacturing and exempt facility projects. Federal law eliminates the use of private activity bond financing for manufacturing facilities after calendar year 1989, but the set-aside of the state ceiling for exempt facilities continues for calendar years 1990 and beyond.

The amount reserved by Title 15.1 of the Code of

# Proposed Regulations

Virginia for specified project types through November 1 of each calendar year is as follows:

A. Allocation of 1988 state ceiling on private activity bonds.

1. Housing bonds:
    - a. Local housing authorities 17%
    - b. Virginia Housing Development Authority 34%
  2. Manufacturing and exempt facility projects 39%
  3. State allocation 10%
- 100%

B. Allocation of 1989 state ceiling on private activity bonds.

1. Housing bonds:
    - a. Local housing authorities 17%
    - b. Virginia Housing Development Authority 17%
  2. Manufacturing and exempt facility projects 56%
  3. State allocation 10%
- 100%

C. Allocation of state ceiling on private activity bonds for calendar years 1990 and beyond.

1. Housing bonds:
    - a. Local housing authorities 33%
    - b. Virginia Housing Development Authority 33%
  2. Manufacturing and exempt facility projects 24%
  3. State allocation 10%
- 100%

## Article 2. Allocations to Individual Projects.

### § 2.2. Order in which allocations shall be awarded.

Bond allocations shall be made in chronological order of receipt of complete applications (including documentation specified in § 3.3 of this regulation) until the bond authority reserved for the project type is completely allocated. Applications of projects that do not receive allocations will be maintained by the Department of Housing and Community Development during the year and allocations will be made to the projects in chronological

order of receipt of applications as bond authority is returned to the Commonwealth from projects that received allocation awards but were unable to issue bonds.

### § 2.3. Limitation on size of allocations.

All allocations awarded by the Department of Housing and Community Development prior to December 13 of each year shall be limited to \$10 million per project, except for allocations awarded for multifamily housing facility projects.

### § 2.4. Effective period of allocations.

An allocation for each project shall be effective 90 days after the allocation award date or until December 13, whichever is earlier.

### § 2.5. Reapplying for a second allocation for the same project.

A project that receives an allocation award and is unable to issue bonds within the 90-day limit may reapply for another allocation upon the expiration or return of the original allocation. The reapplication will be dated by the Department of Housing and Community Development as received on the date the reapplication request is submitted and no portion of the original allocation is outstanding. Each project shall be limited to two allocations during any calendar year.

## Article 3.

### Reallocation of Bond Authority after November 1.

### § 2.6. Reallocation of bond authority.

Any bond issuing authority that has been set-aside for certain types of projects as indicated in § 2.1 of these regulations and has not been allocated to specific projects as of 5 p.m. on November 1 of each calendar year will be aggregated and allocated beginning on November 2 of each calendar year to any eligible project in chronological order of receipt of complete applications, subject to the allocation limitations in effect until December 13 (including the \$10 million limitation per project). This provision will allow bond authority that has been reserved for specific project types which has not been used to be made available to more active project types.

## Article 4.

### Year-end Allocations to Carryforward Projects.

### § 2.7. Carryforward project allocations.

In order to allow the Commonwealth to effectively utilize all of its annual private activity bond capacity, any bond issuing authority remaining after December 13 shall be allocated to projects that are eligible by federal law to carry forward the allocations into later years. This year-end allocation procedure is as follows:

# Proposed Regulations

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A. Projects that are eligible to carry forward bond issuing authority allocated in one year and actually issue the bonds in another later year pursuant to the provisions of the Internal Revenue Code of 1986 may apply for allocation of any of the state's private activity bond authority remaining after December 13 of each calendar year. Eligible projects for carryforward are primarily exempt facility projects and qualified mortgage bonds.

B. Any portion of the private activity bond state ceiling reserved for the Virginia Housing Development Authority during the year that has not been issued by year-end may be retained by the Virginia Housing Development Authority to carry forward as qualified mortgage bonds pursuant to the Internal Revenue Code of 1986, or may be transferred by Virginia Housing Development Authority to the Department of Housing and Community Development to be allocated to other carryforward projects.

C. Any bond issuing authority remaining after December 13 will be awarded beginning December 20 to projects having applications (including all documentation specified in § 3.3 of this regulation) on file with the Department of Housing and Community Development before December 13 in the following priority order:

1. Local government projects for the following exempt facilities:

a. Sewage, solid waste and qualified hazardous waste disposal facilities; and facilities for the local furnishing of electric energy or gas;

b. Facilities for the furnishing of water, including irrigation facilities.

2. Governmental bond projects in which the private use portion of the issue exceeds \$15 million.

3. Public utility projects for the following facilities:

a. Sewage, solid waste, and qualified hazardous waste disposal facilities; and facilities for the local furnishing of electric energy or gas;

b. Facilities for the furnishing of water, including irrigation facilities.

4. Private sector projects for the following facilities:

a. Sewage, solid waste, and qualified hazardous waste disposal facilities; and facilities for the local furnishing of electric energy or gas.

b. Facilities for the furnishing of water, including irrigation facilities.

5. All other eligible exempt facility projects.

6. Virginia Housing Development Authority bonds.

7. Student loan bonds.

## PART III. APPLICATION PROCEDURE.

### § 3.1. Project approval.

All projects must be approved by the governing body of the locality in which the project is to be located prior to submitting an application to the Commonwealth for bond authority. Any local housing authority, after the approval of the local governing body, may file an application with the Department of Housing and Community Development to request an allocation of housing bond authority. A city manager or county administrator, after the approval of the local governing body, may file an application for bond authority with the Department of Housing and Community Development for any eligible project to be located within the jurisdiction of the requesting locality.

### § 3.2. Where to apply.

Projects of state issuing authorities and projects of state or regional interest shall request private activity bond authority from the state allocation through direct correspondence with the Governor's office. All other project allocations shall be submitted to the Department of Housing and Community Development.

### § 3.3. Application forms.

All projects seeking an allocation of private activity bond authority from the Department of Housing and Community Development must file an application. Application forms are available from the Department of Housing and Community Development, Office of Policy Analysis and Research, 205 N. Fourth Street, Richmond, Virginia 23219.

A. The application forms to be used are as follows:

1. Local housing authorities seeking an allocation of bond authority for housing projects shall file Form HB.

2. Manufacturing and exempt facility projects, allocation requests for the private use portion of a governmental bond in excess of \$15 million, and student loan bonds shall file Form IDB.

B. All applications and requests for private activity bond authority from the Department of Housing and Community Development shall be accompanied by the following documentation for each project:

1. Inducement resolutions or other preliminary approvals;

2. Documentation of the appropriate elected body's or official's approval of such projects;

3. Written opinion of bond counsel that the project is eligible to utilize private activity bonds pursuant to the Internal Revenue Code of 1986 and that an allocation of bond issuing authority from the state ceiling on private activity bonds is required;

4. A definite and binding financial commitment agreement from a buyer of the bonds or a firm commitment from a financial institution to provide a letter of credit for the project.

§ 3.4. When to apply.

Project applications may be submitted to the Department of Housing and Community Development during each calendar year at any time prior to December 13 of each year.

§ 3.5. Applying for year-end carryforward allocations.

Allocations of any bond issuing authority remaining after December 13 of each calendar year will be reserved for projects that are eligible to carry forward an allocation of private activity bond authority and actually issue the bonds in later years pursuant to the Internal Revenue Code of 1986. Applications for year-end allocations to carryforward projects will be accepted by the Department of Housing and Community Development through December 13 of each calendar year.

## PART IV. REPORTING REQUIREMENTS.

§ 4.1. Report bond issuance.

For all private activity bonds issued in the Commonwealth during any calendar year, a copy of the federal Internal Revenue Service (IRS) Form 8038 must be received by the Department of Housing and Community Development by 5 p.m. on the expiration date of the allocation award. Bond authority that has not been documented as having been issued by filing an IRS 8038 form with the Department of Housing and Community Development by this deadline will revert to the department for reallocation to other projects.

§ 4.2. When to file IRS Form 8038.

IRS 8038 forms shall not be filed with the department prior to the date of issuance of the bonds.

FORM HB  
Page One

PROJECT INFORMATION SHEET  
REQUEST FOR HOUSING BOND ALLOCATION

1. GENERAL INFORMATION

- A. Issuing Authority \_\_\_\_\_
- B. Name of Project \_\_\_\_\_
- C. Type of Project
  - Single Family       Multifamily
  - \_\_\_\_\_ Number of Units      \_\_\_\_\_ Number of Units

2. DESCRIPTION OF THE PROJECT

- A. General Description of the Project
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

Please check the appropriate response for the low income set aside requirement if the project is a multifamily rental project.

- 40% of the units will be occupied by persons having incomes of 60% of area median income or less.
- 20% of the units will be occupied by persons having incomes of 50% of area median income or less.

- B. Location of Project (City, County or Town) \_\_\_\_\_

FORM HB  
Page Two

- C. Name, address, phone number and tax ID number of each proposed borrower and developer.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- D. Name, address and phone number of bond counsel.
- \_\_\_\_\_
- \_\_\_\_\_

- E. Housing Bond allocation requested \$ \_\_\_\_\_

- F. Projected closing date for issuance of \_\_\_\_\_ the housing bonds \_\_\_\_\_

3. ATTACHMENTS

ALL FOUR ATTACHMENTS MUST BE SUBMITTED WITH THIS FORM. ALLOCATIONS CANNOT BE AWARDED UNTIL ALL ATTACHMENTS HAVE BEEN RECEIVED.

- A. Copy of inducement resolution or other preliminary approval.
- B. Copy of Governing Body's formal approval of the project.
- C. Written opinion of bond counsel that the project is eligible to utilize private activity bonds pursuant to the Internal Revenue Code of 1986 and that an allocation of bond issuing authority from the state ceiling on private activity bonds is required.

FORM HB

Page Three

D. A definite and binding financial commitment agreement from a bond purchaser(s) agreeing to purchase the bond(s), or a firm commitment from a financial institution to issue a letter of credit for the project. The purchase agreement or letter of credit should be for an amount equal to or greater than the amount of bond authority requested by this application.

4. CERTIFICATION

I hereby certify that the information filed herewith is accurate to the best of my knowledge.

Signature of Chairman or Director of Issuing Authority

\_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

# Proposed Regulations

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: Return on Equity Capital: State Plan for Medical Assistance.

Statutory Authority: § 32.1-325 of the Code of Virginia

Public Comment Period: June 8, 1987 through July 7, 1987.  
(See Calendar of Events section for additional information)

Registrar's Notice: The State Plan for Medical Assistance is being amended with regard to Return on Equity Capital. The amendments are set out below.

VR 460-02-4.1914. Hospitals.

VI. In accordance with the requirements of § 1902(a)(13)(A) of the Social Security Act and in accordance with the regulations at 42 CFR §§ 447.250 through 447.272, the Virginia Medical Assistance Program will continue using the Medicare retrospective cost system guidelines to determine allowable costs for Virginia's prospective payment system. Virginia adheres to the Medicare principles in effect prior to October 1, 1983.

VII. Reevaluation of assets.

A. Effective October 1, 1984, the valuation of an asset of a hospital or long-term care facility which has undergone a change of ownership on or after July 18, 1984, shall be the lesser of the allowable acquisition cost to the owner of record, or the acquisition cost to the new owner.

B. In the case of an asset not in existence as of July 18, 1984, the valuation of an asset of a hospital or long-term care facility shall be the lesser of the first owner of record, or the acquisition cost to the new owner.

C. In establishing an appropriate allowance for depreciation, interest on capital indebtedness, and return on equity (if applicable *prior to July 1, 1986*) the base to be used for such computations shall be limited to A or B above.

D. Costs (including legal fees, accounting and administrative costs, travel costs, and feasibility studies) attributable to the negotiation or settlement of the sale or purchase of any capital asset (by acquisition or merger) shall be reimbursable only to the extent that they have not been previously reimbursed by Medicaid.

E. The recapture of depreciation up to the full value of the asset is required.

F. Rental charges in sale and leaseback agreements shall be restricted to the depreciation, mortgage interest and (if applicable *prior to July 1, 1986*) return on equity based on the cost of ownership as determined in accordance with A and B above.

IX. Effective October 1, 1986, hospitals that have obtained Medicare certification as inpatient rehabilitation hospitals or rehabilitation units in acute care hospitals, which are exempted from the Medicare Prospective Payment Systems (DRG), shall be reimbursed in accordance with the current Medicaid Prospective Payment System as described in the preceding sections I, II, III, IV, V, VI, VII, VIII and excluding V.(6). Additionally, rehabilitation hospitals and rehabilitation units of acute care hospitals which are exempt from the Medicare Prospective Payment System will be required to maintain separate cost accounting records, and to file separate cost reports annually utilizing the applicable Medicare cost reporting forms (HCFA 2552 series) and the Medicaid forms (MAP-783 series).

A new facility shall have an interim rate determined using a pro forma cost report or detailed budget prepared by the provider and accepted by the DMAS, which represents its anticipated allowable cost for the first cost reporting period of participation. For the first cost reporting period, the provider will be held to the lesser of its actual operating costs or its peer group ceiling. Subsequent rates will be determined in accordance with the current Medicaid Prospective Payment System as noted in the preceding paragraph of IX.

X. *Item 398 D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers for periods or portions thereof on or after July 1, 1986.*

VR 460-02-4.1943. Long Term Care.

(12) Upper limits for payment within the prospective payment system shall be as follows:

(a) Allowable cost shall be determined in accordance with Medicare principles as defined in HIM-15, except as may be modified in this plan.

(b) Reimbursement for operating costs will be limited to regional ceilings calculated for all nursing homes in the Northern Virginia area and a ceiling calculated for the rest of the state plus annual escalators.

(c) Reimbursement, in no instance, will exceed the charges for private patients receiving the same services.

(13) In accordance with 42 CFR 447.205, an opportunity for public comment was permitted before final implementation of rate setting processes.

(14) A detailed description of the prospective reimbursement formula is attached for supporting detail.

(15) *Item 398 D of the 1987 Appropriation Act (as*

*amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers for periods or portions thereof on or after July 1, 1986.*

VR 460-03-4.194. Supplement to Nursing Home Regulations.

## § 2.8. Return on equity capital.

A. The allowance for a return on equity capital for proprietary providers shall be 10% of equity capital computed in accordance with Medicare principles of reimbursement.

*Item 398 D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers for periods or portions thereof on or after July 1, 1986.*

### B. Quality of care requirement.

Neither cost efficiency incentive nor return on equity capital shall be paid to a provider while not in conformance with substantive, nonwaived, life, safety and quality of care standards.

### C. Sale of a facility.

In the event of the sale of a facility, the operating cost rate for the new owner's first fiscal period shall be predicated on the seller's costs before the sale.

## Article 3. Allowable Cost Identification.

### § 14.4. Management.

Management services provided by the home office to nonrelated providers must reflect such allocated direct and indirect costs previously mentioned. These costs should not be distributed to related provider facilities.

### § 14.5. Nonallowable costs.

Generally speaking, the following are nonallowable costs:

1. Reorganization costs and stockholder servicing costs;
2. Costs related to acquisition of the capital stock of a provider;
3. Costs related to asset transfer to a chain (to be capitalized);
4. Interest on interchain loans or where proceeds of a loan, mortgage, bond issue, etc., are used to acquire stock ownership as opposed to assets and liabilities.
5. Investment costs not resulting in a certified facility.

### § 14.6. Equity capital.

A. Allocation of equity capital must be made to all chain providers, nonproviders, management contracts and nonrelated activities.

*Item 398 D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers for periods or portions thereof on or after July 1, 1986.*

B. The following are examples of exclusions from home office equity computations:

1. Unallowable organization costs;
2. Loans and other intercompany transfers;
3. Assets leased from home office (to avoid duplicate inclusion in home office equity capital);

## Appendix II.

C. Interest. Interest expense will be limited to actual expense incurred by the owner of the facility in servicing long-term debt and will be subject to limitations stated in the Department of Medical Assistance Services Reimbursement Manual.

D. Taxes. Taxes, when included as part of a lease, will be limited to real estate and property taxes.

E. Insurance. Insurance on buildings and equipment will be included in consideration of a lease when specified in a lease.

Legal and commitment fees. Closing costs paid by the owner, such as attorney's fees, recording fees, transfer taxes, and service or "finance" charges from the lending institution will be allowable for comparison of ownership computation. Such fees will be subject to limitations stated in the Department of Medical Assistance Services reimbursement manual. These expenses will be amortized over the life of the mortgage.

G. Return on equity. Return on equity will be limited to the equity of the facility's owner when determining allowable lease expense. In accordance with the October 1, 1978, Nursing Home Payment System, return on equity will be limited to 10%. For the purpose of determining allowable lease expense, equity will be computed in accordance with HIM-15 principles. The allowable base will be determined by monthly averaging of the annual equity balances. The base will be increased by the amount of paid up principal in a period but will be reduced by depreciation expense in that period.

*Item 398 D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers for periods or portions thereof on or after July 1, 1986.*

1. Before any rate determination is made, the lessee



# Proposed Regulations

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must supply the necessary data by preparing a schedule comparing lease expense to the underlying cost of ownership for the life of the lease in accordance with the above guidelines. Lease expense will be limited to the lesser of the lease expense or the Medicaid allowable cost, and computation of same will be subject to DMAS audit.

2. Any costs associated with acquisition of a lease other than those outlined above will not be considered allowable unless specifically approved by the Department of Medical Assistance Services. In those instances where the lessor will not share this information with the lessee, such data can be forwarded directly to DMAS by the lessor for confidential review.

H. The lease of a nursing home will not exceed the equivalent of the total annualized cost of depreciation, interest, insurance, taxes, equity (if applicable prior to July 1, 1986), and legal fees, as would have been allowable to the seller, prior to the sale of a facility.

## VIRGINIA BOARD OF PSYCHOLOGY

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

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

Public Hearing Date: July 8, 1987 - 10 a.m.

### Summary

The proposed regulations establish the requirements governing the practice of psychology in the Commonwealth of Virginia. These regulations include the educational and experiential requirements necessary for licensure, provide criteria for the written and oral examinations, set the standards of practice, and establish the procedures for the disciplining of psychologists and school psychologists. The proposed regulations are the result of the comprehensive review of the existing regulations completed in 1984 pursuant to Executive Order 52(84) of Governor Charles S. Robb.

This review resulted in proposals to repeal the existing regulations and add new regulations. Changes from the current regulations to the proposed regulations are outlined in the Index to Existing and Proposed Regulations, which is incorporated by reference for the purpose of this summary. All relevant documents are available for inspection at the office of the Board of Psychology, 1601 Rolling Hills Drive, Richmond, Virginia 23229, (804) 662-9913.

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

## PART I. GENERAL PROVISIONS.

### § 1.1. Definitions.

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

"Applicant" means a person who submits a complete application for licensure with the appropriate fees.

"Board" means the Virginia Board of Psychology.

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

"Clinical services" means the rendering of direct psychological services to individuals, families or groups involving the application of principles, methods or procedures of the science and profession of psychology and which includes but is not limited to:

1. "Psychological assessment," which consists of the psychological evaluation of abilities, attitudes, achievements, adjustments, motives, personality dynamics or other psychological attributes of individuals, or groups of individuals, and the diagnosis of behavioral, emotional and nervous disorders by means of standardized measurements or other methods, techniques or procedures recognized by the science and profession of psychology.

2. "Counseling and psychotherapy," which consists of the application of psychological principles in an interpersonal situation and with the objectives of treating behavioral, emotional and nervous disorders and mental diseases, eliminating symptomatic, maladaptive, or undesired behavior, and of improving interpersonal relationships, work and life adjustment, personal effectiveness and mental health; consisting of skills, techniques, and methods recognized by the science and profession of psychology.

"Demonstrable areas of competence" means those therapeutic and assessment methods and techniques, and populations served, for which one can document adequate graduate training, workshops, or supervised experience.

"Internship" means supervised and planned practical experience obtained in an integrated training program in a clinical setting involving the application of the principles, methods and techniques learned in training or educational settings and recognized by the applicant's graduate training program as an integral and required part of the applicant's program of study.

"Nonclinical services" means such psychological services

# Proposed Regulations

as consultation and evaluation to agencies, industry and other professionals, and shall not mean the assessment, diagnosis, or treatment of behavioral, emotional or nervous disorders.

"Professional psychology program" means an integrated program of doctoral study designed to train professional psychologists to deliver clinical services in psychology.

"Regional accrediting agency" means one of the six regional commissions recognized by the Council on Postsecondary Accreditation to accredit senior institutions of higher education.

"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 professional activities of a person in training and the supervision required by such person.

## § 1.2. Classification of licensees.

In compliance with § 54-936 of the Code of Virginia, the board classifies licensees as psychologists, clinical psychologists, and school psychologists.

A. **Psychologist.** The psychologist license covers the practice of psychology which is divided into two areas of functioning requiring different sets of skills and knowledge: (i) for providers of clinical services and (ii) for providers of nonclinical services. The psychologist license is designated accordingly as either psychologist (clinical) or psychologist (nonclinical). The licensee's scope of practice is delimited first by the designation of the license and further by the licensee's demonstrable areas of competence.

B. **Clinical psychologist.** This license pertains only to the practice of clinical psychology as defined in Chapter 12, § 54-273 and Chapter 28, § 54-936.f of the Code of Virginia. The candidate for this license, after examination by the board, is recommended to the Virginia State Board of Medicine for licensure.

C. **School psychologist.** This license pertains only to the practice of school psychology as defined in § 54-936.b of the Code of Virginia and refers to persons who specialize in problems manifested in and associated with educational systems and who use psychological concepts and methods which attempt to improve learning conditions for students.

## § 1.3. Fees required by the board.

A. The board established the following fees:

Registration of residency	\$100
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Application processing for:

Graduates of American institutions for licensure as:

Psychologist (clinical or nonclinical)	\$150
School psychologist	\$150
Clinical psychologist	\$350
Graduates of foreign institutions (in addition to application processing fee)	\$150

Examinations	\$325
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Reexamination:

Examination for Professional Practice in Psychology	\$125
State written examination	\$100
State oral examination	\$100

Initial license	pro-rated portion of \$150 biennial renewal fee
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Biennial renewal of license	\$150
Late renewal	\$10
Registration of technical assistant	\$100
Biennial renewal of registration of technical assistant	\$100
Name change	\$10
Endorsement to another jurisdiction	\$10
Additional or replacement wall certificate	\$15
Returned check	\$15

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.

A. No person shall practice as a psychologist or school psychologist in the Commonwealth of Virginia except as provided in the Code of Virginia and these regulations.

B. No person shall practice as a clinical psychologist in the Commonwealth of Virginia except when licensed by

# Proposed Regulations

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the Virginia State Board of Medicine upon recommendation by the Board of Psychology.

C. Licensure of all applicants under subsections A and B of this section shall be by examination by this board.

D. Every applicant for examination by the board shall:

1. Meet the education and experience requirements prescribed in § 2.2 or § 2.3 of these regulations, whichever is applicable for the particular license sought; and

2. Submit to the executive director of the board, not less than 90 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 or § 2.3 where applicable;

c. Endorsement letters from three persons familiar with the applicant's professional work, attesting to the applicant's professional competence and integrity; and

d. The application processing fee prescribed by the board; and

3. Have the institution that awarded the graduate degree(s) required in § 2.2 or § 2.3 submit directly to the executive director of the board, at least 90 days prior to the date of the written examination, official transcripts documenting:

a. The graduate work completed; and

b. The award of the degree(s) required.

§ 2.2. Education and experience requirements: Graduates of American institutions.

A graduate of an American higher education institution who applies for examination for licensure shall meet the requirements of subsection A, B, or C of this section, whichever is applicable.

A. Psychologists:

1. Psychologist (nonclinical).

a. Education. The applicant shall hold a doctorate in psychology from an institution accredited by a regional accrediting agency, which program shall have included at least one semester course in each of the following areas of study:

(1) Statistics and research design;

(2) Physiological psychology or sensation and perception;

(3) Learning/cognition;

(4) Social psychology;

(5) Study of the individual;

(6) History and systems; and

(7) Scientific and professional ethics and standards.

b. Experience. No supervised experience is required for licensure as a psychologist (nonclinical).

2. Psychologist (clinical).

a. Education. The applicant shall hold a doctorate from a professional psychology program in a regionally accredited institution, which program either:

(1) Was accredited by the American Psychological Association (APA) prior to the applicant's graduation from the program; or

(2) Was accredited by the APA within two years after the applicant graduated from the program or, if not APA accredited, was a program from which the applicant received the doctorate before January 1, 1985; provided that the program, in whichever of these two alternative categories is applicable, required successful completion by the applicant of all of the following elements of program content:

(a) At least a one-semester course in each of the areas of study prescribed in A.1.a of this section for a psychologist (nonclinical);

(b) At least a one-semester course in each of the following additional areas of study:

Personality theory;

Diagnostic interviewing and behavioral assessment;

Psychometric, psychodiagnostic, and projective testing;

Psychopathology;

Psychotherapy, both individual and group; and

Practicum: Supervision in assessment/diagnosis and psychotherapy; and

(c) A one-year, full-time internship approved by the APA or consistent with the requirements for APA approval and approved by the applicant's doctoral program.

b. Experience. Applicants shall possess post-doctoral experience as defined in this subparagraph and shall inform the board, at the time they make known their initial intent to apply, precisely how they propose to meet this experience requirement. This requirement may be met in one of two ways:

(1) By waiver based on lengthy experience. Applicants possessing many years of relevant post-doctoral experience may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent of the supervised experience required in A.2.b.(2) of this section, immediately following; or

(2) By residency. The applicant under this provision shall have successfully completed or be approaching completion of a one-year full-time post-doctoral residency, or its equivalent in part-time experience during a period not to exceed three years consisting of supervised experience in the delivery of psychological services and fulfilling the following conditions:

(a) The prospective applicant shall have completed the education requirements of A.2.a. of this section before residency training begins.

(b) Graduates of programs not accredited by the APA must apply for licensure before the board can approve the beginning of their residency training.

(c) The prospective applicant and the proposed supervisor(s) shall, prior to initiating the proposed residency training: (i) register with the board and have filed with the board an official transcript of the applicant's educational record; (ii) pay the registration fee prescribed by the board; and (iii) 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.

(d) Supervision will normally be provided by a licensed psychologist or clinical psychologist. However, in order for the applicant to obtain specialized training, up to one-half of the required supervision may be provided by a senior licensed mental health professional, subject to board approval of the arrangement in advance.

(e) Activities during the residency period shall be representative of the activities the applicant will perform following licensure.

(f) The applicant must obtain the experience in an appropriate setting (that is, a mental health facility, hospital or counseling center).

(g) The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas

of competence, nor for activities for which the applicant has not had appropriate education.

(h) There shall be a minimum of two hours of face-to-face supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the applicant receive less than one hour of face-to-face supervision per week.

(i) Residents may not call themselves psychologists or solicit clients, or bill for services, or in any way represent themselves as professional psychologists. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in Psychology."

(j) At the end of the residency training period, the supervisor(s) shall submit to the board a written evaluation of the applicant's performance.

B. Clinical psychologist. The applicant for examination for licensure as a clinical psychologist shall possess the same educational qualifications and shall have met the same experience requirements as those prescribed for a psychologist (clinical) in A.2.a. and A.2.b. respectively of this section.

## C. School psychologist.

1. Education. The applicant shall hold at least a master's degree in school psychology, covering at least 60 semester credit hours, from a college or university accredited by a regional accrediting agency. The program requirements shall:

a. Reflect a planned, integrated, and supervised program of graduate study as outlined for programs approved by the American Psychological Association (APA) or by the National Council for the Accreditation of Teacher Education (NCATE); and

b. Include an internship approved by the National Council for the Accreditation of Teacher Education.

2. Experience. Applicants shall possess post-master's degree experience as defined in this paragraph and shall inform the board, at the time they make known their initial intent to apply, precisely how they propose to meet this experience requirement. This requirement may be met in one of two ways:

a. By waiver based on lengthy experience. Applicants possessing many years of relevant post-master's degree experience may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent of the supervised experience required in C.2.b. of this section, immediately following; or

# Proposed Regulations

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b. By residency. The Applicant under this provision shall, subsequent to completing the graduate degree program, have completed or be approaching completion of a full-time residency of at least one school year, or the equivalent in part-time experience during a period not to exceed three years, consisting of supervised experience in the delivery of school psychological services and fulfilling the following conditions:

(1) The prospective applicant shall have completed the education requirements of paragraph C.1 of this section before residency training begins.

(2) Graduates of programs not accredited by the APA or NCATE must apply for licensure before the board can approve the beginning of their residency training.

(3) The prospective applicant and the proposed supervisor shall, prior to undertaking the proposed residency training:

(a) Register with the board and file with the board an official transcript of the prospective applicant's educational record;

(b) Pay the registration fee prescribed by the board.

(4) The prospective applicant and the supervisor shall have a written letter of agreement signed by both parties covering the details of the supervision arrangement.

(5) The supervisor shall be a licensed school psychologist, licensed psychologist or licensed clinical psychologist.

(6) The supervisor shall assume full responsibility for work activities of the prospective applicant for the duration of the residency period.

(7) The supervisor shall not provide supervision for activities the supervisor is not qualified to perform, nor for activities for which the resident has not had appropriate education.

(8) There shall be a minimum of two hours of face-to-face supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual face-to-face supervision per week.

(9) Unique individualized programs of supervision may be provided, subject to board approval of the arrangement in advance.

(10) Residents may not call themselves school psychologists, or solicit clients, or bill for their services, or in any way represent themselves as professional school psychologists. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in School Psychology."

(11) At the time of an applicant's formal application for licensure, the individual or agency providing the supervision shall submit to the board on forms provided by the board a written report evaluating the applicant's relative strengths and weaknesses.

## § 2.3. Graduates of foreign institutions.

A graduate of a foreign higher education institution who applies for examination for licensure as a psychologist or clinical psychologist shall:

1. Hold a doctorate in psychology;

2. Present documented evidence that the degree is from a planned, integrated, and supervised program of graduate study that meets requirements judged by the board to be consistent with the requirements for approval by the American Psychological Association (APA) or consistent with those requirements prescribed by the board and met by approved domestic institutions;

3. Meet the course and practicum requirements outlined in § 2.2; and

4. Pay the application processing fee prescribed in § 1.4 for graduates of foreign institutions.

## § 2.4. Out-of-state applicants with lengthy experience.

Upon demonstrating, through an application for licensure, educational credentials and a length of experience deemed adequate by the board, a licensee of another state 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 this 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 only under the supervision of a Virginia licensee who is practicing in a setting for which a Virginia license is required.

D. The supervised practice of the applicant shall be performed in accordance with all of the provisions prescribed in these regulations for a residency in the

applicant's chosen area of practice (§ 2.1.A.2.b. for a psychologist (clinical) or § 2.2.C.2.b for a school psychologist) except for the duration specified for a residency.

1. As soon as the applicant receives a Virginia license, the applicant may terminate residency status and begin independent practice.

2. In no case shall the applicant continue in residency status for more than three years.

E. The requirements of this section together constitute the only arrangement the board will approve for practice in this Commonwealth by a licensee of another state. No licensee of another state shall practice in Virginia except as provided in this section.

### PART III. EXAMINATIONS.

#### § 3.1. General examination requirements.

A. In order to be licensed, each candidate shall take and pass the examination(s) determined by the board to be required according to the candidate's individual qualifications under the general provisions of this section. The complete examination process consists of four components.

1. The Examination for Professional Practice in Psychology (national);
2. The Board of Psychology written examination;
3. A written work sample; and
4. The board oral examination.

B. An applicant enrolled in an approved residency training program required in § 2.2 who has met all requirements except completion of that program shall be eligible to take both the national and state written examinations and to submit the work sample.

#### C. Waivers; modifications.

1. *Diplomate applicant.* The board may waive the written examination(s) and the work sample for an applicant who has been awarded a diploma by the American Board of Professional Psychology (clinical, counseling or school psychology) and who declares an intent to practice in this Commonwealth in the same area of specialty in which such diploma was awarded.
2. *Endorsement.* The board may waive the written examination(s) for an applicant licensed or certified in another jurisdiction by standards and procedures equivalent to the board's.

#### D. Examination schedules.

1. The written examinations shall be administered at least once a year.

2. The oral examination shall be scheduled after the results of the written examinations are known.

3. Work samples may be submitted to the board at any time following the notification of candidate status, but must be received at least one month prior to the applicant's scheduled oral examination.

#### E. Notice.

1. At least 30 days prior to the date of examinations, the executive director will notify all candidates in writing of the time and place of examinations for which they have been approved to sit, and of the fees for these examinations.

2. The candidate shall then submit the applicable fees.

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

#### F. Deferrals by candidate: time limit.

A candidate approved by the board to sit for an examination shall take that examination within two years of 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 examinations.

##### A. The Examination for Professional Practice in Psychology.

1. This examination consists of multiple-choice questions that sample a broad range of psychology content areas.
2. A passing grade shall be a score that is no lower than one-half standard deviation below the national mean for doctoral-level examinees.

##### B. The Board of Psychology Examination.

1. This examination consists of essay or objective questions related to:

- a. The professional services for which licensure is sought; and

# Proposed Regulations

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b. Virginia laws and board regulations governing the practice of psychology.

2. A passing score shall be 65% of the total possible points in each of the two areas of examination.

## § 3.3. Written work sample.

Candidates for licensure may submit work samples to the board at any time following the notification of candidate status, but these must be received by the board at least one month prior to the applicant's scheduled oral examination. Candidates shall submit work samples prepared in accordance with the following guidelines:

A. Psychologist (clinical) and clinical psychologist. The work samples shall be an assessment or evaluation sample and an intervention sample, each covering a procedure completed by the candidate within the year prior to the examination and reflecting the candidate's proposed area of professional competence. All names shall be deleted to protect the identity of the clients involved. The evaluation and therapy plans shall be solely the product of the candidate's efforts. The samples shall be typed.

1. The candidate shall submit an evaluation or assessment work sample regardless of whether the candidate proposes to engage in the assessment area of psychological practice.

a. The assessment sample shall be in the form of a report and shall include diagnosis from the Diagnostic and Statistical Manual - Third Edition (DSM-III). The following areas of functioning shall be included in the assessment sample: cognitive, perceptual/motor, and personality and emotional (using both objective and projective measures). A copy of all raw data shall accompany the report.

b. Evaluations administered, scored, or interpreted by computer are not acceptable.

2. The intervention sample shall consist of a detailed intervention plan to include the nature of the presenting problem(s), client characteristics, rationale for the intervention plan, and a report on the progress of the treatment to date.

B. School psychologist. The sample shall be an assessment or evaluation sample covering a procedure completed by the candidate within the year prior to the examination and reflecting the candidate's proposed area of professional competence. All names shall be deleted to protect the identity of the clients involved. The assessment shall be based solely on the candidate's own work. The sample shall be typed.

1. The assessment sample shall be in the form of a report and shall include identification of handicapping condition(s) as described in Public Law 94-142. The following areas of functioning shall be included in the

assessment sample: cognitive, perceptual/motor, personality, and emotional (using both projective and objective measures). A copy of all raw data shall accompany the report.

2. Evaluations administered, scored or interpreted by computer are not acceptable.

C. Psychologist (nonclinical). A sample of typical work such as a program evaluation, a research paper, or a published report will be acceptable.

## § 3.4. Oral examination.

A. Subject to the provisions of § 3.1.D, admission to the oral examination shall be contingent upon:

1. The candidate's having passed the written examinations;

2. Successful completion of any required residency training program in addition to all other requirements of § 2.2; and

3. Approval by the board of the candidate's work sample.

B. Candidates who pass the written examinations will be notified by the board of the time and place of the oral examination.

C. The oral examination will consist of a structured, experiential assessment of the candidates' abilities to apply their knowledge in vivo. The examination will be conducted by the board or its designees.

D. Candidates will be graded on their responses to the items of the oral examination and a passing grade shall be 65% of correct or appropriate answers.

§ 3.5. Reexamination. Reexamination of candidates will be required only on the examination failed.

A. After paying the reexamination fee, a candidate may be reexamined once within a 12-month period after the failed examination without filing a formal reapplication and without presenting evidence of additional education or experience.

B. A candidate who fails any examination twice shall wait at least one year between the second failure and the next examination scheduled. Such candidate shall submit to the board:

1. An updated application;

2. Documented evidence of additional education or experience gained since the last failure; and

3. New application and examination fees as prescribed by the board.

## PART IV. LICENSURE.

### § 4.1. Licensure.

A. Upon payment of the prorated portion of the biennial licensure fee prescribed by the board, the board will issue to each successful psychologist or school psychologist candidate a license to practice.

B. The board will recommend to the Board of Medicine each successful candidate the Board of Psychology examines for licensure as a clinical psychologist.

C. A psychologist, clinical psychologist or school psychologist who desires to practice in other areas of psychology shall obtain a license from this board for the additional area in which the licensee seeks to practice.

## PART V. LICENSURE RENEWAL; REINSTATEMENT; NAME CHANGE.

### § 5.1. Biennial renewal of licensure.

Every license issued by the board shall expire on June 30 of each odd-numbered year.

A. Every licensee who intends to continue to practice shall, by June 30 of each odd-numbered year, submit to the board:

1. A license renewal application on forms supplied by the board; and
2. The renewal fees prescribed in § 1.3.

B. Failure of a licensee to receive a renewal notice and application form(s) from the board shall not excuse the licensee from the renewal requirement.

### § 5.2. 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 § 1.3 and the license renewal fee for each year the license was not renewed.

B. A person whose license has not been renewed for four years or more and who wishes to resume practice shall:

1. Present evidence satisfactory to the board regarding continued competency to perform the duties regulated by the board; and
2. Upon approval for reinstatement, pay the penalty fee and the license fee for each renewal period the license was not renewed, as prescribed by the board.

### § 5.3. Legal change of name.

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 § 1.3;
3. Request and obtain from the board a new license bearing the individual's new legal name;
4. Practice only under such new legal name.

## PART VI. TECHNICAL ASSISTANTS TO LICENSEES.

### § 6.1. Technical assistants: general requirements.

A person holding at least a bachelor's degree from a regionally accredited institution with at least 30 semester hours of course work in psychology may serve as a technical assistant to a licensee in accord with the following provisions:

1. A technical assistant may begin performing services only upon approval of registration by the board.
2. A technical assistant may perform services only under the direct supervision of a psychologist licensed by the board.
3. To obtain board approval, the licensee and the applicant for technical assistant shall submit or have submitted to the board:
  - a. 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;
  - b. An official transcript sent directly from the institution documenting course work and degree(s) awarded;
  - c. The registration fee prescribed by the board for technical assistants.

### § 6.2. Responsibilities of the licensee.

A licensee assumes complete responsibility for and provides direct supervision of the service provided by a technical assistant.

A. A licensee shall register no more than three technical assistants, whether full-time or part-time.



# Proposed Regulations

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## B. Supervision by the licensee shall be restricted to:

1. Those areas in which the licensee has had appropriate education and training; and
2. Those areas in which the technical assistant has had appropriate education and training.

C. Any billing or documentation by the licensee of the provision of services by a technical assistant shall clearly show that the services were rendered by the technical assistant under the direct supervision of the licensee. Such documentation shall be signed by the technical assistant and countersigned by the licensee.

D. The licensee shall supervise the services provided by a technical assistant in every instance as prescribed in § 6.3.

E. In any instance in which the licensee is uncertain of the appropriate use of the technical assistant, the licensee shall submit a proposal to the board for its review and guidance.

F. A licensee shall, within 30 days of the termination of the supervisory agreement with a technical assistant, notify the board in writing of such termination.

## § 6.3. Duties of a technical assistant.

A. A technical assistant may render only those services provided for in the contracted protocol submitted to and approved by the board.

B. Direct counseling or psychotherapeutic intervention may be rendered by a technical assistant only in the physical presence of the licensee.

## § 6.4. Renewal of registration.

A. The registration of a technical assistant shall be renewed biennially at the time for renewal of the license of the licensee.

## B. The licensee and the technical assistant shall:

1. Renew the registration on a form provided by the board; and
2. Pay the registration renewal fee prescribed by the board.

## PART VII. ADVISORY COMMITTEES.

## § 7.1. Advisory and examining committees.

A. The board may establish examining and advisory committees to assist it in evaluating the professional qualifications of applicants and candidates for licensure and in other matters.

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

## PART VIII. STANDARDS OF PRACTICE; UNPROFESSIONAL CONDUCT; DISCIPLINARY ACTIONS; REINSTATEMENT.

## § 8.1. Standards of practice, general.

§ 54-929(g) of the Code of Virginia and the requirements of these regulations are the basis for the provisions of §§ 8.2, 8.3, and 8.4. The Ethical Principles of Psychologists of the American Psychological Association may serve as a guide for individuals.

## § 8.2. 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. Provide only services and use only techniques for which they are qualified by training and experience.
2. When advertising services to the public, ensure that such advertising is neither fraudulent nor misleading.
3. Represent accurately their competency, education, training and experience.
4. Neither accept nor give commissions, rebates or other forms of remuneration for referral of clients for professional services.
5. Make advance written financial arrangements that safeguard the best interests of and are clearly understood by their clients.
6. Refrain from undertaking any activity in which their personal problems are likely to lead to inadequate or harmful services.
7. Avoid dual relationships with clients that could impair professional judgment or compromise the client's well being (to include treatment of close friends, relatives, employees and sexual intimacies with clients).
8. Avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by the action.
9. Keep confidential their professional relationships with clients, including their records and reports,

except when a client is in danger to self or others, or when the licensee is under a court order to disclose such information.

10. Terminate a clinical or consulting relationship when it is clear that services are not benefiting the client.

11. Ensure that the welfare of clients is not compromised in any experimentation or research involving those clients.

12. Report to the board known or suspected violations of the laws and regulations governing the practice of psychology.

§ 8.3. 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 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 conduct:

1. Conviction of a felony or misdemeanor involving moral turpitude.
2. Procuring of license by fraud or misrepresentation.
3. Misuse of drugs or alcohol to the extent that it interferes with professional functioning.
4. Negligence in professional conduct or violation of practice standards.
5. Performing functions outside areas of competency.
6. Mental, emotional, or physical incompetence to practice the profession.
7. Violating or aiding and abetting another to violate any provision of Chapter 28 of Title 54 of the Code of Virginia; any other statute applicable to the practice of the profession; or any provision of these regulations.

C. Appeal of decision. An appeal may be made to the board for reinstatement upon good cause or as a result of additional new evidence being obtained that would alter the determination reached in subsection B of this section.

§ 8.4. Reinstatement following disciplinary action.

A. Any person whose license has been suspended, revoked, or not renewed by the board under the provisions of § 8.2 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, as prescribed by the board.

## STATE WATER CONTROL BOARD

Title of Regulation: VR 680-21-00. Water Quality Standards.

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

Public Hearing Dates:

August 12, 1987 - 2 p.m.

August 13, 1987 - 1 p.m.

August 14, 1987 - 10 a.m.

**REGISTRAR'S NOTICE:** Due to its length, the Water Quality Standards, filed by the State Water Control Board are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published. The full text of the standards is available for inspection at the offices of the Registrar of Regulations, and the State Water Control Board.

Background:

Water quality standards and criteria consist of narrative statements that describe water quality requirements in general terms and numerical limits for specific physical, chemical and biological characteristics of water. These statements and limits describe water quality necessary for reasonable, beneficial water uses such as swimming, propagation and growth of aquatic life, and domestic water supply.

Section 62.1-44.15(3) of the Code of Virginia authorizes the board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Board, at least once every three years, to review the standards and policies, and as appropriate, to propose revisions and changes to the standards and policies. Such revised standards 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 as adopted, modified or cancelled.

Summary of Amendment:

As required by state and federal law the State Water Control Board has conducted a triennial review of the water quality standards regulations. As a product of this review, the board is proposing numerous revisions

# Proposed Regulations

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*to the water quality standards regulations. A complete text of the proposed revisions and modifications is available.*

# FINAL REGULATIONS

For information concerning Final Regulations, see information page.

## Symbol Key

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

## DEPARTMENT OF EDUCATION (BOARD OF)

**Title of Regulation:** VR 270-01-010. Regulations Governing Pupil Accounting Records.

**Statutory Authority:** §§ 22.1-16, 22.1-20, and Chapter 14 of Title 22.1 of the Code of Virginia.

**Effective Date:** July 1, 1988

### Summary:

*The regulations of the Virginia Board of Education governing pupil accounting (attendance) records have as their purposes the proper pupil accounting (attendance) in the public school instructional program, for school administration, and for the distribution of major state school funds.*

*The regulations describe appropriate pupil attendance procedures such as the conditions when pupils are counted as present or absent, define certain attendance terms, and describe the appropriate procedures when pupils transfer or when pupils are to be dropped from the attendance roll. The regulations also prescribe that local school boards must obtain approval to use a pupil accounting system in lieu of the Virginia Teacher's Register system.*

VR 270-01-010. Regulations Governing Pupil Accounting Records.

### PART I. TEACHER'S REGISTER.

#### 1. § 1.1. Purpose.

The purposes of the register or its equivalent are for proper pupil accounting in the instructional program, for school administration, and for the distribution of major state school funds.

At the close of each pupil accounting register period (20 days, six weeks, nine weeks, etc.) each register should be carefully checked by the teacher with particular emphasis on aggregate days attendance and membership for each pupil. At the end of the school term the register should be checked again, with particular emphasis on total aggregate days attendance and membership.

Local school boards shall adopt rules and regulations for periodic checks of teacher registers, at least three times a year, including a final check of each register at the end of the school term.

#### 2. § 1.2. Recording half-day pupil attendance.

Teachers and principals may, with the permission of the local school board, discontinue recording pupil attendance on a half-day basis.

#### 3. § 1.3. Teaching day defined.

A teaching day is defined as a day on which the school is in regular session for the instruction of pupils.

#### 4. § 1.4. When pupil counted present.

A pupil shall be counted present only when he ~~she~~ is present for roll calls or is in attendance for approved participation at approved school-sponsored field trips or events. (A pupil reporting after roll call will be recorded present and tardy.)

#### 5. § 1.5. Approval of school-sponsored field trips.

All school-sponsored field trips shall be approved by the school board and recorded in the official minutes. The school board, by duly recorded action, may delegate this authority to the division superintendent, provided, that where such authority is delegated, the division superintendent shall make written report to the school board on such field trips not less frequently than annually.

#### 6. § 1.6. Absence because of nonschool-sponsored field trips.

Students absent because of nonschool-sponsored trips shall be recorded absent.

#### 7. § 1.7. Closing register.

Under no condition are any registers to be closed before the end of the last day of the school term. Actual attendance should be recorded in the register through the last day of the school term. However, report cards prepared before closing the teacher's register will not reflect presence or absence of the pupil on days subsequent to preparation of said report cards.

#### 8. § 1.8. Absence because of school bus not reaching school, etc.

If a school bus does not arrive at the school, regardless of the reason, and the children are unable to reach the school by other means of transportation, such children cannot be counted present.

# Final Regulations

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~~9.~~ § 1.9. When pupil dismissed early.

If a school is closed due to inclement weather, civil defense alert, or other emergencies, and the children are dismissed early, pupils may be counted present.

~~10.~~ § 1.10. Excused full-day absences.

Excused full-day absences must not be counted as "present" under any condition.

~~11.~~ § 1.11. Special students attending school in the morning.

Special students, including those in work-study and COE programs, who attend school in the morning and are released for work in the afternoon may be counted as present.

~~12.~~ § 1.12. Pupil transfers.

Any pupil transferring to a Virginia public school from a Virginia public school shall present to the school in which he is seeking entry a certificate (on a form prescribed by the Superintendent of Public Instruction) certifying that such pupil has been removed from the roll of the school from which such pupil is transferring. This requirement does not apply to pupils transferring from a private school or a public school located outside of the state of Virginia.

A. For any pupil transferring from a Virginia public school, a certificate (on a form prescribed by the Superintendent of Public Instruction) shall be prepared certifying that such pupil has been removed from the roll of the school from which such pupil is transferring. The effective date of removal from the roll shall be the date such pupil withdraws from the school and shall be included on the certificate.

B. Any pupil transferring to a Virginia public school from a Virginia public school shall present such certificate to the school to which the pupil is seeking entry. This requirement does not apply to pupils transferring from a private school or a public school located outside of the [ state Commonwealth ] of Virginia.

~~13.~~ § 1.13. When pupil dropped from roll.

A pupil shall be dropped from the roll and marked "Withdrawn:"

- (a) 1. When a certificate of transfer is executed.
- (b) 2. When a pupil has been expelled or suspended for more than ~~15~~ [ ~~10~~ 15 ] days.
- (c) 3. When a pupil has been absent for ~~15~~ [ ~~10~~ 15 ] consecutive days or more.
- (d) 4. When a pupil is transferred to a state-operated institution or hospital.

~~H.~~ Centralized pupil accounting system.

~~PART II.~~  
~~CENTRALIZED PUPIL ACCOUNTING SYSTEM.~~

§ 2.1. Local school boards may, with the approval of the Board Department of Education, substitute a centralized pupil accounting system in lieu of using teacher's registers. The above definitions and instructions are applicable to such central system.

DEPARTMENT OF FIRE PROGRAMS (BOARD OF)

Title of Regulation: VR 310-01-2. Regulations Establishing Certification Standards for Fire Inspectors.

Statutory Authority: § 9-155 of the Code of Virginia.

Effective Date: July 8, 1987

Summary:

*These regulations are being promulgated to comply with § 27-34.2 of the Code of Virginia. The purpose of the regulations is to establish, in writing, the standards which fire inspectors, authorized by their localities to issue summonses and serve warrants, must meet before they may exercise that authority.*

*The regulations also contain the administrative procedures which the Department of Fire Programs will follow in administering the regulations.*

VR 310-01-2. Regulations Establishing Certification Standards for Fire Inspectors.

PART I.  
DEFINITIONS.

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

"Approved" means acceptable to the authority having jurisdiction.

"Authority having jurisdiction" means the organization, office or individual responsible for "approving" equipment, an installation or a procedure.

"Basic knowledge" means a fundamental acquaintance with facts, truths, or principles.

"Bleve" means Boiling Liquid Expanding Vapor Explosion.

"Candidate" means the individual who has made application to become a Fire Inspector I [ ; Fire Investigator II or Fire Prevention Education Officer II or

Fire Inspector II ].

"Code Requirement(s)" means the statement in a law, ordinance or legally adopted reference which mandates or guides a particular action or procedure, or restricts a particular action or procedure.

"Demonstrate" means to show by actual use, illustration, simulation or explanation.

"Fire Department" means the agency that provides fire suppression and other fire-related services.

"Fire hazard" means any situation, process, material or condition which, on the basis of applicable data, may cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and which poses a threat to life of property.

"Fire Inspector I" means the candidate who has demonstrated the knowledge and ability to perform the objectives specified in the standard for the Fire Inspector I level.

"Fire Inspector II" means the Fire Inspector I who has demonstrated the knowledge and ability to perform the objectives specified in the standard for the Fire Inspector II level.

"Fire Inspector III" means a Fire Inspector II who is qualified to perform as the technical and administrative supervisor of a group of fire inspectors or placed in charge of a particular branch or section of a fire prevention bureau and has demonstrated the knowledge and ability to perform the objectives specified in the standard for the Fire Inspector III level.

"Identify" means to physically select, indicate or explain verbally or in writing, using acceptable and recognizable terms.

"Labeled" means equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the "authority having jurisdiction" and concerned with product evaluation, that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

"Listed" means equipment or materials included in a list published by an organization acceptable to the "authority having jurisdiction" and concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

"Local fire alarm" means any fire alarm device or system other than a municipal fire alarm system.

"May" means to indicate a recommendation or that which is advised but not required.

"Objective" means a goal that is achieved through the attainment of a skill, knowledge, or both, which can be observed or measured.

"Qualified" means having satisfactorily completed the requirements of the objectives.

"Regulation" means the statute, laws, ordinance or authorized rules by which something or someone is governed.

"Shall" means to indicate a mandatory requirement.

"Working knowledge" means the ability to translate an understanding of facts, truths or principles into a desired action or application.

## PART II. ADMINISTRATION.

### Article 1. Purpose.

§ 2.1. The standards are designed as the basis for assuring that a Fire Inspector I has a clear understanding of the Fire Prevention Code, laws, rules, and regulations which have been adopted to make Virginia communities a safer place to live, work and play. Upon successfully completing the course, the student will have a clear understanding of how to conduct a fire prevention inspection and what action is required to have hazardous conditions corrected.

It is not the intent of this course to produce an experienced Fire Inspector or Fire Marshal, but to supply the basic knowledge and skills necessary for functioning at a satisfactory level in this position while continuing to gain experience and knowledge.

The students meeting these prerequisites will be certified as meeting the provisions of N.F.P.A. (National Fire Protection Association) Standards Number 1031 for Fire Inspector I as adopted by the [ Department of Fire Programs Virginia Fire Services Board ] and incorporated by reference and made a part of these regulations.

Upon satisfactorily completing the [ course developed for ] Inspector I [ course, or meeting the requirement for equivalency ], passing the test developed for [ that this ] course of study and satisfactorily completing the field work, the individual will be certified [ to enforce fire prevention codes in the Commonwealth an Inspector I ].

### Article 2. Instructors for the Course.

§ 2.2. Instructors will be State Certified Fire Instructors who have experience and knowledge in the subject area or persons who have special knowledge or skills in a

# Final Regulations

particular subject and who have been approved by the Department of Fire Programs.

§ 2.3. Law-enforcement subjects will be taught by certified Department of Criminal Justice [ Services ] personnel.

§ 2.4. Legal matters will be instructed by a representative from the Attorney General's office, a Commonwealth's Attorney, or an attorney who is knowledgeable in such matters.

## Article 3. Reference Material.

§ 2.5. The [ Inspector instructor ] may choose to use a wide variety of reference material and teaching aids; however, the subject matter will be taken from the currently state accepted BOCA (Building Officials and Code Administrators International, Inc.) Codes and the IFSTA (International Fire Services Training Association) manual 110-Fire Prevention and Inspection Practices promulgated by the Virginia Department of Housing and Community Development.

§ 2.6. Other reference material may include:

Forest Fire and Related Laws, Virginia Department of Forestry  
Uniform Statewide Building Code  
Statistics from Virginia Fire Incident Reporting System  
N.F.P.A. Handbook and Standards.

All other reference materials used shall be approved by the Deputy Director of the Department of Fire Programs.

## [ Article 4. Field Training. ]

§ 2.7. When the student has successfully completed the Fire Inspector I training, he shall work for a minimum of 15 hours in his own community under the supervision of an Inspector II having two or more years experience. If there is no such experienced Inspector in his community, he shall make arrangements for working with an experienced Inspector II from a neighboring community, state or federal agency.

§ 2.8. The Inspector under whom the student works shall submit a written report recommending that the student be certified or he shall state why he feels the candidate needs additional training.

## Article [ IV. 5. ] [ Who May Attend the Course Qualifications and Certification of Candidates ].

§ 2.9. Any member in good standing of any fire department or fire brigade who is responsible [ to make for making ] Fire Prevention [ Inspectors Inspections ] or Fire Safety Inspections may make applications to attend the course. [ All inspectors Candidates ] who wish to be

certified under the N.F.P.A. 1031 Standards [ in order to make fire prevention inspectors ] shall successfully complete the Inspector I [ level of training as one prerequisite course ].

§ 2.10. Any individual who is responsible for fire inspection or prevention activities may make application to attend the Inspector I course. Course applications shall be approved by the deputy director.

§ 2.11. Upon satisfactory course completion:

A. Those individuals who meet Department of Fire Program's Firefighter III qualifications and Department of Criminal Justice Services medical [ training ] requirements will receive a Department of Fire Program's certificate for Inspector I.

or

B. Those individuals [ who do not meet not certified as ] Firefighter III [ certification ] will receive a [ letter of completion and attendance certificate for completion of the Fire Inspector I course ].

## Article [ V. 6. ] Grading.

§ 2.12. All grades, reports, and records will be submitted to the Department of Fire Programs within 15 working days following the completion of the course. The procedure for grading will be as follows:

1. 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; however, those subjects which exceed five hours of instruction, 10 questions will suffice as an acceptable minimum.

2. All students shall attain a grade of [ 100% in each subject category 85% ] to satisfactorily complete mandatory training, and shall be tested at the [ completion of each subject mid-term and course final examination ]. Any student who does not attain [ 100% in each category will be required to retake missed questions that comprise the subject category and shall be allowed three retests 85% will be allowed one retest ].

3. Performance testing, when utilized, will be graded on a satisfactory or unsatisfactory basis. A satisfactory rating on all performance testing will be required to satisfactorily complete the school. The determination of satisfactory or unsatisfactory performance on any performance test will be determined by the instructor administering the test.

## Article [ VI. 7. ] Attendance.

§ 2.13. No more than 10% absenteeism for the course will be allowed for any reason. Students who are absent will

be required to make up any material missed. If for any reason a student must be absent from the class, he shall advise the instructor or the deputy director of the Department of Fire Programs immediately upon learning this fact.

Article [ ~~VII~~ 8. ]  
School Location and Dates.

§ 2.14. The deputy director of the Training Division, Department of Fire Programs, will schedule Inspector I classes, as deemed appropriate, based on the number of inquiries and applications received. The deputy director will select the sites where the classes will be held based on availability of facilities and student interest.

Article [ ~~VIII~~ 9. ]  
Failure to Comply With the Rules and Regulations.

§ 2.15. Any student who attends the course shall comply with the rules and regulations established by the Department of Fire Programs and the Department of Criminal Justice Services. The deputy director or instructor will be responsible for the proper enforcement of all rules and regulations. Any student who, in the opinion of the instructor or deputy director, fails to follow the rules or regulations, or who behaves in an unsafe or disruptive manner, may be removed from the class if deemed necessary. The instructor will report to the deputy director immediately after the incident who may expel the individual from the school if [ ~~it is determined~~ after an investigation has been made ] such action is [ deemed ] necessary and appropriate.

Any student who is expelled will be deemed to have not satisfactorily completed the course and will not be awarded a certificate.

The deputy director will immediately report the incident to the executive director of the Department of Fire Programs and to the student's supervisor. The deputy director will make a complete written report of the circumstances associated with the incident and submit it to the executive director of the Department of Fire Programs within 24 hours.

The rules and regulations will be in effect immediately upon the approval by the Department of Criminal Justice Services and the Virginia Fire [ Services ] Board, subject to the requirements of the Virginia Administrative Process Act Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia. They will remain in effect until such time as they are amended or rescinded.

Article [ ~~IX~~ 10. ]  
In-Service Training.

§ 2.16. In order to remain certified and comply with the N.F.P.A. 1031 standards at the Inspector I level an individual shall attend a minimum of 16 hours of training every two years which is approved by the Department of

Fire Programs. This training shall include the following:

Review of constitutional law

Update on state codes

Review of latest court decisions affecting code enforcement

Review of the fire prevention code

Update on code reference material and N.F.P.A. standards.

PART III.  
CANDIDATES.

§ 3.1. Candidates shall possess a valid driver's license for the [ state Commonwealth ] of Virginia and shall identify state and local laws governing the operation of emergency vehicles.

Candidates shall demonstrate an ability to clearly express themselves orally.

Candidates shall demonstrate an ability to clearly express themselves in writing.

Candidates shall demonstrate a knowledge of occupationally related personal safety practices and procedures.

Candidates shall demonstrate through tests, or interview, or both, their ability to interact with the public, under conditions of code enforcement, fire investigation, or fire prevention education duties, with tact, discretion, and without loss of authority.

The candidates shall meet the requirements specified for Firefighter III unless such requirements are waived by the executive director.

PART IV.  
FIRE INSPECTOR I STANDARDS.

Article 1.  
General.

§ 4.1. General.

A. Fire Inspector I shall demonstrate a knowledge of the legally established responsibilities and [ empowerment authority ] related to the performance of the inspector's duties.

B. The Fire Inspector I shall demonstrate a knowledge of the established procedure for modification of requirements.

C. The Fire Inspector I shall demonstrate a knowledge of the established appeals procedure and judicial review



# Final Regulations

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process for the jurisdiction in which the inspector is employed.

D. The Fire Inspector I shall demonstrate a knowledge of other agencies which may be referred to for assistance in correcting hazards.

E. The Fire Inspector I shall demonstrate an ability to initiate corrective procedures for fire hazards discovered during fire inspections.

## Article 2.

### Flammable and Combustible Liquids.

#### § 4.2. Properties of Flammable and Combustible Liquids.

A. The Fire Inspector I shall identify and explain general properties of flammable and combustible liquids.

B. The Fire Inspector I shall demonstrate a working knowledge of the definition of flash point.

C. The Fire Inspector I shall demonstrate a working knowledge of the definition of ignition temperature.

D. The Fire Inspector I shall demonstrate a working knowledge of the basic effects of temperature and pressure on flammable and combustible liquids.

E. The Fire Inspector I shall demonstrate a working knowledge of the definition of flammable and explosive limits.

F. The Fire Inspector I shall demonstrate a working knowledge of the definition of specific gravity.

G. The Fire Inspector I shall demonstrate a working knowledge of the definition of boiling point.

H. The Fire Inspector I shall demonstrate a working knowledge of the basic class of flammable and combustible liquids as defined by NFPA 30, Flammable and Combustible Liquids Code.

I. The Fire Inspector I shall demonstrate a working knowledge of the definition of toxicity.

J. The Fire Inspector I shall demonstrate a working knowledge of the definition of reactivity.

#### § 4.3. Storage, handling and use of flammable and combustible liquids.

A. The Fire Inspector I shall identify the fire hazards associated with the storage, handling and use of flammable and combustible liquids.

B. The Fire Inspector I shall demonstrate the knowledge of the regulations and hazards attendant to the transfer of flammable and combustible liquids.

C. The Fire Inspector I shall demonstrate a knowledge of the regulations and fire hazards attendant to finishing processes that involve flammable and combustible liquids.

D. The Fire Inspector I shall demonstrate a knowledge of what may constitute possible sources of ignition during storage, handling and use of flammable and combustible liquids.

E. The Fire Inspector I shall demonstrate a knowledge of conditions which might be conducive to creating explosive atmospheres in the storage, handling and use of flammable and combustible liquids.

F. The Fire Inspector I shall demonstrate a knowledge of conditions associated with the typical storage, handling and use of flammable and combustible liquids.

G. The Fire Inspector I shall demonstrate a working knowledge of regulations or code provisions related to the storage, handling or use of flammable or combustible liquids.

#### § 4.4. Underground storage tanks for flammable and combustible liquids.

A. The Fire Inspector I shall demonstrate a knowledge of regulations and acceptable installation practices relative to underground storage tanks for flammable and combustible liquids.

B. The Fire Inspector I shall demonstrate a knowledge of normal venting procedures and devices installed on underground storage tanks for flammable and combustible liquids.

C. The Fire Inspector I shall demonstrate a knowledge of the normal requirements and acceptable installation practices relative to piping and valves attendant to underground storage tanks for flammable and combustible liquids.

#### § 4.5. Aboveground storage tanks for flammable and combustible liquids.

A. The Fire Inspector I shall demonstrate a knowledge of the regulations and acceptable installation practices of aboveground storage tanks for flammable and combustible liquids.

B. The Fire Inspector I shall demonstrate an ability to determine if normal and emergency venting devices are being properly maintained.

C. The Fire Inspector I shall demonstrate a knowledge of drainage or diking systems, or both, that may be required for aboveground storage of flammable and combustible liquids.

D. The Fire Inspector I shall demonstrate a knowledge of the requirements for an installation of piping and

valves attendant to aboveground storage tanks for flammable and combustible liquids.

§ 4.6. Inside storage tanks for flammable and combustible liquids.

A. The Fire Inspector I shall demonstrate a knowledge of the regulations and acceptable installation practices relative to inside storage of flammable and combustible liquids.

B. The Fire Inspector I shall demonstrate an ability to determine if normal and emergency venting devices are being properly maintained.

C. The Fire Inspector I shall demonstrate a knowledge of drainage or containment systems which may be required for the inside storage of flammable and combustible liquids.

D. The Fire Inspector I shall demonstrate a knowledge of requirements and acceptable installation practices relative to piping and valves attendant to the inside storage of flammable and combustible liquids.

§ 4.7. Outside container storage for flammable and combustible liquids.

A. The Fire Inspector I shall demonstrate a knowledge of the regulations or code requirements relative to the outside storage of flammable and combustible liquids.

B. The Fire Inspector I shall demonstrate a knowledge of acceptable flammable and combustible liquid containers for outside storage.

C. The Fire Inspector I shall demonstrate a knowledge of acceptable locations and storage parameters such as aisle spacing, stacking, storing of containers in vertical or horizontal positions, relative to the outside storage of flammable and combustible liquids.

D. The Fire Inspector I shall demonstrate a basic knowledge of container venting devices and venting practices.

§ 4.8. Inside container storage for flammable and combustible liquids.

A. The Fire Inspector I shall demonstrate a knowledge of the regulation, including quantity limitations, that may exist for different occupancies relative to the inside storage of flammable and combustible liquids.

B. The Fire Inspector I shall demonstrate a basic knowledge of acceptable flammable and combustible liquid containers for inside storage.

C. The Fire Inspector I shall demonstrate a basic knowledge of the storage parameters such as aisle spacing, stacking, storage of containers in vertical or horizontal

positions, relative to the inside storage of flammable and combustible liquids.

D. The Fire Inspector I shall demonstrate a knowledge of normal and emergency venting devices or procedures acceptable for the inside storage of flammable and combustible liquids.

§ 4.9. Flammable and combustible liquids fire extinguishment.

A. The Fire Inspector I shall have a knowledge of the basic techniques of flammable and combustible liquids fire extinguishment.

B. The Fire Inspector I shall demonstrate a knowledge of portable fire extinguisher operations and installation requirements for areas involving flammable and combustible liquids.

C. The Fire Inspector I shall demonstrate a basic knowledge of fixed fire extinguishing systems required or installed for flammable and combustible liquids storage, handling or use.

§ 4.10. Flammable and combustible liquids labeling.

The Fire Inspector I shall demonstrate a basic understanding of the regulatory labeling and placarding systems used for flammable and combustible liquids identification.

§ 4.11. Transportation of flammable and combustible liquids.

A. The Fire Inspector I shall demonstrate a basic understanding of regulations relative to the transportation of flammable and combustible liquids within the jurisdiction in which the inspector is employed.

B. The Fire Inspector I shall have a knowledge of which agencies regulate the transportation of flammable and combustible liquids within the jurisdiction in which the inspector is employed.

C. The Fire Inspector I shall have a knowledge of which agencies offer assistance in handling flammable and combustible liquids emergencies in the jurisdiction in which the inspector is employed.

## Article 3. Compressed and Liquefied Gases.

§ 4.12. Properties of compressed and liquefied gases.

A. The Fire Inspector I shall identify the general properties of compressed and liquefied gases.

B. The Fire Inspector I shall demonstrate a working knowledge of the effects of temperature and pressure as they relate to compressed and liquefied gases.

# Final Regulations

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C. The Fire Inspector I shall demonstrate a working knowledge of the definition of specific gravity particularly as it relates to compressed and liquefied gases.

D. The Fire Inspector I shall demonstrate a knowledge of the differences between compressed and liquefied gases.

[ E. The Fire Inspector I shall demonstrate an understanding of the definition of toxicity.

F. The Fire Inspector I shall demonstrate an understanding of the definition of reactivity. ]

§ 4.13. Storage, handling and use of compressed and liquefied gases.

A. The Fire Inspector I shall identify the fire hazards associated with the typical storage, handling, and use of compressed and liquefied gases.

B. The Fire Inspector I shall demonstrate a knowledge of possible ignition sources and fire causes involving compressed and liquefied gases.

C. The Fire Inspector I shall demonstrate an understanding of the conditions which might be conducive to fire initiation and propagation involving compressed and liquefied gases.

§ 4.14. Compressed and liquefied gases containers.

The Fire Inspector I shall demonstrate the acceptable practices relative to compressed and liquefied gases container installation and storage.

§ 4.15. Compressed and liquefied gases transfer operations.

The Fire Inspector I shall demonstrate a basic knowledge of the practices and procedures involved in the transfer of compressed and liquefied gases.

§ 4.16. Compressed and liquefied gases leaks.

The Fire Inspector I shall demonstrate a basic knowledge of the means of compressed and liquefied gases leakage control.

§ 4.17. Transportation of compressed and liquefied gases.

A. The Fire Inspector I shall demonstrate a basic knowledge of the regulations relative to the transportation of compressed and liquefied gases.

B. The Fire Inspector I shall have a knowledge of the agencies which regulate the transportation of compressed and liquefied gases within the jurisdiction in which the inspector is employed.

C. The Fire Inspector I shall have a knowledge of agencies which offer assistance in handling compressed and liquefied gases emergencies within the jurisdiction in

which the inspector is employed.

§ 4.18. Fire extinguishment of compressed and liquefied gases.

A. The fire Inspector I shall have a knowledge of the basic fire extinguishment practices and procedures for compressed and liquefied gases emergencies.

B. The Fire Inspector I shall demonstrate a knowledge of portable fire extinguisher operations and installation requirements for areas involving compressed and liquefied gases.

C. The Fire Inspector I shall demonstrate a basic knowledge of fixed fire extinguishing systems required or installed for the storage, handling, or use of compressed and liquefied gases.

§ 4.19. Labeling of compressed and liquefied gases.

The Fire Inspector I shall demonstrate a basic knowledge of the regulatory labeling and placarding regulations relative to compressed and liquefied gases.

## Article 4.

### Explosives, Including Fireworks.

§ 4.20. Properties of explosives.

A. The Fire Inspector I shall identify the classifications of explosives. (See NFPA 495, Code for the Manufacture, Transportation, Storage and Use of Explosive Materials.)

B. The Fire Inspector I shall understand the need for security of explosives.

§ 4.21. The Fire Inspector I shall understand the regulations relative to the transportation of explosives, including fireworks, within the jurisdiction in which the inspector is employed.

§ 4.22. The Fire Inspector I shall identify the common hazards associated with the typical storage, handling and use of explosives, including fireworks.

§ 4.23. Labeling of explosives, including fireworks.

A. The Fire Inspector I shall demonstrate a knowledge of regulatory labeling and placarding systems relative to explosives, including fireworks.

B. The Fire Inspector I shall have a knowledge of the sources from which detailed or technical information on explosives, including fireworks, might be obtained.

§ 4.24. Storage of explosives, including fireworks.

A. The Fire Inspector I shall have a knowledge of the code requirements and regulations for the storage of explosives, including fireworks.

B. The Fire Inspector I shall have a basic knowledge of the type and construction of storage facilities required for the various classes of explosives.

Article 5.  
Other Hazardous Materials.

§ 4.25. General.

A. The Fire Inspector I shall demonstrate a basic knowledge of the regulatory labeling and placarding systems for various types and quantities of hazardous materials.

B. The Fire Inspector I shall demonstrate a working knowledge of the code requirements and regulations for the typical storage, handling and use of various types and quantities of hazardous materials.

C. The Fire Inspector I shall possess a knowledge of sources of detailed and technical information about various hazardous materials.

§ 4.26. Specific hazardous materials.

A. Fire Inspector I shall have a basic knowledge of the characteristics of corrosives and shall be able to name the more common corrosives.

B. Fire Inspector I shall have a basic knowledge of reactive material characteristics and shall be able to name the more common reactive materials.

C. Fire Inspector I shall have a basic knowledge of unstable material characteristics and shall be able to name the more common unstable materials.

D. The Fire Inspector I shall demonstrate a basic knowledge of toxic materials characteristics and shall be able to name the more common toxic materials.

E. The Fire Inspector I shall have a basic knowledge of radioactive material characteristics and shall be able to name the more common radioactive materials.

F. The Fire Inspector I shall demonstrate a basic knowledge of oxidizing material characteristics and shall be able to name the more common oxidizing materials.

G. The Fire Inspector I shall demonstrate a basic knowledge of the general fire hazard properties of the various types of plastics.

H. The Fire Inspector I shall demonstrate a knowledge of the code requirements and regulations for the typical storage, handling and use of natural and synthetic fibers.

§ 4.27. Combustible metals.

A. The Fire Inspector I shall demonstrate an understanding of combustible metal characteristics and

shall be able to name the more common combustible metals.

[ B. The Fire Inspector I shall demonstrate a knowledge of the code requirements and regulations to the typical storage, handling, and use of combustible metals. ]

§ 4.28. Combustible dusts.

A. The Fire Inspector I shall demonstrate a basic knowledge of combustible dust characteristics and shall be able to name more common combustible dusts.

B. The Fire Inspector I shall understand the basic fire and explosion characteristics of the various combustible dusts.

C. The Fire Inspector I shall demonstrate a basic knowledge of the code requirements and regulations relative to the typical storage and handling of combustible dusts.

Article 6.  
Fire Protection Equipment.

§ 4.29. Portable fire extinguishers.

A. The Fire Inspector I shall have a basic knowledge of the types of portable fire extinguishers. (See NFPA 10, Standard on Portable Fire Extinguishers.)

B. The Fire Inspector I shall demonstrate a working knowledge of portable fire extinguishers.

C. The Fire Inspector I shall demonstrate an ability to evaluate the operational readiness of portable fire extinguishers.

D. The Fire Inspector I shall demonstrate a knowledge of the capability of extinguishing agents and the proper method for agent application.

E. The Fire Inspector I shall demonstrate a knowledge of code requirements and regulations relative to the distribution and location of portable fire extinguishers.

F. The Fire Inspector I shall demonstrate a basic knowledge of portable fire extinguishers maintenance requirements and procedures.

§ 4.30. Fixed fire extinguishing systems.

A. The Fire Inspector I shall demonstrate a basic understanding of fixed fire extinguishing systems.

B. The Fire Inspector I shall demonstrate an ability to evaluate the operational readiness of fixed fire extinguishing systems.

C. The Fire Inspector I shall demonstrate a working knowledge of fixed fire extinguishing systems.

# Final Regulations

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D. The Fire Inspector I shall demonstrate a knowledge of the capabilities of the extinguishing agent and the proper procedures for agent application in a fixed fire extinguishing system.

## § 4.31. Sprinkler systems.

A. The Fire Inspector I shall demonstrate a basic knowledge of the different types of sprinkler systems. (See NFPA 13, Standard on Sprinkler Systems.)

B. The Fire Inspector I shall demonstrate a working knowledge of sprinkler systems and their appurtenances.

[ C. The Fire Inspector I shall demonstrate an ability to evaluate the operational readiness of a sprinkler system. ]

[ C. D. ] The Fire Inspector I shall demonstrate a knowledge of the capabilities or limitations of sprinkler systems.

## § 4.32. Standpipe and hose systems.

A. The Fire Inspector I shall demonstrate a basic knowledge of the types of standpipe and hose systems. (See NFPA 14, Standard on Sprinkler Systems.)

B. The Fire Inspector I shall demonstrate a working knowledge of standpipe and hose systems and their appurtenances.

C. The Fire Inspector I shall demonstrate an ability to evaluate the operational readiness of a standpipe and hose systems.

D. The Fire Inspector I shall demonstrate a knowledge of standpipe and hose system equipment use and capabilities.

## § 4.33. Private water supply systems.

A. The Fire Inspector I shall demonstrate a basic knowledge of private water supply systems.

B. The Fire Inspector I shall demonstrate an ability to evaluate the operational readiness of a private water supply system.

## § 4.34. Heat, smoke and flame detection systems.

A. The Fire Inspector I shall demonstrate a basic knowledge of heat, smoke and flame detection systems and devices.

B. The Fire Inspector I shall demonstrate an ability to evaluate the operational readiness of heat, smoke and flame detection systems or device.

C. The Fire Inspector I shall demonstrate a basic knowledge of the proper installation locations of heat, smoke and flame detection devices.

## § 4.35. Fire alarm systems and devices.

A. The Fire Inspector I shall demonstrate a basic knowledge of local fire alarm systems and devices.

B. The Fire Inspector I shall demonstrate an ability to evaluate the operational readiness of local fire alarm systems and devices.

C. The Fire Inspector I shall demonstrate a knowledge of the warning capability of local fire alarm systems and devices.

D. The Fire Inspector I shall demonstrate a basic knowledge of municipal fire alarms systems.

E. The Fire Inspector I shall demonstrate a basic knowledge of the interconnection between local and municipal fire alarm systems.

F. The Fire Inspector I shall differentiate between [ types of ] home, local, proprietary, central station, and municipal fire alarm systems.

G. The Fire Inspector I shall demonstrate a basic knowledge of the proper installation locations of fire alarm system components or devices.

## § 4.36. Heating and cooking equipment.

A. The Fire Inspector I shall demonstrate a basic knowledge of the fire hazards related to the various types of heating and cooking equipment.

B. The Fire Inspector I shall demonstrate a knowledge of the general fire safety safeguards incorporated in the various types of heating and cooking equipment systems.

C. The Fire Inspector I shall demonstrate a basic knowledge of the fire hazards and code requirements related to installation and fuel storage of heating and cooking equipment.

D. The Fire Inspector I shall demonstrate a knowledge of sources of detailed and technical information about heating and cooking equipment.

## § 4.37. Principles of electricity.

A. The Fire Inspector I shall have a basic knowledge of applied elementary electrical theory.

B. The Fire Inspector I shall have a basic knowledge of the construction of and safety devices used in electrical systems.

C. The Fire Inspector I shall have a basic knowledge of the fire and life hazards associated with the typical uses of electricity and electrical systems.

D. The Fire Inspector I shall have a knowledge of

sources of detailed and technical information related to electricity and electrical systems.

## Article 7. Safety to Life.

### § 4.38. General.

The Fire Inspector I shall have a basic knowledge of the code requirements, regulations, basic operational features, and fire hazards presented by various occupancies and, particularly, public assembly, residential, business, mercantile, office, storage, industrial, manufacturing and utility occupancies.

### § 4.39. Means of egress.

A. The Fire Inspector I shall have a knowledge of the means of egress requirements for various occupancies.

B. The Fire Inspector I shall demonstrate an ability to determine if existing egress facilities for the building, floor or room are adequate for the occupancy involved.

C. The Fire Inspector I shall demonstrate the ability to determine whether travel distances to exits are within allowable limits.

D. The Fire Inspector I shall demonstrate an ability to determine if there is adequate access to egress facilities.

E. The Fire Inspector I shall demonstrate an ability to determine if exits are properly illuminated, marked, placed, secured, openable and equipped with hardware.

F. The Fire Inspector I shall demonstrate an ability to distinguish between enclosed stairwells and smoke towers and to determine if general construction and access are properly maintained.

G. The Fire Inspector I shall demonstrate an ability to determine if egress paths are adequate in width and properly illuminated and maintained.

H. The Fire Inspector I shall have a knowledge of the code requirements and regulations relative to the maintenance of means of egress from various occupancies.

### § 4.40. Interior finishes.

A. The Fire Inspector I shall demonstrate an ability to determine the proper interior finish for various areas of an occupancy, particularly that for egress paths.

B. The Fire Inspector I shall demonstrate an ability to conduct a field test of interior finish materials.

C. The Fire Inspector I shall demonstrate a knowledge of acceptable flame spread and smoke ratings for the various areas of an occupancy.

D. The Fire Inspector I shall demonstrate a knowledge of acceptable test methods and markings or labeling for interior finishes.

E. The Fire Inspector I shall demonstrate a knowledge of the purpose and acceptability of fire retardant paints and impregnation treatments.

### § 4.41. Building construction.

A. The Fire Inspector I shall have a basic knowledge of the features of fire protection and life safety related to building construction that are germane to various types of occupancies.

[ ~~B.~~ The Fire Inspector I shall demonstrate a knowledge of the purpose of related building construction. ]

[ ~~C.~~ B. ] The Fire Inspector I shall demonstrate a knowledge of acceptable test methods and marking or labeling for building construction assemblies or devices.

[ ~~D.~~ C. ] The Fire Inspector I shall demonstrate a working knowledge of the types of fire doors and installation requirements.

[ ~~E.~~ D. ] The Fire Inspector I shall demonstrate a basic knowledge of where rated building construction is required.

[ ~~F.~~ E. ] The Fire Inspector I shall demonstrate a knowledge of building construction components installed for fire-related purposes including, but not limited to, fire stops, draft curtains, fire walls, smoke vents, chimneys, flues, and [ ~~rated ceilings~~ fire rated floor/roof ceiling systems ].

[ ~~G.~~ F. ] The Fire Inspector I shall demonstrate a knowledge of the classes of roof covering.

[ ~~H.~~ G. ] The Fire Inspector I shall demonstrate a knowledge of the requirements for and construction of special building construction features including, but not limited to, projection booths, stages, proscenium openings, and flammable liquid storage rooms.

[ ~~I.~~ H. ] The Fire Inspector I shall demonstrate a knowledge of building construction classification.

### § 4.42. Building equipment.

A. The Fire Inspector I shall have a basic knowledge of the types of and installation requirements for building service equipment that are germane to various occupancies and which can, through their operation, affect fire protection and life safety.

B. The Fire Inspector I shall demonstrate a knowledge of the proper installation, maintenance and use of heating, ventilating and air conditioning systems from a fire safety standpoint including, but not limited to, attendant devices

# Final Regulations

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such as dampers, detection devices, thermostats, and operational controls.

C. The Fire Inspector I shall demonstrate a knowledge of the proper installation, maintenance and use of [ ~~kitchen~~ ] cooking equipment, including hoods and ducts.

D. The Fire Inspector I shall have a basic knowledge of which other jurisdictional authorities may have requirements, or conduct inspections, involving life safety or fire protection.

## § 4.43. Decorations, decorative materials and furnishings.

A. The Fire Inspector I shall have a knowledge of the basic fire safety requirements for decorations, decorative materials and furnishings.

B. The Fire Inspector I shall demonstrate an ability to field test decorations, decorative materials and furnishings for acceptability and use in various occupancies.

## § 4.44. Fire drills.

A. The Fire Inspector I shall demonstrate a knowledge of the requirements relative to fire drills which may be required within the jurisdiction in which the inspector is employed.

B. The Fire Inspector I shall demonstrate an ability to conduct or evaluate, or both, fire drills in various occupancies.

## § 4.45. General fire safety.

A. The Fire Inspector I shall have a working knowledge of general fire safety code requirements and regulations including, but not limited to, trash and debris, smoking, open burning, maintaining fire department access, housekeeping procedures, reporting of fire incidents, and limiting combustible decorations and furnishings.

B. The Fire Inspector I shall have a basic knowledge of the requirements, and the purpose of emergency evacuation plans.

## Article 8.

### Code Enforcement Procedures.

## § 4.46. General.

A. The Fire Inspector I shall demonstrate a knowledge of acceptable code enforcement procedures.

B. The Fire Inspector I shall demonstrate a knowledge of jurisdictional responsibilities of federal, state and local governments and organizations relative to code enforcement procedures.

C. The Fire Inspector I shall demonstrate a basic knowledge of anticipated human behavior relative to code

enforcement.

D. The Fire Inspector I shall demonstrate a knowledge of local code enforcement procedures.

E. The Fire Inspector I shall demonstrate a basic knowledge of the judicial system, particularly as it relates to code enforcement procedures.

F. The Fire Inspector I shall demonstrate a basic knowledge of the legal processes as they relate to code enforcement procedures.

G. The Fire Inspector I shall demonstrate a knowledge of recommended courtroom demeanor as it relates to code enforcement procedures.

H. The Fire Inspector I shall demonstrate a basic knowledge of the moral and legal responsibilities associated with code enforcement procedures.

I. The Fire Inspector I shall be knowledgeable as to when licenses, or permits, or both, are required for the sale, use, storage or possession of hazardous materials.

J. The Fire Inspector I shall be knowledgeable of which processes and procedures of business operations involving fire protection equipment require licenses, or permits, or both.

K. The Fire Inspector I shall demonstrate a knowledge of sources of information on code enforcement procedures.

## § 4.47. Report preparation.

A. The Fire Inspector I shall demonstrate a basic knowledge of report preparation.

B. The Fire Inspector I shall demonstrate a knowledge of accepted filing techniques.

## § 4.48. Code enforcement equipment.

The Fire Inspector I shall demonstrate a basic knowledge of the essential equipment necessary to accomplish code enforcement including, but not limited to, elementary photography equipment and portable flammable and combustible atmosphere detection equipment.

## § 4.49. Plans and specifications.

The Fire Inspector I shall be familiar with the procedures required for the processing of plans and specifications.

## § 4.50. Fire cause determination.

The Fire Inspector I shall have a basic knowledge of the requirements, need and purpose for fire cause determination and fire investigation.

## § 4.51. Miscellaneous.

A. The Fire Inspector I shall demonstrate a knowledge of what is required in performing standby fire safety duties in public assembly occupancies.

B. The Fire Inspector I shall demonstrate a knowledge of the general procedures for handling complaints.

C. The Fire Inspector I shall demonstrate a basic knowledge of building code contents and requirements.

## PART V. ADMINISTRATION.

### Article 1. Purpose.

§ 5.1. The standards are designed as the basis for assuring that a Fire Inspector II has a clear understanding of the Fire Prevention Code, laws, rules, and regulations which have been adopted to make Virginia communities a safer place to live, work and play. Upon successfully completing the course, the student will have a clear understanding of how to conduct a fire prevention inspection and what action is required to have hazardous conditions corrected.

It is not the intent of this course to produce an experienced fire inspector or fire marshal, but to supply the basic knowledge and skills necessary for functioning at a satisfactory level in this position while continuing to gain experience and knowledge.

[ The candidate for Fire Inspector II shall have satisfactorily met the standards for Fire Inspector I, as adopted by the Virginia Fire Services Board. ]

The students who successfully complete this course will be qualified as having met the requirements of § 27-34.2 of the Code of Virginia and may be granted the powers by their locality.

The students meeting these prerequisites will be certified as meeting the provisions of N.F.P.A. (National Fire Protection Association) Standards Number 1031 for Fire Inspector I and II as established by the Department of Fire Programs.

Upon satisfactorily completing the [ course of study developed for ] Inspector II [ course, or meeting the requirement for equivalency testing ], passing the test developed for [ that this ] course of study and satisfactorily completing the field work, the individual will be certified [ to enforce fire prevention codes in the state an Inspector II. ]

### Article 2. Instructors for the Course.

§ 5.2. Instructors will be state certified fire instructors who have experience and knowledge in the subject area or

persons who have special knowledge or skills in a particular subject and who have been approved by the Deputy Director, Training Division, Department of Fire Programs.

Law-enforcement subjects will be taught by certified Department of Criminal Justice [ Services ] personnel.

Legal matters will be instructed by a representative from the Attorney General's office, a Commonwealth's Attorney, or an attorney who is knowledgeable in such matters.

### Article 3. Reference Material.

§ 5.3. The instructor may choose to use a wide variety of reference material and teaching aids; however, the subject matter will be taken from the current state-accepted BOCA (Building Officials and Code Administrators International, Inc.) Codes and the IFSTA (International Fire Services Training Association) manual 110-Fire Prevention and Inspection Practices.

Other reference material may include:

Forest Fire and Related Laws, Virginia [ Division Department ] of Forestry

Uniform Statewide Building Code

Statistics from Virginia Fire Incident Reporting System

N.F.P.A. Handbook and Standards

All other reference materials used shall be approved by the Deputy Director of the Department of Fire Programs.

### Article 4. Field Training.

§ 5.4. When the student has successfully completed the Fire Inspector II Program he shall work for a minimum of 15 hours in his own community under the supervision of an Inspector II having two or more years experience. If there is no such experienced Inspector II in his community, he shall work arrangements for working with an experienced Inspector II from a neighboring community, state or federal agency.

The experienced inspector under whom the student works shall submit a written report recommending that the student be certified or he shall state why he feels the candidate needs additional training.

[ The candidate for Fire Inspector II shall have satisfactorily met the standards for Fire Inspector I, as established by the Commonwealth of Virginia. ]

### Article 5. [ Who May Attend the Course, Qualifications and



# Final Regulations

## Certification of Candidates. ]

§ 5.5. Any member in good standing of any fire department or fire brigade who is responsible for making fire prevention or fire safety inspections may make applications to attend the course. All inspectors who wish to be granted the powers permissible under § 27-34.2 of the Code of Virginia shall successfully complete both the Fire Inspector I and Fire Inspector II courses. (See application.)

Any individual who is responsible for fire inspection or prevention activities may make application to attend the Inspector II course. Applications shall be approved by the deputy director.

Upon satisfactory course completion:

[ A. Those individuals who do not meet Firefighter III certifications will receive a letter of completion and attendance. They will meet the requirements as provided for in § 27-34.2 of the Code of Virginia and may be granted authority permissible under that section.

or

B. Those individuals who meet Firefighter III qualifications (unless granted waiver by the Deputy Director), meet DCJS requirements, and have satisfactorily completed the course requirements for NFPA Inspector II and § 27-34.2 of the Code of Virginia, will receive a Department of Fire Programs certificate for Fire Inspector II. ]

[ A. Those individuals certified as Firefighter III (unless granted waiver by the deputy director), who meet DCJS requirements, and who have completed the course requirements for Inspector II and § 27-34.2 of the Code of Virginia, will receive a certificate for Fire Inspector II.

B. Those individuals not certified as Firefighter III will receive a certificate for completion of the Fire Inspector II course.

C. To meet the training requirements of § 27-34.2, the candidate shall be certified in Parts I through VIII of these regulations. ]

## Article 6. Grading.

§ 5.6. All grades, reports, and records will be submitted to the Department of Fire Programs within 15 working days following the completion of the course. The procedure for grading will be as follows:

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; however, for those subjects which exceed five hours of instruction, 10

questions will suffice as an acceptable minimum.

B. All students shall attain a grade of [ ~~100%~~ in each subject category 85% ] to satisfactorily complete mandatory training, and shall be tested at the [ ~~completion of each subject mid-term and course final examination~~ ]. Any student who does not attain [ ~~100%~~ in each category will be required to retake missed questions that comprise the subject category and shall be allowed three retests 85% will be allowed one retest ].

C. Performance testing, when utilized, will be graded on a satisfactory or unsatisfactory basis. A satisfactory rating on all performance testing will be required to satisfactorily complete the school. The determination of satisfactory or unsatisfactory performance on any performance test will be determined by the instructor administering the test.

## Article 7. Attendance.

§ 5.7. No more than 10% absenteeism for the course will be allowed for any reason. Students who are absent will be required to make up any material missed. If for any reason a student must be absent from the class, he will advise the instructor or the deputy director of the Department of Fire Programs immediately upon learning this fact.

## Article 8. School Location and Dates.

§ 5.8. The deputy director of the training division, Department of Fire Programs, will schedule Inspector II classes as deemed appropriate based on the number of inquiries and applications received. The deputy director will select the sites where the classes will be held based on availability of facilities and student interest.

## Article 9. Failure to Comply With the Rules and Regulations.

§ 5.9. Any student who attends the course shall comply with the rules and regulations established by the Department of Fire Programs and the Department of Criminal Justice Services. The deputy director or instructor will be responsible for the proper enforcement of all rules and regulations. Any student who, in the opinion of the instructor or deputy director, fails to follow the rules or regulations, or who behaves in an unsafe or disruptive manner, may be removed from the class if deemed necessary. The instructor will report to the deputy director immediately after the incident who may expel the individual from the school if [ ~~it is determined after an investigation has been made~~ ] such action is necessary and appropriate.

Any student who is expelled will be deemed to have not satisfactorily completed the course and will not be awarded a certificate.

The deputy director will immediately report the incident to the executive director of the Department of Fire Programs and to the student's supervisor. The deputy director will make a complete written report of the circumstances associated with the incident and submit it to the executive director of the Department of Fire Programs within 24 hours.

The rules and regulations will be in effect immediately upon the approval by the Department of Fire Programs, the Department of Criminal Justice Services and the Virginia Fire Services Board and will remain in effect until such time as they are amended or rescinded.

## Article 10. In-Service Training.

§ 5.10. In order to remain certified and comply with the N.F.P.A. 1031 standards at the Inspector II level an individual must attend a minimum of 16 hours of training every two years which is approved by the Department of Fire Programs. This training must include the following:

Review of Constitutional Law

Update on State Codes

Review of latest Court decisions affecting Code Enforcement

Review of the Fire Prevention Code

Update on Code Reference material and N.F.P.A. standards

## PART VI. CANDIDATES.

### Article 1. General.

§ 6.1. Candidates shall possess a valid driver's license for the state in which they are employed and shall identify state and local laws governing the operation of emergency vehicles.

Candidates shall demonstrate an ability to clearly express themselves orally.

Candidates shall demonstrate an ability to clearly express themselves in writing.

Candidates shall demonstrate a knowledge of occupationally related personal safety practices and procedures.

Candidates shall demonstrate through tests, or interview, or both, their ability to interact with the public, under conditions of code enforcement, fire investigation, or fire prevention education duties, with tact, discretion, and without loss of authority.

The candidates shall meet the requirements specified for Fire Inspector I unless such requirements are waived by the executive director.

## PART VII. FIRE INSPECTOR II STANDARDS.

### Article 1. Liquids, Gases and Fireworks.

#### § 7.1. Flammable and combustible liquids.

A. The Fire Inspector II shall demonstrate a basic knowledge of the effect of pressure on the design, size and contents or storage tanks and containers for flammable and combustible liquids.

B. The Fire Inspector II shall demonstrate a knowledge of the storage, handling and use conditions of flammable and combustible liquids which are most conducive to the initiation, propagation and spread of fire.

C. The Fire Inspector II shall demonstrate a knowledge of the installation and operational requirements of fixed fire extinguishing systems installed concomitant to flammable and combustible liquids storage, handling or use.

D. The Fire Inspector II shall demonstrate a knowledge of how to abate the fire hazards associated with flammable or combustible liquid spills or leaks.

#### § 7.2. Compressed and liquefied gases.

A. The Fire Inspector II shall demonstrate a basic knowledge of the physical and chemical characteristics of compressed and liquefied gases and cryogenics.

B. The Fire Inspector II shall demonstrate a knowledge of the storage, handling and use conditions of compressed and liquefied gases which are most conducive to the initiation, propagation and spread of fire.

C. The Fire Inspector II shall demonstrate a knowledge of which organizations have codes or specifications relative to compressed and liquefied gases containers, cylinders, or tanks.

D. The Fire Inspector II shall demonstrate a knowledge of the requirements for marking, testing, repair, and maintenance of compressed and liquefied gases containers, cylinders or tanks.

E. The Fire Inspector II shall demonstrate a knowledge of the code requirements and regulations relative to quantity limitations, distances, physical damage and protection for aboveground containers for compressed and liquefied gases.

F. The Fire Inspector II shall demonstrate a knowledge of the special handling procedures for gas transfer

# Final Regulations

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operations involving compressed and liquefied gases.

G. The Fire Inspector II shall demonstrate a basic knowledge of the operation and use of excess flow check valves in compressed and liquefied gases piping and storage.

H. The Fire Inspector II shall demonstrate a knowledge of how to abate the fire hazards associated with compressed and liquefied gases spills or leaks.

J. The Fire Inspector II shall demonstrate a knowledge of the installation and operations requirements of fixed fire extinguishing systems installed concomitant to the storage, handling and use of compressed and liquefied gases.

## § 7.3. Explosives, including fireworks.

A. The Fire Inspector II shall demonstrate a knowledge of the requirements for security measures for explosives, including fireworks.

B. The Fire Inspector II shall demonstrate a knowledge of which federal or state regulatory agencies govern the transportation of explosives, including fireworks.

C. The Fire Inspector II shall demonstrate a knowledge of the effects of temperature and moisture on explosives, including fireworks.

D. The Fire Inspector II shall demonstrate a knowledge of sensitivity of stability characteristics of the various types of explosives, including fireworks.

E. The Fire Inspector II shall demonstrate a knowledge of explosives storage facility construction and operation.

## Article 2. Other Hazardous Materials.

## § 7.4. Natural and synthetic fibers.

A. The Fire Inspector II shall demonstrate a knowledge of the fire hazards associated with the storage, handling and use of natural and synthetic fibers.

## § 7.5. Combustible dusts.

A. The Fire Inspector II shall demonstrate a knowledge of code requirements and regulations governing combustible dusts.

B. The Fire Inspector II shall demonstrate a knowledge of code requirements, regulations and basic installation practices relative to explosion suppression systems for combustible dusts.

## § 7.6. Fire protection equipment.

A. The Fire Inspector II shall demonstrate an ability to

evaluate the proper installation and testing of all types of fire protection equipment including, but not limited to, fire doors, fire walls, fixed fire extinguishing systems, water supply systems, fire detection systems, and fire alarm systems.

B. The Fire Inspector II shall demonstrate an ability to evaluate the testing of portable fire extinguishers.

C. The Fire Inspector II shall demonstrate an ability to evaluate the application, capabilities, testing and maintenance of fixed fire extinguishing systems.

## § 7.7. Water supply systems.

A. The Fire Inspector II shall demonstrate a knowledge of water system pressure and piping requirements.

B. The Fire Inspector II shall demonstrate a knowledge of hydrant construction, location, and spacing.

C. The Fire Inspector II shall demonstrate a knowledge of the factors that affect fire flow demands.

## § 7.8. Heating and cooking equipment.

A. The Fire Inspector II shall demonstrate a working knowledge of the fire hazards related to the various types of heating and cooking equipment and systems.

B. The Fire Inspector II shall demonstrate a working knowledge of the fire safety safeguards normally installed concomitant to heating and cooking equipment.

C. The Fire Inspector II shall demonstrate a working knowledge of the fire hazards and code requirements related to heating and cooking equipment installation and fuel storage.

## § 7.9. Industrial ovens and furnaces.

A. The Fire Inspector II shall demonstrate a working knowledge of the fire hazards inherent to industrial ovens and furnace systems.

B. The Fire Inspector II shall demonstrate a working knowledge of the fire safety safeguards normally installed concomitant to industrial ovens and furnaces.

## § 7.10. Safety to life.

A. The Fire Inspector II shall demonstrate a knowledge of the code requirements and purposes for rated interior finishes.

## § 7.11. Means of egress.

A. The Fire Inspector II shall demonstrate a knowledge of how to calculate egress requirements.

B. The Fire Inspector II shall demonstrate an ability to

determine the required location of exits.

C. The Fire Inspector II shall demonstrate a working knowledge of acceptable means of egress devices including, but not limited to, doors, hardware, and lights.

## § 7.12. Interior finishes.

A. The Fire Inspector II shall demonstrate a working knowledge for specifying interior finish requirements in various areas of a building according to its designated occupancy.

B. The Fire Inspector II shall demonstrate an ability to evaluate tests and test reports of interior finish materials.

## § 7.13. Building construction.

A. The Fire Inspector II shall demonstrate a working knowledge of when to specify enclosed stairs, smoke towers or other methods of egress.

B. The Fire Inspector II shall demonstrate an ability to evaluate tests and test reports of building construction assemblies or devices.

C. The Fire Inspector II shall demonstrate a working knowledge of [ ~~where and~~ ] what types of fire [ ~~doors door assembly~~ ] are required for the [ ~~different areas in various occupancies~~ ] protection of openings of fire rated wall and partitions ] .

D. The Fire Inspector II shall demonstrate an ability to evaluate the tests and test reports of fire doors.

E. The Fire Inspector II shall demonstrate a working knowledge of where [ fire ] rated building construction may be required for various occupancies.

F. The Fire Inspector II shall demonstrate a working knowledge of the conditions which require that special fire-related building components be installed including, but not limited to, fire stops, draft curtains, fire walls, smoke vents, chimneys, flues, [ rated ceilings, ] and fire windows.

## § 7.14. Building equipment.

A. The Fire Inspector II shall demonstrate a working knowledge of the conditions which require that fire related equipment be installed including, but not limited to, extinguishing systems, alarm systems, detection systems, fire dampers, kitchen hood and vent systems, standpipe and hose systems, and portable fire extinguishers.

B. The Fire Inspector II shall demonstrate a working knowledge of the proper installation of the equipment included in § 7.14 A above.

## § 7.15. Decorations, decorative materials and furnishings.

The Fire Inspector II shall demonstrate an ability to

evaluate the tests and test reports on flame spread and smoke generation of decorations, decorative materials and furnishings.

## § 7.16. Fire loads.

A. The Fire Inspector II shall demonstrate an ability to calculate fire loads.

B. The Fire Inspector II shall demonstrate a working knowledge of acceptable fire loads for various occupancies.

C. The Fire Inspector II shall demonstrate knowledge of how to classify building contents according to hazard.

## § 7.17. Occupant loads.

A. The Fire Inspector II shall demonstrate an ability to calculate allowable occupant loads for various occupancies and building areas.

B. The Fire Inspector II shall have a working knowledge of code requirements, regulations, basic operational features and fire hazards presented by various occupancies.

C. The Fire Inspector II shall demonstrate a working knowledge of the fire safety regulations and code requirements for industrial occupancies utilizing hazardous processes, equipment or materials.

## § 7.18. Code enforcement.

A. The Fire Inspector II shall demonstrate a basic knowledge of fire scene photography.

B. The Fire Inspector II shall demonstrate a basic knowledge of the legal requirements pertaining to the admissibility of photographs in a civil or criminal court.

## § 7.19. Plans and specifications.

A. The Fire Inspector II shall demonstrate [ a basic knowledge of acceptable blueprint reading practices the ability to interpret plans and specifications ] and symbols related to construction plans and specifications.

B. The Fire Inspector II shall demonstrate an ability to read and interpret construction plans and specifications [ , and recognize standard symbols used by design ].

C. The Fire Inspector II shall demonstrate a basic knowledge of acceptable construction methods and materials related to fire safety.

D. The Fire Inspector II shall demonstrate a knowledge of sources of detailed and technical information relative to plans and specifications details.

E. The Fire Inspector II shall demonstrate a knowledge of the moral and legal responsibilities relative to plans

# Final Regulations

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and specifications examination.

## § 7.20. Emergency evacuation plans.

A. The Fire Inspector II shall demonstrate an ability to develop emergency evacuation plans for various occupancies.

B. The Fire Inspector II shall demonstrate a basic knowledge of anticipated human behavior during emergencies.

C. The Fire Inspector II shall demonstrate an ability to implement fire safety programs for crowd control.

D. The Fire Inspector II shall demonstrate a basic knowledge of the role played by each agency and person in implementing an emergency evacuation plan.

E. The Fire Inspector II shall demonstrate an ability to coordinate agencies involved in the development of an emergency evacuation plan.

F. The Fire Inspector II shall demonstrate a knowledge of the sources of technical and detailed information relative to emergency evacuation plans.

## § 7.21. Fire cause determination.

The Fire Inspector II shall demonstrate a working knowledge of fire cause determination procedures.

## § 7.22. Miscellaneous.

A. The Fire Inspector II shall demonstrate a knowledge of building code requirements as they may affect fire safety for the jurisdiction in which the inspector is employed.

B. The Fire Inspector II shall demonstrate a knowledge of building height and area limitations as they may affect fire behavior.

### Article 3. Communication.

§ 7.23. The Fire Inspector II shall demonstrate proficiency in communicating effectively and professionally through written, oral and mechanical media.

A. Understand and have a working knowledge of interpersonal communication.

[ B. Identify nonlanguage factors which contribute to a negative response from the public. ]

[ C. B. ] Identify [ verbal and nonverbal ] factors which contribute to a negative response from the public.

[ D. C. ] Given practical simulation role-playing exercises depicting stressful situations of interaction with the public,

communicate properly and effectively with various types of persons.

§ 7.24. Demonstrate how to properly use the telephone in communications.

A. Identify what shall be accomplished by a Fire Inspector II in a telephonic situation reflecting a law-enforcement problem which results in a positive image and effective communications.

§ 7.25. Demonstrate proper standard radio-use techniques.

Demonstrate the ability to give clear and complete descriptions of persons, locations, and vehicles.

### Article 4. Report Writing.

§ 7.26. Identify the basic techniques of notetaking.

A. Identify uses of the inspector's field notes.

B. Identify the types of information that should be entered into field notes.

C. Given a practical simulation role-playing exercise, take notes during an interview in such a manner as to not discourage the person being interviewed from talking.

D. Given word-pictures or audio-visual presentations, properly utilize the fire inspector's notebook by neatly and accurately recording all necessary information in a specified format.

§ 7.27. Be able to demonstrate a basic understanding of report writing principles.

A. Identify the uses of fire inspection reports.

B. Identify essential characteristics of a good report.

C. Identify the questions that should be answered by a complete report.

D. Demonstrate the ability to write clear and concise reports.

E. Given word-pictures or audio-visual presentations depicting law-enforcement problems, organize or write the facts in an appropriate report format.

F. Given word-pictures or audio-visual presentations, complete the primary reports similar to or used by the Fire Inspector's agency.

G. Prepare a memorandum.

### PART VIII. STANDARDS RELATING TO ISSUING SUMMONSES AND SERVING WARRANTS.

## Article I.

### [ Interview and Interrogation Techniques: Issuance of Virginia Uniform Summonses. ]

#### § 8.1. The Fire Inspector II shall be able to:

A. The Fire Inspector II shall be able to apply the communication principles from § 6.1 of these regulations and applicable constitutional law, rules of evidence, and laws of interrogation to conduct legal, fruitful interviews and interrogations and demonstrate improvement in persuasiveness.

B. The Fire Inspector II shall describe the advantages of a cool, impartial (fair), but not impersonal, approach.

C. Define a "good listener."

D. List the disadvantages of an impersonal (aloof) approach, a passive (weak-kneed) approach, and an indecisive approach.

E. Identify the advantages of communication effectiveness.

F. Given a role-play simulation, demonstrate the ability to exert emotional control, listen well, remain impartial, assume responsibility, be decisive, and sell the fire inspector's point of view as reasonable.

§ 8.2. Describe the impact of the following cases regarding the Fifth, Sixth, and Fourteenth Amendments to the U.S. Constitution of the admissibility of confessions or evidence obtained through interrogation.

A. Mallory v. Hogan, 378 U.S. 1 (1964)

B. Miranda v. Arizona, 384 U.S. 436 (1966)

C. Escobedo v. Illinois, 378 U.S. 748 (1964)

D. Massiah v. United States, 377 U.S. 201 (1964)

E. Accurately describe the applicability of the "Miranda" rule to audio-visual or word-picture depictions of interviews in various settings.

F. Define the difference between an interview and an interrogation.

G. In a practical simulation exercise, demonstrate the ability to conduct a legal and fruitful interrogation of a suspect in a criminal investigation.

1. Adequately transcribe the inspector's interview notes into reports of the preceding interviews.

§ 8.3. List the principles and techniques of interviewing.

A. In a practical simulation exercise, commence an interview, accurately determine the point at which the

interview turns into an interrogation, provide the person with his constitutional rights and warnings; interrogate the person and make proper disposition of them.

B. In practical simulation exercises, approach, introduce himself to, calm, and properly conduct a preliminary interview.

## Article II.

### Arrest Procedures and Techniques.

§ 8.4. The Fire Inspector II shall acquire the knowledge and skills required to make a safe, legal arrest while protecting the arrestee's rights and health and safety, the health and safety of other persons and the inspector's health and safety.

NOTE: In all practical exercises throughout the course, the inspector shall refrain from violating the constitutional rights of any person.

§ 8.5. Identify the pertinent provisions of the amendments of the U.S. Constitution and the impact each has upon an inspector's duties in making arrests.

A. Identify the elements of "probable cause" to detain or investigate.

B. Given word-pictures or audio-visual presentation(s) depicting instances where "probable cause" for police action may or may not exist, identify its presence or absence and reasons behind this decision.

§ 8.6. List the elements that constitute an arrest.

A. Describe the elements that distinguish between an arrest and brief investigatory detention.

B. Describe the distinction between an arrest and a traffic stop.

§ 8.7. Define distinctions between, and the effects on, an inspector's powers of arrest for felony and misdemeanor for the purpose of arrest; warrant and warrantless arrests; citizen's and inspector's powers of arrests; and probable cause and pretext or sham.

A. Discuss some civil liabilities that can arise from performing an arrest.

B. Identify the inspector's right to search a person who has been arrested.

C. Given word-pictures or audio-visual presentations depicting differing arrest situations, identify the amount of force that may be used when effecting an arrest.

D. Describe an inspector's authority to arrest.

E. Given word-pictures or audio-visual presentations depicting "private person" arrests, determine if the arrest

# Final Regulations

is legal:

F. Given word-pictures or audio-visual presentations depicting arrest situations, explain what information the person arrested shall be provided and at what time it must be provided.

G. Given word-pictures or audio-visual presentations depicting an inspector(s) entering the premises to make an arrest, identify those situations where the legal requirements of such entry were fulfilled by the inspector(s).

§ 8.8. Describe how to use restraint devices with single and multiple suspects.

A. Identify the inspector's agency's policy regarding the use of restraint devices on various types of prisoners.

B. Identify the purposes and limitations of restraint devices used on prisoners.

C. In a simulated situation, safely and effectively handcuff single and multiple suspects.

§ 8.9. Describe the proper method of transporting prisoners.

A. Identify elements of the safe transportation of prisoners.

B. Identify good general procedures to follow when transporting adult male or female prisoners, injured or sick prisoners, and juveniles to include proper positioning within the vehicle.

C. Safely and securely position simulated prisoners for transportation. This will minimally include single and multiple prisoners while working alone and with a partner.

§ 8.10. The inspector shall demonstrate the ability to complete legally required records pertaining to an arrested subject (i.e. fingerprints and arrest records).

## Article III.

### Laws Regarding Search and Seizure.

§ 8.11. The Fire Inspector II shall have a working knowledge of the basic laws regarding rules of evidence and legal searches.

A. The inspector shall identify effects of the "exclusionary rule" upon police actions and procedures.

B. Give the definition of the Hearsay Rule.

C. Identify exceptions to the Hearsay Rule.

D. Describe the conditions under which legally authorized searches may be made.

E. Identify the items for which an inspector may legally search.

F. Identify the limits of searches when conducted within such environments as indoors, outdoors, vehicles, abandoned property and at a crime scene.

G. Identify the types and definitions of relative searches.

H. Outline the procedure required to obtain a legal search warrant in Virginia.

I. List the major points to check on a search warrant to determine its validity.

J. Identify the liability of the Fire Inspector II when making searches without warrants.

K. List the procedure that must be followed after a search warrant has been executed.

## Article IV.

### Chain of Events.

§ 8.12. The Fire Inspector II shall gain a working knowledge of the role of physical evidence in successful prosecution of crime and basic methods for protecting the chain of evidence.

A. Define what is meant by the "chain of evidence" and why it must be maintained.

B. Describe the "burden of proof" for law enforcement with respect to the chain of evidence.

C. Given exercises simulating crime scenes wherein items of evidence which would be reasonably associated with the alleged crime are present, identify those items as evidence.

D. Given an exercise simulating crime scene containing several types of evidence, identify methods for marking and/or packaging or tagging.

E. Given an exercise simulating an outside crime scene with the prospect of foul weather, identify the methods for preserving the evidence.

F. Describe procedures regarding the transmission of evidence to laboratory examination facilities.

G. Identify the differences between "latent fingerprints" and "plastic fingerprints" through the means by which they are located and/or developed.

H. Given an exercise wherein a variety of latent and plastic prints have been placed on a number of items which vary in texture and color, the inspector will locate the prints.

## Article V.

*Issuing Summons and Warnings. ]*

[ ~~§ 8-13.~~ § 8.1. ] *The Fire Inspector II shall understand the process for issuance of [ Virginia ] Uniform Traffic Summons [ and warnings ].*

A. *Describe the court procedures and violator's alternatives in dealing with an issued summons.*

B. *Give a blank [ Virginia ] Uniform [ traffic ] Summons, a word-picture, or audio-visual presentation depicting a fire code violation, and legibly complete the form within the allotted time.*

C. *Identify that the required signature on a citation is not an admission of guilt but a promise to appear.*

*Article [ ~~VII.~~ 2. ]  
Court System.*

[ ~~§ 8-14.~~ § 8.2. ] *The inspector shall understand and have a working knowledge of the organization and operation of the Virginia court system.*

[ ~~§ 8-16.~~ § 8.3. ] *Identify the organizational structure, constitutional basis and primary responsibility for the Virginia Supreme Court, Circuit Court, General District Court, and magistrates.*

[ ~~§ 8-16.~~ § 8.4. ] *Define jurisdiction and venue of the Circuit Court, General District Court, and the Juvenile and Domestic Court in the locality employing the fire inspector.*

[ ~~§ 8-17.~~ § 8.5. ] *Identify the organizational structure of the U.S. Federal Courts.*

[ ~~§ 8-18.~~ § 8.6. ] *Identify the purposes of bail, arraignment, preliminary hearing, indictment, and trial in criminal cases.*

[ ~~§ 8-19.~~ § 8.7. ] *Define the difference between a judge and a magistrate.*

[ ~~§ 8-20.~~ § 8.8. ] *Define the role and functions of the judge, bailiff, Commonwealth's attorney, and defense attorney in the courts.*

[ ~~§ 8-21.~~ § 8.9. ] *Given descriptions of several different crimes or violations, identify in which court each would first be tried.*





## APPLICATION FOR FIRE SERVICES TRAINING

SUBJECT	INSTRUCTOR NAME	POSITION	LEVEL	TYPE OF CLASS SKILL/LECTURE	ZONE	HOURS	HOURLY RATE	TOTAL FOR SUBJECT	TOTAL

Other Expenses Associated with the School:

SI - Senior Instructor  
 I - Instructor  
 IA - Instructor Aide  
 SP - Specialist (Contracted for Course)

FI - Fire Instructor I  
 F2 - Fire Instructor II  
 F3 - Fire Instructor III  
 F4 - Fire Instructor IV  
 PE - Public Education  
 Other

Total  
 Total Attachments  
 Total for School

### APPLICATION FOR APPROVAL FOR A FIRE TRAINING SCHOOL

SCHOOL NO. \_\_\_\_\_

1.  Funded  Non-funded. Date request was received \_\_\_\_\_

2. Name of Department requesting School \_\_\_\_\_

3. Location of School \_\_\_\_\_ County/City \_\_\_\_\_

4. How was the request received \_\_\_\_\_ Phone \_\_\_\_\_ Letter \_\_\_\_\_ Other \_\_\_\_\_

5. Type of Course requested \_\_\_\_\_ General \_\_\_\_\_ Advanced \_\_\_\_\_ Other \_\_\_\_\_

6. Date Course will begin \_\_\_\_\_ Ending Date \_\_\_\_\_ Total Hours \_\_\_\_\_

7. Number of students expected \_\_\_\_\_ What geographical area will be involved: \_\_\_\_\_

8. Are there other State or Regional Schools scheduled on these dates? \_\_\_\_\_

9. If so, will there be a conflict in scheduling? \_\_\_\_\_

10. Have the Instructors been contacted by you to confirm their participation?  
 11. When \_\_\_\_\_ How \_\_\_\_\_ Are all Instructors State Certified \_\_\_\_\_

12. If not, explain \_\_\_\_\_

13. Is there a registration fee for the course? \_\_\_\_\_ Amount \_\_\_\_\_

14. What will be provided in the registration fee? \_\_\_\_\_

15. Who established the registration fee? \_\_\_\_\_

16. Do you feel the registration fee is justified? \_\_\_\_\_ Do the departments or organizations understand that a financial statement will be required at the conclusion of the school? \_\_\_\_\_

17. What plans have been made for excesses or shortages in the registration fee?  
 \_\_\_\_\_

I certify that the information supplied on this form is accurate and true to the best of my knowledge and I request your approval of this course.  
 Date \_\_\_\_\_ Area Supervisor \_\_\_\_\_

As Director of Fire Services Training, I hereby approve this application as submitted.  
 Date \_\_\_\_\_

ATTACHMENT 3



COMMONWEALTH of VIRGINIA

DEPARTMENT OF FIRE PROGRAMS  
VIRGINIA FIRE BOARD

James Monroe Building  
13th Floor  
101 N. 14th Street  
Richmond, Virginia 23219  
(804) 225-2681

Executive Director  
Carl N. Cimino

- Board Members**
- Frank A. Kearney  
Hampton  
Chairman
  - John L. Griffin  
Newport News  
Vice-Chairman
  - Victoria J. Adams  
Fareburg
  - William A. Anderson  
Lynchburg
  - Carter W. Beamer  
Wytheville
  - James W. Epperly  
Christiansburg
  - James W. Garner  
Charlottesville
  - Harry T. Gladding, Jr.  
Troyanannock
  - James M. Henderson, Jr.  
Grifton
  - Ann Kavanagh  
Sterling
  - William H. Lloyd, Sr.  
Virginia Beach
  - Lynn A. Miller  
Wynchester
  - Jimmy L. Reilly  
Richmond
  - Howard H. Summers, Jr.  
Richmond

Date \_\_\_\_\_

From: \_\_\_\_\_ Area Supervisor

To: \_\_\_\_\_ Adjunct Instructor

Subject: Instructor for School/Test No. \_\_\_\_\_

You have been selected as an instructor to teach \_\_\_\_\_ at the above \_\_\_\_\_  
(Course)  
referenced Fire Service School/Test located at \_\_\_\_\_ on \_\_\_\_\_ (Dates)

Your rate of pay for instructing will be \$13.75 per hour plus expenses. In addition to instructing at the school, you will be paid for the necessary administration of the course not to exceed 1 hour.

Please acknowledge acceptance on the below endorsement and return this letter to the area supervisor, no later than \_\_\_\_\_ Date

\_\_\_\_\_  
Area Supervisor

From: \_\_\_\_\_ Date \_\_\_\_\_

To: \_\_\_\_\_

I accept employment with the Department of Fire Programs as an Adjunct Instructor for School No. \_\_\_\_\_

DEPARTMENT OF FIRE PROGRAMS  
FIRE SERVICES TRAINING  
RICHMOND, VIRGINIA

ATTACHMENT 4

WEEK ENDING \_\_\_\_\_

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:05 A.M.					
8:55 A.M.					
9:00 A.M.					
9:50 A.M.					
BREAK					
10:10 A.M.					
1:00 A.M.					
1:05 A.M.					
1:55 A.M.					
2:30 P.M.	Lunch	Lunch	Lunch	Lunch	Lunch
1:05 P.M.					
1:55 P.M.					
1:00 P.M.					
1:50 P.M.					
REAK					
1:10 P.M.					
1:00 P.M.					
1:05 P.M.					
1:55 P.M.					

MARKS

1966

Virginia Register of Regulations

FEED THIS DIRECTION

ATTACHMENT 5 DEPARTMENT OF FIRE PROGRAMS  
Division of Fire Services Training  
Class Attendance Record

Page      of     

Class Title: \_\_\_\_\_ Location: \_\_\_\_\_

Dates	Attendance	Initials	Name
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
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19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
27.			
28.			
29.			
30.			
Daily Total Attendance:			
Daily Hours Taught:			
I certify this record to be true and correct to be the best of my knowledge and belief.			
(Signed) _____ Date _____			

COMMISSIONER OF FIRE PROGRAMS  
DEPARTMENT OF FIRE PROGRAMS  
1700 COMMONWEALTH PARKWAY, SUITE 106  
RECHONDA, VIRGINIA 22091

• MAKE HEAVY, DARK MARKS  
• ERASE COMPLETELY TO CHANGE  
• SAMPLE:

ATTACHMENT 6  
LOCATION IDENTIFIER:  
INSTRUCTOR: \_\_\_\_\_ TRAINS ATTENDED

1) POPULATION SERVED BY YOUR ORGANIZATION:  
 Rural  Urban  Institutional   
 Suburban  Statewide  Government   
 Career  Volunteer  Other

2) ATTENDING COURSE AS:  
 Least then 1  6 to 10  16 to 20   
 1 to 5  11 to 15  Over 20   
 6 to 10  9 to 12  13 to 16   
 Over 16

3) YEARS OF FORMAL EDUCATION:  
 Chief  Investigator   
 Assistant/Deputy Chief  Driver Operator   
 Battalion/Division Chief  Firefighter   
 Company Officer  Paramedic/EMT   
 Training Officer/Instructor  Dispatcher   
 Inspector  Allied Professional   
 Maintenance Officer

4) AREA OF RESPONSIBILITY:  
 (SHADE IN ONE RESPONSE ONLY)  
 Command  Public Fire Education   
 Fire Suppression  Training   
 Emergency Medical Services  Administrative   
 Fire Investigation  Vehicle/Equip. Maint.   
 Inspections/Enforcement  Other

5) ARE YOU A FIRE SERVICE INSTRUCTOR IN YOUR JURISDICTION?  
 Yes  No

6) PRINTED MATERIALS WERE:  
 a. well organized   
 b. complete   
 c. readable (printed well)

7) VISUAL MATERIALS WERE:  
 a. related to the course   
 b. good quality   
 c. in appropriate number   
 d. easy to see

8) INSTRUCTOR:  
 a. related material to class needs   
 b. knew subject thoroughly   
 c. encouraged participation   
 d. made course expectations, requirements and objectives clear   
 e. answered questions completely   
 f. used course text and materials effectively   
 g. offered differences of opinion

9) CLASSROOM:  
 a. was comfortable   
 b. included a manageable number of students   
 c. contained a minimum number of distractions

10) COURSE:  
 a. contained enough activities   
 b. included useful activities   
 c. was a reasonable length   
 d. covered the most amount of material   
 e. was worth recommending to others   
 f. contributed to my knowledge and skills   
 g. related to my needs

11) INSTRUCTOR'S OPINION:  
 Strongly Disagree  Disagree  Agree  Strongly Agree

# Final Regulations

**\*STATE CODE**

**LOCATION: DEPARTMENT/ORGANIZATION:**

Please refer to the special numerical codes listed below to complete item 1 on the front of this form. For example, if your department/organization is located in Maryland, which is code 24, then you would fill in the number "2" on the top line of this item, and the number "4" on the bottom line of this item.

EXAMPLE: 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 (Maryland - 24)

01 ALASKA	21 KENTUCKY	41 OREGON
02 ALABAMA	22 LOUISIANA	42 PENNSYLVANIA
03 ARKANSAS	23 MASSACHUSETTS	43 PUERTO RICO
04 AMERICAN SAMOA	24 MARYLAND	44 RHODE ISLAND
05 ARIZONA	25 MAINE	45 SOUTH CAROLINA
06 CALIFORNIA	26 MICHIGAN	46 SOUTH DAKOTA
07 COLORADO	27 MINNESOTA	47 TENNESSEE
08 CONNECTICUT	28 MISSOURI	48 TRUST TERRITORIES
09 CANAL ZONE	29 MISSISSIPPI	49 TEXAS
10 DISTRICT OF COLUMBIA	30 MONTANA	50 UTAH
11 DELAWARE	31 NORTH CAROLINA	51 VIRGINIA
12 FLORIDA	32 NORTH DAKOTA	52 VIRGIN ISLANDS
13 GEORGIA	33 NEBRASKA	53 VERMONT
14 GUAM	34 NEW HAMPSHIRE	54 WASHINGTON
15 HAWAII	35 NEW JERSEY	55 WISCONSIN
16 IOWA	36 NEW MEXICO	56 WEST VIRGINIA
17 IDAHO	37 NEVADA	57 WYOMING
18 ILLINOIS	38 NEW YORK	58 OTHER
19 INDIANA	39 OHIO	
20 KANSAS	40 OKLAHOMA	

PLEASE ENTER CODE NUMBER ON FRONT PAGE BEFORE CONTINUING.

**SUGGESTIONS**

14. How could the printed and/or audiovisual materials be improved to increase learning?

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15. How could the course content or structure be improved?

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16. How could the instructor improve the class delivery?

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\_\_\_\_\_

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\_\_\_\_\_

17. How could the classroom be improved?

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\_\_\_\_\_

PLEASE FEEL FREE TO USE ADDITIONAL BLANK PAPER, IF ADDITIONAL COMMENTS ARE NEEDED

CHECK FRONT PAGE TO MAKE SURE YOU HAVE COMPLETED ALL QUESTIONS.

THANK YOU FOR YOUR COOPERATION.

01-26-63



# Final Regulations

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## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**Title of Regulation:** VR 460-02-4.221. Third Party Liability: State Plan for Medical Assistance.

**Statutory Authority:** § 32.1-325 of the Code of Virginia

**Effective Date:** May 28, 1987

### Summary:

The amendments to these regulations modify the language of the State Plan for Medical Assistance to incorporate new federal requirements. Third party is federally defined to mean "any individual, entity or program that is or may be liable to pay all or part of the expenditures for medical assistance furnished under a State Plan" (42 CFR 433.136). Third Party Liability is a function of the Medicaid program and the program is responsible for the recovery of funds paid by Medicaid when a third party should have paid, since Medicaid is the payer of last resort. The Third Party Liability Section consists of two units: Casualty Unit and Health Insurance Unit. The Casualty Unit investigates and recovers funds which have been paid to providers of services when a Medicaid recipient has received medical care as the result of an accident. Medicaid recipients sometimes have health insurance in addition to their Medicaid coverage. The Health Insurance Unit investigates and collects funds from a third party resource when that resource covers the service provided. The Health Insurance Unit's primary function is to recoup funds from commercial insurance carriers that should have been billed prior to Medicaid, since Medicaid is the payer of last resort. The incorporation of the federal requirements into the state plan is necessary so that the Commonwealth, in demonstrating compliance, will not be penalized in its federal matching funds.

It has been determined that these regulations are exempt from Article 2 of the Administrative Process Act by § 9-6.14:4.1(C)(2) of the Code of Virginia which excludes regulations which "establish or prescribe agency organization, internal practice or procedures, including delegation of authority."

VR 460-02-4.221. Third Party Liability: State Plan for Medical Assistance.

Virginia Medical Assistance Program operates under a Cost Avoidance System.

The Department of Medical Assistance Services takes all reasonable measures to determine the legal liability of third parties to pay for care and services and ensures that when the amount of third party liability is established at the time the claim is filed, the agency pays only to the extent that the payment allowed under the agency's payment schedule exceeds the amount of third party liability.

The recipient's insurance coverage is determined at the time of eligibility *determination and redetermination* and is coded on the recipient's eligibility card and in the computer system.

Third party billing is the responsibility of the providers, and the Medicaid Management Information System (MMIS) does not allow payments to be made by Virginia Medicaid unless the invoice indicates that the third party has either paid or denied the claim.

Since a Cost Avoidance System is utilized, the Virginia Medical Assistance Program's Third Party Unit's main thrust is directed at the reasonable measures taken for identifying, investigating, and recovering from those liable third parties. Various sources to obtain information are used: for example, providers of service, program representatives, TPL alert letter (computer generated), insurance companies, attorneys, probation officers, social service agencies, recipients, newspaper articles, clerks of courts. However, the main source is through the invoice processing system in which a trauma diagnostic code edit is conducted on a daily basis, with a monthly report generated. The system produces monthly letters from the edit's applications. The letters are sent to the involved recipients and are requested to be returned to the agency explaining the necessity of the treatment and if any attorneys, insurance companies, or other third parties are involved. This information is utilized within 30 days of receipt to open cases for recovery of funds where applicable. This information is not entered into the eligibility case file since the agency enters only the individual's health insurance coverage.

The Virginia Medical Assistance Program uses \$100 as a guideline in its attempt to recover from liable third parties in custody cases. This \$100 guideline is used in consideration with other factors (i.e., expense and difficulty of recovery) in deciding whether to pursue recoveries in the range of smaller dollar expenditures (less than \$100).

Health insurance information derived from sources other than at eligibility *determination and redetermination* is followed-up within 30 days of receipt. It is researched and investigated to determine if the third party must pay for the services rendered to the recipient. The third party is contacted and information is entered into the eligibility file. If claims have been paid prior to the receipt of this information, the agency seeks recovery of reimbursement within 60 days. No minimum guidelines are used in recovery efforts against third party health insurance. The agency determines whether to seek recovery of reimbursement for a liable third party health insurer on a case by case basis and only seeks reimbursement when it is determined to be cost effective. Cost effective determinates are the difficulty of recovery and administrative expense including staff time in necessary preliminary research, obtaining of documentation, and funds accounting.

§ 8.01-66.9. Lien in favor of Commonwealth and state institutions or Department of Rehabilitative Services on claim for personal injuries.

Whenever any person sustains personal injuries and receives treatment in any hospital, public or private, or receives medical attention or treatment from any physician, or receives nursing services or care from any registered nurse in this Commonwealth, or receives pharmaceutical goods or any type of medical or rehabilitative device, apparatus, or treatment which is paid for pursuant to the Virginia Medical Assistance Program, the Maternal and Child Health Program, the Crippled Children's Program, or provided at any hospital or rehabilitation center operated by the Commonwealth, the Department of Rehabilitative Services or any state institution of higher education, the Commonwealth shall have a lien for the total amount paid pursuant to such program, and the Commonwealth or such department or institution shall have a lien for the total amount due for the services, equipment or devices provided at such hospital or center operated by the Commonwealth or such department or institution, or any portion thereof compromised pursuant to the authority granted under § 2.1-127, on the claim of such injured person or his personal representative against the person, firm, or corporation who is alleged to have caused such injuries, unless the injured person, his personal representative or members of his family are paid under the provisions of Title 65.1. The Commonwealth shall also have a lien on the claim of the injured person or his personal representative for any funds which may be due him through an uninsured motorist insurance coverage endorsement. The lien granted to the Commonwealth for the total amounts paid pursuant to the Virginia Medical Assistance Program, the Maternal and Child Health Program, or the Crippled Children's Program shall have priority over the lien for the amounts due for services, equipment or devices provided at a hospital or center operated by the Commonwealth. The Commonwealth's lien shall be inferior to any lien for payment of reasonable attorney's fees and costs, but shall be superior to all other liens created by the provisions of this chapter and otherwise. Expenses for reasonable legal fees and costs shall be deducted from the total amount recovered. The amount of the lien may be comprised pursuant to § 2.1-127. The court in which a suit by an injured person or his personal representative has been filed may reduce the amount of the lien, and apportion the recovery between the plaintiff, the plaintiff's attorney, and the Commonwealth or such institution as the equities of the case may appear, where the first offer acceptable to plaintiff's attorney is not made until seventy-two hours prior to the date for trial.

\* \* \* \* \*

Title of Regulation: VR 460-02-4.1921. Elimination of

**Return on Equity Capital to Proprietary Providers: State Plan for Medical Assistance.**

Statutory Authority: § 32.1-325 of the Code of Virginia

Effective Date: July 1, 1987

Summary:

*These regulations amend the State Plan for Medical Assistance to comply with the General Assembly mandate, Item 398 D of the 1987 Appropriations Act, to eliminate payment of return on equity capital to proprietary providers for periods or portions thereof on or after July 1, 1986.*

*This amendment affects the methods and standards for establishing payment rates for other types of care, specifically providers other than inpatient hospital and nursing homes. The need for return on equity capital payments was originally provided as an incentive to encourage providers to invest in new construction of facilities. This payment is no longer needed as an incentive, as evidenced by recent regulations enacted by Medicare to reduce equity payments for other types of care.*

*It has been determined that these regulations are exempt from Article 2 of the Administrative Process Act by § 9-6.14:4.1(C)(4)(a) of the Code of Virginia which excludes regulations which are necessary to conform to changes in the Code of Virginia when no agency discretion is involved.*

VR 460-02-4.1921. Elimination of Return on Equity Capital to Proprietary Providers.

The policy and the method to be used in establishing payment rates for each type of care of service (other than inpatient hospitalization, skilled nursing and intermediate care facilities) listed in Section 1905(a) of the Social Security Act and included in this State Plan for Medical Assistance are described in the following paragraphs:

1. Reimbursement and payment criteria will be established which are designed to enlist participation of a sufficient number of providers of services in the program so that eligible persons can receive the medical care and services included in the plan at least to the extent these are available to the general population.
2. Participation in the program will be limited to providers of services who accept, as payment in full, the amount so paid.
3. Payment for care or service will not exceed the amounts indicated to be reimbursed in accord with the policy and methods described in this plan and payments will not be made in excess of the upper limits described in 45 CFR 250.30(b). The state agency



# Final Regulations

has continuing access to data identifying the maximum charges allowed: such data will be made available to the Secretary, HHS, upon request.

4. Payments for services listed below shall be on the basis of reasonable cost following the standards and principles applicable to the Title XVIII Program. The upper limit for reimbursement shall be no higher than payments for Medicare patients on a facility by facility basis or on the basis of average payments. In no instance, however, shall charges to beneficiaries of the program be in excess of charges for private patients receiving services from the provider.

*Item 398 D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers for periods or portions thereof on or after July 1, 1986.*

a. Inpatient hospital services to persons over 65 years of age in tuberculosis and mental disease hospitals

b. Home health care services

c. Clinic services

d. Rural health clinic services

5. Payment for services listed below shall be on the basis of usual, customary and reasonable charges but not to exceed charges by similar providers for similar services in the community where the services are provided.

a. X-ray services

b. Optometry services

c. Medical supplies and equipment

\* \* \* \* \*

**Title of Regulation:** VR 460-03-2.6199. Burial Trusts: State Plan for Medical Assistance.

**Statutory Authority:** § 32.1-325 of the Code of Virginia

**Effective Date:** July 1, 1987

**Summary:**

*Senate Bill 464 was passed during the 1987 Session of the General Assembly and amended § 32.1-325 of the Code of Virginia to require the Board of Medical Assistance Services to amend the State Plan for Medical Assistance so that in determining eligibility for Medicaid, the department will disregard, any transfer of assets where the transfer has been designated solely for burial of the transferor or his*

*spouse.*

*Presently the State Plan for Medical Assistance provides for a disregard of a transfer of assets: "When the property is transferred into an irrevocable trust designated solely for the burial of the transferor or his spouse. The amount transferred into the irrevocable burial trust, together with the face value of life insurance and any other irrevocable funeral arrangements, shall not exceed \$1,500." This amendment will change the amount not to be exceeded to \$2,000 for the year beginning July 1, 1987 and ending June 30, 1988, and to \$2,500 subsequently.*

*It has been determined that these regulations are exempt from Article 2 of the Administrative Process Act by § 9-6.14:4.1(C)(4)(a) of the Code of Virginia which excludes regulations which are necessary to conform to changes in the Code of Virginia where no agency discretion is involved.*

VR 460-03-2.6199. Burial Trusts: State Plan for Medical Assistance.

Property Transfer continued.

5. When the property owner has been a victim of another person's actions, except those of a legal guardian, committee, or power-of-attorney, who obtained or disposed of the property without the applicant/recipient's full understanding of the action.

6. When prior to October 1, 1982, the Medicaid applicant transferred a prepaid burial account (plan) which was valued at less than \$1,500 for the purpose of retaining eligibility for SSI, and was found ineligible for Medicaid solely for that reason. The applicant, after reapplying, may be eligible regardless of the earlier transfer of a prepaid burial account if the applicant currently meets all other eligibility criteria.

7. When the property is transferred into an irrevocable trust designated solely for the burial of the transferor or his spouse. The amount transferred into the irrevocable burial trust, together with the face value of life insurance and any other irrevocable funeral arrangements, shall not exceed ~~\$1,500~~ \$2,000 prior to July 1, 1988, and shall not exceed \$2,500 after July 1, 1988.

PERIOD OF INELIGIBILITY DUE TO TRANSFER OF PROPERTY TABLE

<u>Uncompensated Value of Property</u>	<u>Period of Ineligibility</u>
\$ 0 - \$12,000	24 months
12,000.01 - 13,000	26 months
13,000.01 - 14,000	28 months
14,000.01 - 15,000	30 months
15,000.01 - 16,000	32 months

For each additional \$1,000 add two months of ineligibility

# EMERGENCY REGULATION

## STATE BOARD OF CORRECTIONS

Title of Regulation: VR 230-30-001. Minimum Standards for Jails and Lockups.

Statutory Authority: § 53.1-68 of the Code of Virginia.

Effective Date: May 21, 1987 through May 20, 1988

### Preamble:

*The Office of the Attorney General has ruled that inmates in local facilities who are involved in disciplinary proceedings must be given a written statement by the fact finders.*

*Without this clarifying standard, local facilities may fail to provide documentation to the inmate thus creating additional due process claims against the Commonwealth or the locality.*

*Recognizing the need to protect inmates' rights, the State Board of Corrections, acting under the authority of the Code of Virginia, does hereby promulgate this emergency regulation subject to the approval of the Governor.*

*The effective date of this regulation is May 21, 1987.*

*This emergency regulation shall terminate on May 20, 1988 or upon the earlier effective date of similar regulation promulgated through Administrative Process Act.*

*The following are proposed emergency additions to the Minimum Standards for Jails and Lockups which were promulgated and effective on April 1, 1987.*

*This emergency regulation is submitted to ensure the protection of the Commonwealth and the inmates' rights until time is available to satisfy the requirements of the Administrative Process Act.*

## PART V. JAIL OPERATIONS.

### Article 5. Inmate Conduct and Discipline.

§ 5.13. Written policy and procedures shall govern the reporting and disposition of disciplinary infractions by inmates and shall include:

1. Procedures and provisions for pre- and post-disciplinary detention of inmates;
2. Procedures for handling minor violations:
  - a. The accused inmate is given written notice of the charge and the factual basis for it;

b. The accused inmate shall have an opportunity to explain or deny the charge;

c. *The accused inmate shall be given a written statement by the fact finders as to the evidence relied upon and the reasons for the disciplinary action.*

e. d. The accused inmate shall have an opportunity to appeal any finding of guilt to the facility administrator; and

### 3. Procedures for handling major violations:

a. The accused inmate is given written notice of the charge and the factual basis for it at least 24 hours prior to the hearing of the charge;

b. The charge is heard in the inmate's presence by an impartial officer or committee;

c. The accused inmate is given an opportunity to have the assistance of a staff member or fellow inmate in defending the charge;

d. Witness statements and documentary evidence will be permitted in his defense; and

e. *The accused inmate shall be given a written statement by the fact finders as to the evidence relied upon and the reasons for the disciplinary action.*

e. f. The accused inmate is permitted to appeal any finding of guilt to the facility administrator.

Approved and adopted by the Board of Corrections on April 15, 1987.

Submitted by: /s/ John W. Williams, III, Chairman

Approved by: /s/ Vivian E. Watts, Secretary,  
Department of Transportation and Public Safety  
Date: May 4, 1987

Approved by: /s/ Gerald L. Baliles  
Governor  
Commonwealth of Virginia  
Date: May 19, 1987

Filed by: /s/ Joan W. Smith  
Registrar of Regulations  
Date and Time: May 21, 1987 - 10:38 a.m.

## VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Title of Regulations: VR 560-01-03. Regulations Governing the Certification of Substance Abuse Counselors.

# Emergency Regulation

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Statutory Authority: §§ 54-929(a) and 54-932(b)

Effective Date: May 12, 1987 through May 11, 1988.

Summary:

The Virginia Board of Professional Counselors has determined that it is necessary to adopt its proposed regulations for the certification of substance abuse counselors as emergency regulations. If emergency regulations are not adopted, approximately 273 certified drug and alcohol counselors will have their certificates expire on June 30, 1987, with no opportunity to renew them. Through the adoption of the board's proposed regulations for the certification of substance abuse counselors, these certified drug and alcohol counselors will have the opportunity to apply to the board for a change in their certification title to "Substance Abuse Counselor" without being required to meet the board's new educational and experiential requirements for certification.

Basis of Emergency:

Legislation was enacted in 1983 abolishing the Board of Behavioral Science and continuing the Board of Professional Counselors. Effective July 1, 1986, amendments to Chapter 28 of Title 54 repealed § 54-934 and amended § 54-933 of the Code, abolishing the Drug and Alcoholism Certification Committees and their representation on the Board of Professional Counselors. Section 54-932 was also amended to eliminate "certified alcoholism counselor" and "certified drug counselor" and substituted a definition for "certified substance abuse counselor." The legislation did not provide mechanism for the continuation of the functions of the Drug and Alcohol Certification Committees by the Board of Professional Counselors. The board does not have the authority to continue the certificates issued by the committees which will expire on June 30, 1987. The board, however, does have the authority pursuant to §§ 54-929(a) and 54-932(b) to promulgate regulations for the certification of substance abuse counselors.

The proposed regulations allow drug and alcohol certificate holders to change the title of their certification from "Drug or Alcohol Counselor" to "Substance Abuse Counselor" until June 30, 1988, without having to meet the education and experience requirements of the board's proposed regulations. With adoption of the board's regulations governing the certification of substance abuse counselor regulations as emergency regulations, current drug or alcohol certificate holders would be required only to submit a "Change in Certification Title Form" and a fee of \$25 to the board for them to be certified as substance abuse counselors. Should the current certificate holders not be able to change their certification title, they will no longer be certified as of June 30, 1987.

Although certification is voluntary, an increasing number of health care facilities within the Commonwealth are requiring certification of employees engaged in substance abuse counseling. In addition to the 273 individuals currently certified as drug or alcohol counselors, the board maintains a waiting list of approximately 100 prospective applicants for certification.

As a result of regulatory review, the board has been in the process of promulgating its new set of regulations for the certification of substance abuse counselors, however, normal rulemaking procedures that provide for the promulgation of these regulations will not be completed prior to the expiration of the certificates in June 1987.

Nature of Regulations:

The proposed regulations, adopted by emergency, will:

1. Establish the educational requirements for certification as a substance abuse counselor. The regulations specify the number of hours (400) in substance abuse education an individual must complete to qualify for certification as well as the elements of the educational program.

2. Require an applicant for certification as a substance abuse counselor to have completed 2,000 hours of supervised experience in the delivery of clinical substance abuse counseling services. The supervision is to be provided by a certified substance abuse counselor or by a licensed psychologist, professional counselor, clinical social worker, or psychiatrist who has specialized training or experience in alcoholism or drug counseling.

In most instances, supervision must be registered with the board not less than one year before making a formal application for certification. The board, however, retains the authority to waive the one-year period on a case-by-case basis.

3. Require applicants, if under treatment for alcohol or drug misuse within the last two years, to provide to the board a written statement from the certified or licensed professional responsible for treatment attesting to the capability of the applicant to assume the responsibilities of a certified substance abuse counselor.

4. Allow individuals currently certified as either drug or alcohol counselors to be certified as substance abuse counselors by submitting the appropriate Change of Certification Title Form and fee (\$25) until June 30, 1988. After that date, individuals who have held that certificate must meet the education and experience requirements in the proposed regulations and follow the board's application and examination procedures.

# Emergency Regulation

5. Establish the written and oral examination requirements an applicant must meet to be certified. Included in the requirements for the oral examination is the submission of a case study; that is, a report of a case handled by the applicant within six months prior to the board's deadline for submission of case studies.

6. Require an annual renewal of certificate with the certificate holder submitting the renewal fee (\$30) and documentation of continuing education or training attained within the preceding year.

7. Establish the requirements for reinstatement of certification within four years of its expiration date and after four years of expiration. Individuals who fail to renew a certificate are required to (a) pay an oral examination fee; (b) take an oral examination; and (c) upon approval for reinstatement, pay the penalty fee (\$10) and the certificate fee (\$30) for each year the certificate was not renewed.

8. Establish the Standards of Practice that certified substance abuse counselors must adhere to in their practice. The Standards require certified substance abuse counselors to report to the board known or suspected violations of the laws and regulations governing the practice of certified substance abuse counselors.

9. Establish the grounds for revocation, suspension, or denial of renewal of a substance abuse certificate.

10. Establish a category of fees applicable to the certification of substance abuse counselors for the following areas:

a. Registration of supervision .....	25
b. Application processing .....	50
c. Examination .....	100
d. Reexamination	
Written .....	50
Oral .....	50
e. Certification renewal .....	30
f. Change of certification title .....	25
g. Duplicate certificate .....	15
h. Late renewal .....	10
i. Replacement of or additional wall certificate .....	15
j. Name change .....	10
k. Returned check .....	15

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.

A complete text of the board's proposed regulations governing the certification of substance abuse counselors is available to the public by contacting:

Virginia Board of Professional Counselors  
Department of Health Regulatory Boards  
1601 Rolling Hills Drive  
Richmond, Virginia 23229-5005  
(804) 662-9912

VR 560-01-03. Regulations Governing the Certification of Substance Abuse Counselors.

## PART I. GENERAL PROVISIONS.

### § 1.1. Definitions.

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

"Applicant" means an individual who has submitted a completed application with documentation and the appropriate fees to be examined for certification as a substance abuse counselor.

"Board" means the Virginia Board of Professional Counselors.

"Candidate" means a person who has been approved to take the examinations for certification as a substance abuse counselor.

"Certified substance abuse counselor" means a person certified to provide substance abuse counseling in a state-approved public or private substance abuse program or facility.

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

"Didactic" means teaching-learning methods which impart facts and information, usually in the form of one-way communication (includes directed readings and lectures).

"Experiential" means a teaching-learning method that involves participants in the application of theory or concept, which often has been learned didactically, and in the practice of a skill or competency (includes using one's own behavior to analyze, integrate, and personalize the learned theory or concept by such methods as role-playing and video-taping). It is learning by involvement.

"Life experience" means time spent performing a given activity (includes Alanon, volunteer work and personal recovery).

"Substance abuse counseling" means applying a

# Emergency Regulation

counseling process, treatment strategies and rehabilitative services to help an individual to:

- a. Understand his substance use, abuse or dependency; and
- b. Change his licit or illicit drug-taking behavior so that it does not interfere with effective physical, psychological or social functioning.

"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 education 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. Cross-Referencing.

These regulations are incorporated by reference in VR 560-01-02 Regulations Governing the Practice of Professional Counseling.

## § 1.3. Fees required by the board.

A. The board has established the following fees applicable to the certification of substance abuse counselors:

Registration of supervision .....	25
Application processing .....	50
Examination .....	100
Reexamination	
Written .....	50
Oral .....	50
Certification renewal .....	30
Change of certification title .....	25
Duplicate certificate .....	15
Late renewal .....	10
Replacement of or additional wall certificate .....	15
Name change .....	10
Returned check .....	15

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

## PART II.

### REQUIREMENTS FOR CERTIFICATION.

#### § 2.1. Certification, general.

No person shall use the title of "certified substance abuse counselor" in the Commonwealth of Virginia except as provided in these regulations.

A. A certified substance abuse counselor employed to deliver substance abuse counseling in a state-approved public or private facility shall be under the supervision of an appropriately licensed professional—a licensed psychologist, professional counselor, clinical social worker, or psychiatrist—who shall assume ultimate responsibility for the professional activities of the certified substance abuse counselor.

B. A candidate for certification as a substance abuse counselor shall meet all the requirements of these regulations, including passing the examinations prescribed in § 3.1 Examinations.

C. Prerequisite to examination. Every prospective applicant for examination for certification by the board shall:

1. Meet the educational requirements prescribed in § 2.2 of these regulations;

2. Submit to the executive director of the board, not less than one year before making formal application, the appropriate form and fees prescribed by the board registering the supervisory arrangement under which the required work experience will be obtained. The board, in its discretion, may waive the one-year period for applicants who, at the time of application, have met and can document the work experience requirements prescribed in § 2.3;

3. Meet the experience requirements prescribed in § 2.3;

4. Meet the requirements of character and professional integrity prescribed in § 2.4; and

5. 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 requirements of paragraphs 1, 2, 3, and 4 of this subsection; and

c. The examination fee prescribed in § 1.3 of these regulations.

D. Every applicant for examination shall take the examinations at the time prescribed by the board.

#### § 2.2. Educational requirements.

A. An applicant for examination for certification as a substance abuse counselor shall:

1. Have a high school diploma or General Educational Development (GED) certificate; and

2. Have completed 400 hours in a substance abuse education program from one of the following:

- a. An accredited university or college;
- b. An integrated program approved by the board; or
- c. An individualized program of seminars and workshops to be approved by the board at the time of application.

B. The substance abuse education program.

1. The educational program will include experimental and didactic training in the following five areas:

- a. Knowledge of drugs, alcohol and substance abuse treatment;
- b. Case management;
- c. Counseling principles and techniques;
- d. Information and referral; and
- e. Recovery process.

2. The educational program shall consist of three elements as follows:

a. 100 hours spent in an experimental group in which the applicant is a member, not a leader, of the group;

b. 120 hours spent in didactic presentation; and

c. 180 hours spent performing the following tasks:

- (1) Intake;
- (2) Assisting in developing a treatment plan;
- (3) Facilitating transportation and other logistics of treatment as needed to maintain professional creditability with clients;
- (4) Individual and group counseling;
- (5) Continuous client evaluation;
- (6) Referral;
- (7) Crisis intervention;
- (8) Case findings;
- (9) Client follow-up contact;
- (10) Client orientation and motivation;
- (11) Working with families and a significant number

of other clients;

(12) Seeking and using collateral support (includes employer and friends);

(13) Reporting and recordkeeping;

(14) Coordination of the treatment plan;

(15) Outreach;

(16) Case consultation;

(17) Identification of treatment gaps and overlaps;

(18) Assisting in program development;

(19) Identifying, mobilizing, and coordinating community resources;

(20) Education and prevention;

(21) Training other staff in substance abuse and program consultation; and

(22) Program consultation.

Each of these tasks shall be performed for at least four hours under supervision and shall be verified as a part of the application.

## § 2.3. Experience requirements.

A. An applicant for certification as a substance abuse counselor shall have had 2,000 hours of supervised experience in the delivery of clinical substance abuse counseling services.

B. The work experience shall be supervised by a licensed or certified professional satisfactory to the board.

C. The supervised experience shall include, during its entire duration, a minimum of two hours per week of face-to-face consultation between the supervisor and the applicant.

D. Supervision shall be provided under this section according to the following requirements:

1. The individual receiving the supervision and the supervisor shall prepare a written letter of agreement detailing the supervisory arrangement and signed by both parties on a form provided by the board.

2. The supervisor shall assume responsibility for the professional activities of the applicant, determining the amount of supervision the applicant may require beyond the minimum requirements established by the board.

3. The supervisor shall not provide supervision for

# Emergency Regulation

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activities for which the prospective applicant has not had appropriate education.

4. The supervisor shall provide supervision only for those counseling services which he is qualified to render.

5. Group supervision involving up to six members in a group will be acceptable for one hour of the two hours per week of supervision required in subsection C of this section, substituting on the basis of two hours of group supervision equaling one hour of individual supervision. In no case shall a person receiving supervision receive less than one hour of face-to-face individual supervision per week.

6. Supervision should be provided by a certified substance abuse counselor; however, a prospective applicant's supervision may be provided by a licensed professional who has specialized training or experience in alcoholism or drug counseling and who is a licensed psychologist, professional counselor, clinical social worker or psychiatrist.

7. At the time of formal application for certification, the individual providing supervision shall document for the board the applicant's total hours of supervision and the length of work experience as well as evaluate the applicant's competence in counseling.

## § 2.4. Character and professional integrity.

A. Along with the application, the applicant shall submit endorsement letters from three responsible persons attesting to the applicant's character and professional integrity.

B. If the applicant has been under treatment for alcohol or other drug problems within the last two years, the applicant shall provide a written statement from the certified or licensed individual responsible for the treatment. The written statement shall address the capability of the applicant to assume the responsibilities of a certified substance abuse counselor.

## § 2.5. Certification requirements before and after June 30, 1988, for certified drug or alcoholism counselors.

A. Until June 30, 1988, applicants currently certified as either drug or alcoholism counselors may be certified as substance abuse counselors by submitting the appropriate form provided by the board with the change of certification title fee prescribed in § 1.3.

B. After June 30, 1988, certified drug or alcoholism counselors wishing to become certified as substance abuse counselors must meet the education and experience requirements in § 2.2 and § 2.3 and follow the application and examination procedures prescribed in § 2.1 and § 3.1 respectively of these regulations.

## PART III. EXAMINATIONS.

### § 3.1. General examination requirements.

A. Except as provided in subsection A of § 2.5 every applicant for certification as a substance abuse counselor shall pass a written examination and an oral examination in order to be certified.

B. 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 applicants in writing of the time and place of the examinations for which they have been approved to sit.

2. The applicant shall submit the applicable fees and a case study, as prescribed in subsection E of this section.

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

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

### § 3.2. Written examination.

The written examination shall consist of objective, multiple-choice, or essay questions covering the following areas: knowledge of drugs, alcohol and substance abuse treatment, case management, and counseling principles and techniques.

### § 3.3. Oral examination.

A. Successful completion of the written examination requirements 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 handled by the candidate within six months of the date of submission and shall be prepared as follows:

1. The case study shall be typed, doubled-spaced on one side of the paper and limited to six pages in length. Seven clearly readable copies shall be submitted. The case study shall be in narrative form. Reproductions of file materials, such as interview forms, progress notes, and discharge summaries, will

not be accepted. The applicant's name and address shall be on the cover page.

2. Clients' names shall be disguised so that all identities are kept confidential. The case study shall be solely the product of the candidate's efforts.

3. The case study shall include a brief summary of the client's biographical data, personal social history, and medical history, and shall clearly state the problem(s), movement toward resolution, and the role the applicant played in facilitating that movement. The focus shall be on the applicant's theoretical position, counseling principles, tools, and techniques utilized in the treatment process, and the applicant's role as a professional agent for change.

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

1. Evaluating the candidate's professional, emotional, and social maturity, the extent and nature of the applicant's professional identity, knowledge of the practice standards adopted by the board, and the candidate's probable ability to apply such standards to professional practice.

2. Discussing the applicant's case study submitted in accordance with subsection C of this section.

3. Evaluating the applicant's knowledge and judgment in substance abuse counseling.

4. Evaluating the applicant's ability to recognize symptoms of other mental health conditions and the ability to make appropriate referrals.

#### PART IV. RENEWAL AND REINSTATEMENT.

##### § 4.1. Annual renewal of certificate.

Every certificate issued by the board shall expire on June 30 of each year.

A. Along with the renewal application, the certified substance abuse counselor shall submit:

1. Documentation of continuing education in substance abuse by listing or providing copies of certificates of workshops, seminars, institutes, or other training activities attended within the preceding year; and

2. The renewal fee prescribed in § 1.3.

B. Failure to receive a renewal notice and application form(s) shall not excuse the certified substance abuse counselor from the renewal requirement.

##### § 4.2. Reinstatement.

A. A person whose certificate has expired may renew it within four years after its expiration date by paying the penalty fee prescribed in § 1.3 and the certification fee prescribed for each year the certificate was not renewed. A person whose certificate has expired must meet all of the renewal requirements at the time of reinstatement of a certificate, including the documentation of continuing education as specified in § 4.1.A.(1).

B. A person who fails to renew a certificate for four years or more shall:

1. Pay the oral examination fee prescribed in § 1.3 and submit a case study in accordance with § 3.3.E;

2. Take an oral examination; and

3. Upon approval for reinstatement, pay the penalty fee prescribed in § 1.3 and the certificate fee prescribed for each year the certificate was not renewed.

#### PART V. STANDARDS OF PRACTICE; DISCIPLINARY ACTIONS; REINSTATEMENT.

##### § 5.1. 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 certified 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.

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

3. Practice only within the competency area 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 certified substance abuse counselors.

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

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

7. Disclose counseling records to others only with written consent of the client.



# Emergency Regulation

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8. Avoid dual relationships with clients that might compromise the client's well-being or impair the counselor's objectivity and professional judgment (includes such activities as counseling close friends or relatives and engaging in sexual intimacies with a client).

shall be certified upon payment of the appropriate fees applicable at the time of reinstatement.

§ 5.2. Grounds for revocation, suspension, or denial of renewal of certificate.

A. In accordance with Chapter 28, § 54-929(g) of the Code of Virginia, the board may revoke, suspend or decline to renew a certificate based upon the following conduct:

1. Conviction of a felony or misdemeanor involving moral turpitude.
2. Procuring a certificate by fraud or misrepresentation.
3. Conducting one's practice in such a manner so as to make it a danger to the health and welfare of one's clients or to the public; or if one is unable to practice counseling with reasonable skill and safety to clients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.
4. Negligence in professional conduct or nonconformance with the standards of practice outlined in § 5.1.B of these regulations.
5. Performance of functions outside the board-certified area of competency.
6. Violation of or aid to another in violating any provision of Chapter 28, Title 54, of the Code of Virginia; any other statute applicable to the practice of the profession regulated; or any provision of these regulations.

B. *Petition for rehearing.* A petition may be made to the board for a rehearing upon good cause shown or as a result of substantial new evidence having been obtained which would alter the determination reached in subsection A of this section.

§ 5.3. Reinstatement following disciplinary action.

A. Any person whose certificate has been revoked or denied renewal by the board under the provisions of § 5.2 may, two years subsequent to such board action, submit a new application to the board for certification.

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,

# STATE CORPORATION COMMISSION

## STATE CORPORATION COMMISSION

AT RICHMOND, MAY 12, 1987

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS870162

Ex Parte: In the matter of  
adopting rules governing multiple  
employer health care plans

### ORDER SETTING HEARING

WHEREAS, Virginia Code § 12.1-13 provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction and Virginia Code § 38.2-223 provides that the Commission is authorized to issue such reasonable rules and regulations as may be necessary to carry out the provisions of Article 3 (§ 38.2-3420 et seq.) of Chapter 34 of Title 38.2 of the Code of Virginia;

WHEREAS, the Bureau of Insurance has submitted to the Commission a proposed regulation entitled "Rules Governing Multiple Employer Health Care Plans" which sets forth standards for the licensing and operation of multiple employer health care plans;

WHEREAS, said regulation concerns a subject appropriate for Commission regulation; and

WHEREAS, the Commission is of the opinion that notice of the proposed regulation should be given to each person providing health care coverage in this Commonwealth as indicated by the records of the Bureau of Insurance and that a hearing should be held on the proposed regulation, at which hearing all persons in interest may appear and be heard,

#### IT IS ORDERED:

(1) That the proposed regulation entitled "Rules Governing Multiple Employer Health Care Plans" be appended hereto and made a part hereof, filed and made a part of the record herein;

(2) That this matter be docketed and assigned Case No. INS870162, and that a hearing be held in the Commission's Courtroom, Jefferson Building, 13th Floor, Bank and Governor Streets, Richmond, Virginia at 10:00 a.m. on June 17, 1987, for the purpose of considering the adoption of the proposed regulation, at which time and place all interested persons may appear and be heard with respect to the proposed regulation;

(3) That an attested copy hereof together with a copy of the proposed regulation be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy

Commissioner Stephen J. Kaufman who shall forthwith give further notice of the proposed regulation and hearing by mailing a copy of this order together with a copy of the proposed regulation to every person providing health care coverage in this Commonwealth as indicated by the records of the Bureau of Insurance; and

(4) That the Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (3) above.

\* \* \*

Title of Regulation: Rules Governing Multiple Employer Health Care Plans.

#### § 1. Authority.

*This regulation is issued pursuant to the authority vested in the Commission under § 38.2-223 and Article 3 of Chapter 34 of the Code of Virginia.*

#### § 2. Purpose.

*The purpose of this regulation is to set forth rules to carry out the provisions of Article 3 (§ 38.2-3420 et seq.) of Chapter 34 of Title 38.2 of the Code of Virginia so as to establish reasonable standards for the licensing and operation of multiple employer health care plans.*

#### § 3. Effective date.

A. *This regulation shall be effective on January 1, 1988.*

B. *No contract, certificate, schedule of benefits, or evidence of coverage shall be issued or put in force on or after April 1, 1988 unless it complies with this regulation.*

C. *No contract, certificate, schedule of benefits, or evidence of coverage shall be reissued, renewed, or extended in this Commonwealth on or after April 1, 1988 unless it complies with this regulation. A contract, certificate, schedule of benefits, or evidence of coverage written before April 1, 1988 shall be deemed to be reissued, renewed, or extended on the date the multiple employer health care plan is allowed to change the terms of the contract or adjust the premiums charged.*

#### § 4. Applicability and scope.

A. *This regulation shall apply to all multiple employer health care plans providing coverage in this Commonwealth if any of the following conditions is met:*

1. *The multiple employer health care plan is domiciled in Virginia;*

2. *At least one employer whose principal office or headquarters is located in Virginia provides health care benefits to his employees through the multiple employer health care plan, regardless of the plan's*

# State Corporation Commission

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place of domicile; or

3. At least one employee who is employed in Virginia and who has been initially enrolled in the plan in Virginia is being provided health care benefits through the multiple employer health care plan, regardless of the plan's place of domicile or the location of the employer's principal office or headquarters.

B. Such multiple employer health care plans shall be subject to certain appropriate provisions of Title 38.2 as set forth in this regulation in accordance with § 38.2-3423 of the Code of Virginia. For the purpose of this regulation, wherever the term "insurer," "insurance company," or "insurance" is used in those sections of Title 38.2 such term shall be construed to mean multiple employer health care plan.

## § 5. Definitions.

As used in this regulation:

A. "Multiple employer health care plan" means any plan or arrangement which is established or maintained for the purpose of offering or providing coverage for health care services, whether such coverage is by direct payment, reimbursement, or otherwise, to employees of two or more employers, or to their beneficiaries. Such term shall not include any of the following:

1. Two or more trades or businesses, whether or not incorporated, if such trades or businesses are within the same control group where common control is based on an interest of at least 25%. However, any change in common control to an interest of less than 25% shall require immediate notification to the Commission and the filing of an application for a license within 30 days of such change. All licensing requirements set forth herein shall then apply, but there shall be no requirement to discontinue the offering of benefits during this period;

2. Plans established and maintained for the purpose of complying with any workers' compensation law or unemployment compensation disability insurance law;

3. Plans which are primarily for the purpose of providing first aid care and treatment at a dispensary of an employer for injury or sickness of employees while engaged in their employment;

4. Local government group self-insurance pools subject to regulation under Chapter 11.1 (§ 15.1-503.4:1 et seq.) of Title 15.1 of the Code of Virginia.

5. Plans which are exempt from state insurance regulation in accordance with Pub. L. No. 93-406, the Employee Retirement Income Security Act as amended, including any plan or other arrangement which is established or maintained (i) under or pursuant to one or more agreements which are found

to be collective bargaining agreements, or (ii) any plan or other arrangement which is established or maintained by a rural electric cooperative as defined in this section, provided that any plan which claims exemption from this regulation under the Employee Retirement Income Security Act (Pub. L. No. 93-406) as amended must provide satisfactory proof of qualification under that Act as provided for in § 38.2-3421 of the Code of Virginia;

B. "Rural electric cooperative" means:

1. Any organization which is exempt from tax under § 501(a) of the Internal Revenue Code of 1986 and which is engaged primarily in providing electric service on a mutual or cooperative basis; and

2. Any organization described in paragraph (4) or (6) of § 501(c) of the Internal Revenue Code of 1986 which is exempt from tax under § 501(a) of such Code and at least 80% of the members of which are organizations described above in paragraph 1 of this subsection.

C. "Member" means an employer which participates in a multiple employer health care plan.

D. "Contribution" means the amount paid or payable by the employer or employee for services provided through the multiple employer health care plan.

E. "Risk sharing arrangement" means a policy of accident and sickness insurance providing excess, stop-loss, or any similar or related coverage by any other name called, which meets the criteria of the Commission as is appropriate for the type of insurance contract used.

F. "Third-party administrator" or "administrator" means any person who receives or collects charges, contributions, or premiums, or who adjusts or settles claims for a multiple employer health care plan providing coverage in this Commonwealth for health care services, whether such coverage is by direct payment, reimbursement, or otherwise. The term "third-party administrator" or "administrator" does not include the following:

1. An insurer, health maintenance organization, nonstock health services plan, or nonstock dental or optometric services plan licensed in this Commonwealth to write health coverage and directly administering services for the multiple employer health care plan.

2. An employer acting on behalf of its employees or the employees of one or more subsidiary or affiliated corporations of the employer.

3. A union acting on behalf of its members.

4. Any agent licensed in this Commonwealth, whose activities with regard to the multiple employer health

care plan are limited exclusively to the sale of insurance.

5. A creditor acting on behalf of its debtors with respect to insurance covering a debt between the creditor and its debtors.

6. A trust, its trustees, and employees acting thereunder, established in conformity with 29 U.S.C. 186.

7. A trust exempt from taxation under § 501(a) of the Federal Internal Revenue Code of 1986, its trustees, and employees acting thereunder, or a custodian, its agents and employees acting pursuant to a custodial account which meets the requirements of § 401(f) of the Federal Internal Revenue Code of 1986.

8. A credit card issuing company that solely advances for and collects premiums or charges from its credit card holders who have authorized it to do so.

9. A person who adjusts or settles individual claims in the normal course of practice or employment as an attorney at law, and who does not collect charges or premiums in connection with life or health insurance coverage or annuities.

10. A person who administers only self-insured workers' compensation plans.

G. "Commission" means the State Corporation Commission.

H. "Health care services" means services which are furnished to an individual for the purpose of preventing, alleviating, or healing human illness, injury, or physical disability. Such term may include services for optometric or dental care.

I. "Domicile" means the situs of the trust through which the multiple employer health care plan is established, the plan's place of incorporation or, if not set up through a trust or incorporated, the location of the plan's headquarters.

J. "Advertising" means any of the following:

1. Printed and published material, audio visual material, and descriptive literature of a multiple employer health care plan used in direct mail, newspapers, magazines, radio scripts, TV scripts, billboards and similar displays;

2. Descriptive literature and sales aids of all kinds issued by a multiple employer health care plan, agent, or broker for presentation to members of the public, including but not limited to circulars, leaflets, booklets, depictions, illustrations, and form letters; or

3. Prepared sales talks, presentations and material for

use by agents, brokers and solicitors.

## § 6. Licensing requirements.

### A. License required.

No multiple employer health care plan shall operate in this Commonwealth without first obtaining a license or an exemption from the Commission.

### B. Application for initial license.

Any multiple employer health care plan desiring to provide coverage in this Commonwealth may apply to the Commission for a license on forms prescribed by the Commission and such application shall be verified by an officer, director, or authorized representative of the applicant. Each application for a multiple employer health care plan license, and all accompanying documents, shall be submitted in triplicate. Each application for a multiple employer health care plan license shall set forth or be accompanied by:

1. A complete description of the plan including (i) eligibility requirements for members, (ii) procedures for membership withdrawal and expulsion, (iii) any employee contributions, (iv) benefits provided, and (v) limitations and exclusions.

2. A copy of the constitution, articles of association, or bylaws of the trade association, industry association or professional association of employers or professionals which has established the multiple employer health care plan.

3. A copy of any trust agreement under which a trust fund is to exist and operate.

4. The names, addresses, and a biographical summary of the plan's trustees, officers, directors, or any other member of the governing body of the plan.

5. The names of persons who will solicit, negotiate, procure, or effect applications for coverage under the plan.

6. A listing of the names and addresses of the employers participating in the plan including those employers whose principal office or headquarters is located outside of Virginia.

7. A copy of the service contract or written agreement made with a third-party administrator. A copy of any service contract or written agreement to provide administrative services made with an insurer, health maintenance organization, nonstock health services plan, or nonstock dental or optometric services plan shall also be submitted.

8. The names, addresses, and professional qualifications of the individuals who are responsible

# State Corporation Commission

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for the conduct of the affairs of the plan's third-party administrator.

a. Such third-party administrator shall be approved by the Commission prior to licensure of the multiple employer health care plan. The Commission shall not approve any third-party administrator unless it is satisfied that the third-party administrator and all principals thereof are competent, trustworthy, financially responsible, and of good personal and business reputation, and have not had an insurance license denied for cause by any jurisdiction. In making this determination the Commission may request a financial statement of the third-party administrator including its balance sheet and receipts and disbursements for the three most recent years, or, if the third-party administrator is not currently acting in that capacity, a statement of the amounts and sources of the funds available for organization expenses and the proposed arrangements for reimbursement and compensation.

b. The Commission shall be given immediate notification of any change in the name or address of the plan's third-party administrator.

9. Financial statements showing the applicant's assets, liabilities, and sources of financial support and, if the applicant's financial affairs are audited by independent certified public accountants, a copy of the applicant's most recent regular certified financial statement, unless the Commission directs that additional or more recent financial information is required. The Commission may require that additional reports, exhibits, or statements be filed to furnish full information concerning the condition, solvency, experience, transactions, or affairs of the plan. The Commission may also require the plan to provide pro-forma financial statements showing the plan's projection of anticipated operating results for the following year.

10. A copy of the policy, contract, certificate, plan description, schedule of benefits, or other evidence of coverage provided to covered employees which shall contain a statement of the coverage provided, an explanation of the plan including the rights and benefits afforded the employee and his beneficiaries, any limitations and exclusions and a provision respecting the rights to the continuance of the same or similar coverage upon termination of an individual's coverage or termination of the plan. If the plan makes no provision for such rights to continue, the statement of coverage shall contain a specific declaration to that effect.

11. A copy of any risk sharing arrangement which shall meet the requirements set forth in subsection D of § 7 of this regulation.

12. A copy of a fidelity bond equal to an amount

determined by the Commission and issued in the name of the multiple employer health care plan covering its trustees, employees, administrator, or other individuals handling funds or assets. In no case shall such bond be less than \$50,000.

13. A deposit of securities or surety bond with the Treasurer of Virginia in accordance with § 38.2-1045 of the Code of Virginia.

14. The total amount of each member's annual contribution and the basis for establishing the annual contribution of the plan's members. Such contributions shall be based on reasonable assumptions and certified as to the sufficiency of such contributions by an actuary or other person satisfactory to the Commission.

15. Any other information the Commission requires pertaining to the business of the multiple employer health care plan or the third-party administrator.

## C. Issuance of license.

The Commission shall issue a license to a multiple employer health care plan after the receipt of a complete application and payment of the application fee required by subsection E of this section if the Commission is satisfied that the persons responsible for the conduct of the affairs of the application are competent, trustworthy, and possess good reputations and that the multiple employer health care plan is financially responsible and may reasonably be expected to meet its obligations to its members and their employees.

## D. Exemptions.

1. The following multiple employer health care plans may request an exemption from this regulation:

a. Plans under which all of the covered benefits are guaranteed under a policy or contract of insurance issued by an insurance company licensed to do business in Virginia under Title 38.2 of the Code of Virginia or licensed in another state in accordance with the provisions set forth in paragraph 2 of this subsection.

b. Plans under which all of the covered benefits are provided either by (i) a nonstock health services plan licensed in Virginia under Chapter 42 of Title 38.2 of the Code of Virginia, (ii) a health maintenance organization licensed in Virginia under Chapter 43 of Title 38.2 of the Code of Virginia, (iii) a nonstock dental or optometric services plan licensed in Virginia under Chapter 45 of Title 38.2 of the Code of Virginia, or (iv) any combination thereof, except that such nonstock health services plan, health maintenance organization, or nonstock dental or optometric services plan may be licensed in another state in accordance with the provisions

set forth in paragraph 2 of this subsection.

2. Any multiple employer health care plan requesting an exemption from this regulation must provide the Commission with proof of coverage from an insurer, health maintenance organization, nonstock health services plan, or nonstock dental or optometric services plan as required by paragraphs 1a and 1b of this subsection. Such insurer, health maintenance organization, nonstock health services plan, or nonstock dental or optometric services plan must be (i) licensed to do business in Virginia under Title 38.2 of the Code of Virginia, or (ii) in the case of a plan domiciled outside of Virginia, either licensed in Virginia or licensed in another state and meets the minimum solvency requirements established in Title 38.2 of the Code of Virginia. In no case shall an exemption granted under this regulation relieve any multiple employer health care plan from the disclosure requirements found in subsection A and subsection B of § 11 of this regulation.

3. If the multiple employer health care plan changes coverage or does not maintain full coverage as required by paragraphs 1a and 1b of this subsection, the plan shall immediately notify the Commission. Any plan which ceases to maintain full coverage shall, within 30 days of the date of coverage termination, (i) notify the Commission of a replacement policy, or (ii) apply for a license and be subject to all licensing and regulatory requirements as set forth herein. Such plan shall not be required to cease operations or discontinue benefits during this 30-day period. However, such plan shall cease operations and discontinue benefits at the end of this 30-day period unless the plan has been licensed in accordance with the provisions of this regulation or an extension has been granted by the Commission for good cause shown.

4. Approval for an exemption under this section of the regulation may be requested either by the multiple employer health care plan or the plan's administrator. The form shown in Appendix A of this regulation shall be used to provide the proof of coverage required by paragraph 2 of this subsection.

5. The requirement set forth in paragraph 4 of this subsection may be satisfied by an insurer, health maintenance organization, nonstock health services plan, or nonstock optometric or dental services plan on behalf of the multiple employer health care plan or plans for which it provides full coverage. The form shown in Appendix B of this regulation shall be used to provide proof of such coverage.

6. Within 30 days after requesting an exemption from this regulation and complying with the necessary provisions set forth in subsection D of this section of the regulation, the Commission shall notify the plan requesting the exemption of its approval or

disapproval of the exemption, and, in the event of disapproval, its reason therefor. The Commission may, at its discretion, extend for up to an additional 30 days the period within which it shall approve or disapprove the exemption request. Any request for an exemption received but neither approved nor disapproved by the Commission shall be deemed approved at the expiration of the 30 days if the period is not extended, or at the expiration of the extended period, if any.

#### E. Application fee.

Each application for a multiple employer health care plan license must be accompanied by a nonrefundable application fee of \$500 as required by § 38.2-1024 of the Code of Virginia.

#### F. Renewal of license.

Each multiple employer health care plan license in Virginia shall obtain from the Commission annually a renewal of its license in accordance with § 38.2-1025 of the Code of Virginia.

#### G. Filing of annual report.

1. Every multiple employer health care plan shall annually, on or before March 1, file with the Commission on a form prescribed by the Commission:

a. A financial statement of the plan including its balance sheet and receipts and expenses for the preceding year;

b. Any material changes in the information submitted pursuant to subsection B of this section;

c. Any other information the Commission requires including additional reports, exhibits, or statements concerning the condition, solvency, experience, transactions, of affairs of the plan.

2. The Commission may require a financial statement to be filed on a quarterly basis if it finds that the financial condition of a multiple employer health care plan has changed significantly and that the filing of such quarterly statement would be in the best interests of the plan's participants, members, and creditors.

#### H. Licensure does not imply approval of forms.

Approval of a multiple employer health care plan's license application shall not constitute approval of the forms submitted under subsection B, paragraph 10 of this section. Approval of such forms shall be governed by § 10 of this regulation.

#### § 7. Financial condition requirements.

A. Minimum deposit; surety bond in lieu of deposit.

# State Corporation Commission

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Each multiple employer health care plan shall be subject to the provisions set forth in Article 7 (§ 38.2-1045 et seq.) of Chapter 10 of Title 38.2 regarding the deposit of securities, surety bonds entered in lieu of deposits, and all other applicable provisions contained in the article.

## B. Minimum surplus.

Each multiple employer health care plan shall maintain at all times a minimum unimpaired surplus equal to an amount not less than the average anticipated incurred operating and claims expenses for a period of not less than 30 days. The Commission may require that such surplus amount be based upon the anticipated operating and claims expenses for a reasonable period in excess of 30 days. The method of calculation shall be determined by the Commission.

## C. Reserves.

Each multiple employer health care plan shall comply with the provisions set forth in § 38.2-1311 of the Code of Virginia pertaining to valuation reserves. Each multiple employer health care plan shall also comply with the provisions established in § 38.2-1314 of the Code of Virginia pertaining to loss or claim reserves.

## D. Risk sharing arrangements.

The Commission may, at its discretion, require a multiple employer health care plan to provide evidence of an adequate risk sharing arrangement. Such risk sharing arrangement may include provisions to cover incurred, unpaid claim liability in the event of discontinuance of the plan. Such arrangement shall be subject to all group accident and sickness insurance laws in Title 38.2 of the Code of Virginia and § 10 of this regulation if the policy is delivered or issued for delivery to a multiple employer health care plan domiciled in Virginia. In addition, any insurer providing this coverage shall be required to meet all minimum solvency requirements established in this Commonwealth and shall be required to be licensed in at least one state, territory, district, or insular possession of the United States.

## E. Investments.

Any funds or assets invested by a multiple employer health care plan shall be invested only in securities or other investments permitted by the laws of this Commonwealth as set forth in paragraphs 1 through 3 and 5 through 7 of subsection A of § 38.2-1414, §§ 38.2-1415 through 38.2-1419, 38.2-1421, 38.2-1423 through 38.2-1426, and 38.2-1432 of Title 38.2 of the Code of Virginia in addition to investments allowed by § 2.1-327 (legal investments for public sinking funds) and § 2.1-328 (legal investments for other public funds).

Other investments may be made subject to the approval of the Commission. This provision shall apply to every multiple employer health care regardless of its place of

domicile unless the investments of any plan domiciled outside of this Commonwealth are regulated by the laws of its state or country of domicile.

## F. Valuation standards.

The provisions set forth in §§ 38.2-1307 through 38.2-1310 of the Code of Virginia shall apply to the valuation of stocks, bonds, and other securities owned by a multiple employer health care plan providing coverage in this Commonwealth.

## G. Rehabilitation, liquidation, or conservation.

1. Except as provided in paragraph 2 of this subsection, any rehabilitation, liquidation, or conservation of a multiple employer health care plan shall be deemed to be the rehabilitation, liquidation, or conservation of an insurance company and shall be conducted under the supervision of the Commission pursuant to the law governing the rehabilitation, liquidation, or conservation of insurance companies. The Commission may start proceedings in accordance with Chapter 15 of Title 38.2 of the Code of Virginia directing the rehabilitation, liquidation, or conservation of a multiple employer health care plan upon any one or more grounds set out in Chapter 15 of Title 38.2 of the Code of Virginia or when in the Commission's opinion the continued operation of such plan would be hazardous either to the plan participants or the people of this Commonwealth.

2. A multiple employer health care plan shall not be covered under the Virginia Life, Accident and Sickness Insurance Guaranty Association Act set forth in Chapter 17 of Title 38.2 of the Code of Virginia.

## H. Assessments.

The expense of administering the insurance laws of this Commonwealth shall be assessed annually against all multiple employer health care plans providing coverage in this Commonwealth. Such assessments shall be made in accordance with the provisions set forth in § 38.2-400 and §§ 38.2-403 through 38.2-406 of the Code of Virginia. For the purpose of this regulation the term "direct gross premium income" as referred to in these sections of Title 38.2 shall be construed to mean the gross amount of all contributions collected, received, or derived from business in this Commonwealth during each year ending December 31 without deduction for dividends paid or deduction on any other account except for premiums returned on cancelled policies or contracts or for premiums returned on account of reduction in rates or reduction in the amount insured.

## I. Compliance.

Each multiple employer health care plan shall have six months from the effective date of this regulation to comply with the financial requirements set forth in this section, except that, for good cause shown, the Commission

may grant an extension not to exceed 12 additional months in order to bring the multiple employer health care plan into compliance with the financial requirements of this section.

## § 8. General requirements.

### A. Administration.

A board of trustees, a board of directors, or other governing body elected by the members of a multiple employer health care plan shall have the responsibility of and complete control over the plan, and shall appoint or contract with an authorized third-party administrator to administer the day-to-day operations of the plan. The majority of the board of trustees, board of directors, or other governing body shall consist of owners, partners, officers, directors, or employees of one or more members in the plan. Such trustee, director, or member of the governing body may not be an owner, officer, or employee of a third-party administrator of the plan.

### B. Fiduciary responsibilities.

Any third-party administrator, officer, director, trustee, or member of a multiple employer health care plan, or any employee of such member, who receives, collects, disburses, or invests funds in connection with the activities of the plan shall be responsible for the funds in a fiduciary relationship with the multiple employer health care plan.

### C. Additional requirements for third-party administrators.

Every third-party administrator of a multiple employer health care plan shall be subject to the following provisions:

1. Funds collected by a third-party administrator shall be immediately remitted to the person entitled to the funds or deposited into a fiduciary bank account, which shall be established and maintained by the third-party administrator.
2. The third-party administrator shall maintain records clearly showing the deposits and withdrawals from the fiduciary bank account for each party with whom it has a written agreement for administrative services. The administrator shall furnish to the party, upon request, copies of the required records.
3. All claims paid by the third-party administrator from funds collected on behalf of a multiple employer health care plan shall only be paid on drafts authorized by that plan.

### D. Examination of books, records and accounts.

The Commission shall make or direct an examination of the affairs of any multiple employer health care plan or third-party administrator providing or administering

coverage in this Commonwealth in accordance with the provisions set forth in Article 4 (§ 38.2-1317 et seq.) of Chapter 13 of Title 38.2 of the Code of Virginia. Each multiple employer health care plan that is licensed in Virginia and every third-party administrator shall maintain proper accounting controls and shall keep adequate, correct, and complete books and records of accounts. Such books and records shall be made available to the Commission during normal business hours.

## § 9. Prohibited practices.

### A. Unfair trade practices prohibited.

No multiple employer health care plan or third-party administrator shall engage in any unfair trade practices as set forth in Chapter 5 of Title 38.2 of the Code of Virginia or Commission regulations promulgated thereunder.

### B. Certain pecuniary interests prohibited.

No trustee, director, third-party administrator, or other person having responsibility for the management of a multiple employer health care plan or the investment or other handling of the plan's funds shall:

1. Receive directly or indirectly or be pecuniarily interested in any fee, commission, compensation, or emolument, other than salary or other similar compensation regularly fixed and allowed for services regularly rendered to the plan, arising out of any transaction to which the plan is or is to be a party, unless this has been fully disclosed to the plan's members;
2. Receive compensation as a consultant to the plan while also acting as a trustee, director, or administrator, or as an employee of such trustee, director, or administrator, unless this has been fully disclosed to the plan's members; or
3. Have any direct or indirect material pecuniary interest in any loan or investment of the plan's funds.

### C. Terminations.

No multiple employer health care plan shall terminate coverage without first giving 30 days written notice of termination to its members and participating employees.

## § 10. Filing requirements.

### A. Form filing.

1. Except as provided in paragraph 2 of this subsection, no contract, certificate, schedule of benefits, evidence of coverage, application, enrollment form, or any amendment thereto, shall be delivered, issued for delivery, or put into effect by or on behalf of any multiple employer health care plan domiciled in this Commonwealth until a copy of such form or



# State Corporation Commission

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amendment thereto has been filed with and approved by the Commission pursuant to the filing requirements specified in § 38.2-316 of the Code of Virginia. If the Commission does not disapprove any form within 30 days of the filing of such form, it shall be deemed approved unless the filer is notified in writing that the waiting period is extended by the Commission for an additional 30 days.

2. Any multiple employer health care plan that uses a form previously approved for use by the Commission for any other plan or organization pursuant to the filing requirements set forth in § 38.2-316, may be exempted from the requirements set forth in paragraph 1 of this subsection by notifying the Commission of (i) the approval date of such form, (ii) the form number, (iii) the name of the entity currently using the form, and (iv) the name of the entity issuing the form if different than (iii) above.

## B. Mandated benefits.

No contract, certificate, schedule of benefits, evidence of coverage, or any amendment thereto, shall be delivered, issued for delivery, or put into effect by or on behalf of any multiple employer health care plan domiciled in this Commonwealth unless it has complied with the mandated benefits provisions set forth in §§ 38.2-3408 through 38.2-3419 of the Code of Virginia.

## C. Filing of schedule of charges.

No schedule of charges or contributions, or any amendment thereto, may be put into effect in conjunction with any multiple employer health care plan domiciled in this Commonwealth until a copy of such schedule, or amendment thereto, has been filed with the Commission pursuant to the filing requirements specified in § 38.2-316 of the Code of Virginia.

## § 11. Disclosure requirements.

A. Any multiple employer health care plan that is not fully insured or fully covered by an insurer, health maintenance organization, nonstock health services plan, or nonstock dental or optometric services plan licensed in Virginia shall be required to disclose this information in any of its advertising.

B. Any multiple employer health care plan that is not fully insured or fully covered by a licensed Virginia insurer or a licensed Virginia nonstock health services plan shall be required to disclose in any of its advertising that, in the event of an insolvency in connection with the plan, a person covered under the multiple employer health care plan may be unable to collect any amount owed by the plan regardless of the coverage provided under such plan.

C. The name, address, and phone number of the multiple employer health care plan's administrator shall be

disclosed to any person covered under the plan. The name, address, and phone number of the plan's insurer or other carrier providing coverage shall also be disclosed to any person covered under the plan if such plan has not received an exemption from the regulation pursuant to subsection D of § 6.

D. Any risk sharing arrangement which is in effect shall be disclosed as provided for in § 38.2-3424.

E. The provisions set forth in Chapter 6 of Title 38.2 pertaining to insurance information and privacy protection shall apply to multiple employer health care plans and to any person that sells, transacts, or administers coverage under such a plan or that collects, receives, or maintains information in connection with such coverage.

§ 12. Licensing of persons soliciting, negotiating, procuring, or effecting applications for coverage.

A. No person shall solicit, negotiate, procure, or effect applications for coverage or member enrollments, and no multiple employer health care plan, third-party administrator, insurer, health maintenance organization, nonstock health services plan, or nonstock dental or optometric services plan shall knowingly permit a person to solicit, negotiate, procure, or effect applications for coverage or member enrollments, in this Commonwealth for a multiple employer health care plan whether or not the plan is licensed in this Commonwealth without first obtaining a license as a life and health agent, and an appointment, if such appointment is required, in a manner and in a form prescribed by the Commission pursuant to Chapter 18 of Title 38.2 of the Code of Virginia.

B. Any person who solicits, negotiates, procures, or effects applications or member enrollments in this Commonwealth for coverage under a multiple employer health care plan shall be subject to all appropriate provisions of Title 38.2 as set forth in Chapters 2, 3, 5, 6, and 18 of the Code of Virginia regarding the conduct of his business.

C. Salaried officers or employees of any employer which provides coverage through a multiple employer health care plan shall not be required to be licensed under this section provided that the principal duties and responsibilities of such officers and employees do not include soliciting, negotiating, procuring, or effecting applications for coverage or member enrollments for the plan.

## § 13. Violations.

Any violation of this regulation shall be punished as provided for in § 38.2-218 of the Code of Virginia and any applicable law of this Commonwealth. The provisions of §§ 38.2-219 through 38.2-222 shall also apply to any multiple employer health care plan or third-party administrator that fails to comply with the provisions set forth in this regulation.

## § 14. Suspension or revocation of license.

A. The Commission may suspend or revoke the license of any multiple employer health care plan whenever it finds that the plan:

1. Has refused to submit its books, papers, accounts, or affairs to the reasonable inspection of the Commission or its representative;
2. Has refused, or its officers or agents have refused, to furnish satisfactory evidence of its financial and business standing or solvency;
3. Is insolvent, or is in a condition that any further transaction of business in this Commonwealth is hazardous to its participants, members, and creditors;
4. Has failed to pay a final judgment against it within 60 days after (i) the judgment became final, (ii) the time for making an appeal has expired, or (iii) the dismissal of an appeal before final determination, whichever date is the latest;
5. Has violated any law of this Commonwealth, or has in this Commonwealth violated its charter or exceeded its corporate powers;
6. Has failed to pay any fees, taxes or charges imposed in this Commonwealth within 60 days after they are due and payable, or within 60 days after final disposition of any legal contest with respect to liability for the fees, taxes or charges;
7. Has had its certificate of authority revoked in the state in which it was organized;
8. Has been found insolvent by a court of any other state, or by the Commission or other proper officer or agency of any other state, and has been prohibited from doing business in that state;
9. Has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive, or unfair manner;
10. Has failed to comply with the provisions set forth in § 10 of this regulation; or
11. Has otherwise failed to substantially comply with the provisions of this regulation.

B. When the license of a multiple employer health care plan is suspended, the plan shall not enroll any additional participants during the period of the suspension except newborn children or other newly acquired dependents of existing participants, and shall not engage in any advertising or solicitation.

C. The Commission shall not revoke or suspend the license of a multiple employer health care plan upon any

of the grounds set out in subsection A of this section until it has given the plan 10 days' notice of the proposed revocation or suspension and the grounds for it, and has given the plan an opportunity to introduce evidence and be heard. However, the Commission may immediately suspend the license on the grounds specified in paragraphs 7 or 8 of subsection A of this section without prior notice to the plan. The suspension shall remain in force until the hearing is held. Any hearing authorized by this section may be informal. The required notice may be waived by the Commission and the multiple employer health care plan.

D. When the license of a multiple employer health care plan is revoked, the plan shall proceed to wind up its affairs, immediately following the effective date of the order of revocation. The plan shall conduct no further business except as may be essential to the orderly conclusion of its affairs. It shall engage in no further advertising or solicitation. The Commission may, by written order, permit further operation of the plan that it finds to be in the best interest of participants for the purpose of giving them the greatest practical opportunity to obtain continuing health care coverage.

## § 15. Service of process.

Suits, actions, and proceedings may be begun against any multiple employer health care plan providing coverage in this Commonwealth by serving process on any trustee, director, officer, or agent of the plan, or, if none can be found, on the clerk of the Commission. No multiple employer health care plan license shall be issued to any nonresident of this Commonwealth unless such nonresident executes a power of attorney appointing the clerk of the Commission and his successors in the office as the agent for service of process in any action or proceeding arising in this state out of or in connection with the exercise of such license. If any multiple employer health care plan provides coverage in this Commonwealth without a license, it shall be deemed to have thereby appointed the clerk of the Commission its attorney for service of process. Service of process shall be made as provided for in Article 1 of Chapter 8 of Title 38.2.

## § 16. Severability.

If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

Appendix A

Proof of Coverage

Filed with the State Corporation Commission by

\_\_\_\_\_  
(Name of Multiple Employer Health Care Plan)

\_\_\_\_\_  
(Name of Administrator)

I hereby certify to the best of my knowledge that the following insurance policy (nonstock health services contract, nonstock dental or optometric services contract, or health maintenance organization contract) has been issued to provide the above named applicant, its members and its participants, full coverage of the covered benefits for the policy period stated below.

<u>Name of Carrier</u>	<u>Policy #</u>	<u>Effective Date</u>	<u>Expiration Date</u>
------------------------	-----------------	-----------------------	------------------------

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

Please attach policy form.

Appendix B

Proof of Coverage

Filed with the State Corporation Commission by

\_\_\_\_\_  
(Name of Company)

On behalf of

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Name of Multiple Employer Health Care Plan or Plans)

I hereby certify to the best of my knowledge that \_\_\_\_\_  
(Name of Company)

has issued an insurance policy (nonstock health services contract, nonstock dental or optometric services contract, or health maintenance organization contract) to each plan named above, its members and its participants, and that this policy or contract provides full coverage of the covered benefits for the policy period stated below.

<u>Name of Plan</u>	<u>Policy #</u>	<u>Effective Date</u>	<u>Expiration Date</u>
---------------------	-----------------	-----------------------	------------------------

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

Please attach policy form(s) for each plan.

## STATE CORPORATION COMMISSION

AT RICHMOND, MAY 6, 1987

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUE870037

Ex Parte: In the matter of  
adopting rules implementing the  
Small Water or Sewer Utility Act

### ORDER ESTABLISHING RULEMAKING PROCEEDING, DIRECTING PUBLIC NOTICE AND INVITING COMMENT

WHEREAS, the General Assembly of the Commonwealth of Virginia has passed the Small Water or Sewer Public Utility Act ("the Act") which streamlines the regulation of certificated small utilities providing either water or sewer service, or both, and having gross annual operating revenues of less than \$1 million;

WHEREAS, Virginia Code § 56-265.13:7(B) of the Act authorizes the Commission to promulgate any rules necessary to implement this Act;

WHEREAS, the Commission desires to establish rules to implement the Act, particularly those areas of the Act dealing with tariff changes;

WHEREAS, pursuant to Virginia Code § 12.1-28, notice must be given to all interested persons of the rulemaking contemplated by the Commission, and such persons must have an opportunity to introduce evidence and be heard with regard thereto.

THEREFORE, IT IS ORDERED that this proceeding is hereby docketed and assigned Case No. PUE870037 and the Commission's Division of Energy Regulation shall forthwith cause a copy of the following notice to be published in newspapers having general circulation throughout the State:

#### NOTICE OF PROPOSED RULEMAKING TO IMPLEMENT THE SMALL WATER OR SEWER PUBLIC UTILITY ACT - CASE NO. PUE870037

The Virginia State Corporation Commission is considering rules which would implement the Small Water or Sewer Public Utility Act, Virginia Code § 56-265.13:1 *et seq.* ("the Act"). This Act applies to all small public utilities ("public utilities") providing water or sewer service or both, having certificates of public convenience and necessity, and gross annual operating revenues of less than \$1 million. The purpose of the Act is to streamline the rate and service regulation of these small utilities.

The text of the proposed rules may be reviewed by the public from 8:15 a.m. to 5:00 p.m., Monday

through Friday, at the State Corporation Commission's Document Control Center, located on Floor B-1, Jefferson Building, Bank and Governor Streets, Richmond, Virginia and at all offices where customers may pay bills of water, sewer, or water and sewer public utilities subject to the Act.

Interested persons shall submit written comments on the proposed rules on or before July 8, 1987, by filing an original and fifteen (15) copies of such comments with George W. Bryant, Jr., Clerk, c/o Document Control Center, Virginia State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23216. Such comments shall make reference to Case No. PUE870037.

Anyone who wishes to be heard by the Commission regarding the rules must file not later than July 8, 1987, with George W. Bryant, Jr., Clerk at the address above specified, an original and fifteen (15) copies of a request for a hearing. Such request shall refer to Case No. PUE870037. In the absence of a request for hearing, the Commission may be expected to act on the proposed rules after considering all written comments.

#### VIRGINIA STATE CORPORATION COMMISSION

(2) That any person, including any utility subject to the Act, may file written comments concerning the rules and may request a hearing thereon, provided an original and fifteen (15) copies of comments or any requests for hearing are filed no later than July 8, 1987, with George W. Bryant, Jr., Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216. Comments or requests for hearing shall refer to Case No. PUE870037. In the absence of a request for a hearing, the Commission may be expected to act on the proposed rules after considering all written comments;

(3) That each public utility subject to the proposed rules shall forthwith make available for public inspection during normal business hours at business offices where bills may be paid a copy of the rules as set forth at Appendix A to this order; and

(4) That on or before July 8, 1987, the Division of Energy Regulation shall provide to the Commission proof of publication as required herein.

ATTESTED COPIES hereof shall be sent by the Clerk of the Commission to all: Water, Sewer, or Water and Sewer public utilities subject to the Act; the Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; and the Commission's Divisions of Energy Regulation, Accounting and Finance, and Economic Research and Development.

\* \* \*

Title of Regulation: Rules Implementing Small Water or

# State Corporation Commission

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## Sewer Public Utility Act.

### Introduction:

The following rules apply to public utilities holding a certificate of public convenience and necessity issued by the State Corporation Commission to provide either water or sewer service, or both, and having gross annual operating revenues of less than \$1 million. Such utilities are subject to the Small Water or Sewer Public Utility Act (§ 56-265.13:1 et seq.) of the Code of Virginia and shall be referred to herein as "company." Companies shall perform their own tariff justification analysis in-house prior to changing their rates, tolls, charges, fees, rates or regulations ("tariffs" or "rate changes"). Companies should endeavor to meet with any organized group of customers, e.g., civic associations or property owners' organizations, on a regular basis at least once a year to advise them of company problems, any impending tariff changes and why such changes are necessary. Companies are also encouraged to meet with the staff, following any company meeting with its customers to review and discuss proposed rate changes. However, each company remains responsible for bearing the burden of proof regarding any changes in its tariffs.

### Rules

§ 1. Companies shall maintain their books and records in accordance with the Uniform System of Accounts for Class C companies on an accrual basis;

§ 2. Pursuant to § 56-265.13:4(3) of the Code of Virginia, companies may accrue depreciation at a Commission-approved rate or 3.0% composite rate on all depreciable plant.

§ 3. Working capital may be accrued at the rate of 1/9th of operating and maintenance expense.

§ 4. Each of the companies shall file with the Commission's Division of Energy Regulation a copy of all tariff changes, the notice required by § 5 below, and the following information: A narrative statement that sets forth the name of the company, the name, address and telephone number of the person company wishes to have contacted about the tariff change and a brief explanation about why the change is being made. This narrative statement shall also describe whether the company's customers are served on a flat or metered basis; whether billed in advance or in arrears; and shall separately identify the number of connected customers and the number of customers being assessed availability fees, if applicable.

§ 5. Each company shall complete its written notification to all customers 45 days prior to the effective date of any change in its tariffs. This notice shall follow the following format to the extent applicable:

## NOTICE OF (INCREASES IN, CHANGES IN) RATES, CHARGES, RULES AND REGULATIONS OF SERVICE OF (INSERT NAME OF COMPANY)

(Insert name of company) will change its (tariffs) on file with the State Corporation Commission, effective for service rendered on and after (effective date). (Summarize existing rates, fees, and charges and all new rates, fees, and charges).

[If applicable] (Insert name of company) also will change the following portions of its rules and regulations of service, effective on the same date: (Summarize changes).

Any interested party may review (insert name of company's) proposed changes during regular business hours at the utility's office where customer bills may be paid.

A hearing on the proposed tariff changes will be convened if requested by (i) at least 25% of all customers affected by a rate change or by 250 affected customers, whichever, number is lesser, (ii) by the small water or sewer utility itself, (iii) or by the Commission itself. Correspondence regarding company's proposed rate changes may be addressed to the State Corporation Commission, c/o the Division of Energy Regulation, P.O. Box 1197, Richmond, Virginia 23209. If a hearing is held, the State Corporation Commission, by order will direct company to give public notice of the hearing and a filing schedule will be established.

(NAME OF COMPANY)

§ 6. Rate increases shall not be based on overlapping test periods.

§ 7. A hearing shall be held after at least 30 days notice to company and its customers if a request therefor is received by the Commission from at least 25% of all customers affected by any filed tariff change, or from 250 affected customers, whichever is the lesser, or from company itself, or upon the Commission's own motion. When a hearing is to be held, the Commission shall, by order, establish a hearing date and a date by which the company shall file financial data containing the information set forth in § 8 below. A copy of the order shall be sent by first class mail to company and any customer requesting a hearing for whom the Commission has a mailing address. This order shall also specify a filing schedule for company, customers and staff.

§ 8. Financial data regarding a rate increase file pursuant to § 7 hereof shall include:

1. Identification of the company and its owners, and the identity of the person to be contacted regarding the financial data.

2. The information appearing on the following forms:

Exhibit 4

REVENUE REQUIREMENT CALCULATION

Rate Case Procedures

Small Water and Sewer Companies

Describe method used and related calculations to determine revenue requirements based on new rates and test year end number of customers by customer class.

Description of Calculation Method Utilized:

Exhibit 3

SUPPORTING DETAIL FOR OUTSIDE

SERVICES EMPLOYED AND FOR OTHER EXPENSES

Rate Case Procedures

Small Water and Sewer Companies

Identify and describe each item recorded, along with respective test year dollar costs. Use additional sheets if necessary.

Item Year	Test Cost	Description of Expense Item
--------------	--------------	-----------------------------

\$ \_\_\_\_\_ Dollar Total of Outside Services Employed

\$ \_\_\_\_\_ Dollar Total of Other Expense Items

Exhibit 2

DEPRECIATION SCHEDULE

Rate Case Procedures

Small Water and Sewer Companies

Only a 3 percent composite rate of depreciation is permitted for depreciation expenses. Only a 3 percent composite rate of depreciation is permitted for accumulated depreciation reserves. Column 1 lists each year since service was initiated. Column 2 includes all depreciable plant, with the exclusion of land and organization costs. Column 3 represents the cumulative sum of column 2 for each year. Column 4 represents all property and investments not made by the utility, e.g., developer donated plant, and includes connection fees paid by customers. The cumulative total of column 4 is recorded in column 5 on a year by year basis. A depreciation rate of 3 percent is applied to the net balance reflected in column 6. Column 8 represents the cumulative sum of depreciation expense (column 7) on a year-by-year basis.

Year into Service	Added Depreciable Plant, Excluding Land and Organizational Cost	Accum. Depreciable Plant	Contributed Property & Connection Fees	Accum. Net Contri- butions	Net Depr. Exp. at 3%	Depr. Exp.	Accum. Depr.
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8

Col. 3 - Col. 5 = Col. 6  
Col. 6 x .03 = Col. 7

Total Plant in Service as of End of Test Period \$\_\_\_\_\_.

Exhibit 1

ADJUSTMENT DETAIL

Rate Case Procedures

Small Water and Sewer Companies

Adjustments reflecting known, measurable and recurring changes in expenses during the test year period and during the twelve months following the test period. Describe each item and explain why the change occurred. Attach invoices, letters, contracts which will support each identified increase. Show computations wherever appropriate. Use additional sheets if necessary.

Item Ref.	Cost Increase for Test Year	Description of Individual Adjustments

\$\_\_\_\_\_ Dollar Total Adjustment (record on page b.5 of Application Form).

**G. NEW BILLING DETAILS**

Will regular billing be by written statement: (yes, no) \_\_\_\_\_  
 Frequency of billing shall be (monthly, quarterly, etc.) \_\_\_\_\_  
 Billing shall be for service (in advance) (in arrears) \_\_\_\_\_  
 Bills past due \_\_\_\_\_ days after billing date: \_\_\_\_\_

**H. REQUIRED DOCUMENTATION:** To complete your filing, the following documents MUST accompany this form:

- H.1 Detailed explanation of any Adjustments to Test Year Expenses; record on Exhibit 1.
- H.2 Detailed Explanation of any Expenses for Outside Services Employed and other Expense items; record on Exhibit 3.
- H.3 Explanation of basis for any Annual Depreciation recorded (Exhibit 2, see instructions).
- H.4 Explanation of how Annual Revenues from New Rates were calculated; record on Exhibit 4.
- H.5 Copy of most recent Federal Tax Return, which must cover all or a part of the test year.
- H.6 Comparative balance sheet (test year and previous year).
- H.7 Schedules detailing rate base calculation (original cost of plant, accumulated depreciation reserve, construction work in progress, and contributions in aid of construction).
- H.8 Schedule detailing outstanding debts and proforma debt company anticipates. Schedule should detail test period and proforma interest expense. Company should also prepare a separate schedule for anticipated pro forma debt.
- H.9 Schedule detailing known and certain capital expenditures for the test period and for the 12 months following the test period.

Note: If the above information is not readily available, companies should contact the Division of Accounting and Finance for assistance. The telephone number of the Division of Accounting and Finance is (804) 786-4958.

**I. VERIFICATION:** I, \_\_\_\_\_, personally represent that the information contained in this filing and in the exhibits attached hereto are true to the best of my knowledge and belief.

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
 Signature

**C. TEST YEAR ANNUAL REVENUE DETAIL:**

	WATER	SEWER	TOTAL
From metered sales	_____	_____	_____
From flat rate sales	_____	_____	_____
Other revenues	_____	_____	_____
<b>TOTAL TEST YEAR REVENUES</b>	_____	_____	_____
Adjustments to annualize changes during test year	_____	_____	_____
Adjusted total test year revenues	_____	_____	_____

**D. RATES:** List present and new rates for each class of customers, or rate block and related percentage of increase. List separately any changes in connection and availability fees.

Class/Block	Present Rates	New Rates	Percentage Increase

**E. ANNUAL REVENUES:**

	WATER	SEWER	TOTAL
From New Rates (attach explanation of method of calculation; see Exhibit 4).	_____	_____	_____

Provide gallons consumed per customer per billing period; broken down by rate block if customers' consumption is metered

**F. PROFILE INFORMATION: (year end)**

Number of customers: Water _____	Number of Wells in Service _____
Sewer _____	
W&S _____	Total Pumping Capacity _____
Total _____	of Pumps (gpm) _____

Number of Customers that can be served by mains already installed _____	Water	Total Storage Tank Capacity (gallons) _____
(include present customers, vacant lots, etc.): _____	Sewer	Department and/or State Water Control Board).

General Area Served \_\_\_\_\_



# State Corporation Commission

**A. SUMMARY OF EXPENSES AND REVENUE REQUIREMENTS: TEST YEAR ENDING**

	Mo./Day/Yr.		
	WATER	SEWER	TOTAL
a.1 Test Year Revenues	_____	_____	_____
a.2 Test Year Expenses	_____	_____	_____
a.3 Test Year Operating Income Earned over Expenses	_____	_____	_____
a.4 Test Year Revenues - Adjusted (to reflect annualized changes occurring during the test year)	_____	_____	_____
a.5 Test Year Expenses Adjusted (to reflect known and certain changes in the proforma period)	_____	_____	_____
a.6 Test Year Operating Income - Adjusted	_____	_____	_____
a.7 Additional Revenue Requirements Requested Through Proposed Rates	_____	_____	_____
a.8 Percentage Increase Over Test Year Revenue (line a.7 - a.4) x 100 percent	_____	_____	_____

**B. TEST YEAR ANNUAL EXPENSE DETAIL:**

	WATER	SEWER	TOTAL
Total Salaries	_____	_____	_____
Administrative and Office Expenses	_____	_____	_____
Outside Services Employed (attach explanation; see Exhibit 2)	_____	_____	_____
Maintenance and Repair Expense	_____	_____	_____
Chemicals	_____	_____	_____
Transportation	_____	_____	_____
Electric Power	_____	_____	_____
Testing Fees	_____	_____	_____
Income taxes: State income taxes*	_____	_____	_____
Federal income taxes	_____	_____	_____
Other taxes: Gross receipts taxes*	_____	_____	_____
(or franchise taxes)	_____	_____	_____
Property taxes	_____	_____	_____
Other taxes	_____	_____	_____
Insurance Expenses	_____	_____	_____
Annual Depreciation (see Exhibit 2)	_____	_____	_____
Other Expenses (attach explanation; see Exhibit 2)	_____	_____	_____
<b>TOTAL TEST YEAR EXPENSES</b>	_____	_____	_____

\*Note: Water, Water and Sewer companies pay gross receipt taxes; Sewer companies pay only State Income Taxes.

## INSTRUCTIONS

### Rate Case Procedures Small Water and Sewer Companies

Use the following instructions to complete the financial data form for small water or sewer utility companies. Instructions are presented by each specific section of the form.

**Instructions:** The completed form is to be filed in an original and four copies with the Document Control Center, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23216. Retain a separate copy for company records.

#### Block A. Record as follows:

Test Year Revenues is the appropriate total developed and recorded in Block A of this form.

Test Year Expenses (line a.2) is the appropriate total developed and recorded in part A of this form.

Test Year Operating Income earned over expenses (line a.3) is the difference between line a.1 and line a.2.

Test year revenues adjusted (to reflect annualized changes occurring during the test year) (line a.4) is derived from Block C.

Test year expenses adjusted (line a.5) is derived from Exhibit 1, "Adjustment Detail" of this form. The line reflects known and certain changes in expenses in the pro forma period.

Test year operating income - adjusted (line a.6) represents the difference between line a.4 and a.5.

Additional revenue produced by new rates (line a.7) is derived from Block E and Exhibit 4.

Percentage increase over test year revenues (line a.8) is calculated as follows:  $(\text{line a.7} \div \text{line a.4}) \times 100\%$ .

**Block B - Test Year Annual Expense Detail:** Record appropriate entries from your accounting records. Any expenses recorded under Outside Service Employed, Annual Depreciation or Other Expense, must be identified clearly and documented on Exhibits 2 and 3 of this form.

Any questions about the entries made or the level of documentation required should be referred to the Division of Accounting and Finance, State Corporation Commission.

After completing all entries, enter the appropriate totals and check the accuracy of all work. The Total Test Year Expense should then be recorded in Block A, line a.2.

In the absence of a rate base (capital supplied by company), depreciation will not be considered in determining allowable expenses or in fixing rates. Depreciation expense normally will only be allowed at the composite rate of 3.0%.

Adjustments to the test year may be allowed for certain and known future expenses. Recorded adjustments are to be numbered sequentially. Supporting information for each adjustment, including details of calculation, should be provided. Generally accepted types of adjustments include:

1. Adjustments to annualize changes occurring during the test year.
2. Adjustments for known and certain wage agreements.
3. Adjustments to eliminate test year expenses pertaining to a prior year or to amortize expenses for a nonrecurring nature. Amortizations normally occur over a 3-5 year period.
4. Adjustments which are known and certain and which occur in the 12 months following the close of the test year period.

#### Two examples:

1. If you used 50 pounds of chemicals during the test year and it costs you \$1.00 per pound, then the test year expenses would be \$50. If, at the end of the test year, the chemical cost had increased to \$1.25 per pound, your expenses on an annual basis would be \$62.50 ( $50 \times \$1.25$ ). This would result in an adjustment for chemical expense of \$12.50.

2. If a new wage increase went into effect on July 1, which increased wages by 5.0% or \$2,000 per month, the annual operating results reflect only \$12,000 or six months of that increase. However, the increase will be in effect in the future. Therefore, the Commission will consider an adjustment to next year's expenses by an additional \$12,000 to permit those expenses to reflect the 5.0% increase for the entire year.

This procedure can be used to adjust any known changes to any expense account. All adjustments should be fully explained on Exhibit 1.

All of the expenses in this section must have been incurred during the test year and must be verified upon request.

**Block C. Record Test Year Revenues.** Exhibit 4 may be used to explain or clarify the basis for recorded revenues. The appropriate totals should be checked for accuracy and then entered in block A, line a.1. This section should show the actual revenues collected during the test year and must be verified upon request.

# State Corporation Commission

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*Block D. Provide a breakdown of all new rates showing the effect on customers at various levels of consumption (the class/block designation).*

*Block E. Annual revenues from new rates are based on new rates, and related rate structure, and the end of test year number of customers. Identify clearly your method of calculation.*

*Blocks F, G, H and I. Self-explanatory.*

*§ 9. In the event the company does not file a request for a hearing with the Commission, or the lesser of 25% or 250 customers affected by the tariff changes do not request a hearing, or if the Commission on its own motion, does not establish a hearing, the new tariffs become effective 45 days after the completion of the notice required in § 5 of these rules.*

*§ 10. Companies may be subject to compliance audits by the State Corporation Commission at any time.*

# GOVERNOR

**REGISTRAR'S NOTICE:** Governor's Executive Order 54 (85) (Revised) was published in a past issue of the Virginia Register; however, a portion of the text was omitted. Therefore, Governor's Executive Order 54 (85) (Revised) is being republished in its entirety.

## EXECUTIVE ORDER NO. 54 (85) (Revised)

### FEDERAL LIMIT ON PRIVATE ACTIVITY BONDS

By virtue of the authority vested in me as Governor by the Code of Virginia and Section 103(n) of the Internal Revenue Code of 1954, as amended, and subject always to my continuing and ultimate responsibility and authority to act in such matters and to reserve powers, I hereby revise Executive Order Number 54 (85), issued by Governor Charles S. Robb on January 23, 1985.

#### Background:

The Deficit Reduction Act of 1984 (the "Act"), which was adopted by the Congress of the United States and signed by the President, imposed restrictions on the issuance of industrial development bonds and student loan bonds. Among the restrictions on these bonds, which the Act designates as "private activity bonds," are limitations on the aggregate amount (termed therein as state ceilings) of "private activity bonds" issued in each state in any calendar year, commencing January 1, 1984, that may be regarded as exempt from Federal income taxation. These limitations are set forth in Section 621 of the Act which adds subsection (n) to Section 103 of the Internal Revenue Code of 1954 (the "Code").

For the Commonwealth of Virginia (the "State"), such state ceiling (the "State Ceiling") for 1985 and 1986 is \$150 multiplied by the most recent estimated resident population of the State last published by the Bureau of Census prior to the commencement of the calendar year, which estimated population, according to the United States Bureau of the Census, United States Department of Commerce News No. CB85-229, issued December 27, 1985, was 5,706,000 producing an estimated 1986 State Ceiling of \$855,900,000 or such amount as determined pursuant to Section 103 (n)(4) of the Code or any ruling of the United States Treasury.

Such "private activity bonds" are defined in Section 103 (n) of the Code as any obligation the interest on which is exempt from tax under Section 103 (a) of the Code, and which is either an industrial development bond or a student loan bond. Excluded are:

Obligations described in Section 103 (b)(4)(A) of the Code (multifamily residential rental property) and housing program obligations under Section 11 (b) of the United States Housing Act of 1937;

Obligations described in Section 103 (b)(4)(C) or (D) of the Code, but only if the property described in

such subparagraphs is owned by or on behalf of a governmental unit and constitutes (a) convention or trade show facilities, or (b) airports, docks, wharves, mass commuting or storage and training facilities directly related to the foregoing; and

Obligations issued to refund other obligations to the extent that the amount of such obligations does not exceed the amount of the refunded obligations (but in the case of student loan bonds, only if the maturity date of the refunding obligation does not exceed the later of 17 years from issuance or the maturity of the original obligation refunded).

Also excluded, by reason of the effective date provisions of Section 631 of the Act are:

Obligations issued before June 19, 1984;

Obligations issued before January 1, 1985, pursuant to an inducement resolution or other comparable preliminary approval before June 19, 1984; and

Obligations referred to in Section 631 (d)(1), (2) or (3) of the Act; and

The Act provides for an allocation of the state ceiling in each state among the issuers of such bonds within the state but with provision that a state legislature may, by law enacted after the enactment of the Act, provide a different formula for allocating the state ceiling. In the interim prior to any such action by a state legislature, the governor of a state may proclaim a different formula for allocating the state ceiling. Legislation was passed by the 1986 Session of the Virginia General Assembly to allocate the state ceiling. That legislation will become effective on January 1, 1987.

In order to allocate the State Ceiling among all issuers of such bonds in a manner which will promote the public purposes and maximize the public benefits created by the issuance of such bonds, Governor Charles S. Robb issued Executive Order Number 54 (85).

However, on December 17, 1985, the United States House of Representatives passed House Resolution 3838 (H.R. 3838), which provided for a January 1, 1986 effective date for its provisions. Section 701 of H.R. 3838 (Section 145 of the proposed Internal Revenue Code of 1985) provides for a statewide volume cap on all "nonessential function bonds," as defined therein, of \$175 multiplied by the most recent estimated residential population of the Commonwealth last published by the Bureau of the Census prior to the commencement of the calendar year (the Commonwealth's Population). This includes \$25 per capita to be reserved for issuers of "qualified 501(c)(3) bonds," as defined therein (the \$150 net per capita multiplied by the Commonwealth's Population herein defined as the "Virginia Quota under H.R. 3838).

# Governor

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H.R. 3838 provides that, unless reallocated by the Governor, 50 percent of the Virginia Quota under H.R. 3838 is allocated to state issuers and 50 percent of the Virginia Quota under H.R. 3838 is allocated to local issuers. H.R. 3838 further provides that, unless reallocated to other issuers, not more than 50 percent of the quota allocated to any issuing authority shall be used for bonds other than Housing Related Bonds as described therein.

Other proposals to Congress may impose a quota system that affects the issuance of Private Activity bonds. This Executive Order provides for rules that will permit compliance with H.R. 3838 and other proposals, should the same be enacted into law, to maximize the public benefit created by the issuance of Private Activity bonds within the Commonwealth.

## Purpose:

The purpose of this Executive Order is to allocate Virginia's total bond issuing authority to those Issuing Authorities, both state and local, which are empowered to issue Private Activity Bonds. The following formula for the allocation of the remaining 1986 State Ceiling on Private Activity Bonds is in accordance with the Deficit Reduction Act of 1984 as signed into law by the President of the United States on July 18, 1984.

## Definitions:

As used herein, these definitions shall apply.

1. "Act" shall mean that public law signed by the President of the United States on July 18, 1984, known as the "Deficit Reduction Act of 1984."
2. "Allocation Administrator" shall mean the Virginia Department of Housing and Community Development.
3. "Basic Employment Projects" shall mean those facilities that bring new income into Virginia's economy, stimulate additional employment, and are the basis for further economic growth. Goods or services which are sold outside the boundaries of an area or are paid for with funds from outside an area are considered "exports." Export industries are considered to be the Commonwealth's basic employers. Examples of Basic Employment Projects are: manufacturing, mining, regional distribution or warehousing centers, research and development firms, corporate headquarters or regional offices, major tourist facilities, large-scale agricultural or fishing operations, and port-related activities.
4. "Code" shall mean the Internal Revenue Code of 1954, as amended, together with the regulations and rulings issued pursuant thereto.
5. "Exempt Projects" for the purposes of the State Ceiling shall mean the following activities described in Section 103(b)(4) and 103(b)(5) of the Code which are

subject to the State Ceiling:

- (a) Sport facilities;
- (b) Convention or trade show facilities;
- (c) Airports, docks, wharves, mass commuting facilities, and parking facilities;
- (d) Sewage and solid waste disposal facilities, and facilities for the local furnishing of electric energy or gas;
- (e) Air or water facilities, including pollution control facilities;
- (f) Certain facilities for the furnishing of water;
- (g) Qualified mass commuting vehicles;
- (h) Local district heating and cooling facilities;
- (i) Industrial parks.

6. "Governing Body" shall mean the Board of Supervisors of each county and the Council of each city and of each town.

7. "Issued" shall mean that the private activity bonds have been issued within the meaning of Section 103 of the Code.

8. "Issuing Authority" shall mean any political subdivision, governmental unit, authority, or other entity of the Commonwealth which is empowered to issue Private Activity Bonds.

9. "Local Allocation" shall mean that portion of the State Ceiling allocated to each locality in Virginia according to Item 1 under "Allocation of State Ceiling" in this Executive Order.

10. "Localit(y)(ies)" shall mean the individual and collective cities and counties of the Commonwealth of Virginia.

11. "Population" shall mean the most recent estimate of resident population for Virginia and the counties, cities, and towns published by the United States Bureau of the Census or the Tayloe Murphy Institute of the University of Virginia before January 1, 1986 for calendar year 1986.

12. "Private Activity Bonds" shall mean those obligations issued by the Commonwealth and its Issuing Authorities which constitute Private Activity Bonds, as defined in Section 103 (n) of the Code, and which are not exempt from the State Ceiling.

13. "State Allocation" shall mean that portion of the State Ceiling allocated to State Issuing Authorities or

projects of state or regional interest as determined by the Governor.

14. "State Ceiling" shall mean the amount of Private Activity Bonds that the Commonwealth of Virginia may issue in 1986 under the provisions of the Act; except that for H.R. 3838 purposes, the State Ceiling shall mean \$75 multiplied by the State's population, equaling one-half of the Virginia Quota under H.R. 3838. This ceiling shall remain in effect pending passage of a tax reform act by Congress and deemed to be reallocated for H.R. 3838 purposes for non-Housing Related Bonds.

The \$75 per capita state ceiling for H.R. 3838 purposes shall not apply if (a) H.R. 3838 or other tax reform legislation is passed by Congress and signed by the President without amending the amount of Private Activity Bonds that may be issued in Virginia in 1986 under existing law, or (b) a subsequent executive order removes the exception.

15. "State Reserve" shall mean that portion of the State Ceiling, as determined pursuant to Item 3 under "Allocation of State Ceiling" in this Executive Order.

16. "Supporting Employment Projects" shall mean those facilities which primarily serve the local economy, such as retail and wholesale trade, contract construction, insurance, real estate, medical, and other services.

#### Allocation of State Ceiling:

This Executive Order shall apply to all Private Activity Bonds issued by Issuing Authorities during the remainder of 1986. The procedures for allocation of the State Ceiling are as follows:

1. "Local Allocation." Each locality in Virginia is allocated \$75 per capita but not less than \$1 million of the State Ceiling. Any portion of the Local Allocation for which Private Activity Bonds have not been issued by August 29 shall revert to the State Reserve. There shall be no grant of extension of this deadline. The IDB Form 1 ("Local Allocation Project Information") shall be filed with the Allocation Administrator by August 29 to document all Local Allocation activity in the locality since January 1, 1986.

During the remainder of the calendar year, the State Ceiling shall be allocated from the State Reserve and the State Allocation to permit compliance with H.R. 3838 and other proposals, should the same be enacted into law. This will maximize the continued issuance of Private Activity Bonds within the Commonwealth. The estimated total of all Local Allocations for calendar year 1986 is \$439,540,000.

All Private Activity Bonds heretofore issued from the Local Allocation, the State Allocation, or the State

Reserve and with respect to which an IRS Form 8038 has been or is filed with the Allocation Administrator as required by this Executive Order or Executive Order 54 (85) and all such Private Activity Bonds issued on or after the effective date of this Executive Order and on or before August 29, 1986 and with respect to which (a) an IRS Form 8038 is filed with the Allocation Administrator, and (b) the Allocation Administrator has determined, taking into account the principal amount of such Bonds and all other Private Activity bonds with respect to which an IRS Form 8038 has been filed, that the State Ceiling, as defined above for H.R. 3838 purposes, has not to the best of his knowledge, been exceeded shall be treated for allocation purposes as bonds issued within the State Ceiling, as defined above for H.R. 3838 purposes. On and after August 29, 1986, the amounts awarded from the State Reserve and the State Allocation, in combination with the amounts previously issued from the Local Allocation, the State Allocation, or the State Reserve, plus amounts awarded from the State Allocation or the State Reserve which are still outstanding, shall not exceed the State Ceiling, as defined above for H.R. 3838 purposes.

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

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

2. "State Allocation." For calendar year 1986, State Issuing Authorities and projects of state or regional interest, as determined by the Governor, are allocated from the State Ceiling a total of \$15 per capita multiplied by the population of Virginia. The estimated amount of the State Allocation for calendar year 1986 is \$85,590,000.

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

3. "State Reserve." For calendar year 1986, the remainder of the State Ceiling, after deducting the Local Allocation and the State Allocation, shall be placed in a State Reserve for allocation pursuant to this Executive Order to localities or State Issuing Authorities. The amount of the initial State Reserve for calendar year 1986 is an estimated \$330,770,000.

#### Allocation of the State Reserve:

The primary purpose of the State Reserve is to assist in the economic development of the Commonwealth of

# Governor

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

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

1. A full identification, as specified by the Allocation Administrator, of each project which has received an allocation from the Local Allocation or the State Allocation.
2. Copies of IRS Form 8038 for each project for which bonds have been issued from the Local Allocation or the State Allocation, unless such form(s) have been previously filed with the Allocation Administrator in accordance with Reporting Requirements, Item 2, of this Executive Order.
3. Copies of the following for each project for which an allocation is being requested from the State Reserve and for each project which has been assigned an allocation from the Local Allocation or the State Allocation but for which bonds have not been issued, unless such information has previously been submitted.
  - inducement resolutions or other preliminary approvals,
  - documentation of the appropriate elected body's or official's approval of such projects as required by Section 103(k) of the Code,
  - written opinion of bond counsel that the bonds are required to be included under the State Ceiling, and
  - a letter of intent from a bond purchaser(s) agreeing in principle to purchase the bond(s) subject to appropriate contingencies.
4. Such additional information as may be requested by the Allocation Administrator.

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

Period	Last Date for Request Submission	Approximate Allocation Award Date	Initial Amount of Issuing Authority to be Awarded
Jan/Feb	Feb 28	Mar 15	\$ 80,000,000
Mar/Apr/May	May 15	Jun 1	100,000,000
Jun/Jul/Aug	Aug 15	Sep 2	100,000,000

Sep/Oct	Oct 16	Nov 3	50,770,000
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The Allocation Administrator shall increase the initial amount of the State Reserve to be awarded in any period by the amount of any Local Allocation returned to the State Reserve, or any unused issuing authority from the prior period(s).

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

1. The project is a Basic Employment Project.
2. Except to the extent that a locality has reverted its Local Allocation to the State Reserve, the governing body of the locality has allocated at least 90% of its Local Allocation for projects required to be given a priority allocation by Section 631(a)(3) of the Act or for Basic Employment Projects, which may include the project for which the allocation from the State Reserve is requested.
3. The project will create or retain, as specified below in Criterion 3 of the State Reserve Point System, a minimum of 100 jobs.

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

### STATE RESERVE POINT SYSTEM

Criteria	Relative Weight	Maximum Points
1. Project Type	20%	300
Basic Employment	20%	300
Exempt	10%	150
Supporting Employment	0%	0

2. Use of State or Local Allocation	13%	200
90% or more reallocated to State Reserve or allocated for Basic Employment Projects or for projects required to be given a priority allocation by the Act.	13%	200
66% to 89% allocated for Basic Employment Projects or for projects required to be given a priority allocation by the Act.	7%	100
Less than 66% allocated for Basic Employment Projects or for projects required to be given a priority allocation by the Act.	0%	0
Subtotal	33%	500
3. Number of Jobs Created (Net) or Retained	25%	375

The net number of jobs created that are new to Virginia will be counted. Jobs resulting from a proposed project or individual entities within a project which are relocating within Virginia will not be counted. Where there is a significant threat that existing jobs will be lost to Virginia due to relocation or obsolescence, the preservation of such jobs shall be counted as if they were new jobs.

Criteria	Relative Weight	Maximum Points
4. Local Unemployment Rate	15%	225
5. Wages Per Employee	10%	150
6. Percent of Total Project to be Financed with other than Private Activity Bonds	10%	150
7. Increased Assessed Value of Real Property	7%	100

Scoring for this factor will involve ranking the projects according to the projected increase in assessed value of real property involved in each project in terms of land and buildings. This factor will give special emphasis to those projects which entail the largest investment. This will produce the greatest tax revenues for the locality.

Relative Maximum

Criteria	Weight	Points
Subtotal	67%	1,000
Total	100%	1,500

Bonus Criteria

8. Virginia Community Certification Program	5%	75
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Bonus points will be given if the project is to be located in a locality that is certified under the Department of Economic Development's Community Certification Program. This bonus criterion will help reward those communities that have demonstrated an interest in attracting economic development by successfully completing this program. A smaller bonus of 15 points will be given if the project is to be located in a community that has enrolled in the program.

9. Location in Urban Enterprise Zone	5%	75
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Bonus points will be awarded to those projects which propose to locate in areas designated by the Governor as urban enterprise zones. This bonus criterion will offer an additional incentive to those firms willing to locate in depressed areas of the Commonwealth, where business investment and the resulting jobs opportunities are desperately needed to help revitalize the community.

10. Multi-Jurisdictional	7%	100
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Bonus points will be given to Basic Employment or Exempt projects jointly supported by two or more contiguous localities if one or more of the localities revert a portion of their Local Allocation to the State Reserve to be reallocated to the locality in which the project will be located. This bonus criterion will encourage localities in a region to work together in providing financial support for larger projects. This "leveraging" of their Local Allocation will be rewarded with bonus points towards an allocation from the State Reserve.

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



# Governor

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

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

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

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

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

Allocations awarded to Basic and Supporting Employment Projects after November 14 but before December 12 shall revert to the State Reserve if the bonds are not issued by December 12.

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

order:

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

Notwithstanding the foregoing, in the event that the State Ceiling for H.R. 3838 purposes is no longer applicable and \$300,000,000 or more is remaining in the State Reserve after November 14, priority item 6 ("All other projects ranked according to the State Reserve Point System") shall be ranked as the first priority and awards shall be made beginning November 15 according to this new priority order by the Allocation Administrator to projects having requests on file with the Allocation Administrator before November 14. The objective shall be to ensure maximum utilization of the State Reserve for its primary purpose of assisting in the economic development of the Commonwealth.

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

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

#### Carryforward of Private Activity Bond Issuing Authority from One Calendar Year to the Next:

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

#### Reporting Requirements:

1. The locality and State Issuing Authority shall submit all requests to the State Reserve in the form and manner prescribed by the Allocation Administrator.

2. Within five days of issue of any Private Activity Bonds, each Issuing Authority shall submit a copy of Internal Revenue Service Form 8038 to the Allocation Administrator.

Administration:

1. The Virginia Department of Housing and Community Development shall be the state administering agency for this Executive Order.

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

This Executive Order supersedes and rescinds Executive Order 54 (85), Federal Limit on Private Activity Bonds, issued on January 23, 1985 by Governor Charles S. Robb.

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

Given under my hand under the Seal of the Commonwealth of Virginia this 14th day of July, 1986.

/s/ Gerald L. Baliles  
Governor

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**EXECUTIVE ORDER NUMBER NINETEEN (86)**

**LEGISLATIVE COORDINATION**

By virtue of the authority vested in me by Article V, Section 5 of the Constitution of Virginia and Sections 2.1-39.1 and 2.1-41.1 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby require each state agency or institution within the Executive Branch to notify the Office of the Governor regarding any legislation it proposes for adoption, all testimony relative to proposed legislation, and its assessment of the potential impacts of proposed legislation.

This requirement is intended to:

- Ensure that all proposed legislation is necessary for the efficient and effective operations of state government and is responsive to the needs of citizens of the Commonwealth;

- Fulfill my responsibility as the Chief Planning and

Budget Officer of the Commonwealth;

- Facilitate the development of an official position on legislation before, during and after each session of the General Assembly;

- Ensure appropriate consideration of the views of all affected agencies;

- Clarify the Administration's position on particular legislation for the guidance of the executive agencies and for the information of the General Assembly; and

- Assess the fiscal and policy implications of proposed legislation.

This requirement is not intended to restrict any state agency or institution from proposing to the Governor legislation deemed necessary to the efficient and effective operations of state government. This requirement also shall not restrict the ability of any member of the General Assembly to gain access to or obtain information from any state agency or institution.

The Director of the Department of Planning and Budget is hereby delegated the responsibility for coordinating with and advising the Governor and the Governor's Secretaries regarding agency legislative proposals before each session of the General Assembly. The Director also shall be responsible for providing information and staff assistance as required during and after each session of the General Assembly.

The Director of the Department of Planning and Budget is hereby directed to develop and implement a legislative coordination process that includes policies and procedures necessary for the implementation of his assigned duties and responsibilities.

The Governor's Secretaries shall be responsible for coordinating with the Office of the Governor all official communications between Executive Branch agencies and institutions and the General Assembly.

This Executive Order supersedes and rescinds Executive Order Number Seventeen (82), issued September 3, 1982 by Governor Charles S. Robb.

This Executive Order will become effective upon its signing and will remain in full force and effect until June 30, 1990, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 26th day of June, 1986.

/s/ Gerald L. Baliles  
Governor

# Governor

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9 of the Code of Virginia)

### VIRGINIA STATE BOARD OF NURSING

Title of Regulation: VR 495-01-1. Board of Nursing  
Regulations.

Office of the Governor

May 11, 1987

Mr. Bernard L. Henderson, Jr.  
Director  
Department of Health Regulatory Boards  
1601 Rolling Hills Drive  
Richmond, Virginia 23229-9900

I have reviewed the Virginia State Board of Nursing Regulations, VR 495-01-1, under the procedures of Executive Order Number Five (86).

The regulations appear carefully drawn to simplify and strengthen the requirements for nursing education programs and to ensure that the Board has sufficient revenues to cover its administrative costs. The Board is to be commended for the care with which it has reviewed its regulations and its willingness to make changes where appropriate.

Despite the anticipated positive impact of most of the proposed amendments, I do have serious concerns regarding the proposal to require that nursing faculty have degrees in nursing. This standard seems to impose requirements on nursing education programs which may not bear a relationship to the quality of the training provided to nursing students. Under this standard, a person who is a recognized expert in a subject which is part of the core nursing curriculum (e.g. anatomy, physics, microbiology) would not be qualified to serve on the nursing faculty if he or she did not also hold a degree in nursing. In addition, programs in some areas of the Commonwealth may not have a sufficient supply of individuals with nursing degrees to meet the demands of their curriculum. Under these circumstances, it is apparent that imposition of the nursing degree requirements would not serve the best interests of nursing students and could have an adverse impact on quality of care.

In light of the considerations expressed above, I encourage the Board to consider alternatives to the degree requirement for nursing faculty. I am confident that the Board can develop standards to ensure the quality of nursing education programs in Virginia without imposing unnecessarily stringent requirements on those programs.

/s/ Gerald L. Baliles

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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register

## STATE BOARD OF ACCOUNTANCY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Accountancy intends to consider promulgating, amending, or repealing regulations entitled: **VR 105-01-2. State Board of Accountancy Rules and Regulations.**

The purpose of the proposed action is to amend the fees charged for examination and reexamination and other changes which may be deemed appropriate to the State Board of Accountancy Rules and Regulations.

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

Written comments may be submitted until June 25, 1987.

**Contact:** Roberta L. Banning, Assistant Director, Department of Commerce, 3600 West Broad Street, Richmond, Va. 23230, telephone (804) 257-8505 (toll-free 1-800-552-3016 (Virginia only))

## DEPARTMENT OF AGRICULTURE AND CONSUMER 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 Agriculture and Consumer Services intends to consider promulgating regulations entitled: **Rules and Regulations for the Enforcement of the Phosphate Cleaning Agents Law.** The purpose of the proposed regulation is to establish exceptions for cleaning agents containing phosphorus that the act creates a significant hardship on the user or where the act may be unreasonable because of the lack of an adequate substitute cleaning agent.

Statutory Authority: §§ 62.1-193.2 and 62.1-193.3 of the Code of Virginia.

Written comments may be submitted until July 10, 1987, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P.O. Box 1163, 1100 Bank Street, Richmond, Virginia 23209.

**Contact:** C. Kermit Spruill, Director, Division of Dairy and Food, P.O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-8899

## STATE AIR POLLUTION CONTROL BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.**

The purpose of the intended amendments is to change the agency's regulations to provide the latest edition of referenced technical and scientific documents and to incorporate newly promulgated federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS).

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

Written comments may be submitted until June 15, 1987 to Director of Program Development, State Air Pollution Control Board, P. O. Box 10089, Richmond, Virginia 23240

**Contact:** Nancy S. Saylor, Division of Program Development, State Air Pollution Control Board, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-1249

## VIRGINIA FIRE SERVICES BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Fire Services Board and the Department of Fire Programs intends to consider amending regulations entitled: **Training Courses and Programs for Fire Marshals (Fire Investigators) and Their Assistants.**

The purpose of the proposed amendments is to amend the training courses and programs required for local fire marshals and their assistants.

Statutory Authority: §§ 9-155 and 27-34.2:1 of the Code of

# General Notices/Errata

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Virginia.

Written comments may be submitted until August 31, 1987, to Robert A. Williams, Department of Fire Programs, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia 23219.

**Contact:** Carl N. Cimino, Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2681

## DEPARTMENT OF HEALTH (STATE BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Rules and Regulations for the Licensure of Hospitals in Virginia.**

The purpose of the proposed amendments is to require each hospital that provides an obstetrical service to have a protocol for admitting or transferring any woman in labor that presents herself at the hospital; to require each licensed hospital to establish a protocol for organ and tissue procurement.

Statutory Authority: § 32.1-127 of the Code of Virginia.

Written comments may submitted until June 22, 1987.

**Contact:** Mary V. Francis, Director, Division of Licensure and Certification, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-2084

## VIRGINIA BOARD OF HEARING AID DEALERS AND FITTERS

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Hearing Aid Dealers and Fitters intends to consider promulgating, amending, or repealing regulations entitled: **Virginia Board for Hearing Aid Dealers and Fitters.**

The purpose of the proposed action is to solicit public comment on all existing regulations as to the effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the agency's public participation guidelines and § 54-524.110 of the Code of Virginia.

Statutory Authority: §§ 54-1.28 and 54-524.110 of the Code of Virginia.

Written comments may be submitted until June 25, 1987.

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

## DEPARTMENT OF LABOR AND INDUSTRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Labor and Industry intends to consider adopting regulations entitled: **VR 425-02-30. Virginia Confined Space Standard for the Telecommunications Industry.** The purpose of the regulations is to provide persons engaged in confined space operations in the telecommunications industry with safe procedures for entry and work in confined spaces.

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

Written comments may be submitted until June 12, 1987, to Carol Amato, Commissioner, Department of Labor and Industry, 205 North Fourth Street, P. O. Box 12064, Richmond, Va. 23241. A second 60-day public comment period is not required under the Administrative Process Act.

**Contact:** Thomas Rother, Occupational Health Voluntary Compliance and Training Director, telephone (804) 786-0551 or Jay Withrow, VOSH Technical Services Director, telephone (804) 786-8011

## DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health and Mental Retardation intends to consider promulgating regulations entitled: **VR 470-02-13. Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities.**

The purpose of the proposed regulations is to provide minimum requirements for the licensure of psychiatric hospitals, psychiatric units in general hospitals and inpatient substance abuse treatment facilities. VR 470-02-03. Rules and Regulations for the Licensure of Private Psychiatric Hospitals will be repealed.

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of

Virginia.

Written comments may be submitted until June 12, 1987.

**Contact:** Barry P. Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

## VIRGINIA BOARD OF OPTOMETRY

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Optometry intends to consider amending regulations entitled: **Regulations of the Virginia Board of Optometry Regarding the Continuing Education Approval Fee Aspect.**

It is proposed to delete a single, minor requirement to the rules for a \$10 fee for review and approval of a continuing education course. Besides the fee all other aspects of the continuing education regulations are proposed to be retained unchanged.

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

Written comments may be submitted until July 8, 1987.

**Contact:** Moira C. Lux, Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines the the Department of Social Services intends to consider promulgating regulations entitled: **Fees for Services Provided by Local Departments of Social Services Related to Court Actions.**

Law requires when the court directs the appropriate local Department of Social Services to conduct an investigation regarding a child's custody, visitation or support, and the court shall assess a fee. The State Board of Social Services shall establish regulations and fee schedules. Fees will be determined by petitioner's ability to pay and the statewide average cost of services.

Statutory Authority: §§ 14.1-114, 16.1-274 and 63.1-236.1 of the Code of Virginia.

Written comments may be submitted until June 30, 1987.

**Contact:** Mary Saul, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9431

## COMMONWEALTH TRANSPORTATION BOARD

### 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

## STATE WATER CONTROL BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Upper James River Basin Water Quality Management Plan.**

The proposed amendments would revise the five-day biochemical oxygen demand (BOD<sub>5</sub>) loading and alternately require seasonal nitrification for the Rivanna Water and Sewer Authority Moores Creek Sewage Treatment Plant.

Basis and Statutory Authority: Section 62.1-44.15(3) and (10) 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 to modify, amend, or cancel any such standards and policies.

# General Notices/Errata

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Section 62.1-44.15(13) of the Code of Virginia authorizes the establishment of policies and programs for area and basinwide water quality control and management.

**Purpose:** Water Quality Management Plans set forth those measures to be taken by the State Water Control Board in order to reach and maintain applicable water quality goals both in general terms and also establishing numeric loadings for five-day biochemical (BOD5) or nitrogenous oxygen demand (NOD5). The purpose of this proposal is to amend the Upper James River Basin Water Quality Management Plan's BOD5 loading for the Rivanna Water and Sewer Authority's Moores Creek Plant in Charlottesville, Virginia, from 503.5 kg/day to 852 kg/day and to alternately provide for seasonal nitrification of the plant effluent.

**Estimated Impact:** Federal and state law require that NPDES permits be in compliance with appropriate area or basinwide water quality management plans. The proposed amendment would revise the BOD5 loading upward and alternately provide for seasonal nitrification of the Rivanna Water and Sewer Authority's Moores Creek plant effluent. The proposal will ensure that contravention of water quality standards will not occur and possibly reduce capital and operation and maintenance costs for the Moores Creek facility.

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

Written comments may be submitted until June 30, 1987.

**Contact:** Charles T. Mizell, Supervisor, Water Resources Development, State Water Control Board, P. O. Box 268, Bridgewater, Va. 22812, telephone (703) 828-2595

## GENERAL NOTICES

### ALCOHOLIC BEVERAGE CONTROL BOARD

#### Notice to the Public

Pursuant to its public participation guidelines contained in § 5.1 of VR 125-01-1, the board intends to consider the amendment or adoption of regulations as set forth below and will conduct a public meeting on such proposals as indicated below:

**1. §§ 1.7, 1.14, 2.5 and 2.9 of VR 125-01-1 - Procedural Rules for the Conduct of Hearings Before the Board and its Hearing Officers and the Adoption or Amendment of Regulations.**

a. **Subject of Proposal** - Amend regulations pertaining to Rules of Practice and Procedure to provide that notices from the board, including

Notices of Hearings, Notices of Continuances, Notices of Decisions and other notices during the hearings process may be given by first class United States mail, postage prepaid to the licensees, complainants, objectors or applicants' last known mailing address or principal place of business.

b. **Entities Affected** - Manufacturers, wholesalers, retailers and other persons involved in administrative hearings before the board.

c. **Purpose of Proposal** - To permit the giving of notice by first class United States mail, postage prepaid, instead of giving such notices by certified or registered mail, and to reduce costs and expenses incurred in sending notices by certified mail.

d. **Issues Involved** - Should the board change its current practice of sending notices by certified or registered mail and begin a new practice of giving notice by first class mail only?

e. **Applicable Laws or Regulations** - §§ 4-7(j), 4-11(a), 4-31(b), 4-37 B., 4-105(5)(c), 4-114(b), 4-118.31 B., 4-118.11 B., 9-6.14:12 of the Code of Virginia.

**2. Part III of VR 125-01-1 - Wine and Beer Franchise Acts.**

a. **Subject of Proposal** - Amend Part III of regulation to provide that the board may issue subpoenas for the production of documents, attendance of witnesses, requests for admissions, interrogatories, depositions and other forms of discovery.

b. **Entities Affected** - Manufacturers, importers and wholesale wine and beer distributors.

c. **Purpose of Proposal** - To provide for discovery in Wine and Beer Franchise cases as provided in changes to §§ 4-118.11 and 4-118.31 of the Code of Virginia, at the 1987 General Assembly.

d. **Issues Involved** - This is a procedural change mandated by statutory amendment passed by the 1987 General Assembly, HB 1532.

e. **Applicable Laws or Regulations** - §§ 4-7(j), (k) and (l), 4-10, 4-11(a), Chapter 2.1 (4-1183 et seq.), Chapter 2.2 (4-118.21 et seq.) of Title 4 and Chapter 1.1:1 (9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

**3. § 1 of VR 125-01-2 - Advertising Generally; Cooperative Advertising; Federal Laws; Beverages and Cider; Exceptions; Restrictions.**

a. **Subject of Proposal** - Amend regulation to eliminate the prohibition against the use of

advertising of any present or former athlete or athletic team.

b. **Entities Affected** - Manufacturers of spirits, wine and beer, wholesalers and retailers.

c. **Purpose of Proposal** - To permit the alcoholic beverage industry to use athletes or athletic teams in their advertising.

d. **Issues Involved** - Will the removal of this proscription encourage impressionable persons under the legal drinking age to purchase or consume alcoholic beverages?

e. **Applicable Laws or Regulations** - §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

**4. § 2 of VR 125-01-2 - Advertising; Interior; Retail Licensees; Show Windows.**

a. **Subject of Proposal** - To amend regulation to permit retailers to have interior advertising of any brand of alcoholic beverages sold in this Commonwealth, provided, however, that such advertising materials are not furnished by manufacturers or wholesalers of alcoholic beverages.

b. **Entities Affected** - Retail licensees of the board.

c. **Purpose of Proposal** - To eliminate the proscription of interior advertising by retailers to any reference to any brand or manufacturer of alcoholic beverages.

d. **Issues Involved** - Should retailers be permitted to advertise brands of alcoholic beverages in the interior if such advertising materials are furnished by the retailer?

e. **Applicable Laws of Regulations** - §§ 4-1(1), 4-11(a), 4-60(i), 4-69, 4-69.2, 4-98.10(w) and 4-98.14 of the Code of Virginia.

**5. § 2 of VR 125-01-2 - Advertising; Interior; Retail Licensees; Show Windows.**

a. **Subject of Proposal** - Amend regulation to permit point-of-sale materials on contests and sweepstakes in retail establishments as long as no purchase is required and point-of-sale restricted to cut case cards.

b. **Entities Affected** - Manufacturers, wholesalers of beer and wine and the general public.

c. **Purpose of Proposal** - This would provide another source for the public to enter and participate in contests and sweepstakes.

d. **Issues Involved** - Should the board permit this additional point-of-sale material in retail outlets which is currently permitted in the print media?

e. **Applicable Laws or Regulations** - §§ 4-7(1), 4-11(a), 4-60(i), 4-69, 4-69.2, 4-98.10(w) and 4-98.14 of the Code of Virginia.

**6. § 6 of VR 125-01-2 - Advertising; Novelties and Specialties.**

a. **Subject of Proposal** - Amend regulation to permit order blanks at the point-of-sale for novelty and specialty items on cut case cards.

b. **Entities Affected** - Manufacturers, wholesalers, retailers and the general public.

c. **Purpose of Proposal** - To permit the general public another means, other than the print media, to obtain novelty and specialty items from suppliers.

d. **Issues Involved** - Should brand identified novelty and specialty items be made more readily available to the public?

e. **Applicable Laws or Regulations** - §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w) and 4-98.14, of the Code of Virginia.

**7. § 9 of VR 125-01-2 - Advertising; Coupons.**

a. **Subject of Proposal** - Amend regulations to define "normal retail price."

b. **Entities Affected** - Manufacturers of spirits, wine and beer.

c. **Purpose of Proposal** - To define "normal retail price" and insert example in amended language.

d. **Issues Involved** - Merely to clarify "normal retail price" for industry.

e. **Applicable Laws or Regulations** - §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

**8. § 9 of VR 125-01-2 - Advertising; Coupons.**

a. **Subject of Proposal** - Amend regulation to eliminate the prohibition against the use of discount coupons.

b. **Entities Affected** - Manufacturers of spirits, wine and beer, retailers and general public.

c. **Purpose of Proposal** - To permit the use of discount coupons as is presently permitted for refund coupons.



# General Notices/Errata

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d. **Issues Involved** - Should manufacturers be permitted to offer discount coupons?

e. **Applicable Laws or Regulations** - §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

9. **§ 10 of VR 125-01-2 - Advertising; Sponsorship of Public Events; Restrictions and Conditions.**

a. **Subject of Proposal** - Amend regulation to eliminate the restriction that events must be of a limited duration.

b. **Entities Affected** - Manufacturers and wholesalers of alcoholic beverages and banquet licensees.

c. **Purpose of Proposal** - Deregulation of restriction governing sponsorship of public events.

d. **Issues Involved** - Should manufacturers and wholesalers of alcoholic beverages be permitted to sponsor public events without time restrictions?

e. **Applicable Laws or Regulations** - §§ 5-7(1), 4-11(a) and 4-69 of the Code of Virginia.

10. **§ 10 of VR 125-01-2 - Advertising; Sponsorship of Public Events; Restrictions and Conditions.**

a. **Subject of Proposal** - Amend regulation to permit sponsorship of events on an amateur, semi-professional or intercollegiate level by wineries, distilleries and breweries and expand the scope of public events to include cultural events.

b. **Entities Affected** - Wineries, distilleries, breweries and the general public.

c. **Purpose of Proposal** - To permit sponsorship by wineries and distilleries of certain types of events presently permitted by breweries and to authorize sponsorship of cultural events only.

d. **Issues Involved** - Should all manufacturers of alcoholic beverages be allowed to sponsor the same types of public events?

e. **Applicable Laws or Regulations** - §§ 4-7(1), 4-11(a) and 4-69 of the Code of Virginia.

This requested by Brown-Forman Company.

11. **§ 8 of VR 125-01-3 - Solicitation of Mixed Beverage Licensees Generally; Disqualifying Factors.**

a. **Subject of Proposal** - Amend regulation to permit a representative of a distillery to solicit mixed beverage licensees.

b. **Entities Affected** - Mixed Beverage licensees and manufacturers of distilled spirits.

c. **Purpose of Proposal** - To remove present prohibition of the solicitation of mixed beverage licensees by representatives of a distillery.

d. **Issues Involved** -

(1) Should distillery representatives be permitted to solicit mixed beverage licensees?

(2) What control would the board have over such a representative who holds no license or permit from this agency?

e. **Applicable Laws or Regulations** - §§ 4-98.14 and 4-98.16 of the Code of Virginia.

This requested by Brown-Forman Company.

12. **§ 9 of VR 125-01-3 - Inducements to Retailers; Tapping Equipment; Bottle or Can Openers; Banquet Licenses; Cut Case Cards; Clip-ons and Table Tents.**

a. **Subject of Proposal** - Amend regulation to permit three-dimensional printed matter for wine or beer cut case cards.

b. **Entities Affected** - Manufacturers, wholesalers and retailers of alcoholic beverages.

c. **Purpose of Proposal** - To remove the present restriction on cut case cards of two-dimensional printed matter.

d. **Issues Involved** - To permit manufacturers, bottlers or wholesalers to furnish to retailers interior advertising of a more substantial nature.

e. **Applicable Laws or Regulations** - §§ 4-7(1), 4-11(a), 4-69.2, 4-79(f) and (h) and 4-98.14 of the Code of Virginia.

13. **§ 9 of VR 125-01-3 - Inducements to Retailers; Tapping Equipment; Bottle or Can Openers; Banquet Licenses; Cut Case Cards; Clip-ons and Table Tents.**

a. **Subject of Proposal** - Amend regulation to permit manufacturers and wholesalers of beer to furnish retail licensees beer table tents and beer clip-ons.

b. **Entities Affected** - Manufacturers, wholesalers of beer, and retailers.

c. **Purpose of Proposal** - To comply with change in § 4-79 of the Code of Virginia, as amended at the 1987 session of the General Assembly, effective July 1, 1987, HB 1415.

d. **Issues Involved** - Amendment will permit

manufacturers and wholesalers of beer to furnish to retailers beer table tents and beer clip-ons as manufacturers and wholesalers of wine are now authorized.

e. **Applicable Laws or Regulations** - §§ 4-7(l), 4-11(a), 4-69.2, 4-79(f) and (h) and 4-98.14 of the Code of Virginia.

**14. § 2 of VR 125-01-4 - Wines; Qualifying Procedures; Disqualifying Factors; Samples; Exceptions.**

a. **Subject of Proposal** - Amend regulation to eliminate subsection dealing with approval of wines to which fruit juice, or artificial flavoring has been added.

b. **Entities Affected** - Manufacturers, wholesalers and retailers of wine products.

c. **Purpose of Proposal** - Deregulation of approval by the board relating to wines containing fruit juice, artificial coloring and sangria-type wines.

d. **Issues Involved** -

(1) The rescission of this subsection would remove an undue burden on the manufacturers, as the product has the approval of the appropriate federal agency.

(2) The current market trend involves more of these types of wines.

e. **Applicable Laws or Regulations** - §§ 4-7(h) and (l) and 4-11(a) of the Code of Virginia.

**15. § 1 of VR 125-01-5 - Restrictions Upon Sale and Consumption of Alcoholic Beverages and Beverages.**

a. **Subject of Proposal** - Amend regulation to prohibit the sale and consumption of beer by a person under the age of 21 years.

b. **Entities Affected** - Retail licensees and the general public.

c. **Purpose of Proposal** - To conform with the statutory provisions effective July 1, 1987 raising the legal drinking age to 21 for all alcoholic beverages.

d. **Issues Involved** - To clarify the regulation that a person must be 21 years of age to purchase and consume all alcoholic beverages.

e. **Applicable Laws or Regulations** - §§ 4-7(l), 4-11(a), 4-37(a)(l)(j), 4-62, 4-103(b) and 4-112, of the Code of Virginia.

**16. § 2 of VR 125-01-5 - Determination of Legal Age**

**of Purchaser.**

a. **Subject of Proposal** - Amend regulation deleting any reference to "Virginia operator's or chauffeur's licenses, or such licenses issued by any other state" and amend language referring to Virginia Division of Motor Vehicles to "Department of Motor Vehicles."

b. **Entities Affected** - Wholesale wine and beer distributors, retail licensees and the general public.

c. **Purpose of Proposal** - Merely housekeeping in nature to clarify types of identification accepted as proof of legal age to purchase alcoholic beverages issued by the Virginia Department of Motor Vehicles.

d. **Issues Involved** - To provide licensees of the board clarification as to bona fide evidence of legal drinking age.

e. **Applicable Laws or Regulations** - §§ 4-7(l), 4-11(a), 4-62, 4-98.14 and 4-103(b) of the Code of Virginia.

**17. § 6 of VR 125-01-5 - Procedures for Mixed Beverage Licensees Generally; Mixed Beverage Restaurant Licensees; Sale of Spirits in Closed Containers; Employment of Minors.**

a. **Subject of Proposal** - Amend regulation to permit premixing of spirits drinks.

b. **Entities Affected** - Mixed beverage restaurant licensees and mixed beverage caterers.

c. **Purpose of Proposal** - To allow mixed beverage licensees to pre-mix spirits drinks prior to a patron's order.

d. **Issues Involved** -

1. Should mixed beverage licensees be permitted to pre-mix spirits drinks prior to a patron's order?

2. Would the removal of this restriction ensure that the customer receives the drink ordered?

e. **Applicable Laws or Regulations** - §§ 4-7(a), (b), (h) and (l), 4-11(a), 4-98.10, 4-98.11 and 4-98.14 of the Code of Virginia.

**18. § 10 of VR 125-01-5 - Definitions and Qualifications for Retail Off-Premises Wine Beer Licenses and Off-Premises Beer Licenses; Exceptions; Further Conditions; Temporary Licenses.**

a. **Subject of Proposal** - Amend Regulation to change monetary requirements for monthly sales and inventory.

## General Notices/Errata

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- b. **Entities Affected** - Specialty shop licensees.
- c. **Purpose of Proposal** - To reduce the monetary qualifications for monthly sales and inventory from \$2,000 to \$750.
- d. **Issues Involved** - Should the board lower the qualifications for a specialty shop classification with respect to the inventory and sales of the required cheese and gourmet foods?
- e. **Applicable Laws or Regulations** - §§ 4-7(l), 4-11(a), 4-25(jl) and 4-31(a) of the Code of Virginia.

**19. § 11 of VR 125-01-5 - Definitions and Qualifications For Retail On-Premises and On-and-Off Premises Licenses Generally; Mixed Beverage Licensee Requirements; Exceptions; Temporary Licenses.**

- a. **Subject of Proposal** - Amend regulation to clarify the definition of designated room to include room "or area" to be approved by the board.
- b. **Entities Affected** - Retail licensees.
- c. **Purpose of Proposal** - To incorporate the current interpretation dealing with the definition of "room."
- d. **Issues Involved** - To expand the privileges of the license in rooms or other areas.
- e. **Applicable Laws or Regulations** - §§ 4-2(8), 4-7(l), 4-11(a), 4-25, 4-98.2 and 4-98.14 of the Code of Virginia.

**20. § 18 of VR 125-01-5 - Adopt a New Section Concerning Volunteer Fire Stations and Rescue Squads.**

- a. **Subject of Proposal** - Adopt a new regulation permitting volunteer fire departments/rescue squads to exercise the privileges of banquet facility licenses on the premises other than their stations and under the control of the fire department/rescue squad.
- b. **Entities Affected** - Volunteer fire departments or rescue squads.
- c. **Purpose of Proposal** - To clarify and set forth conditions by the board for the locations to be used for functions under the control of the fire department or rescue squad while the privileges of the license are being exercised as provided by a change in § 4-25(pl) of the Code of Virginia, as by the 1987 General Assembly, HB 1268.
- d. **Issues Involved** - To comply with statutory changes and provide guidance and clarification.
- e. **Applicable Laws or Regulations** - § 4-7(l),

4-11(a), 4-25(pl) and 4-103(b) of the Code of Virginia.

**21. § 2 of VR 125-01-6 - Wines; Purchase Orders Generally; Wholesale Wine Distributors.**

- a. **Subject of Proposal** - Amend regulation to remove the proscription against wholesale wine distributors peddling wine.
- b. **Entities Affected** - Wholesale wine distributors and retail licensees.
- c. **Purpose of Proposal** - To permit wholesale wine distributors to peddle wine.
- d. **Issues Involved** - Should wine wholesalers be permitted to peddle wine, as is presently permitted wholesale beer distributors?
- e. **Applicable Laws or Regulations** - §§ 4-7(a), (b) and (l), 4-11(a), 4-22.1 and 4-84(b) of the Code of Virginia.

This requested by Loveland Distributing Co. and Guiffre Distributing Co.

**22. § 2 of VR 125-01-6 - Wines; Purchase Orders Generally; Wholesale Wine Distributors.**

- a. **Subject of Proposal** - Amend regulation to eliminate requirement of taking an actual physical inventory monthly and change such inventory to a quarterly basis.
- b. **Entities Affected** - Wholesale wine distributors.
- c. **Purpose of Proposal** - To relieve wholesale distributors an economic burden of taking actual monthly physical inventories monthly.
- d. **Issues Involved** - Should the regulation be amended eliminating monthly physical inventories and would a change be detrimental to collecting state wine tax?
- e. **Applicable Laws or Regulations** - §§ 4-7(a), (b) and (l), 4-11(a), 4-22.1 and 4-84(b) of the Code of Virginia.

This requested by the Virginia Wine Wholesalers Association.

23. Regulations are adopted by the board pursuant to authority contained in §§ 4-7(l), 4-11(a), 4-98.14, 4-103(b), 4-6.14 and 9-6.4:1 et seq. of Title 9 of the Code of Virginia.

24. The board requests that all persons interested in the above described subjects please submit comments in writing by June 25, 1987 to the undersigned, P. O.

Box 27491, Richmond, Virginia 23261 or attend the public meeting scheduled below.

25. The board will hold a public meeting and receive the comments or suggestions of the public on the above subjects. The meeting will be in the First Floor Hearing Room at 2901 Hermitage Road, Richmond, Virginia at 10 a.m. on June 25, 1987.

Contact Robert N. Swinson, if you have questions, at 2901 Hermitage Road, Richmond, Va. 23227 or by phone at (804) 257-0616.

## DEPARTMENT OF HEALTH

### † Notice to the Public

A new methodology for projecting nursing home bed need was adopted March 18, 1987, by the Virginia Statewide Health Coordinating Council and became effective June 1, 1987. As a result, certain information on pages 38, 56, and 57 of the 1987 State Medical Facilities Plan is no longer applicable. These pages, and Appendix D containing a detailed inventory of licensed or approved nursing home beds, have been revised and are available at a price of \$2.00 per set including postage. To place an order, send your name and address, plus a check in the proper amount payable to the Virginia Department of Health, Division of Health Planning, 1010 Madison Building, 109 Governor Street, Richmond, Virginia 23219.

## 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

### STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution: Permits for New and Modified Sources (Part VIII).

Publication: VA.R. 3:17, p. 1687, May 25, 1987

Correction: Item 8 should read as follows:

"8. Update the permit regulations for Nonattainment Areas to be consistent with EPA regulations with respect to the inclusion of fugitive emissions in determining whether a source is a major stationary source."

### DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

Title of Regulation: VR 595-01-1. Provision of Vocational Rehabilitation Services.

Publication: VA.R. 3:17, p. 1865, May 25, 1987

Correction: A portion of the text was omitted in line 11 of paragraph 3 of the summary. The omitted text is printed below in italics.

Correction to the summary is as follows:

*...reduce the involvement of the department in title and lien restrictions, insurance, repair and maintenance questions, etc., as related to joint ownership of vehicles by the department with the client...*

Publication: VA.R. 3:17, p. 1871, May 25, 1987

Correction: Subsection B of § 10

Correction to the final regulation is as follows:

The title of subsection B of § 10 should read, "B. *Individualized Written Rehabilitation Program [ Review ]*."

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# CALENDAR OF EVENTS

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## Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ♯ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

### NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

..... VIRGINIA CODE COMMISSION

### EXECUTIVE

#### DEPARTMENT FOR THE AGING

##### Long-Term Care Ombudsman Program Advisory Council

July 16, 1987 - 9:30 a.m. - Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☎

The council will discuss the work of Virginia's Long-Term Care Ombudsman Program and hear interim reports from various subcommittees.

Contact: Virginia Dize, Department for the Aging, 101 N. 14th St., 18th Floor, Richmond, Va. 23219-2797, telephone (804) 225-2271/3141

#### 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 AIR POLLUTION CONTROL BOARD

July 27, 1987 - 9 a.m. - Open Meeting  
General Assembly Building, Senate Room A, Richmond, Virginia. ☎

This is a general meeting of the board.

# Calendar of Events

Contact: Dick Stone, State Air Pollution Control Board, P. O. Box 10089, Richmond, Virginia 23240, telephone (804) 786-5478

\* \* \* \* \*

July 29, 1987 - 10 a.m. - Public Hearing  
Town of Abingdon Municipal Building, Council Chambers,  
133 West Main Street, Abingdon, Virginia

July 29, 1987 - 10 a.m. - Public Hearing  
West Central Regional Office, State Water Control Board,  
Executive Office Park, 5312 Peters Creek Road, N.W.,  
Roanoke, Virginia

July 29, 1987 - 10 a.m. - Public Hearing  
Lynchburg Library, 2315 Memorial Avenue, Lynchburg,  
Virginia

July 29, 1987 - 1 p.m. - Public Hearing  
Chesterfield Public Library, 9501 Lori Road, Chesterfield,  
Virginia

July 29, 1987 - 10 a.m. - Public Hearing  
Hampton Roads Regional Office, State Air Pollution Control  
Board, Old Greenbriar Village, Suite A, 2010 Old  
Greenbriar Road, Chesapeake, Virginia

July 29, 1987 - 10 a.m. - Public Hearing  
National Capital Regional Office, State Air Pollution  
Control Board, Springfield Towers, Suite 502, 6320 Augusta  
Drive, Springfield, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia and the requirements of § 110(a)(1) of the Federal Clean Air Act that the State Air Pollution Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution: Permits for New and Modified Sources (Part VIII)**. The regulations establish limits for sources of air pollution to the extent necessary to attain and maintain levels of air quality as will protect human health and welfare.

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

Written comments may be submitted until July 29, 1987.

Contact: Robert A. Mann, Director of Program Development, State Air Pollution Control Board, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5789

## ALCOHOLIC BEVERAGE CONTROL BOARD

June 16, 1987 - 9:30 a.m. - Open Meeting  
June 30, 1987 - 9:30 a.m. - Open Meeting  
July 14, 1987 - 9:30 a.m. - Open Meeting  
July 28, 1987 - 9:30 a.m. - Open Meeting  
2901 Hermitage Road, Richmond, Virginia. ☐

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

June 25, 1987 - 10 a.m. - Open Meeting  
2901 Hermitage Road, Main Offices, 1st Floor, Richmond,  
Virginia. ☐

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.

Contact: Robert N. Swinson, 2901 Hermitage Road, P. O. Box 27491, Richmond, Virginia 23261, telephone (804) 257-0617

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

Virginia State Board of Certified Landscape Architects

† June 22, 1987 - 9 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, 5th  
Floor, Richmond, Virginia. ☐

A meeting to (i) approve minutes of March 12, 1987; (ii) review applications; (iii) conduct regulatory review; and (iv) grade exams.

Virginia State Board of Professional Engineers

† June 23, 1987 - 9 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, 5th  
Floor, Richmond, Virginia. ☐

A meeting to (i) approve minutes of March 10, 1987 meeting; (ii) review applications; (iii) conduct regulatory review; and (iv) discuss enforcement cases.

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8512

# Calendar of Events

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## AUCTIONEERS BOARD

† August 4, 1987 - 10 a.m. - Open Meeting  
† August 5, 1987 - 10 a.m. - Open Meeting  
† August 6, 1987 - 10 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Conference Room 1, Richmond, Virginia. ☐

A meeting to conduct a formal administrative hearing regarding Virginia Auctioneers Board vs. Valentine Auction and Storage Company.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

## STATE BUILDING CODE TECHNICAL REVIEW BOARD

† June 19, 1987 - 10 a.m. - Open Meeting  
Fourth Street Office Building, 205 North Fourth Street, Second Floor Conference Room, Richmond, Virginia. ☐  
(Interpreter for deaf provided if requested) ☐

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. Fourth St., Richmond, Va., telephone (804) 786-4752

## COORDINATING COMMITTEE FOR INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN'S RESIDENTIAL FACILITIES

† June 12, 1987 - 8 a.m. - Open Meeting  
Department of Social Services, Blair Building, 8007  
Discovery Drive, Richmond, Virginia. ☐

A meeting to consider (i) American Correctional Association Standards review; (ii) Automated Systems Project report form Department of Information Technology; and (iii) report from the advisory committee.

Contact: John J. Allen, Jr., Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

## BOARD OF COMMERCE

June 10, 1987 - 9 a.m. - Public Hearing  
City Hall Building, Council Chambers, 10455 Armstrong Street, Fairfax, Virginia

The board will meet to conduct a public hearing concerning the Need for Certifying Interior Designers.

June 10, 1987 - 1:30 p.m. - Public Hearing  
City Hall Building, Council Chambers, 10455 Armstrong Street, Fairfax, Virginia

The board will meet to conduct a public hearing concerning the Desirability of Regulating Real Estate Appraisers.

June 11, 1987 - 9 a.m. - Public Hearing  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

The board will meet to conduct a public hearing concerning the Need for Certifying Interior Designers

June 11, 1987 - 1:30 p.m. - Public Hearing  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

The board will meet to conduct a public hearing concerning the Desirability of Regulating Real Estate Appraisers.

June 22, 1987 - 9 a.m. - Public Hearing  
Hotel Roanoke, 19 North Jefferson Street, Roanoke, Virginia. ☐

The board will meet to conduct a public hearing concerning the Need for Certifying Interior Designers.

June 22, 1987 - 1:30 p.m. - Public Hearing  
Hotel Roanoke, 19 North Jefferson Street, Roanoke, Virginia. ☐

The board will meet to conduct a public hearing concerning the Desirability of Regulating Real Estate Appraisers.

June 29, 1987 - 9 a.m. - Public Hearing  
City Hall Building, Council Chambers, 810 Union Street, Norfolk, Virginia

The board will meet to conduct a public hearing concerning the Need for Certifying Interior Designers.

June 29, 1987 - 1:30 p.m. - Public Hearing  
City Hall Building, Council Chambers, 810 Union Street, Norfolk, Virginia

The board will meet to conduct a public hearing concerning the Desirability of Regulating Real Estate Appraisers.

**Contact:** Sylvia W. Bryant, Hearings Coordinator,  
Department of Commerce, 3600 W. Broad St., Richmond,  
Va. 23230, telephone (804) 257-8524

(804) 257-6274

## DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

### Virginia Soil and Water Conservation Board

**July 8, 1987 - 2 p.m.** – Open Meeting  
Blacksburg Marriott Inn, 900 Prices Fork Road, N.W.,  
Blacksburg, Virginia. ☐

A regular bimonthly business meeting.

**Contact:** Donald L. Wells, 203 Governor St., Suite 206,  
Richmond, Va. 23219-2094, telephone (804) 786-2064

## STATE BOARD FOR CONTRACTORS

† **June 24, 1987 - 10 a.m.** – Open Meeting  
City Hall Building, 801 Crawford Street, Portsmouth,  
Virginia

A meeting to conduct a formal administrative hearing  
regarding State Board for Contractors vs. Timothy  
Paige.

**Contact:** Sylvia W. Bryant, Hearings Coordinator,  
Department of Commerce, 3600 W. Broad St., Richmond,  
Va. 23230, telephone (804) 257-8524

## STATE BOARD OF CORRECTIONS

**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.

† **July 21, 1987 - 1 p.m.** – Open Meeting  
Omni Hotel, Norfolk, Virginia. ☐

† **August 12, 1987 - 10 a.m.** – Open Meeting  
† **September 16, 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

## VIRGINIA BOARD OF COSMETOLOGY

† **July 30, 1987 - 10 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Conference Room 1, Richmond, Virginia. ☐

A meeting to conduct a formal administrative hearing  
regarding Virginia Board of Cosmetology vs. Flair  
Beauty Institute No. 2.

**Contact:** Sylvia W. Bryant, Hearings Coordinator,  
Department of Commerce, 3600 W. Broad St., Richmond,  
Va. 23230, telephone (804) 257-8524

## CRIMINAL JUSTICE SERVICES BOARD

**June 10, 1987 - 10 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room C,  
Richmond, Virginia. ☐

A meeting to consider matters related to the board's  
reponsibilities 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.

**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

**June 14, 1987 - noon** – Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling  
Hills Drive, Board Room 1, Richmond, Virginia. ☐

A special called meeting to discuss procurement of  
exam services (only).

**Contact:** Nancy T. Feldman, Executive Director, 1601  
Rolling Hills Dr., Richmond, Va. 23229, telephone (804)  
662-9906



# Calendar of Events

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## BOARD FOR RIGHTS OF THE DISABLED

**July 29, 1987 - 10 a.m.** – Public Hearing  
James Monroe Building, 101 North 14th Street, 17th Floor,  
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Rights of the Disabled intends to adopt regulations entitled: **VR 602-01-1. Public Participation Guidelines.** These guidelines will enable the board to carry out its responsibility to promulgate regulations under § 51.01-40 of the Code of Virginia regarding nondiscrimination under state grants and programs. The board desires maximum public participation when promulgating regulations.

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

Written comments may be submitted until August 1, 1987.

**Contact:** Bryan K. Lacy, Systems Advocacy Attorney, Department for Rights of the Disabled, 101 N. 14th St., 17th Fl., Richmond, Va., telephone (804) 225-2042 (toll-free 1-800-552-3962)

## DEPARTMENT FOR RIGHTS OF THE DISABLED

### Protection and Advocacy Board for the Mentally Ill

**June 15, 1987 - 10 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room, 15th Floor, Richmond, Virginia. ☒

A regular meeting to continue development and intergration of P.L. 99-319 for Virginians who are labeled mentally ill. Agenda items should be submitted before June 5, 1987.

**Contact:** Barbara Hoban, Program Manager, Department for Rights of the Disabled, 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-3212 (toll-free 1-800-552-3962)

## 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  
**NOTE: CORRECTION OF MEETING PLACE**

George Wythe High School, 1500 West Pine Street,  
Wytheville, 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.

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

\* \* \* \* \*

**June 18, 1987 - 9 a.m.** – Open Meeting  
**June 19, 1987 - 9 a.m.** – Open Meeting  
**July 23, 1987 - 9 a.m.** – Open Meeting  
**July 24, 1987 - 9 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Rooms C and D, 1st Floor, Richmond, Virginia. ☒

The Board of Education will hold its regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

**Contact:** Margaret N. Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va., telephone (804) 225-2540

## VIRGINIA EMERGENCY RESPONSE COUNCIL

† **June 16, 1987 - 10 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia. ☒

The council will discuss the formation of local emergency response districts and committees and such other business as may come before the council.

**Contact:** Cheryl Cashman, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, Va. 23219, telephone (804) 225-2667

## VIRGINIA EMPLOYMENT COMMISSION

# Calendar of Events

## Advisory Board

June 9, 1987 - 1 p.m. - Open Meeting  
 June 10, 1987 - 9 a.m. - Open Meeting  
 Pavilion Tower Hotel, Virginia Beach, Virginia. ☺

A regular meeting of the advisory board to conduct general business.

Contact: Ronald M. Montgomery, 703 E. Main St., Richmond, Va. 23219, telephone (804) 786-1070

## VIRGINIA FIRE SERVICES BOARD

† June 18, 1987 - 7:30 p.m. - Open Meeting  
 Christiansburg Fire Department, Depot Street, Christiansburg, Virginia. ☺

A public hearing to discuss fire training, fire policies and open discussion with the public. Regular committee meetings will be held beginning at 1 p.m.

† June 19, 1987 - 9 a.m. - Open Meeting  
 Christianburg Fire Department, Depot Street, Christiansburg, Virginia. ☺

A regular business meeting to discuss fire training and fire policies. The meeting is open to the public for their input.

Contact: Anne J. Bales, James Monroe Bldg., 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2681

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† August 14, 1987 - 10 a.m. - Public Hearing  
 Holiday Inn, 1815 West Mercury Boulevard, Hampton, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Fire Services Board and the Department of Fire Programs intend to adopt regulations entitled: **Regulations Establishing Certification Standards for Fire Investigators**. These regulations are standards to qualify fire investigators as provided for in § 27-34.2:1 of the Code of Virginia.

## STATEMENT

Purpose: These regulations set forth the standards which fire investigators authorized by their localities to issue summonses and serve warrants must meet before they may exercise that authority. The regulations also contain the administrative requirements pertaining to those standards.

Estimated impact:

## 1. Numbers and types of entities or person affected:

These regulations will apply to 354 fire investigators in 45 fire departments.

## 2. Projected costs to regulated entities:

There should be no costs to the individuals to whom these regulations apply. There will be costs to the localities since they must pay any travel, meals, lodging and printed materials associated with the training. Training is scheduled by the Department of Fire Programs to keep costs at a minimum. However, the number of investigators and the time in which people are appointed to those positions do not permit the training to be offered at a time and place convenient to large numbers of students. Based on past experience, the assumption is that every person to whom these regulations apply must travel to a training site. The costs for one person to be based on this is:

lodging-5 night/week X 6 weeks X \$35	=	\$1,050.00
meals -3 meals/day X 30 days X \$25*	=	750.00
travel -10 trips X 100 @ .21	=	210.00
training materials	=	40.00
		<u>\$2,050.00</u>

\*includes tips

These regulations are not retroactive; therefore, the costs will apply to those who must meet the standards after their effective date.

The regulations require that each individual must take 40 hours of inservice training every two years. The cost to localities per individual for this will be:

lodging-4 nights X \$35	=	\$ 140.00
3 meals/day X 4 days X \$25	=	100.00
4 trips X 100 miles @ .21	=	84.00
		<u>\$ 324.00</u>

## 3. Cost to agency:

printing of regulations		
200 copies @ \$3.00/copy	=	600.00
mailing of regulations	=	352.00
mailing of notices of training and recertification	=	88.00
cost of instructors per 40 hours of instruction	=	531.20
		<u>\$1,571.20</u>

## 4. Source of funds:

for 1 and 2 - local budgets  
 for 3 - agency's budget

Legal authority to act: Sections 27-34.2:1 of the Code of Virginia which requires the Department of Fire Programs,

# Calendar of Events

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in cooperation with the Department of Criminal Justice Services to develop training standards for fire marshals shall, if authorized by the governing body, have the same police powers as a sheriff or police officer in the investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offense, possession and manufacture of explosive devices, substances and fire bombs.

Need for proposed regulations: Assure that fire investigators (fire marshals) having the (if authorized by the governing body) same police powers as a sheriff or police officer in the investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances and fire bombs, have the basic knowledge of the fire laws that they will enforce and they all have basic knowledge of local requirements which apply to the performance of their duties.

How clarity and simplicity were assured: The Department of Fire Programs uses a standard development process which involves users and instructors in addition to staff members when developing training standards. Users and instructors are used for the purpose of achieving clarity and simplicity. In the case of these regulations they have already been distributed to the executive committee of the Virginia Fire Protection Association, the Fire Prevention and Control Committee of the Virginia Fire Services Board and the training committee of the State Fire Chief's Association of Virginia. Comments and suggestions from these bodies have been or will be incorporated in the final version or the standards.

Alternative approaches: The preparation of these standards is mandated by legislation; therefore, there is no alternative to developing them. The technical portion of the standards is based on standards already developed by the National Fire Protection Association. This was the alternative selected rather than developing Virginia standards from point zero. The administrative portion of the standards were developed specifically for meeting Virginia's needs. Basically, they follow administrative standards developed by the Department of Criminal Justice Services with only the revisions necessary for application to the fire service.

Schedule for evaluation: The standards will be reviewed at the end of three years to determine the changes or revisions which may be needed.

During the three-year period of time any criticisms, comments or suggestions offered relative to the standards will be filed for use at the three-year review.

Fire chiefs and chief fire marshals will be interviewed or surveyed at the three-year review to solicit their views as to the effectiveness of the standards and the training offered pursuant to the standards.

A sampling of fire investigators will also be solicited via interviews or surveys for their views about the effectiveness of the standards.

Forms, reports or procedural requirements mandated: The following forms are used for the purposes of administering these standards:

- Request for a Fire Training School
- Application for Approval for a Fire Training School
- Letter of Acceptance to Teach
- Course Schedule Outlines
- Class Attendance Record
- Critique Sheet
- Course Completion Report

Statutory Authority: § 9-155 of the Code of Virginia.

Written comments may be submitted until August 31, 1987.

**Contact:** Carl N. Cimino, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681

## 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 Participation Guidelines**. Guidelines to be followed by the Department of Forestry to obtain public participation in development of regulations.

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

† June 26, 1987 - 9 a.m. - Open Meeting  
Omni International Hotel, 777 Waterside Drive, Norfolk, Virginia

† June 30, 1987 - 9 a.m. - Open Meeting  
† July 1, 1987 - 9 a.m. - Open Meeting  
Marriott Hotel, 500 East Broad Street, Richmond, Virginia

The board will give its annual report, have an exhibition booth, and have a general open session.

Contact: Mark L. Forberg, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

## COMMISSION OF GAME AND INLAND FISHERIES

† June 26, 1987 - 9:30 a.m. - Open Meeting  
Game Commission Offices, 4010 West Broad Street, Richmond, Virginia. ☒

The commission will consider (i) game and fish regulations; (ii) reports of the Finance and License Agents Committees, and (iii) general administrative matters.

Contact: Norma G. Adams, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000

## DEPARTMENT OF GENERAL SERVICES

### Art and Architectural Review Board

† July 10, 1987 - 10 a.m. - Open Meeting  
Virginia Museum of Fine Arts, 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, Rancorn, Wildman & Krause, Architects and City Planning Consultants, P. O. Box 1817, Newport News, Va. 23601, telephone (804) 867-8030

### Consolidated Laboratory Services Advisory Board

† June 26, 1987 - 9:30 a.m. - Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia. ☒

The advisory board will discuss issues, concerns, and programs that impact the Division of Consolidated Laboratory Services and its user agencies.

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

### 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 HEALTH SERVICES COST REVIEW COUNCIL

† June 24, 1987 - 9 a.m. - Open Meeting  
† July 22, 1987 - 9 a.m. - Open Meeting  
Johnston-Willis Hospital, 1401 Johnston-Willis Drive, Richmond, Virginia. ☒

A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Fl., Richmond, Va., telephone (804) 786-6371

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

### Board of Commissioners

† June 16, 1987 - 10 a.m. - Open Meeting  
13 South 13th Street, Richmond, Virginia. ☒

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

Contact: Judson McKellar, General Counsel, 13 S. 13th St.,

# Calendar of Events

Richmond, Va. 23219, telephone (804) 782-1986

\* \* \* \* \*

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† July 20, 1987 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House Room C,  
Richmond, Virginia. ☞ (Interpreter for deaf provided if  
requested) ☞

A public hearing to afford interested persons and groups an opportunity to submit data, views and arguments regarding the proposed adoption of:

1. A 1987 Edition of the Virginia Amusement Device Regulations.
2. A 1987 Edition of the Virginia Public Building Safety Regulations to amend and replace the 1984 edition.
3. A 1987 Edition of the Virginia Statewide Fire Prevention Code.
4. A 1987 Edition of the Virginia Industrialized Building and Mobile Home Safety Regulations to amend and replace the 1984 edition.
5. A 1987 Edition of the Virginia Liquefied Petroleum Gas Regulations to amend and replace the 1984 edition.
6. A 1987 Edition of the Virginia Certification of Tradesmen Standards to amend and replace the 1984 edition.
7. A 1987 Edition of the Virginia Uniform Statewide Building Code - Volume I - New Construction Code to amend and replace the 1984 edition.
8. A 1987 Edition of the Virginia Uniform Statewide Building Code - Volume II - Building Maintenance Code to amend and replace the 1987 edition.

Anyone wishing to speak or offer written statements relating to the proposed regulations will be given an opportunity to do so on the day of the hearing. Written statements may be prefiled with the agency if received by July 30, 1987.

Copies of the proposals may be obtained from the Division of Building Regulatory Services, Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia 23219.

Contact: Jack A. Proctor, CPCA, Deputy Director, Division of Building Regulatory Services, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219-1747, telephone (804) 786-4751

† July 20, 1987 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House Room C,  
Richmond, Virginia. ☞ (Interpreter for deaf provided if  
requested) ☞

A hearing to provide a forum for public comment and testimony concerning the proposed Virginia Private Activity Bond Regulations. The regulations have been proposed pursuant to §§ 15.1-1399.10 through 15.1-1399.17 of the Code of Virginia to provide the policies and procedures for the allocation of tax exempt private activity bond authority in the Commonwealth.

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† July 20, 1987 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House Room C,  
Richmond, Virginia. ☞

Notice is hererby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to adopt regulations entitled: **Virginia Private Activity Bond Regulations**. The purpose of these regulations is to provide the policies and procedures of the Commonwealth for the allocation of private activity bond authority.

## STATEMENT

Statement of subject, substance, issues, basis and purpose:  
The private activity bond regulations are established to provide state policy and procedures for the allocation of private activity bond authority to projects in the Commonwealth. The regulations will provide tax-exempt bond financing authority to projects for the development of housing, manufacturing facilities, and exempt facilities pursuant to the limitations established by federal law. The purposes of the regulations are as follows:

1. To provide an application procedure for projects requesting an allocation of private activity bond authority.
2. To describe the policies and procedures of the Commonwealth for providing allocation of private activity bond authority to projects throughout the calendar year.
3. To specify reporting requirements for projects that use an allocation of private activity bond authority.

Statutory Authority: §§ 15.1-1399.15 and 15.1-1399.16 of the Code of Virginia.

Written comments may be submitted until August 10, 1987.

Contact: Paul J. Grasewicz, Associate Director, Department of Housing and Community Development, 205 N. Fourth

St., Richmond, Va. 23219, telephone (804) 786-7893

† **July 20, 1987 - 1 p.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room C,  
Richmond, Virginia. ☒ (Interpreter for deaf provided if  
requested) ☎

The board's regular formal business meeting to (i) review and approve the minutes from the prior meeting; (ii) provide an opportunity for public comments; (iii) review the report of the director on the operation of the Department of Housing and Community Development since the last board meeting; (iv) hear reports of the committees of the board; and (v) consider other matters as deemed necessary. The planned agenda of the meeting will be available at the following address one week prior to the date of the meeting.

**Contact:** Neal J. Barber, 205 North Fourth Street, 7th Fl.,  
Richmond, Va. 23219, telephone (804) 786-1575

#### Amusement Device Technical Advisory Committee

**June 11, 1987 - 8:30 a.m.** – Open Meeting  
205 North Fourth Street, 7th Floor Conference Room,  
Richmond, Virginia. ☒

A meeting to develop recommended regulations pertaining to the construction, maintenance, operation and inspection of amusement devices for consideration by the board.

**Contact:** Jack A. Proctor, CPCA, Deputy Director, Division of Building Regulatory Services, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219-1747, telephone (804) 786-4751

### DEPARTMENT OF LABOR AND INDUSTRY

#### Safety and Health Codes Board

† **June 29, 1987 - 10 a.m.** – Open Meeting  
State Capitol, Capitol Square, House Room 4, Richmond,  
Virginia. ☒

The board will meet to consider the following: (i) Virginia Field Sanitation Standard, 1928.10; (ii) Virginia Confined Space Standard for Telecommunications, 1910.268(t); (iii) corrections and Extension of Stay of Asbestos Standard for General Industry and Construction Industry, 1910.1001, 1910.1101, 1926.58; and (iv) correction to Hazardous Waste Operations and Emergency Response Standard, 1910.120.

**Contact:** Jay W. Withrow, Occupational Safety and Health

Technical Services Director, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-4300

### VIRGINIA STATE LIBRARY BOARD

**June 23, 1987 - 11 a.m.** – Open Meeting  
Virginia State Library, Supreme Courtroom, 3rd Floor, 11th  
Street and Capitol Square, Richmond, Virginia. ☒

A regular meeting to discuss administrative matters.

#### Automated Systems and Networking Committee

**June 23, 1987 - 9:30 a.m.** – Open Meeting  
Virginia State Library, Conference Room B, 3rd Floor, 11th  
Street and Capitol Square, Richmond, Virginia. ☒

A meeting to discuss automated systems and networking committee matters.

**Contact:** Jean K. Reynolds, Virginia State Library, 11th  
Street and Capitol Square, Richmond, Va. 23219, telephone  
(804) 786-2332

### LONG-TERM CARE COUNCIL

**June 11, 1987 - 9:30 a.m.** – Open Meeting  
Ninth Street Office Building, 6th Floor, Cabinet Conference  
Room, Richmond, Virginia. ☒

A meeting to discuss issues relating to the development and coordination of long-term care services in Virginia.

**Contact:** Catherine P. Saunders, Department for the Aging,  
101 N. 14th St., Richmond, Va. 23219, telephone (804)  
225-2912

### BOARD OF MEDICAL ASSISTANCE SERVICES

**June 9, 1987 - 10 a.m.** – Open Meeting  
Department of Medical Assistance Services, Suite 1300, 600  
East Broad Street, Richmond, Virginia. ☒

A meeting to discuss (i) State Plan amendments mandated by COBRA; a) Medicaid eligibility and service coverage for certain aliens covered under the amnesty provisions of the Immigration Reform and Control Act of 1986; b) Medicaid eligibility for employed disabled individuals as provided under the Employment Opportunities for Disabled Americans Act; c) Medicaid eligibility for a protected group of SSI disabled children who lost SSI eligibility due to an

# Calendar of Events

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increase in Title II disability benefits. The following is mandated by state legislation: (a) burial trust, (b) board authority, (c) return on equity capital; (ii) proposed legislation; and (iii) other business pertinent to the board.

**Contact:** Jacqueline M. Fritz, Department of Medical Assistance Services, 600 E. Broad St., Richmond, Va. 23219, telephone (804) 786-7933

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

**May 11, 1987 - June 9, 1987** – Public Comment Period

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-2.6152. Definition of Home Ownership or Contiguous Property.** These regulations set limits on the amount of property contiguous to the homesite which can be considered for Medicaid eligibility.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until June 9, 1987, 5 p.m., to Ann E. Cook.

Other pertinent information: A copy of the regulation is available from Victoria Simmons, Department of Medical Assistance Services, 600 East Broad Street, Richmond, Virginia 23219.

**Contact:** Ann E. Cook, Division of Medical Social Services, Department of Medical Assistance Services, Suite 1300, 600 E. Broad St., Richmond, Va. 23219, telephone (804) 225-4218

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† **June 8 - July 7, 1987** – Public comment period

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend **The State Plan for Medical Assistance with regard to Return on Equity Capital.** These amendments will disallow, as a reimbursable cost, equity capital for proprietary hospitals and nursing homes.

### STATEMENT

**Basis and authority:** Section 32.1-325 of the Code of Virginia authorizes the Board of Medical Assistance Services to administer and amend the State Plan for Medical Assistance, with the approval of the Governor. The board approved these proposed changes to proceed to public comment on June 9, 1987.

The 1987 General Assembly, in the Appropriations Act (Item 398 D), effective April 8, 1987, mandated that the State Board of Medical Assistance Services amend the plan to eliminate payment of return on equity capital to proprietary providers for periods or portions thereof on or after July 1, 1986.

Because this plan amendment has been mandated by the General Assembly, it is exempt from the public comment requirements of the Code of Virginia, contained in the Administrative Process Act § 9-6.14:7.1. The Code of Federal Regulations, at 42 CFR 447.205 and 447.253 contains its own public comment requirements to which this department must adhere in order to receive HCFA approval of this plan amendment. Consequently, this set of proposed regulations is being promulgated for public comment to satisfy federal public comment requirements.

**Purpose:** The purpose of this amendment is to amend the State Plan for Medical Assistance to comply with the General Assembly mandate, Item 398 D of the 1987 Appropriation Act, to eliminate payment of return on equity capital to proprietary providers for periods or portions thereof on or after July 1, 1986.

**Summary and analysis:** This amendment affects the methods and standards for establishing payment rates for Inpatient Hospital Care and Long Term Care.

The need for return on equity capital payments was originally provided as an incentive to encourage providers to invest in new construction of facilities. This payment is no longer needed, as an incentive, as evidenced by recent regulations enacted by Medicare to phase out equity payments on inpatient hospital services and the volume of Certificate of Need requests for construction of new nursing home beds.

**Impact:** Since the General Assembly moved to enact this provision effective July 1, 1986, it has been estimated that there are about 90 nursing homes and 16 hospitals affected by this proposed regulation. This total represents about 25% of the enrolled providers at an average impact of \$14,000 per facility. Recent studies have shown that approximately 65% of nursing homes are already receiving profit incentives for efficient and economically operated facilities. There is no indication that this recommendation will cause any serious financial hardship to proprietary providers.

The estimated fiscal impact for this plan amendment is \$1.3 million for nursing homes and \$229,000 for hospitals per year for a total of \$1.5 million annually. This has been based on revised estimated cost studies for 1987 expenses.

**Forms:** The department will use currently existing forms to administer this plan amendment.

**Evaluation:** The department will include the monitoring of this provision in its ongoing monitoring of Medicaid

program activities. The department is also monitored closely by the federal Department of Health and Human Services' Health Care Financing Administration in this area of institutional provider reimbursement.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comment may be submitted until July 7, 1987.

**Contact:** Stanley Fields, Director, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7931

## COMMISSION ON MEDICAL CARE FACILITIES

**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: (i) to examine the effectiveness of the Certificate of Public Need program in controlling medical care costs while making good quality, accessible health care available to all Virginians; and (ii) if this examination demonstrates that the Commonwealth's existing health planning process no longer effectively meets these objectives, the commission shall assess alternatives and recommend revisions to the existing Certificate of Public Need process.

**Contact:** E. George Stone, State Health Department, James Madison Bldg., 109 Governor St., Room 1010, Richmond, Va. 23219, telephone (804) 786-6970

## VIRGINIA STATE BOARD OF MEDICINE

† **July 23, 1987 - 8 a.m. - Open Meeting**

† **July 24, 1987 - 8 a.m. - Open Meeting**

† **July 25, 1987 - 8 a.m. - Open Meeting**

† **July 26, 1987 - 8 a.m. - Open Meeting**

Pavilion Tower Hotel, 1900 Pavilion Drive, Conference Center, Virginia Beach, Virginia. ☐

The board will meet to review reports, interview licensees and make decisions on discipline matters. At 8 a.m. on Sunday, July 26, 1987, the full board will meet in open session to conduct general board business and discuss any other items which may come before the board.

### Advisory Board on Physical Therapy

† **July 24, 1987 - 8 a.m. - Open Meeting**

† **July 25, 1987 - 8 a.m. - Open Meeting**

Pavilion Tower Hotel, 1900 Pavilion Drive, Conference Center, Virginia Beach, Virginia. ☐

A meeting to conduct general board business and respond to correspondence. There will be a two day work session for the board to review applications for licensure, regulations for foreign trained physical therapy graduates and the quiz regarding the Code and regulations for physical therapy. They will also discuss any other items which may come before the advisory board.

### Informal Conference Committee

† **June 25, 1987 - noon - Open Meeting**

Department of Health Regulatory Boards, Surry Building, 1601 Rolling Hills Drive, Board Room 1, 2nd Floor, Richmond, Virginia. ☐

† **June 26, 1987 - noon - Open Meeting**

Holiday Inn South, U. S. Route 1 and I-95, Fredericksburg, 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 § 2.1-344 of the Code of Virginia.

Holiday Inn South - There will also be a formal hearing at 12:30 p.m. regarding a matter before the board.

### Legislative Committee

**June 10, 1987 - 10 a.m. - Open Meeting**

Holiday Inn Club Fanny's, 6531 West Broad Street, Richmond Room, Richmond, Virginia. ☐

The Legislative Committee will meet to consider (i) amendments to the Code of Virginia regarding chiropractic assistants; (ii) § 54-317 (12) of the Code of Virginia as it relates to physicians dispensing; (iii) regulations governing the practice of physical therapy and physical therapy assistants, and (iv) any other items which may come before the committee.

### Podiatry Examination Committee

**June 26, 1987 - 9 a.m. - Open Meeting**

Springfield Hilton, 6550 Loisdale Road, Springfield, Virginia. ☐

The committee will meet to review and evaluate the examination questions for the board's June podiatry examination to develop cut scores for that exam.



# Calendar of Events

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Contact: Eugenia K. Dorson, Board Administrator, Surry Bldg., 2nd Floor, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9925

## VIRGINIA STATE BOARDS OF MEDICINE AND NURSING

### Joint Meeting

† **June 30, 1987 - 12:30 p.m.** – Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒  
(Interpreter for deaf provided if requested) ☐

A committee meeting of the joint boards to consider a final draft of proposed regulations governing the certification of nurse practitioners in preparation for publication for public comment and to address other matters related to the certification and practice of nurse practitioners.

Contact: Corinne F. Dorsey, R. N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

## STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

† **June 24, 1987 - 10 a.m.** – Open Meeting  
Rappahannock Area Community Services Board, Fredericksburg, Virginia. ☒

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

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

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† **July 14, 1987 - 1 p.m. & 7 p.m.** – Public Hearing  
W. T. Woodson High School, 9525 Main Street, Auditorium, Fairfax, Virginia

† **July 14, 1987 - 1 p.m. & 7 p.m.** – Public Hearing  
Olin Theater on the grounds of Roanoke College, Center for Community Education and Special Events, Salem, Virginia

† **July 14, 1987 - 1 p.m. & 7 p.m.** – Public Hearing  
Scope, Exhibition Hall, 201 Brambleton Avenue, Norfolk, Virginia

† **July 14, 1987 - 1 p.m.** – Public Hearing  
Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia

† **July 14, 1987 - 7 p.m.** – Public Hearing  
James Madison University, Chandler Hall, Harrisonburg, Virginia

† **July 15, 1987 - 1 p.m. & 7 p.m.** – Public Hearing  
Arthur Ashe Center, Richmond, Virginia

† **July 15, 1987 - 1 p.m. & 7 p.m.** – Public Hearing  
Hampton University, Ogden Hall, Hampton, Virginia

† **July 15, 1987 - 1 p.m. & 7 p.m.** – Public Hearing  
Averett College, Dining Room, Danville, Virginia

† **July 15, 1987 - noon** – Public Hearing  
Ramada Inn, U.S. 58, 421 West, Duffield, Virginia

† **July 15, 1987 - 6 p.m.** – Public Hearing  
Virginia Highlands Community College, Abingdon, Virginia

Regional public hearings on the Department of Mental Health, Mental Retardation and Substance Abuse Services Comprehensive Plan, 1988-1994 and the Action Plan to Meet Housing Needs of Mentally Disabled Citizens Through the End of the Century (HJR 287, 1987)

Contact: Charline Davidson, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va., telephone (804) 786-3904

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**July 21, 1987 - 10 a.m.** – Public Hearing  
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. ☒

**July 28, 1987 - 10 a.m.** – Public Hearing  
Roanoke City Hall, Municipal Building, Room 450, 215 Church Avenue, S.W., Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health and Mental Retardation intends to repeal existing regulations and adopt new regulations entitled: **VR 470-02-09. Rules and Regulations for the Licensure of Outpatient Facilities.** The proposed regulations will establish the minimum requirements for the licensure of outpatient facilities.

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of Virginia.

Written comments may be submitted until July 31, 1987.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

# Calendar of Events

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**July 21, 1987 - 10 a.m. – Public Hearing**  
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. ☺

**July 28, 1987 - 10 a.m. – Open Meeting**  
Roanoke City Hall, Municipal Building, Room 450, 215 Church Avenue, S.W., Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health and Mental Retardation intends to repeal existing regulations and adopt new regulations entitled: **VR 470-02-11. Rules and Regulations for the Licensure of Residential Facilities.** The proposed regulations will establish the minimum requirements for the licensure of residential facilities.

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of Virginia.

Written comments may be submitted until July 31, 1987.

**Contact:** Barry P. Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

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**NOTICE:** The State Board of Mental Health and Mental Retardation Board proposes to REPEAL the two regulations listed below:

**July 21, 1987 - 10 a.m. – Public Hearing**  
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia

**July 28, 1987 - 1 p.m. – Public Hearing**  
Roanoke City Hall, Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health and Mental Retardation intends to repeal existing regulations entitled: **VR 470-02-04. Rules and Regulations for the Licensure of Group Homes and Halfway Houses.**

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of Virginia.

Written comments may be submitted until July 31, 1987.

**Contact:** Barry P. Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

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**July 21, 1987 - 10 a.m. – Public Hearing**

James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia

**July 28, 1987 - 10 a.m. – Public Hearing**  
Roanoke City Hall, Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health and Mental Retardation intends to repeal regulations entitled: **VR 470-02-05. Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities.**

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of Virginia.

Written comments may be submitted until July 31, 1987.

**Contact:** Barry P. Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

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**July 21, 1987 - 10 a.m. – Public Hearing**  
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia

**July 28, 1987 - 10 a.m. – Public Hearing**  
Roanoke City Hall, Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health and Mental Retardation intends to adopt regulations entitled: **VR 470-02-08. Rules and Regulations for the Licensure of Supported Residential Programs and Residential Respite Care/Emergency Shelter Facilities.** The proposed action establishes minimum requirements for the licensure of supported residential programs and residential respite care/emergency shelter facilities.

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of Virginia.

Written comments may be submitted until July 31, 1987.

**Contact:** Barry P. Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

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**July 21, 1987 - 10 a.m. – Public Hearing**  
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia

**July 28, 1987 - 10 a.m. – Public Hearing**  
Roanoke City Hall, Municipal Building, 215 Church Avenue,

# Calendar of Events

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S.W., Room 450, Roanoke, Virginia

Notice is hereby give in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health and Mental Retardation intends to adopt regulations entitled: **VR 470-02-10. Rules and Regulations for the Licensure of Day Support Programs.** These regulations propose minimum requirements for the licensure of day support programs.

Statutory Authority: §§ 37.1-10 and 37.1-179 of the Code of Virginia.

Written comments may be submitted until July 31, 1987.

**Contact:** Barry P. Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

## MILK COMMISSION

† **June 17, 1987 - 11 a.m.** – Open Meeting  
Ninth Street Office Building, Ninth and Grace Streets, Room 1015, Richmond, Virginia. ☐

A routine monthly meeting.

**Contact:** C. H. Coleman, Administrator, Ninth Street Office Bldg., Ninth and Grace Sts., Room 1015, Richmond, Va. 23219, telephone (804) 786-2013

## DEPARTMENT OF MOTOR VEHICLES

**June 23, 1987 - 9:30 a.m.** – Open Meeting  
Dulles Holiday Inn, 1000 Sully Road, Sterling, Virginia

**June 23, 1987 - 2:30 p.m.** – Open Meeting  
James Madison University, Chandler Hall, Shenandoah Room, Harrisonburg, Virginia

**June 24, 1987 - 9:30 a.m.** – Open Meeting  
Roanoke Airport Marriott, Roanoke, Virginia

**June 24, 1987 - 2:30 p.m.** – Open Meeting  
Virginia Department of Transportation Auditorium, 870 Bonham Road, Bristol, Virginia

**June 29, 1987 - 9:30 a.m.** – Open Meeting  
South Hill Municipal Building, 117 West Atlantic Street, Town Council Meeting Room, South Hill, Virginia

**June 29, 1987 - 2:30 p.m.** – Open Meeting  
Hilton (next to airport), Norfolk, Virginia

**June 30, 1987 - 9:30 a.m.** – Open Meeting  
Richmond DMV Headquarters, 2300 West Broad Street,

Agecroft Room, Richmond, Virginia

A meeting to discuss proposed revisions to the Dealer Licensing Act. The existing act was adopted in 1944 and does not adequately reflect the changes which have occurred in the industry since that time. A committee comprised of industry, consumer, administrative and judicial representatives drafted a rewrite of the Act.

DMV is conducting public meetings throughout the Commonwealth for the purpose of presenting the draft and to allow interested parties to give their comments and suggestions. Copies of the draft may be obtained by contacting the DMV employee listed below.

DMV's goal is to submit proposed legislation to the 1988 session of the General Assembly with an implementation date of January 1, 1990.

Written comments will be accepted by the below listed contact person until June 19, 1987.

**Contact:** Kevin R. Dunne, Vehicle Services Administrator, P. O. Box 27412, Room 521, Richmond, Va. 23269, telephone (804) 257-1832

## VIRGINIA STATE BOARD OF NURSING

**June 25, 1987 - 8:30 a.m.** – Open Meeting  
Department of Health Regulatory Boards, Koger Center, Surry Building, Conference Room 2, Richmond, Virginia. ☐

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

### Informal Conference Committee

**June 9, 1987 - 9 a.m.** – Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☐ (Interpreter for deaf provided if requested) ☎

The committee will inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

## STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

† **June 18, 1987 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Conference Room 3, Richmond, Virginia. ☐

An open board meeting to conduct (i) examinations;  
(ii) regulatory review; (iii) revenues and expenditures;  
(iv) election of officers.

**Contact:** Gerald W. Morgan, Assistant Director, 3600 W.  
Broad St., 5th Fl., Richmond, Va. 23230-4917, telephone  
(804) 257-8508

## OLD DOMINION UNIVERSITY

### 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

## VIRGINIA BOARD OF OPTOMETRY

**July 13, 1987 - 8 a.m.** – Open Meeting  
Egyptian Building, 1223 East Marshall Street, Baruch  
Auditorium, Richmond, Virginia

Administer the Virginia Practical Examination and  
Diagnostic Pharmaceutical Agents Examination.

**July 14, 1987 - 9 a.m.** – Open Meeting  
**July 15, 1987 - 9 a.m.** – Open Meeting  
Koger Center, 1601 Rolling Hills Drive, Surry Building,  
Conference Room 1, Richmond, Virginia. ☐

A general business meeting.

**Contact:** Moira C. Lux, Executive Director, Virginia Board  
of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229,  
telephone (804) 662-9910

## STATE BOARD OF PHARMACY

**June 12, 1987 - 9 a.m.** – Open Meeting  
Howard Johnson Hotel, 3207 North Boulevard, Richmond,  
Virginia. ☐

The annual board meeting and regular business  
meeting.

**June 23, 1987 - 7:45 a.m.** – Open Meeting

**June 24, 1987 - 7:45 a.m.** – Open Meeting

NOTE CHANGE OF MEETING PLACE

George Washington Inn, 500 Merrimac Trail, Williamsburg,  
Virginia. ☐

A regular board meeting and board examinations on  
both days.

## Informal Conference Committee

**June 11, 1987 - 9 a.m.** – Open Meeting

Howard Johnson Hotel, 3207 North Boulevard, Richmond,  
Virginia. ☐

Informal conferences relating to disciplinary actions.

**Contact:** J. B. Carson, Executive Director, 1601 Rolling  
Hills Dr., Richmond, Va. 23229, telephone (804) 662-9921

## BOARD OF COMMISSIONERS TO EXAMINE PILOTS

**July 16, 1987 - 10 a.m.** – Open Meeting

Hasler and Company, 212 Tazewell Street, Norfolk, Virginia

The board will meet to conduct routine business at its  
regular quarterly meeting.

**Contact:** David E. Dick 3600 W. Broad St., Richmond, Va.  
23220, telephone (804) 257-8515 or William L. Taylor, 3327  
Shore Dr., Virginia Beach, Va. 23451, telephone (804)  
496-0995

## VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

**June 12, 1987 - 9 a.m.** – Open Meeting

Department of Health Regulatory Boards, 1601 Rollings  
Hills Drive, Richmond, Virginia. ☐

A meeting to (i) conduct general board business, (ii)  
review correspondence, and (iii) review credentials.

**June 15, 1987 - 1 p.m.** – Open Meeting

Department of Health Regulatory Boards, 1601 Rolling  
Hills, Drive, Richmond, Virginia. ☐

A formal hearing for disciplinary action.

**Contact:** Joyce D. Williams, 1601 Rolling Hills Dr.,  
Richmond, Va., telephone (804) 662-9912

# Calendar of Events

## VIRGINIA BOARD OF PSYCHOLOGY

† **June 18, 1987 - 10 a.m.** – Open Meeting  
 The Embassy Suites Hotel, 2925 Emerywood Parkway,  
 Richmond, Virginia. ☐

A meeting to (i) conduct general business; (ii) review applications; (iii) certify written examinations results, and (iv) discuss proposed regulations.

**Contact:** Phyllis Henderson, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9913

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† **July 8, 1987 - 10 a.m.** – Public Hearing  
 General Assembly Building, Capitol Square, House Room C,  
 Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Psychology intends to adopt new regulations and repeal existing regulations entitled: **VR 565-01-2. Regulations Governing the Practice of Psychology.** The proposed regulations were developed as a part of the comprehensive review of regulations initiated by Governor Charles S. Robb.

### STATEMENT

Statement of purpose: These regulations establish the requirements governing the practice of psychology 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 psychologists and school psychologists.

The Board of Psychology 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 Psychology pursuant to Executive Order 52 (84) of former Governor Charles S. Robb. The proposed regulations are necessary to repeal 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 Psychology. During its review of existing regulations, the Board of Psychology examined its educational, experience, examination, and practice requirements. In most areas, the proposed regulations reflect a less burdensome requirement. This statement, required by the Administrative Process Act (Code of Virginia, § 9-6.14:9B), estimates the impact of changes to the existing regulations that increase the regulatory burden. Other proposed changes to the regulations are stated in an Index to the Existing and Proposed Regulations, which is incorporated by reference for the purpose of this statement. The index of the existing regulations and the proposed regulations are available to the public through the Board of

Psychology, Department of Health Regulatory Boards,  
 Richmond, Virginia.

### Estimated impact:

A. Regulated entities: Virginia's 400 licensed psychologists and 60 school psychologists are affected by the proposed regulations. In addition, approximately 190 applicants for psychology, school psychology, and clinical psychology 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 licenses and applicants of new or modified regulations is discussed below.

I. § 1.3.		
<u>Type of Fee</u>	<u>Current</u>	<u>Proposed</u>
Registration of Residency [130 per year]	–	\$100
<u>Application Processing:</u>		
Psychologist (Clinical or non-clinical) [70 per year]	\$75	\$150
School Psychologist [20 per year]	\$75	\$150
Clinical Psychologist [100 per year]	\$75	\$350
Graduates of foreign institutions supplemental application processing fee [3 per year]	–	\$150
Examination Fee [160 per year]	\$225	\$325
Reexamination Fee: Examination for Professional Practice in Psychology [10 per year]	\$75	\$125
State Written Examination [10 per year]	\$75	\$100
State Oral Examination [10 per year]	\$75	\$100
Initial License Fee	–	Prorated

# Calendar of Events

[90 per year] biennial		portion of \$150  renewal fee
Biennial Renewal of License [400 psychologists] [60 school psychologists]	\$75	\$150
Late Renewal [10 per year]	\$10	\$10
Registration of Technical Assistant [30 per year]	-	\$100
Biennial Renewal of Registration [60 biennially]	-	\$100
Additional or Replacement of Wall Certificate [10 per year]	-	\$15
Return Check [10 per year]	-	\$15
Name Change [5 per year]	-	\$10
Endorsement to Another Jurisdiction [20 per year]	-	\$10

Since the services of psychologists are offered on a fee-for-service basis, it is possible that clients may experience slightly higher fees.

2. § 2.1.D.2. Application deadline. Requires every applicant for examination by the board to submit completed application materials to the board not less than 90 days prior to the date of the national written examination. The board anticipates that some financial impact on an individual's livelihood may be created by this requirement for those applicants who do not submit their applications to the board by the 90-day deadline. Individuals who do not meet the application deadline will have to remain under supervision and may not bill clients directly for services rendered.

3. § 2.2.A.2.a. Educational requirements psychologists (clinical). Requires applicants for the psychologist (clinical) licensee who are graduates of American institutions to hold a doctorate from a professional psychology program that either:

(1) Was accredited by the American Psychological Association (APA) prior to the applicant's graduation from that program,

(2) Was accredited by the APA within two years after the applicant graduated from the program or,

(3) If not APA accredited, was a program from which the applicant received a doctorate before January 1, 1985, provided that program included the elements of program content required by the board within this regulation. This requirement will impact approximately 70 applicants a year who request licensure as a psychologist (clinical). Clinical psychology applicants, approximately 100 each year, must meet these same requirements (see § 2.2.B.). Those applicants whose educational credentials do not meet the board's requirements will not be eligible for licensure under this regulation. It is estimated that 10 applicants each year whose credentials will be reviewed by the board will not be approved to sit for examination because they do not meet the basic educational requirements.

4. § 2.2.A.2.b.(2)(b). Pre-approval of residency. Requires psychologist (clinical) and clinical psychology applicants whose doctoral programs are not accredited by the APA to apply for licensure before the board can approve the beginning of their residency training. This requirement will affect approximately 15 applicants annually. Psychologist (clinical) applicants will be required to pay an application processing fee of \$150 or \$350 if the application is for clinical psychology at this time. Once the application is accepted, applicants must submit a fee of \$100 to register their residency training with the board.

5. § 2.2.C.1. School psychologist educational requirements. Requires applicants for school psychologist licensure to have obtained a master's degree in school psychology from a program of graduate study approved by the APA or the National Council for the Accreditation of Teacher Education. This requirement will impact approximately 20 school psychologist applicants each year. Currently, school psychologist applicants must have a degree from a program recognized by the Council of National Association of School Psychologists.

6. § 2.2.C.2.b.2. Pre-approval of residency (school psychologist). Requires school psychologist applicants whose doctoral programs are not APA or NCATE approved to apply for licensure before the board can approve the beginning of their residency training. This requirement will affect approximately five applicants annually whose program does not meet the board's requirements. Applicants will be required to submit an application fee of \$150 to the board at this time in addition to paying the \$100 registration of residency fee.

7. § 3.1.D. Examination schedule. Reduces to once a year the number of times the board must administer the written examinations. Approximately 180 applicants annually may be affected by the regulation.

# Calendar of Events

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Approximately 90 candidates for licensure a year may be affected by having to remain under 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 as a result of not being licensed.

8. § 3.1.F. Examination deferral. Establishes a deadline of two years from the time of initial board approval that an applicant may sit for an examination without being required to complete a new application and pay the application fee of either \$150 or \$350. Individuals who are required to file a new application as a result of this regulation, estimated to be possibly five annually, would incur the cost of having to undertake additional supervised experience or possible additional education.

9. § 3.3. Written work sample. Strengthens the current board criteria required for the work sample. Requires the work sample to be submitted at least one month prior to the oral examination date. This regulation will impact approximately 160 applicants annually.

10. § 6.1. Technical assistants. Requires the supervisor of a technical assistant to be a licensee of the Board of Psychology. Requires the supervisor to pay a fee of \$100 to the board for the registration of the technical assistant and to renew that registration biennially at a fee of \$100.

11. § 8.2.B. Standards of Practice. The Standards of Practice constitutes a revision of the board's Code of Ethics found in the current regulations. Requires licensees of the board to report to the board known or suspected violations of the laws and regulations governing the practice of psychology. Approximately 400 licensed psychologists would be affected by this requirement.

C. Projected costs to the agency for implementation and enforcement: The board can expect an increase in its investigative costs, at a cost of approximately \$3,000 annually, as a result of § 8.2.B.12 requiring the reporting to the board of known or suspected violations of the Standards of Practice by licensees. Data processing and administrative costs associated with the collecting and processing of eight new fees will result in increased costs to the board, estimated to be approximately \$500-\$1,000 annually.

The board reviewed its anticipated revenue and expenditures for the 1986-88 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 of the board have contributed to the increased administrative costs. In addition to raising its fees for the processing of applications and examinations, the board also proposes 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. The board is also proposing that fees be charged to compensate for the administrative costs associated with the review of post-doctoral residency requirements, technical assistant agreements, the review and evaluation of transcripts of graduates of foreign institutions as well as the issuance of an initial license to practice psychology or school psychology.

D. Source of funds: All funds of the Board of Psychology are derived from the fees paid by licensees and applicants for licensure.

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

Written comments may be submitted until August 10, 1987.

**Contact:** Stephanie A. Sivert, Executive Director, Board of Psychology, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9913

## VIRGINIA REAL ESTATE BOARD

June 16, 1987 - 9 a.m. - Open Meeting

June 17, 1987 - 9 a.m. - Open Meeting

Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

A regular business meeting of the board. The agenda will consist of investigative cases (files) to be considered, files to be reconsidered, matters relating to fair housing, property registration, and licensing issues (e.g., reinstatement, eligibility requests).

**Contact:** Florence R. Brassier, Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230, telephone (804) 257-8552

† June 17, 1987 - 10 a.m. - Open Meeting

Arlington County Board Room, 1400 North Courthouse Road, Room 202, Arlington, Virginia

A meeting to conduct a formal administrative hearing regarding Virginia Real Estate Board vs. Jeremy W. Taylor.

† July 8, 1987 - 10 a.m. - Open Meeting

Waynesboro District Court, 250 South Wayne Avenue, Waynesboro, Virginia

A meeting to conduct a formal administrative hearing

regarding Virginia Real Estate Board vs. William L. Hausrath.

† July 14, 1987 - 10 a.m. - Open Meeting  
† July 15, 1987 - 10 a.m. - Open Meeting  
Charlottesville Hilton Hotel, 2350 Seminole Trail,  
Charlottesville, Virginia

A meeting to conduct a formal administrative hearing regarding Virginia Real Estate Board vs. Martha K. Hogshire.

† July 23, 1987 - 10 a.m. - Open Meeting  
Rockingham Juvenile and Domestic Relations Court, 181  
South Liberty Street, Harrisonburg, Virginia

A meeting to conduct a formal administrative hearing regarding Virginia Real Estate Board vs. Great North Mountain, Inc.

Contact: Sylvia W. Bryant, Hearings Coordinator,  
Department of Commerce, 3600 W. Broad St., Richmond,  
Va. 23230, telephone (804) 257-8524

## BOARD OF REHABILITATIVE SERVICES

† June 26, 1987 - 9:30 a.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh  
Avenue, Richmond, Virginia. ☞ (Interpreter for deaf  
provided if requested) ☞

A meeting to (i) review comments and recommendations on independent living regulations, (ii) consider financial and budgetary reports, (iii) consider other policy recommendations, (iv) consider new board initiatives and priorities and (v) conduct the business of the board.

### Evaluation and Analysis Committee

† June 25, 1987 - 1 p.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh  
Avenue, Richmond, Virginia. ☞ (Interpreter for deaf  
provided if requested) ☞

A meeting to (i) review and evaluate proposed policies and procedures and (ii) develop recommendations for presentation to the Board of Rehabilitative Services.

### Finance Committee

† June 25, 1987 - 3 p.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh  
Avenue, Richmond, Virginia. ☞ (Interpreter for deaf  
provided if requested) ☞

A meeting to (i) review department financial reports, (ii) develop fiscal policies for recommendation to the Board of Rehabilitative Services and (iii) discuss other budgetary matters.

### Program Committee

† June 25, 1987 - 9 a.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh  
Avenue, Richmond, Virginia. ☞ (Interpreter for deaf  
provided if requested) ☞

A meeting to review comments and recommendations on proposed independent living regulations received at the public hearing April 22, 1987 and other comments received through the public comment period ended June 1, 1987 for recommendations to the board toward consideration and adoption of final regulations.

Contact: James L. Hunter, 4901 Fitzhugh Ave., Richmond,  
Va. 23230, telephone (804) 257-6446 (toll-free  
1-800-552-5019)

## STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

† July 8, 1987 - 10 a.m. - Open Meeting  
General Assembly Building, Capitol Square, Senate Room  
A, Richmond, Virginia. ☞

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: David D. Effert, James Madison Bldg., 109  
Governor St., Room 500, Richmond, Va. 23219, telephone  
(804) 786-1750

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

July 24, 1987 - Written comments may be submitted until  
this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: VR 615-50-4. **Family Based Social Services.** These regulations establish a philosophy and requirements of a family based social service delivery approach by local social service agencies.

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

Written comments may be submitted until July 24, 1987.

Contact: Linda N. Booth, Administrative Planning



# Calendar of Events

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Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9638 (toll-free 1-800-552-7091)

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**July 10, 1987 - 2 p.m. – Public Hearing**  
Blair Building, 8007 Discovery Drive, Conference Room A, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-08-1. Virginia Fuel Assistance Program.**

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

Written comments may be submitted until July 9, 1987.

**Contact:** Charlene Chapman, Supervisor, Energy and Emergency Assistance, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Va. 23229-8699, telephone (804) 281-9050 (toll-free number 1-800-552-7091)

## Statewide Human Resources Information and Referral Advisory Council

† **June 12, 1987 - 9:30 a.m. – Open Meeting**  
The Planning Council, 130 Plume Street, 4th Floor Board Room, Norfolk, Virginia. ☒

A quarterly meeting to plan for the development of a statewide information and referral system, creation of a 1987-88 State Plan and assessment of operations of regional information and referral centers.

**Contact:** H. Russell Harris, Department of Social Services, 8007 Discovery Dr., Lee Bldg., Suite 219, Richmond, Va. 23229, telephone (804) 281-9038

## VIRGINIA BOARD OF SOCIAL WORK

**June 19, 1987 - 1 p.m. – Open Meeting**  
1601 Rolling Hills Drive, Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; and (iv) to discuss regulations.

**Contact:** Beverly Putnam, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9914

## COMMONWEALTH TRANSPORTATION BOARD

**June 18, 1987 - 10 a.m. – Open Meeting**

**July 16, 1987 - 10 a.m. – Open Meeting**  
Department of Transportation, 1401 East Broad Street, Board Room, 3rd Floor, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

A monthly meeting of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

**Contact:** Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, Va., telephone (804) 786-9950

\* \* \* \* \*

† **August 19, 1987 - 1:30 p.m. – Public Hearing**  
Department of Transportation Auditorium, 1221 East Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commonwealth Transportation Board intends to adopt regulations entitled: **VR 385-01-5. Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities.** These regulations set forth the requirements for transporting hazardous materials through tunnels, bridges, and ferries in Virginia.

## STATEMENT

**Purpose:** To provide new rules and regulations including operating requirements for the transportation of hazardous materials through bridge-tunnel facilities in form and content consistent with the Commonwealth of Virginia's regulations and in conformance with the federal Department of Transportation regulations, as identified in the Code of Federal Regulations (Title 49).

### Estimated impact:

1. Number and types of regulated entities or persons affected;

All those shippers and transporters who must comply with the federal regulations (Title 49) and use the bridge-tunnel facilities in their day-to-day operations.

2. Projected cost to regulated entities (and to the public, if applicable) for implementation and compliance;

No additional cost will be required of regulated entities for implementation and compliance.

3. Projected cost to agency for implementation and enforcement; and

No additional cost to this agency is foreseen in implementation and enforcement of these revised

regulations. There will be routine maintenance and updating of this manual.

4. Source of funds (e.g., user fees, including fee structure; federal grants; other than nongeneral fund revenue sources; general fund). Only state funds have been utilized on this project.

Explanation of need for the proposed regulation and potential consequences that may result in the absence of the regulation:

The Commonwealth of Virginia is currently regulating the transportation of hazardous materials through bridge-tunnels using different regulations which in some instances, are out of date. The intent of this project is to develop a manual containing a full range of regulations required for those identified facilities. It was imperative that the project objectives access current regulations, identify locations and develop a single manual which is compatible with existing federal regulations and provide for reasonable regulations and control in areas where federal regulations do not exist.

The increasing volume of hazardous materials being transported over Virginia's highways along with the new chemicals constantly being developed require that regulations remain current in order to ensure that an acceptable level of risk is maintained.

An estimate of the impact of the proposed regulation upon small businesses or organizations in Virginia: A small business or organization is one that meets the criteria for "eligible small business" as defined in § 9-199 of the Code of Virginia. This requirement also applies to private nonprofit and public entities that meet those criteria.

It is not anticipated that this revision will have a negative impact on small businesses or organizations in Virginia who are already operating under federal regulations (Title 49).

A discussion of alternative approaches were considered to meet the need that the proposed regulation is the least burdensome available alternative.

The regulations and quantity limitations are based on sound chemical and engineering data. There are no real alternative approaches to the requirements for these regulations, as no regulations are not acceptable. The new regulations were developed to be the least burdensome and at the same time provide the maximum level of safety.

Within two years after a regulation is promulgated, the agency will evaluate it for effectiveness and continued need. The regulatory need will be a continuing requirement and the project scope of work stipulates that a review will be conducted during the first two years.

No forms, reports, or other procedural requirements other than those already in existence are required by this revision.

Statutory Authority: §§ 33.1-12 and 33.1-13 of the Code of Virginia.

Written comments may be submitted until August 19, 1987.

**Contact:** John L. Butner, Engineering Programs Supervisor, Traffic Engineering Division, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2878

## VIRGINIA BOARD OF VETERINARY MEDICINE

**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**  
**NOTE CHANGE OF MEETING PLACE**  
General Assembly Building, House Room C, 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

## 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.

# Calendar of Events

**Contact:** Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3145 (TTD number 264-3140)

## VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **June 16, 1987 - 10 a.m.** – Open Meeting  
Jefferson Sheraton Hotel, Richmond, Virginia

A general session to: (i) elect officers for 1987-88; (ii) review survey data on handicapped vocational education students; (iii) discuss recommendations for the 1988-90 vocational education state plan; and (iv) receive reports from the Virginia Department of Education, the Virginia Community College System, and the Governor's Job Training Coordinating Council. At 2 p.m. the executive committee will meet to review council's participation in the state vocational education conference in August.

**Contact:** George S. Orr, Jr., Executive Director, P. O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

## VIRGINIA WASTE MANAGEMENT BOARD

**June 15, 1987 - 10 a.m.** – Public Hearing  
James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. FT3001 5

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **Hazardous Waste Management Regulations: Amendment 8.**

The proposed Amendment 8 to these regulations includes changes to the U. S. Environmental Protection Agency's regulations on solid and hazardous waste management. These new provisions enacted by U. S. EPA during 1985-86, require that changes be made to existing, April 1, 1985, state regulations. These proposed changes maintain consistency with the federal program, as required. The amended regulations will be renumbered to VR 672-10-1.

The purpose of the public hearing is to obtain comments on the proposed draft of Amendment 8 from the regulated community, the public, and any interested persons.

Statutory Authority: § 10-266(11) of the Code of Virginia.

Written comments may be submitted until July 24, 1987, to Dr. Wladimir Gulevich, Director, Division of Technical Services, Virginia Department of Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, Va. 23219.

Free copies of these final draft materials are available from the Information Officer.

† **June 26, 1987 - 10 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. 2)

A general business meeting and election of officers.

**Contact:** Cheryl Cashman, Information Officer, Department of Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, Va. 23219, telephone (804) 225-2667, or the Hazardous Waste Hotline 1-800-552-2075

## STATE WATER CONTROL BOARD

**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. 3)

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

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† **August 12, 1987 - 2 p.m.** – Public Hearing  
Prince William County Complex, McCourt Building, 4850 Davis Ford Road, Prince William, Virginia

† **August 13, 1987 - 1 p.m.** – Public Hearing  
Roanoke County Administrative Center, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia

† **August 14, 1987 - 10 a.m.** – Public Hearing  
Williamsburg/James City Courthouse Council Chambers, 321-45 Court Street-West, Williamsburg, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-21-00. Water Quality Standards.** The proposed amendments to the Water Quality Standards are to make necessary revisions to comply with the requirement that the standards be reviewed every three years. Water quality standards consist of narrative statements and numerical limits which describe water quality necessary for reasonable beneficial uses.

## STATEMENT

Basis: Section 62.1-44.15(3) of the Code of Virginia, authorizes the board to establish water quality standards and policies for any state water consistent with the purpose and general policy of the State Water Control

Law, and to modify, amend, or cancel any such standards or policies established. This section also requires the State Water Control Board, at least once every three years, to review the standards and policies, and as appropriate, to propose revisions and changes to the standards and policies.

**Purpose:** Virginia last completed a review of the water quality standards in September 1984. In order to comply with state and federal laws, another review of water quality standards must be completed by September 1987. The purpose of the proposed amendments is to make necessary revisions to the water quality standards complying with the three-year review requirement.

**Impact:** The proposed amendments affect many sections of the water quality standards regulations. The majority of the revisions would have little or no impact on the regulated community or the Commonwealth. The most significant proposed revision amends the chlorine standard to require the use of alternative disinfection for dischargers to certain type of waters. This revision would impact 47 dischargers with a total capital cost of \$505,000. Other revisions remove ambiguity, account for more updated information affecting the regulations and improve the structure and express the intent of the regulations more clearly.

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

Written comments may be submitted until August 21, 1987, to Doneva Dalton, Hearing Reporter.

**Contact:** Stu Wilson, Water Resources Ecologist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

## THE COLLEGE OF WILLIAM AND MARY

### Board of Visitors

† **June 26, 1987 - 10 a.m.** – Open Meeting  
Ash Lawn-Highland, Route 6, Box 37, Charlottesville, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

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

**Contact:** Office of University Relations, James Blair Hall, College of William and Mary, Room 308, Williamsburg, Va. 23185, telephone (804) 252-4226

## LEGISLATIVE

### VIRGINIA CODE COMMISSION

**June 16, 1987 - 10 a.m.** – Open Meeting  
**June 17, 1987 - 9:30 a.m.** – Open Meeting  
General Assembly Building, Speaker's Conference Room, 6th Floor, Richmond, Virginia. ☐

The Code Commission will continue with the revision of Title 54.

**Contact:** Joan W. Smith, Registrar of Regulations, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23219, telephone (804) 786-3591

### VIRGINIA STATE CRIME COMMISSION

#### Firearms and Ammunition Subcommittee

† **June 10, 1987 - 10 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, Speaker's Conference Room, 6th Floor, Richmond, Virginia. ☐

The meeting will be an organizational meeting to define the issues that will be encompassed by this study.

**Contact:** Robert E. Colvin, Executive Director, P. O. Box 3-AG, General Assembly Bldg., 2nd Floor, Room 230, Richmond, Va. 23208, telephone (804) 225-4534

#### Law Enforcement Compensation Subcommittee

† **June 30, 1987 - 9 a.m.** – Public Hearing  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

An organizational meeting and briefing by staff on initial staff study. At 10:30 a.m. a public hearing will be held in House Room C. A work session at 1:30 to consider recommendations.

**Contact:** Laura Armstrong, Research Intern, P. O. Box 3-AG, General Assembly Bldg., 2nd Floor, Room 230, Richmond, Va. 23208, telephone (804) 225-4534

### JOINT SUBCOMMITTEE STUDYING DAY CARE CENTERS

† **June 11, 1987 - 10 a.m.** – Open Meeting  
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ☐

# Calendar of Events

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This subcommittee will meet for organizational purposes and to set out agenda for future meetings. (HJR 306)

**Contact:** Gayle Nowell, Research Associate, Division of Legislative Services, General Assembly Bldg., 2nd Fl., Richmond, Va. 23219, telephone (804) 786-3591

## SUBCOMMITTEE STUDYING PROBLEMS OF TEEN PREGNANCY IN THE COMMONWEALTH

**June 12, 1987 - 10 a.m.** – Open Meeting  
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☒

A second meeting and work session of interim for continued joint legislative study. (HJR 280)

**Contact:** Brenda Edwards, Research Associate, Division of Legislative Services, General Assembly Bldg., 2nd Floor, or P.O. Box 3-AG, Richmond, Virginia 23208, telephone (804) 786-3591

## COMMISSION ON VETERANS' AFFAIRS

**July 11, 1987 - 10 a.m.** – Public Hearing  
Clarke County Circuit Court, Main Court Room, Berryville, Virginia. ☒

**August 8, 1987 - 10 a.m.** – Public Hearing  
Rappahannock Community College (North Campus), Main Lecture Hall, Warsaw, Virginia. ☒

† **September 11, 1987 - 10 a.m.** – Public Hearing  
General Assembly Building, Capitol Square, House Room C, Richmond, 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

**June 8, 1987**  
Medical Care Facilities, Commission on

**June 9**  
Employment Commission, Virginia  
- Advisory Board  
Medicial Assistance Services, Board of Nursing, Virginia State Board of  
- Informal Conference Committee  
Veterinary Medicine, Virginia Board of

**June 10**  
† Crime Commission, Virginia State  
- Firearms and Ammunition Subcommittee  
Criminal Justice Services Board  
Employment Commission, Virginia  
- Advisory Board  
Medicine, Virginia State Board of  
- Legislative Committee

**June 11**  
† Day Care Centers, Joint Subcommittee Studying Housing and Community Development, Board of  
- Amusement Device Technical Advisory Committee  
Long-Term Care Council  
Pharmacy, State Board of  
Water Control Board, State

**June 12**  
† Children's Residential Facilities, Coordinating Committee for Interdepartmental Licensure and Certification of  
General Services, Department of  
- State Insurance Advisory Board  
Pharmacy, State Board of  
Professional Counselors, Virginia Board of  
† Social Services, Department of  
- Statewide Human Resources Information and Referral Advisory Council  
Teen Pregnancy in the Commonwealth, Subcommittee Studying Problems of  
Water Control Board, State

**June 14**  
Dentistry, Virginia Board of

**June 15**  
Disabled, Department for Rights of the  
- Protection and Advocacy Board for the Mentally Ill  
Professional Counselors, Virginia Board of

**June 16**  
Alcoholic Beverage Control Board  
Code Commission, Virginia  
† Emergency Response Council, Virginia  
† Housing Development Authority, Virginia  
- Board of Commissioners  
Real Estate Board, Virginia  
† Vocational Education, Virginia Council on

**June 17**  
Code Commission, Virginia  
Corrections, State Board of

# Calendar of Events

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Criminal Justice Services Board  
- Committee on Criminal Justice Information Systems  
† Milk Commission  
† Real Estate Board, Virginia  
Veterinary Medicine, Virginia Board of

## June 18

Education, State Board of  
† Fire Services Board, Virginia  
† Nursing Home Administrators, State Board of Examiners for  
Old Dominion University  
- Board of Visitors  
† Psychology, Virginia Board of  
Transportation Board, Commonwealth  
Veterinary Medicine, Virginia Board of

## June 19

† Building Code Technical Review Board, State  
Education, State Board of  
† Fire Services Board, Virginia  
Social Work, Virginia Board of

## June 22

† Certified Landscape Architects, Virginia State Board of

## June 23

Elections, State Board of  
Library Board, Virginia State  
Library Board, Virginia State  
- Automated Systems and Networking Committee  
Motor Vehicles, Department of  
Pharmacy, State Board of  
† Professional Engineers, Virginia State Board of

## June 24

† Contractors, State Board for  
Forestry, Board of  
† Health Services Cost Review Council, Virginia  
† Mental Health and Mental Retardation Board, State  
Motor Vehicles, Department of  
Pharmacy, State Board of

## June 25

Alcoholic Beverage Control Board  
† Medicine, Virginia State Board of  
- Informal Conference Committee  
Nursing, Virginia State Board of  
† Rehabilitative Services, Board of  
- Evaluation and Analysis Committee  
- Finance Committee  
- Program Committee

## June 26

† Funeral Directors and Embalmers, Virginia Board of  
† Game and Inland Fisheries, Commission of  
† General Services, Department of  
- Consolidated Laboratory Services Advisory Board  
Medicine, Virginia State Board of  
† - Informal Conference Committee

- Podiatry Examination Committee  
† Rehabilitative Services, Board of  
† Waste Management Board, Virginia  
† William and Mary, College of  
- Board of Visitors

## June 29

† Labor and Industry, Department of  
- Safety and Health Codes Board  
Motor Vehicles, Department of

## June 30

Alcoholic Beverage Control Board  
† Funeral Directors and Embalmers, Virginia Board of  
† Medicine and Nursing, Virginia State Boards of  
Motor Vehicles, Department of

## July 1

† Funeral Directors and Embalmers, Virginia Board of

## July 8

Conservation and Historic Resources, Department of  
- Virginia Soil and Water Conservation Board  
† Real Estate Board, Virginia  
† Sewage Handling and Disposal Appeals Review Board, State

## July 10

† General Services, Department of  
- Art and Architectural Review Board

## July 13

Medical Care Facilities, Commission on  
Optometry, Virginia Board of

## July 14

Alcoholic Beverage Control Board  
Optometry, Virginia Board of  
† Real Estate Board, Virginia

## July 15

Optometry, Virginia Board of  
† Real Estate Board, Virginia

## July 16

Aging, Department for the  
- Long-Term Care Ombudsman Program Advisory Council  
Pilots, Board of Commissioners to Examine  
Transportation Board, Commonwealth

## July 18

Visually Handicapped, Department for the  
- Advisory Committee on Services

## July 21

† Corrections, State Board of

## July 22

† Health Services Cost Review Council, Virginia

# Calendar of Events

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- July 23**  
Education, State Board of  
† Medicine, Virginia State Board of  
† Real Estate Board, Virginia
- July 24**  
Education, State Board of  
† Medicine, Virginia State Board of  
- Advisory Board on Physical Therapy
- July 25**  
† Medicine, Virginia State Board of  
- Advisory Board on Physical Therapy
- July 26**  
† Medicine, Virginia State Board of
- July 27**  
Air Pollution Control Board, State
- July 28**  
Alcoholic Beverage Control Board
- July 30**  
† Cosmetology, Virginia Board of
- August 4**  
† Auctioneers Board
- August 5**  
† Auctioneers Board
- August 6**  
† Auctioneers Board
- August 12**  
† Corrections, State Board of
- September 16**  
† Corrections, State Board of
- June 10**  
Commerce, Board of
- June 11**  
Commerce, Board of  
Education, State Board of
- June 15**  
Waste Management Board, Virginia
- June 18**  
† Fire Services Board, Virginia
- June 22**  
Commerce, Board of
- June 29**  
Commerce, Board of
- June 30**  
† Crime Commission, Virginia State  
- Law Enforcement Compensation Subcommittee
- July 1**  
Forestry, Department of
- July 8**  
† Psychology, Virginia Board of
- July 10**  
Social Services, Department of
- July 11**  
Veterans' Affairs, Commission on
- July 14**  
† Mental Health and Mental Retardation Board, State
- July 15**  
† Mental Health and Mental Retardation Board, State
- July 20**  
† Housing and Community Development, Board of
- July 21**  
Mental Health and Mental Retardation Board, State
- July 28**  
Mental Health and Mental Retardation Board, State
- July 29**  
Air Pollution Control Board, State  
Disabled, Board for Rights of the
- August 8**  
Veterans' Affairs, Commission on
- August 12**  
† Water Control Board, State
- August 13**  
† Water Control Board, State
- August 14**  
† Fire Services Board, Virginia  
† Water Control Board, State
- August 19**  
† Transportation Board, Commonwealth
- September 11**  
† Veterans' Affairs, Commission on
- September 28**  
Agriculture and Consumer Services, Department of

## PUBLIC HEARINGS

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- Virginia Register of Regulations*
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