

THE VIRGINIA REGISTER

OF REGULATIONS

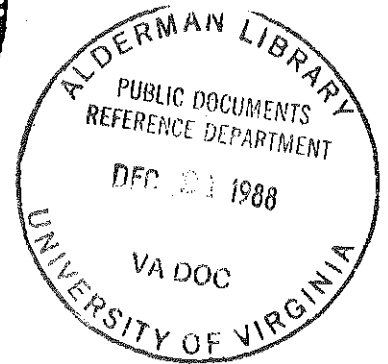
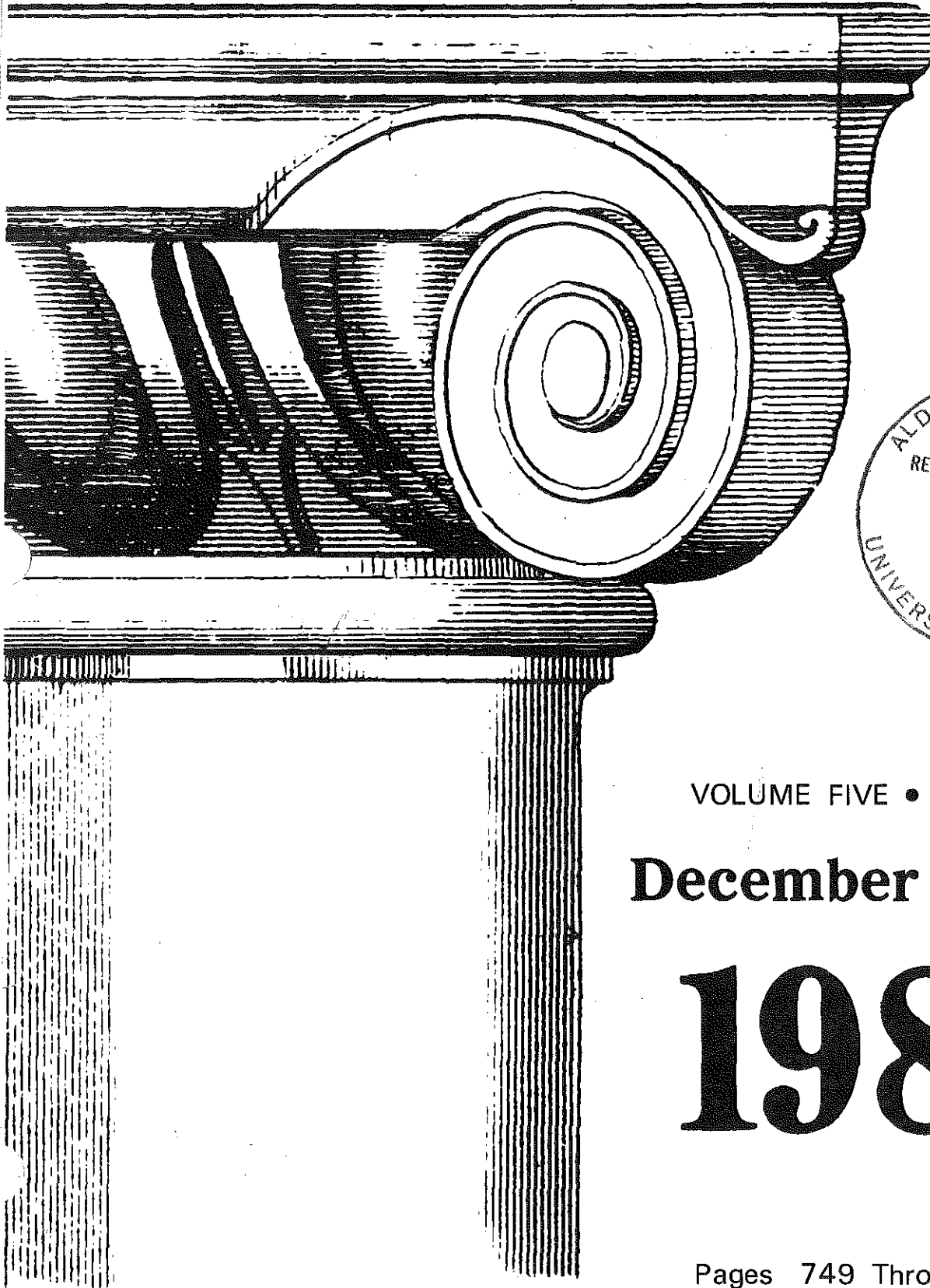
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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

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 Register* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

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

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

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall

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to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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PROPOSED REGULATIONS

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Symbol Key

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

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-02-0007. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.

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

Public Hearing Date: N/A - Written comments will be received until February 17, 1989.

(See Calendar of Events section for additional information)

REGISTRAR'S NOTICE: Due to its length, the proposed Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia filed by the State Board of Education are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the State Board of Education.

Summary:

The purpose of the reproposal of the regulations is to publish the amendments based on the comments which substantially changed the original draft of amended regulations. The amended regulations bring the state regulations in compliance with Congressional amendments to P.L. 94-142, the federal law mandating that handicapped children and youth receive a free and appropriate public education.

The amended regulations were inconsistent with federal law and other proposed changes were based on the public comments and included in this amended draft. The major changes in the proposed regulations include deletion of the requirement for parental consent before any change in the identification or placement for a handicapped child, maintaining autism as a separate category, defining reevaluation and significant change in placement, expanding the definition of special education to comport with federal law, adding qualifications of personnel providing services, adding related services to an existing IEP, termination of special education services, adding language and timelines regarding suspensions and expulsions and amending the regulations to comply with the law for serving children in juvenile detention homes.

The regulations directly affect 140 school divisions in the Commonwealth.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Title of Regulation: VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.

Statutory Authority: § 9-164 of the Code of Virginia.

Public Hearing Date: January 24, 1989 - 11 a.m.

(See Calendar of Events section for additional information)

Summary:

This proposed amendment is consistent with the council's authority to undertake financial analysis and studies relating to health care institutions.

The major change in regulations includes conducting an annual survey of all hospitals that report to the council or any corporation that controls a hospital to determine the extent of commercial diversification in the industry and reporting this information annually to the General Assembly.

VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.

PART I DEFINITIONS.

§ 1.1. The following words and terms, when used in these regulations, shall have the following meaning:

"Adjusted patient days" means inpatient days divided by the percentage of inpatient revenues to total patient revenues.

"Aggregate cost" means the total financial requirements of an institution which shall be equal to the sum of:

1. The institution's reasonable current operating costs, including reasonable expenses for operating and maintenance of approved services and facilities, reasonable direct and indirect expenses for patient care services, working capital needs and taxes, if any;
2. Financial requirements for allowable capital purposes, including price level depreciation for depreciable assets and reasonable accumulation of funds for approved capital projects;
3. For investor-owned institutions, after tax return on

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equity at the percentage equal to two times the average of the rates of interest on special issues of public debt obligations issued to the Federal Hospital Insurance Trust Fund for the months in a provider's reporting period, but not less, after taxes, than the rate or weighted average of rates of interest borne by the individual institution's outstanding capital indebtedness. The base to which the rate of return determined shall be applied is the total net assets, adjusted by paragraph 2. of this section, without deduction of outstanding capital indebtedness of the individual institution for assets required in providing institutional health care services.

"Council" means the Virginia Health Services Cost Review Council.

"Consumer" means any person (i) whose occupation is other than the administration of health activities or the provision of health services (ii) who has no fiduciary obligation to a health care institution or other health agency or to any organization, public or private, whose principal activity is an adjunct to the provision of health services, or (iii) who has no material financial interest in the rendering of health services.

"Health care institution" means a general hospital, ordinary hospital, or out-patient surgical hospital licensed pursuant to § 32-297 et seq. § 32.1-123 et seq. of the Code of Virginia and mental or psychiatric hospital licensed pursuant to § 37.1-179 et seq. § 37.1-179 et seq. of the Code of Virginia but in no event shall such term be construed to include any physician's office, nursing home, intermediate care facility, extended nursing care facility of a religious body which depends upon prayer alone for healing, independent laboratory or out-patient clinic.

"Hospital" means any facility licensed pursuant to §§ 32.1-123, et seq. or 37.1-179 et seq. of the Code of Virginia.

"Late charge" means a fee that is assessed a health care institution that files its budget, annual report, or charge schedule with the council past the due date.

"Voluntary cost review organization" means a nonprofit association or other nonprofit entity with a federally exempt tax status which has as its function the review of health care institutions' costs and charges but which does not provide reimbursement to any health care institution or participate in the administration of any review process under Chapter 4 of Title 32.1 of the Code of Virginia, P.L. 93-641, or P.L. 92-603 including the Statewide Health Coordinating Council, Department of Health and any health systems agency.

"Patient day" means a unit of measure denoting lodging facilities provided and services rendered to one inpatient, between census-taking-hour on two successive days. The day of admission but not the day of discharge or death is counted a patient day. If both admission and discharge or death occur on the same day, the day is considered a day

of admission and counts as one patient day. For purposes of filing fees to the council, newborn patient days would be added. For a medical facility, such as an ambulatory surgery center, which does not provide inpatient services, each patient undergoing surgery during any one 24-hour period will be the equivalent to one patient day.

PART II. GENERAL INFORMATION.

§ 2.1. Authority for regulations.

The Virginia Health Services Cost Review Council, created by §§ 9-156 through 9-166 of the Code of Virginia, is required to collect, analyze and make public certain financial data and findings relating to hospitals which operate within the Commonwealth of Virginia. Section 9-164 of the Code of Virginia directs the council from time to time to make such rules and regulations as may be necessary to carry out its responsibilities as prescribed in the Code of Virginia.

§ 2.2. Purpose of rules and regulations.

The council has promulgated these rules and regulations to set forth an orderly administrative process by which the council may govern its own affairs and require compliance with the provisions of §§ 9-156 through 9-166 of the Code of Virginia.

§ 2.3. Administration of rules and regulations.

These rules and regulations are administered by the Virginia Health Services Cost Review Council.

§ 2.4. Application of rules and regulations.

These rules and regulations have general applicability throughout the Commonwealth. The requirements of the Virginia Administrative Process Act, codified as § 9-6.14:1, et seq. of the Code of Virginia applied to their promulgation.

§ 2.5. Effective date of rules and regulations.

These rules and regulations or any subsequent amendment, modification, or deletion in connection with these rules and regulations shall become effective 30 days after the council has filed them in accordance with the Virginia Register Act final regulation is published in the Virginia Register .

§ 2.6. Powers and procedures of regulations not exclusive.

The council reserves the right to authorize any procedure for the enforcement of these regulations that is not inconsistent with the provision set forth herein and the provisions of § 9-156 et seq. of the Code of Virginia.

PART III COUNCIL PURPOSE AND ORGANIZATION.

§ 3.1. Statement of mission.

The council is charged with the responsibility to promote the economic delivery of high quality and effective institutional health care services to the people of the Commonwealth and to create an assurance that the charges are reasonably related to costs.

The council recognizes that health care institutional costs are of vital concern to the people of the Commonwealth and that it is essential for an effective cost monitoring program to be established which will assist health care institutions in controlling their costs while assuring their financial viability. In pursuance of this policy, it is the council's purpose to provide for uniform measures on a statewide basis to assist in monitoring the costs of health care institutions without sacrifice of quality of health care services and to analyze the same to determine if charges and costs are reasonable.

§ 3.2. Council chairman.

The council shall annually elect one of its consumer members to serve as chairman. The chairman shall preside at all meetings of the council and shall be responsible for convening the council.

§ 3.3. Vice-chairman.

The council shall annually elect from its membership a vice-chairman who shall assume the duties of the chairman in his absence or temporary inability to serve.

§ 3.4. Expense reimbursement.

Members of the council shall be entitled to be reimbursed in accordance with state regulations for necessary and proper expenses incurred in the performance of their duties on behalf of the council.

§ 3.5. Additional powers and duties.

The council shall exercise such additional powers and duties as may be specified in the Code of Virginia.

PART IV. VOLUNTARY COST REVIEW ORGANIZATIONS.

§ 4.1. Application.

Any organization desiring approval as a voluntary rate review organization may apply for approval by using the following procedure:

1. Open application period. A voluntary cost review organization may apply for designation as an approved voluntary cost review organization to be granted such duties as are prescribed in § 9-162 of the Code of Virginia.

2. Contents of application. An application for approval

shall include:

- a. Documentation sufficient to show that the applicant complies with the requirements to be a voluntary cost review organization: including copies of its Commonwealth of Virginia Charter, bylaws, and evidence of its nonprofit status. Full financial reports for the one year preceding its application must also be forwarded. If no financial reports are available, a statement of the projected cost of the applicant's operation with supporting data must be forwarded;

- b. If any of the organization's directors or officers have or would have a potential conflict of interests affecting the development of an effective cost monitoring program for the council, statements must be submitted with the application to fully detail the extent of the other conflicting interest;

- c. A detailed statement of the type of reports and administrative procedures proposed for use by the applicant;

- d. A statement of the number of employees of the applicant including details of their classification; and

- e. Any additional statements or information which is necessary to ensure that the proposed reporting and review procedures of the applicant are satisfactory to the council.

§ 4.2. Review of application.

A. Designation.

Within 45 calendar days of the receipt of an application for designation as a voluntary cost review organization, the council shall issue its decision of approval or disapproval. Approval by the council shall take effect immediately.

B. Disapproval.

The council may disapprove any application for the reason that the applicant has failed to comply with application requirements, or that the applicant fails to meet the definition of a cost review organization, or fails to meet the specifications cited in paragraph A above concerning application contents or that the cost and quality of the institutional reporting system proposed by the applicant are unsatisfactory.

C. Reapplication.

An organization whose application has been disapproved by the council may submit a new or amended application to the council within 15 calendar days after disapproval of the initial application. An organization may only reapply for approval on one occasion during any consecutive 12-month period.

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§ 4.3. Annual review of applicant.

A. By March 31 of each year, any approved voluntary cost review organization for the calendar year then in progress which desires to continue its designation shall submit an annual review statement of its reporting and review procedures.

B. The annual review statement shall include:

1. Attestation by the applicant that no amendments or modifications of practice contrary to the initially approved application have occurred; or

2. Details of any amendments or modifications to the initially approved application, which shall include justifications for these amendments or modifications.

C. The council may require additional information from the applicant supporting that the applicant's reports and procedures are satisfactory to the council.

§ 4.4. Revocation of approval.

The council may revoke its approval of any cost review organization's approval when the review procedures of that organization are no longer satisfactory to the council or for the reason that the voluntary cost review organization could be disapproved under §4.2.B of these regulations.

§ 4.5. Confidentiality.

A voluntary cost review organization approved as such by the council shall maintain the total confidentiality of all filings made with it required by these regulations or law. The contents of filings or reports summaries and recommendations generated in consequence of the council's regulations may be disseminated only to members of the council, the council's staff and the individual health care institution which has made the filings or which is the subject of a particular report.

PART V. CONTRACT WITH VOLUNTARY COST REVIEW ORGANIZATION.

§ 5.1. Purpose.

It is the intention of the council to exercise the authority and directive of § 9-163 of the Code of Virginia whereby the council is required to contract with any voluntary cost review organization for services necessary to carry out the council's activities where this will promote economy and efficiency, avoid duplication of effort, and make best use of available expertise.

§ 5.2. Eligibility.

In order for a voluntary cost review organization to be eligible to contract with the council, it shall have met all other requirements of §§ 4.1 and 4.5 of these regulations

relating to voluntary cost review organization and have been approved as such an organization.

§ 5.3. Contents of contract.

The written agreement between the council and any voluntary cost review organization shall contain such provisions which are not inconsistent with these regulations or law as may be agreed to by the parties. Any such contract shall be for a period not to exceed five years.

PART VI. FILING REQUIREMENTS AND FEE STRUCTURE.

§ 6.1. Each health care institution shall file an annual report of revenues, expenses, other income, other outlays, assets and liabilities, units of service, and related statistics as prescribed in § 9-158 of the Code of Virginia on forms provided by the council together with the certified audited financial statements (or equivalents) as prescribed in § 9-159 of the Code of Virginia, which shall be received by the council no later than 120 days after the end of the respective applicable health care institution's fiscal year. Extensions of filing times may be granted for extenuating circumstances upon a health care institution's written application for a 30- to 60-day extension. Such request for extension shall be filed no later than 90 days after the end of a health care institution's fiscal year.

§ 6.2. Each health care institution shall file annually a projection (budget) of annual revenues and expenditures as prescribed in § 9-161 B of the Code of Virginia on forms provided by the council. The institution's projection (budget) shall be received by the council no later than 60 days before the beginning of its respective applicable fiscal year.

§ 6.3. Each health care institution shall file annually a schedule of charges to be in effect on the first day of such fiscal year, as prescribed in § 9-161 D of the Code of Virginia. The institution's schedule of charges shall be received by the council no later than 10 days after the beginning of its respective applicable fiscal year.

Any subsequent amendment or modification to the annually filed schedule of charges shall be filed at least 60 days in advance of its effective date, together with supporting data justifying the need for the amendment. Changes in charges which will have a minimal impact on revenues are exempt from this requirement.

§ 6.3.1. Each hospital or any corporation that controls a hospital shall respond to a survey conducted by the Council to determine the extent of commercial diversification by such hospitals in the Commonwealth. The survey shall be in a form and manner prescribed by the Council and shall request the information specified in subdivision a, f, g, h and i below on each hospital or such corporation and, with respect to any tax-exempt hospital or controlling corporation thereof, the information specified in subdivision a through i below for each affiliate of such

hospital or corporation, if any:

- a. The name and principal activity;
- b. The date of the affiliation;
- c. The nature of the affiliation;
- d. The method by which each affiliate was acquired or created;
- e. The tax status of each affiliate and, if tax-exempt, its Internal Revenue tax exemption code number;
- f. The total assets;
- g. The total revenues;
- h. The net profit after taxes, or if not-for-profit, its excess revenues; and
- i. The net quality, or if not-for-profit, its fund balance.

§ 6.3.2. The information specified in § 6.3:1 shall relate to any legal controls that exist as of the 1st of July of each calendar year in which the survey is required to be submitted.

§ 6.3.3. Each hospital or any corporation that controls a hospital and that is required to respond to the survey specified in § 6.3:1 shall complete and return the survey to the Council by the 31st day of August of each calendar year in which the survey is required to be submitted.

§ 6.4. All filings prescribed in § 6.1 and , § 6.2 and § 6.3:1 of these regulations will be made to the council for its transmittal to any approved voluntary cost review organization described in Part IV of these regulations.

§ 6.5. A filing fee based on an adjusted patient days rate shall be set by the council, based on the needs to meet annual council expenses. The fee shall be established and reviewed at least annually and reviewed for its sufficiency at least annually by the council. All fees shall be paid directly to the council.

§ 6.6. Fifty percent of the filing fee shall be paid to the council at the same time that the health care institution files its budget under the provisions of § 6.2 of these regulations. The balance of the filing fee shall be paid to the council at the same time the health care institution files its annual report under the provisions of § 6.1 of these regulations. When the council grants the health care institution an extension, the balance of the filing fee shall be paid to the council no later than 120 days after the end of the respective applicable health care institution's fiscal year.

§ 6.7. A late charge of \$10 per working day shall be paid to the council by a health care institution that files

its budget or annual report past the due date.

§ 6.8. A late charge of \$50 shall be paid to the council by the health care institution that files the charge schedule past the due date.

§ 6.9. A late charge of \$25 per working day shall be paid to the council by the reporting entity required to complete the survey required in § 6.3:1.

PART VII. WORK FLOW AND ANALYSIS.

§ 7.1. The annual report date filed by health care institutions as prescribed in § 6.1 of these regulations shall be analyzed as directed by the council. Summarized analyses and comments shall be reviewed by the council at a scheduled council meeting within approximately 75 days after receipt of properly filed data, after which these summaries and comments, including council recommendations, may be published and disseminated as determined by the council. The health care institution which is the subject of any summary, report, recommendation or comment shall receive a copy of same at least 10 days prior to the meeting at which the same is to be considered by the council.

§ 7.2. The annual schedule of charges and projections (budget) of revenues and expenditures filed by health care institutions as prescribed in § 6.2 of these regulations shall be analyzed as directed by the council. Summarized analyses and comments shall be reviewed by the council at a scheduled council meeting within approximately 75 days after receipt of properly filed data, after which these summaries and comments, including council recommendations will be published and disseminated by the council. Amendments or modifications to the annually filed schedule of charges shall be processed in a like manner and reviewed by the council no later than 50 days after receipt of properly filed amendments or modifications. Any health care institution which is the subject of summaries and findings of the council shall be given upon request an opportunity to be heard before the council.

PART VIII. PUBLICATION AND DISSEMINATION OF INFORMATION RELATED TO HEALTH CARE INSTITUTIONS.

§ 8.1. The staff findings and recommendations and related council decisions on individual health care institutions' annual historical data findings will be kept on file at the council office for public inspection. However, the detailed annual historical data filed by the individual health care institutions will be excluded from public inspection in accordance with § 9-159 B, of the Code of Virginia.

§ 8.2. Periodically, but at least annually, the council will publish the rates charged by each hospital in Virginia for

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at least each of the 25 most frequently used hospital services in Virginia, including each hospital's average semi-private and private room rates. The data will be summarized by geographic area in Virginia, and will be kept on file at the council office for public inspection and made available to the news media. In addition, annual charge schedules and subsequent amendments to these schedules filed under the provisions of § 6.3 of these rules and regulations will be kept on file at the council office for public inspection. Staff findings and recommendations and related council decisions on changes to health care institutions' rates and charges will also be kept on file at the council office for public inspection and available to the news media.

§ 8.3. Periodically, but at least annually, the council will publish an annual report which will include, but not be limited to the following: cost per admission comparison, cost per patient day comparison, Virginia's hospital costs compared with other states, percentage increase in cost per patient day, budget and historical reports reviewed, interim rate changes, excess operating expenses, revenue reduction recommendations, operating profits and losses, deductions from revenue (contractuals, bad debts, and charity care) and hospital utilization.

§ 8.4. The staff findings and recommendations and related council decisions on individual health care institutions' annual budget and related rate filings will be kept on file at the council office for public inspection. However, the detailed annual budget data filed by the individual health care institutions will be excluded from public inspection.

§ 8.5. The council may release historical financial and statistical data reported by health care institutions to state or federal commissions or agencies based on individual, specific requests, and the merit of such requests. Requests must list the purpose for which the requested data is to be used to permit the council to reach a valid decision on whether or not the data requested will fit the need and should, therefore, be made available. Under no circumstances will data be released which contains "personal information" as defined in § 2.1-379(2) of the Code of Virginia.

§ 8.6. The council shall not release prospective (budgeted) financial and statistical data reported by health care institutions to anyone, except for the staff findings and recommendations as provided for in § 8.4 of these regulations.

§ 8.7. The provisions of § 8.5 of these regulations will also apply to recognized and designated health systems agencies (HSAs) and professional standards review organizations (PSROs) in the Commonwealth of Virginia, provided that the data requested have a definite bearing on the functions of these organizations.

§ 8.8. No data, beyond that specified in §§ 8.1 through 8.4 of these regulations will be released to other

nongovernmental organizations and entities, except that data deemed pertinent by the council in negotiations with third-party payors such as Blue Cross/Blue Shield, commercial insurers, etc. Such pertinent data may be released and used on an exception, as needed, basis.

§ 8.9. Except for data specified in §§ 8.1 through 8.4 of these regulations available to anyone, the council shall have a right to furnish data, or refuse to furnish data, based on merit of the request and ability to furnish data based on data and staff time availability. The council may levy a reasonable charge to cover costs incurred in furnishing any of the data described in this section of the rules and regulations.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Title of Regulation: VR 115-04-02. Rules and Regulations for Enforcement of the Virginia Pest Law - Virginia Gypsy Moth Quarantine.

Statutory Authority: §§ 3.1-188.23 and 3.1-188.24 of the Code of Virginia.

Effective Date: January 1, 1989

NOTICE FROM THE REGISTRAR OF REGULATIONS: The Virginia Gypsy Moth Quarantine is being revised pursuant to § 3.1-188.23 of the Code of Virginia, which provides authority for the Commissioner of the Virginia Department of Agriculture and Consumer Services to extend or reduce regulated areas described in the quarantine. The Commissioner's action must be reviewed by the Virginia Board of Agriculture and Consumer Services at its next regularly scheduled meeting and within 90 days of the Commissioner's action. The department will receive, consider and respond to petitions by any interested persons at any time for reconsideration or revision of the regulation.

Summary:

By the authority granted under § 3.1-188.23 of the Code of Virginia, the Commissioner of the Virginia Department of Agriculture and Consumer Services hereby extends the regulated areas under the Virginia Gypsy Moth Quarantine due to the detection of larvae and other life stages and the past history of the gypsy moth in areas not currently under regulation. The current regulated area is changed by the addition of 12 counties and 7 independent cities.

All other parts of the Virginia Gypsy Moth Quarantine will remain unchanged.

VR 115-04-02. Rules and Regulations for Enforcement of the Virginia Pest Law - Virginia Gypsy Moth Quarantine.

§ 1. Definitions.

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

"Associated equipment" means articles associated with mobile homes and recreational vehicles such as, but not limited to : awnings, tents, outdoor furniture, trailer blocks, LP gas containers, and trailer skirts.

"Compliance agreement" means a written agreement between a person engaged in growing, handling, or moving regulated articles, and the VDACS, U.S. Department of Agriculture (USDA), or both, wherein the former agrees to comply with the requirements of the compliance agreement.

"Gypsy moth" means the insect *"Lymantria dispar"* (Linnaeus) in any living stage.

"Hazardous recreational vehicle site" means any site where a recreational vehicle is, or may be parked, which is determined by an inspector to harbor populations of gypsy moth that could be spread by movement of recreational vehicles or associated equipment.

"Inspector" means any employee of the Virginia Department of Agriculture and Consumer Services, or other person authorized by the commissioner to enforce the provisions of the quarantine and regulations.

"Mobile home" means any vehicle, other than a recreational vehicle, designed to serve, when parked, as a dwelling or place of business.

"Outdoor household articles" means articles associated with a household that have been kept outside the home, including but not limited to outdoor furniture, barbeque grills, building materials, children's play things, yard items, trash cans, dog houses, boats, hauling trailers, garden tools, tents, and awnings.

"Recreational vehicles" means highway vehicles, including pickup truck campers, one-piece motor homes, and camping or travel trailers, designed to serve as a temporary dwelling.

"Scientific permit" means a document issued by the Virginia Department of Agriculture and Consumer Services to authorize movement of regulated articles to a specified destination for scientific purposes.

"Virginia Pest Law" means that law set forth in Article 6 (§ 3.1-188.20 et seq.) of Title 3.1 of the Code of Virginia.

§ 2. Regulated articles.

The following articles are regulated under the provisions of this quarantine, and shall not be moved into or within Virginia, except in compliance with the conditions prescribed in this quarantine:

1. Trees with roots, shrubs with roots, and persistent

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woody stems, except if greenhouse grown throughout the year.

2. Logs and pulpwood, except if moved to a mill operating under a compliance agreement.

3. Firewood.

4. Mobile homes and associated equipment.

5. Recreational vehicles and associated equipment, moving from hazardous recreational vehicle sites and the person in charge of the site has been notified.

6. Cut Christmas trees.

7. Any other products, articles (e.g., outdoor household articles), or means of conveyance, of any character whatsoever, when it is determined by an inspector that any life stage of gypsy moth is in proximity to such articles and the articles present a risk of artificial spread of gypsy moth infestations and the person in possession thereof has been so notified.

§ 3. Regulated areas.

A. Any area of another state or the District of Columbia, whether designated high risk or low risk, in which gypsy moth is known to occur and is so geographically described and regulated by the United States Department of Agriculture under the Gypsy Moth and Browntail Moth Quarantine No. 45, or under a state gypsy moth quarantine or other state legislation.

B. The following areas in Virginia:

1. The entire counties of: Accomack, Albemarle, Arlington, Caroline, *Charles City*, *Chesterfield*, Clarke, Culpeper, *Essex*, Fairfax, Fauquier, Fluvanna, Frederick, Gloucester, Goochland, Greene, Hanover, Henrico, *Isle of Wight*, *James City*, King George, *King and Queen*, *King William*, Lancaster, Loudoun, Louisa, Madison, Mathews, Middlesex, *New Kent*, Northampton, Northumberland, Orange, Page, Powhatan, *Prince George*, Prince William, Rappahannock, Richmond, Rockingham, Shenandoah, *Southampton*, Spotsylvania, Stafford, *Surry*, *Sussex*, Warren, Westmoreland, and York.

2. The entire independent cities of: Alexandria, Charlottesville, Chesapeake, *Colonial Heights*, Fairfax City, Falls Church, *Franklin*, Fredericksburg, Hampton, Harrisonburg, *Hopewell*, Manassas, Manassas Park, Newport News, Norfolk, *Petersburg*, Poquoson, Portsmouth, *Richmond*, *Suffolk*, Virginia Beach, Waynesboro, *Williamsburg*, and Winchester.

3. A portion of the following:

Augusta County - that portion of the county being east of Interstate 81 and north of Interstate 64.

§ 4. Conditions governing movement of regulated articles into or within Virginia.

A regulated article may not be moved into or within the state from a regulated area as described in § 3 unless a certificate or permit has been issued and attached to the regulated article in accordance with § 5.

§ 5. Conditions governing the issuance of certificates and permits.

A. Certificates.

Certificates may be issued by an authorized inspector for the movement of the regulated articles designated in § 2 under any of the following conditions when:

1. In the judgment of the inspector, they have not been exposed to infestations;

2. They have been examined by the inspector and found to be free of gypsy moth;

3. They have been treated to destroy gypsy moth under the direction of the inspector and according to methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied;

4. Grown, produced, manufactured, stored, or handled in such manner that, in the judgement of the inspector, gypsy moth would not be transmitted by movement of the article.

B. Permits.

Permits may be issued by an authorized inspector for the movement of noncertified regulated articles to specified destinations under conditions specified for limited handling, use, processing, or treatment.

C. Compliance agreement.

As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles may be required to sign a compliance agreement. The agreement shall stipulate that safeguards will be maintained against the establishment and spread of infestation, and will comply with the conditions governing the maintenance of identity, handling, and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers.

D. Use of certificates or permits with shipments.

All regulated articles are required to have a certificate or permit attached when offered for movement. If a certificate or permit is attached to the invoice or waybill, the attachment of a certificate or limited permit to the

regulated article will not be required. Certificates or permits attached to the invoice, waybill, or other shipping document, shall be given by the carrier to the consignee at the destination of the shipment, or to an inspector when requested.

E. Assembly of articles for inspection.

Persons intending to move any regulated articles shall apply for inspection as far in advance as possible. They shall safeguard the articles from infestation. The articles shall be assembled at a place and in a manner designated by the inspector to facilitate inspection.

§ 6. Cancellation of certificates or permits.

Any certificate or permit which has been issued or authorized will be withdrawn by the inspector if he determines that the holder has not complied with conditions for their use or with any applicable compliance agreement.

§ 7. Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and gypsy moths as provided in the Virginia Pest Law under which this quarantine is issued.

§ 8. Shipment for experimental or other scientific purposes.

Any living stage of gypsy moth may be moved intrastate only if such movement is made for scientific purposes under scientific permit from the Virginia Department of Agriculture and Consumer Services, and in accordance with any conditions which may be required in the permit. The permit shall be securely attached to the outside of the shipping container.

§ 9. Nonliability of the department.

The Virginia Department of Agriculture and Consumer Services shall not be liable for any costs incident to inspections required under the provisions of the quarantine and regulations, other than for the services of the inspector.

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

Title of Regulation: VR 230-40-005. Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs.

Statutory Authority: §§ 53.1-5 and 53.1-253 of the Code of Virginia.

Effective Date: July 1, 1989

Summary:

These standards are for the operation of programs developed and implemented under Virginia Delinquency Prevention and Youth Development (DP&YD) Act grants. State law creating this Act requires that a city or county have a Youth Services Citizen Board. The standards, composed of three major sections, give guidance to these Youth Service Citizen Boards, their staff (i.e., an Office on Youth), and their programs and services.

The standards outline the powers, appointment and qualifications, and responsibilities of the Youth Services Citizen Boards. Office on youth administration is addressed and includes such items as goals and objectives, personnel, staff training, fiscal management, and monitoring and evaluation. The standards conclude with requirements concerning programs and services (i.e., comprehensive community youth needs planning, community involvement, and direct service programs).

Substantial changes made since the proposed regulation was published include: (i) the definition of "Direct services" was rewritten for simplification and clarification and (ii) as a result of public comments requesting a return to current practice, and review and approval of the Attorney General's Office, designated responsibilities for Youth Services Citizen Boards were delineated. Forms that were published with the proposed regulation were not adopted and are not being published with the final regulation.

Preface:

In 1970, the Delinquency Prevention Service was established in recognition of the need to reduce the number of institutionalized children by preventing their contact with the Virginia Juvenile Justice System. The program was founded on several assumptions:

1. The causes of juvenile delinquency are to be found, in large part, in conditions and situations that exist in every community.

2. If these conditions and situations are to be changed, there must be a coordinated and systematic effort by each community to identify those which need to be modified.

3. The involvement of citizens as well as professionals in this process will help assure that each locality will make maximum utilization of existing services before new programs are developed.

4. The goal should be to create an environment which will provide for the positive and wholesome development of youth.

In short, it is the philosophy of the Department of Corrections that delinquency prevention is a process of

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community development. This process should encompass all segments of the community including the young people themselves.

In 1974, the Virginia General Assembly enacted legislation officially delegating the responsibility for a delinquency prevention and youth development program to the Department of Corrections. This was followed in 1979 by the Delinquency Prevention and Youth Development Act which provided funds for the operation of community-based delinquency prevention programs. Although compliance with these standards is required by those receiving Act funds, they can also be used as guidelines for the development of a delinquency prevention and youth development program by communities which are not receiving Act funds. The standards require that only a minimum of services be provided and establish parameters within which each community is free to develop new and innovative approaches to delinquency prevention.

A program's Youth Services Citizen Board derives its authority from its city council or board of supervisors. Therefore, city councils or boards of supervisors are to define the relationship of the Youth Services Citizen Board to its staff, the Office of Youth. While policymaking or advisory boards with clearly defined responsibilities are the only ones specified in these standards, local governing bodies are not limited in their discretion in determining what form of Youth Services Citizen Board is appropriate for their locality.

These standards represent a revision of the 1982 standards and were accomplished by a work group of professionals and citizens from throughout the Commonwealth.

The Code of Virginia is the foundation for the development of Minimum Standards for Delinquency Prevention Programs. Section 53.1-253 of the Code of Virginia directs the State Board of Corrections to prescribe rules and regulations governing applications for grants and standards for the operation of programs developed and implemented under Delinquency Prevention and Youth Development Act grants. The State Board of Corrections is authorized to monitor the activities of the department and its effectiveness in implementing the standards and goals of the board as specified by § 53.1-5 of the Code of Virginia.

The Board of Corrections will certify all Virginia Delinquency Prevention and Youth Development Act grant programs which comply with standards approved by the board. The schedule of required compliance will be in accordance with the certification process policy adopted by the Board of Corrections.

At the time of adoption by the Board of Corrections, the following standards will replace and supersede the Minimum Standards, The Virginia Delinquency Prevention and Youth Development Act, Department

of Corrections, approved by the State Board of Corrections, September 15, 1982. These standards shall become effective on July 1, 1989.

VR 230-40-005. Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs.

PART I. INTRODUCTION.

Article 1. Definitions.

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

"Administrative manual" means a written document which contains policies/procedures, rules and regulations, or other operating instructions for a Youth Services Citizen Board and Office on Youth.

"Biennial Operating Plan" means a written plan setting forth measurable objectives for a two-year period (two fiscal years) which will accomplish the goal of developing, coordinating, and evaluating youth services. The Biennial Operating Plan is to be based primarily on the six-year Delinquency Prevention and Youth Development Needs Assessment and Plan.

"Community" means the particular city or county or combination thereof which a Youth Services Citizen Board serves.

"Delinquency Prevention and Youth Development Needs Assessment and Plan" means a document, developed every six years, which analyzes the problems, opportunities and conditions of youth and concludes with a plan of action to meet identified needs.

"Direct service" means [a remediation service or reactive process of promoting change for or with an individual or family who has a recognized need or problem. Direct services are also known as secondary or tertiary prevention. Secondary prevention occurs where early detection of problems and early intervention could lead to helpful solutions before problems become more serious and pervasive. Service brokerage for individual remedial services, crisis intervention services (i.e., mobilizing resources for individuals/families to alleviate the immediate impact of stressful events), are secondary prevention. Tertiary prevention attempts to resolve the seriousness of the youth's/family's problems through therapeutic or rehabilitative sources. Office on Youth staff or assigned Youth Services Citizen Board member(s) or both providing substantial person-to-person contact with youth or families or both for purposes of instructional or skills development training.]

"Direct services counseling" means a one-to-one or group

relationship involving a trained counselor and focusing on some aspects of a client's adjustment, developmental, or decision-making needs.

"Functional Working Agreement" means a written document indicating an intent on the part of an agency/organization/individual to support, coordinate/cooperate with, refer to, receive referrals from provide a resource or service, serve on a task force/committee, etc.

"Generally accepted accounting principles" means the conventions, rules, procedures, or principles necessary to define accepted accounting practice at a particular time.

"Government agencies" means an administrative division of state or local government.

"Knowledge, skills, and abilities qualifications" means the criteria which sets forth the expectations of a position (formerly a correlative to education/experience qualification).

"Local governing body" means the city council or county board of supervisors of a city or county, respectively. Many governmental services in Virginia are regionalized to serve more than one governmental jurisdiction. Any Youth Services Citizen Board and Office on Youth designed to provide regionalized services to more than one governmental jurisdiction must have the endorsement and support of all affected governing bodies.

"Office on Youth" means the staff and the place of business of the staff to the Youth Services Citizen Board.

"Personnel policy manual" means a written document which contains the conditions of employment including policies, procedures, responsibilities and benefits for employees of an Office on Youth.

"Primary prevention" means the active process of creating conditions that promote the well-being of people. It encompasses activities which impact systems which address causes rather than symptoms. Primary prevention promotes positive youth development before delinquency occurs. Service options of primary prevention include community assessment, planning, community organization, community education, organizational development, consultation, training, parent education, advocacy for changes in conditions, employment development, legislation development, etc.

"Principal administrative officer" means the individual (i.e. city manager or county administrator) who is appointed and paid by a local governing body to implement its decisions.

"Program of public education" means a planned overall approach to provide information to the public related to the needs of youth. Program does not mean a single activity, but multiple types of activities.

"Self evaluation" means the assessment that a Youth Services Citizen Board performs at least once a fiscal year of its performance and program. Some factors to consider in the self evaluation may include: the relevancy of the Youth Services Citizen Board/Office on Youth program; the performance of the Youth Services Citizen Board's/Office on Youth's program; the performance of the staff; the funding of the Youth Services Citizen Board/Office on Youth and its program; the organization, responsibilities, and functioning of the Youth Services Citizen Board, and the Youth Services Citizen Board and Office on Youth relationships and delegated responsibilities.

"Service agency" means a public or private human service or juvenile justice organization/agency which primarily addresses the needs of youth and families.

"Youth Services Citizen Board" means an organization of citizens created by legislative action of the local governing body(ies) to be responsible for planning and coordination and other functions relative to the system of youth services in the community.

PART II. YOUTH SERVICES CITIZEN BOARD ADMINISTRATION.

Article 1.

Powers, Appointment, and Qualifications of Members.

§ 2.1. The Youth Services Citizen Board shall be established by an ordinance or resolution of the local governing body(ies) of a locality(ies), and shall derive its authority from and be administered by the local governing body(ies). The ordinance or resolution shall be in accordance with §§ 53.1-254 through 53.1-260 of the Code of Virginia.

§ 2.2. The members of the Youth Services Citizen Board, a majority of whom shall be citizens who are not employed by government or service agencies and who are not elected government officials, shall be appointed by the local governing body(ies). At least one member shall be below the age of 18 years.

§ 2.3. Youth Services Citizen Board members shall be appointed for a term of no less than three years and not more than five years; appointments shall be staggered for continuity. Youth members shall serve one-year terms and may be reappointed as eligible.

§ 2.4. No title, position, or agency shall be appointed to the Youth Services Citizen Board.

§ 2.5. The Youth Services Citizen Board shall elect its own officers and establish its own by-laws.

Article 2.

Responsibilities of Youth Services Citizen Boards [: Policymaking Boards]

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[§ 2.6. The Youth Services Citizen Board shall, at a minimum, assist the principal administrative officer in the supervision and administration of the Office on Youth. If the local governing body(ies) deems it appropriate, the Youth Services Citizen Board shall be responsible for supervision and administration of the Office on Youth.

§ 2.7. The Youth Services Citizen Board shall, at a minimum, assist the sponsoring locality's principal administrative officer in establishing for the Office on Youth the following:

1. The number of staff;
2. Written job descriptions; and
3. Written minimum knowledge, skills, and abilities qualifications.

If the local governing body(ies) deems it appropriate, the Youth Services Citizen Board shall approve the following:

1. The number of staff for the Office on Youth;
2. Written job descriptions; and
3. Written minimum knowledge, skills, and abilities qualifications.

§ 2.8. The Youth Services Citizen Board, at a minimum, shall participate in the hiring of the administrator of the Office on Youth. If the local governing body(ies) deems it appropriate, the Youth Services Citizen Board shall hire the administrator for the Office on Youth, and shall delegate, in writing, to the administrator of the Office on Youth, authority for the hiring of staff.

§ 2.9. The principal administrative officer, at a minimum, shall be responsible for developing and maintaining a written administrative manual which shall include policies, procedures, and guidelines for the Office on Youth. This manual shall be available to all Office on Youth staff.

If the local governing body(ies) deems it appropriate for the Youth Services Citizen Board to establish or adopt written policy, then the Youth Services Citizen Board shall:

1. Establish or adopt written policies, for the Office on Youth administrator, relating to delegation of administrative authority.
2. Establish or adopt written policy which prohibits Youth Services Citizen Board members and Office on Youth staff from using their official position to secure privileges for themselves or others and from engaging in activities that constitute conflict of interest.]

[§ 2.6. The Youth Services Citizen Board shall be responsible for supervision and administration of the Office

on Youth.

§ 2.7. The Youth Services Citizen Board shall hire the administrator for the Office on Youth and shall approve the following:

1. The number of staff for the Office on Youth;
2. Written job descriptions; and
3. Written minimum knowledge, skills, and abilities qualifications.

§ 2.8. The Youth Services Citizen Board shall delegate, in writing to the administrator of the Office on Youth, authority for the hiring of staff.

§ 2.9. The Youth Services Citizen Board shall be responsible for developing or adopting and maintaining a written administrative manual which shall include policies, procedures, and guidelines for the Office on Youth. This manual shall be available to all Office on Youth staff.

§ 2.10. The Youth Services Citizen Board shall establish or adopt written policies, for the Office on Youth administrator, relating to delegation of administrative authority.

§ 2.11. The Youth Services Citizen Board shall establish or adopt written policy which prohibits Youth Services Citizen Board members and Office on Youth staff from using their official position to secure privileges for themselves or others and from engaging in activities that constitute conflict of interest.

Article 3. Responsibilities of Youth Services Citizens Boards: Advisory Boards.

§ 2.12. The Youth Services Citizen Board shall assist the principal administrative officer in the supervision and administration of the Office on Youth.

§ 2.13. The Youth Services Citizen Board shall assist the principal administrative officer in establishing for the Office on Youth the following:

1. The number of staff;
2. Written job description; and
3. Written minimum knowledge, skills, and abilities qualifications.

§ 2.14. The Youth Services Citizen Board shall participate in the hiring of the administrator of the Office on Youth.

§ 2.15. The principal administrative officer shall be responsible for developing and maintaining a written administrative manual which shall include policies, procedures, and guidelines for the Office of Youth. This

manual shall be available to all Office on Youth staff.]

PART III. OFFICE ON YOUTH ADMINISTRATION.

Article 1. Goals and Objectives.

§ 3.1. The Office on Youth shall implement the strategies to accomplish the goals and objectives as established and authorized in the Youth Services Citizen Board Biennial Operating Plan.

Article 2. Personnel and Operations.

§ 3.2. The Office on Youth shall have one paid full-time administrator.

§ 3.3. The Office on Youth shall have at least the equivalent of one full-time paid position to assist the administrator with the accomplishment of the goals and objectives of the Youth Services Citizen Board.

§ 3.4. The Office on Youth shall possess an administrative capability including clerical and other support services.

§ 3.5. A written job description with minimum knowledge, skills, and abilities qualifications shall exist for each Office on Youth staff position.

§ 3.6. All Office on Youth staff members shall meet the minimum knowledge, skills, and abilities qualifications established for their respective positions.

§ 3.7. Salary levels and employee benefits for all Office on Youth personnel shall be equitable with comparable occupational groups within the sponsoring locality.

[§ 3.8. An Office on Youth, at a minimum, shall be governed by the written personnel policy manual of the sponsoring locality. If the governing body(ies) deems it appropriate, Youth Services Citizen Boards shall develop and approve a written personnel policy manual for Office on Youth employees or adopt the sponsoring locality's.

If the Youth Services Citizen Board develops and approves the written personnel policy manual for Office on Youth employees or adopts the sponsoring locality's, then the Office on Youth personnel policy manual shall include, but not be limited to, policies concerning:

1. Recruitment and selection;
2. Grievance and appeal;
3. Annual employee evaluation;
4. Confidentiality of employee personnel records;
5. Equal employment opportunity;

6. Leave and benefits;

7. Resignations and termination;

8. Promotion, demotion and transfer;

9. Probationary period; and

10. Compensation.]

[§ 3.8. An Office on Youth shall be governed by the written personnel policy manual of the sponsoring locality when operated under an advisory Youth Services Citizen Board.

§ 3.9. Policymaking Youth Services Citizen Boards shall develop and approve a written personnel policy manual for Office on Youth employees or adopt the sponsoring locality's.

§ 3.10. When the Office on Youth is operated under a policymaking board, the Office on Youth personnel policy manual shall include, but not be limited to, policies concerning:

1. Recruitment and selection;
2. Grievance and appeal;
3. Annual employee evaluation;
4. Confidentiality of employee personnel records;
5. Equal employment opportunity;
6. Leave and benefits;
7. Resignations and termination;
8. Promotion, demotion and transfer;
9. Probationary period; and
10. Compensation.]

[§ 3.9. § 3.11.] A copy of the personnel policy manual shall be made available to each Office on Youth employee by the administrator of the Office on Youth.

Article 3. Staff Training and Development.

[§ 3.10. § 3.12.] A program of training with defined objectives relating to the job description shall be written annually for each position established for the Office on Youth.

[§ 3.11. § 3.13.] All full-time staff members of the Office on Youth shall have a minimum of 40 hours of training per year based on the written training program.

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[~~§ 3-12~~, § 3.14.] All part-time staff members of the Office on Youth, working 20 hours or more per week shall have a minimum of 20 hours of training per year based on the written training program.

Article 4. Fiscal Management.

[~~§ 3-13~~, § 3.15.] The proposed annual operating budget of the Youth Services Citizen Board/Office on Youth shall be approved by the Youth Services Citizen Board prior to submission to the locality's principal administrative officer(s) and governing body(ies).

[~~§ 3-14~~, § 3.16.] The sponsoring locality shall submit, annually to the Department of Corrections the approved operating budget for the Youth Services Citizen Board/Office on Youth showing appropriated revenue and projected expenses for the coming year.

[~~§ 3-15~~, § 3.17.] There shall be a system of financial record keeping for the Youth Services Citizen Board/Office on Youth that is consistent with generally accepted accounting principles.

[~~§ 3-16~~, § 3.18.] There shall be a system of financial record keeping that shows a separation of the Youth Services Citizen Board/Office on Youth accounts from all other records.

[~~§ 3-17~~, § 3.19.] Those members of the Youth Services Citizen Board and Office on Youth staff who have been authorized the responsibility of handling funds of the program shall be bonded.

[~~§ 3-18~~, § 3.20.] A compliance audit by an independent Certified Public Accountant shall be conducted annually on the financial records of the Youth Services Citizen Board/Office on Youth programs in accordance with local and state regulations.

[~~§ 3-19~~, § 3.21.] The sponsoring locality's purchasing policies and procedures shall govern purchasing of supplies, materials, equipment and services.

[~~§ 3-20~~, § 3.22.] The Youth Services Citizen Board shall review, on at least a quarterly basis, income received and disbursements made by the Youth Services Citizen Board/Office on Youth.

Article 5. Monitoring and Evaluation.

[~~§ 3-21~~, § 3.23.] The administrator of the Office on Youth shall circulate/distribute copies of the on-site status report received from the Regional Juvenile Delinquency Prevention Specialist to all members of the Youth Services Citizen Board and the principal administrative officer within 45 calendar days of its receipt.

[~~§ 3-22~~, § 3.24.] The Youth Services Citizen Board shall

conduct a self-evaluation at least once a year regarding the board's functioning. Factors to consider in the self evaluation include: the relevancy of the Youth Services Citizen Board/Office on Youth program; the performance of the Youth Services Citizen Board's/Office on Youth's program; the performance of the staff; the funding of the Youth Services Citizen Board/Office on Youth and its program; the organization, responsibilities, and functioning of the Youth Services Citizen Board, and the Youth Services Citizen Board and Office on Youth relationships and delegated responsibilities.

[~~§ 3-23~~, § 3.25.] The administrator of the Office on Youth shall keep a signed dated copy of the annual Youth Services Citizens Board's self evaluation in the office files.

PART IV. PROGRAMS AND SERVICES.

Article 1. Delinquency Prevention and Youth Development Needs Assessment and Plan.

§ 4.1. The Office on Youth shall conduct an assessment of the needs of youth within their jurisdiction at least every six years.

§ 4.2. The assessment of the needs of youth shall include but not be limited to:

A. A detailed compilation of the problems, needs, opportunities and conditions of youth based on:

1. Youth-service agencies' opinions;
2. A survey of public opinion;
3. A survey of youth; and
4. An analysis of available archival data [~~(i.e., court and school statistics, etc.)~~].

B. A comprehensive inventory of current programs and resources impacting on youth, including:

1. Identifying information;
2. Program descriptions;
3. Clientele served; and
4. Fee requirements.

§ 4.3. The Youth Services Citizen Board and the Office on Youth, in conjunction with other youth serving agencies, shall develop and approve the written Delinquency Prevention and Youth Development Needs Assessment and Plan for their community(ies).

§ 4.4. The Delinquency Prevention and Youth Development Needs Assessment and Plan shall include, but not be

limited to:

1. An analysis of the needs assessment;
2. Recommendations concerning youth service needs of the community; and
3. A plan of action to meet the identified needs.

§ 4.5. The Youth Services Citizen Board shall submit a signed copy of the written six year Delinquency Prevention and Youth Development Needs Assessment and Plan to the local governing body(ies) and the Virginia Department of Corrections within 60 days of Youth Services Citizen Board approval.

Article 2. Biennial Operating Plan.

§ 4.6. The Youth Services Citizen Board and the Office on Youth shall develop a written Biennial Operating Plan, based primarily on the Delinquency Prevention and Youth Development Needs Assessment and Plan, which shall set forth goals, objectives and strategies for the Youth Services Citizen Board and Office on Youth.

§ 4.7. Annually, the Youth Services Citizen Board shall submit a written report to the local governing body and the Virginia Department of Corrections regarding progress toward accomplishment of the Delinquency Prevention and Youth Development Needs Assessment and Plan, and the Biennial Operating Plan.

§ 4.8. The Biennial Operating Plan shall ensure that a program of public education is conducted related to the needs of youth as identified in the Delinquency Prevention and Youth Development and Needs Assessment and Plan.

Article 3. Community Involvement.

§ 4.9. The Youth Services Citizen Board shall document attempts to add, delete or change laws, policies, and procedures that will improve community conditions for youth development.

§ 4.10. It shall be the responsibility of the Youth Services Citizen Board, through the Office on Youth, to assure that a mechanism exists for all youth and their families to be linked to appropriate services through a 40 hour or more per week referral system in the community. Exceptions to the 40 hours or more per week referral system can be made for locally approved holidays as specified in the sponsoring governing body's personnel policy manual.

§ 4.11. The Office on Youth shall document efforts to promote collaboration among and between other youth serving agencies through the development and updating of functional working agreements with and among other youth-service agencies.

§ 4.12. Letters of understanding, cooperation or agreement outlining expectations of all parties shall be established between the Youth Services Citizen Board/Office on Youth and other agencies identified in the Biennial Operating Plan.

§ 4.13. Consistent with the applicable personnel policies, the Office on Youth shall be accessible to the public by phone or walk-in 40 hours per week.

Article 4. Direct Service Programs.

§ 4.14. The need for the Office on Youth to operate a direct service program shall be documented and included in the Delinquency Prevention and Youth Development Needs Assessment and Plan, and Biennial Operating Plan.

§ 4.15. In order for the Office on Youth to operate a direct service program, documentation shall be submitted for approval to the Department of Corrections with the Biennial Operating Plan to include letters of assurance from the Youth Services Citizen Board and the administrator of the appropriate agency or organization. The letters shall state that the service cannot be provided by existing agencies.

§ 4.16. When a program provides direct counseling services, the administrator of the Office on Youth shall develop written policy and procedure governing counseling case record management to include, but not be limited to:

1. Confidentiality;
2. Release of information; and
3. Destruction of records.

§ 4.17. Direct counseling services case records shall be basically uniform as to content and arrangement of content.

§ 4.18. The direct counseling services case files shall include, but not be limited to the following:

1. Face sheet;
2. Reason for referral;
3. Assessment/evaluation;
4. Case narrative;
5. Correspondence;
6. Counseling service plan; and
7. Reason for termination and date.

§ 4.19. The direct counseling services face sheet shall contain the following client information:

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1. Name;
2. Sex;
3. Race;
4. Date of birth;
5. Name of parents or legal guardian(s);
6. Address of child, parent or legal guardian(s);
7. Telephone number;
8. Referral source; and
9. Date of initial contact.

§ 4.20. Each direct counseling services case shall be reviewed and evaluated by the administrator of the Office on Youth at least once every 90 days to determine the appropriateness of the counseling plan and continued service delivery.

§ 4.21. The direct counseling services plan shall be discussed with the client (juvenile or family) within the initial 30 days and at least every 90 days thereafter.

§ 4.22. The written direct counseling service plan shall be reviewed by the administrator of the Office on Youth before being implemented.

§ 4.23. Counselors or existing staff assigned to provide direct counseling services shall receive, at a minimum, 40 hours of annual training. At least 20 of these hours shall be in counseling theory and techniques.

* * * * *

Title of Regulation: VR 230-40-006. Rules and Regulations Governing Applications for Virginia Delinquency Prevention and Youth Development Act Grants.

Statutory Authority: §§ 53.1-5 and 53.1-253 of the Code of Virginia.

Effective Date: July 1, 1989

Summary:

These regulations explain the necessary procedure for a locality to use when obtaining a Virginia Delinquency Prevention and Youth Development Act grant. Eligibility rules for application are listed as well as evaluation criteria for application review and funding. The regulations conclude with an outline of the review and award process.

As recommended by the Department of Planning and Budget language was deleted to conform to requirements of the Appropriations Act concerning

noncommitment of General Fund moneys to these programs funded with revenues from federal grants.

Preface:

The Delinquency Prevention and Youth Development Act authorizes the Director of the Virginia Department of Corrections to make grants to counties and cities "to promote efficiency and economy in the delivery of youth services and to provide support to localities seeking to respond positively to the growing rate of juvenile delinquency."

This legislation, and the minimum standards developed for Act grant programs, seek the improvement of services to youth at the local level through a systems approach to service development and increased input by local citizenry. The Act and standards do not seek to restrict communities from using funds provided under the Act, but they do require that certain minimum activities and services exist before funds may be used for other services.

The intent of the Act and the minimum standards is to aid communities in establishing a single mechanism (Youth Services Citizen Board/Office on Youth) to help plan and coordinate youth services in a community in order to increase the efficiency and accessibility of these services. The use of funds under the Act for the establishment or continuance of direct service functions is discouraged except where the need for such a direct service has been justified in a completed comprehensive plan.

The emphasis in delinquency prevention is on the community and must remain on the community for any significant youth development or delinquency prevention program to occur. The Juvenile Delinquency Prevention Program of the Virginia Department of Corrections is based on the premise that the causes of juvenile delinquency are to be found, in large part, in conditions and situations that exist in every community. If these conditions and situations are to be changed, there must be a coordinated and systematic effort by the community to identify those things which might need to be modified. The involvement of citizens as well as agency personnel in this process assures that the community will make maximum utilization of existing agency programs before new programs are developed. A more complete description of these concepts can be found in the booklet Preventing Delinquency in Your Community: A Citizens Manual available from the Virginia Department of Corrections.

The Code of Virginia is the foundation for the development of Rules and Regulations Governing Applications for Virginia Delinquency Prevention and Youth Development Act Grants. Section 53.1-253 of the Code of Virginia directs the State Board of Corrections to prescribe rules and regulations governing

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applications for grants and standards for the operation of programs developed and implemented under Delinquency Prevention and Youth Development Act grants. The State Board of Corrections is authorized to monitor the activities of the department and its effectiveness in implementing the standards and goals of the board as specified by § 53.1-5 of the Code of Virginia.

At the time of adoption by the Board of Corrections, the following rules and regulations shall replace and supersede the Rules and Regulations for the Virginia Delinquency Prevention and Youth Development Act, Department of Corrections, approved by the State Board of Corrections, January 12, 1983. The rules and regulations shall become effective on July 1, 1989.

VR 230-40-006. Rules and Regulations Governing Applications for Virginia Delinquency Prevention and Youth Development Act Grants.

PART I. INTRODUCTION.

§ 1.1. Definitions.

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

"Comprehensive Plan" means the document, developed very six years, which analyzes the problems, opportunities, and conditions of youth and concludes with a plan of action to meet identified needs.

"Local governing body" means the city council or county board of supervisors of a city or county, respectively. Many governmental services in Virginia are regionalized to serve more than one governmental jurisdiction. Any Youth Services Citizen Board and Office on Youth designed to provide regionalized services to more than one governmental jurisdiction must have the endorsement and support of all affected governing bodies.

"Local match" means the portion of the operating budget of a youth services citizen board which is appropriated by a local governing body(ies) from local government revenues. Section 53.1-256 requires a locality(ies) to provide a minimum amount of at least 25% of the total operating budget as local match. Local match is limited to:

1. Cash.
2. Equipment acquired by a Virginia Delinquency Prevention and Youth Development Act grant program during the grant funding period, and where the value for such equipment can be documented. Equipment may be used as local match only for the year during which it is acquired.

3. Rental, leasing, phone, and utility costs of office space where those costs exist because of the creation or existence of the program.

4. Salaries or percentage of salaries for time spent on the program may only be for individuals in an employee/supervision relationship under the administrator of an Office on Youth.

"Maintenance of effort" means the initial annual level of appropriations [(i.e., local matching funds, both cash and in-kind)] to the operation of a Youth Services Citizen Board that a locality must maintain in order to continue to qualify to receive Virginia Delinquency Prevention and Youth Development Act grant funds. This maintenance level is the level of funds allocated only at the point of the initial year of Act grant award to a locality. A locality need not maintain a previous year's allocation, if the previous year's allocation was greater than the amount allocated the first year the locality had an Act grant.

"Steering committee" means a group of individuals composed of a cross-section of community members which develops a proposal for initiating a Youth Services Citizen Board and Office on Youth in a locality. The steering committee shall be composed of individuals including, but not limited to, representation from private citizens, local governing body(ies), youth, youth-serving agencies in the public and private sector, and other planning bodies.

"Youth Services Citizen Board" means an organization of citizens created by legislative action of the local governing body(ies) to be responsible for planning and coordination and other functions relative to the system of youth services in the community.

PART II. ADMINISTRATION.

§ 2.1. Assigned responsibilities for administration of the Virginia Delinquency Prevention and Youth Development Act grant program.

A. The authority for making grants under this Act lies with the director of the Department of Corrections operating in conformance with the minimum standards for the Act and these rules and regulations as approved by the Board of Corrections.

B. Responsibility for the administration of the programmatic aspects of the Act lies with the deputy director for youth services through the regional administrators and the regional juvenile delinquency prevention specialists.

C. Responsibility for the dispersal of Act grant funds and the monitoring of the usage of those funds will lie with the Department of Corrections' comptroller, who will report to the director of the Department of Corrections.

D. Accountability for the use of Act grant funds at the

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local level lies with the local unit of government applying for the funds and cannot be delegated to another public or private agency, if that agency is acting as the Office on Youth.

E. The central office juvenile delinquency prevention specialist will aid the deputy director for youth services in all matters that pertain to Act grants at the statewide level.

F. The regional juvenile delinquency prevention specialists will serve as the principal contacts within their respective regions with communities wishing to receive grant funds under the Act. Their responsibilities include technical assistance, development of regional review boards, and monitoring of the on-going programs using Act grant funds. They will serve also as the principal contact with the department's financial personnel responsible for the financial aspects of the Act grants.

PART III. FINANCE.

§ 3.1. Funding authority and limitations.

A. Funds are appropriated for the implementation of the Delinquency Prevention and Youth Development Act by the Virginia General Assembly.

B. Subject to funds provided by the General Assembly the Department of Corrections will establish annually a maximum possible dollar amount of state funding from Act grant moneys per program per year.

C. Grants made to a county or city shall be of an amount up to 75% of the total program budget for the proposed program for salaries and other operating expenses including the lease of facilities subject to funds provided by the General Assembly.

D. Participating counties and cities may not use funds provided under the Virginia Delinquency Prevention and Youth Development Act grant program to decrease those funds appropriated by a local governing body for youth services citizen boards [with the exception of those programs being funded with revenues from federal grants] (i.e. Act grant funds may not supplant local funds).

PART IV. ELIGIBILITY RULES.

§ 4.1. Eligibility for application.

A. Any Virginia county or city or combination thereof may apply to the director of the Virginia Department of Corrections for a Virginia Delinquency Prevention and Youth Development Act grant.

B. Prior to applying to the director each governing body of a county or city which is to participate in the grant shall enact an appropriate ordinance or resolution which

provides for the:

1. Creation of a youth services citizen board in accordance with § 53.1-259 of the Code of Virginia;
2. Preparation of a six-year comprehensive plan based on an objective assessment of the community's needs and resources for developing, coordinating, and evaluating youth services; and
3. Funding of the local share of the grant.

C. Being eligible for application does not automatically ensure funding under the Act grant program. See the criteria for application review and funding in Part V.

D. Prior to submitting an application for first-time funding the following process shall be accomplished in developing a proposal for grant funding:

1. A proposal for a Youth Services Citizen Board and Office on Youth shall be developed in a community by a steering committee of individuals including, but not limited to, representation from private citizens, local governing body(ies), youth, youth-serving agencies in the private and public sectors, and other planning bodies. The proposal for a Youth Services Citizen Board and Office on Youth shall be developed by a cross-section of the community, not a single agency or private interest. Simple endorsement of the proposal by various components of the community is insufficient. A cross-section of the community must be directly involved in the development process.
2. The steering committee shall submit a letter of notification to the local governing body(ies) detailing its functions.
3. The steering committee shall document in writing for the local governing body(ies) the need for the coordination and planning that a Youth Services Citizen Board and Office on Youth would be expected to provide.
4. The proposal for a Youth Services Citizen Board and Office on Youth shall not be in conflict with local ordinances/resolutions and shall agree to comply with all state rules and regulations pertaining to the Act grant program.

E. Prospective applicants for Act grant funding are to contact their regional juvenile delinquency prevention specialist in the Department of Corrections' regional office for technical assistance in the development of a grant proposal, and for any needed clarification of application procedures.

PART V. EVALUATION CRITERIA.

§ 5.1. Criteria for application review and funding.

A. In any fiscal year, funding is subject to the availability of funds as determined by appropriations from the General Assembly.

B. Preference for grant awards will be given in order of priority to those proposals submitted by:

1. Existing programs which have received funds from the previous year and have performed satisfactorily as measured by certification and monitoring processes.

2. Existing programs, not previously funded under the Act, which already meet the "Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs."

3. New programs which have fulfilled eligibility requirements under Part IV.

C. Where the above criteria appear equal among two or more applicants, preference will be given to those program proposals best documenting:

1. Community need;
2. Sound management design;
3. Probable community impact; and
4. Community input and support.

PART VI. THE REVIEW PROCESS.

§ 6.1. Regional review.

A. All Act grant proposals in a particular administrative region of the Virginia Department of Corrections will be received by the regional juvenile delinquency prevention specialist for processing.

B. A regional review panel in each region appointed by the regional administrator will review and make recommendations for funding for those grant proposals from that region. Recommendations and copies of all proposals will be sent to the Deputy Director, Division of Youth Services, Department of Corrections.

§ 6.2. Central review and award.

A. The Deputy Director's office, Division of Youth Services will review the recommendations from the regional review panels and make final recommendations for funding to the Director, Department of Corrections.

B. The director of the Department of Corrections will have final authority to approve or disapprove grants proposals.

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NEW APPLICATION

VR 230-40-006

Date of Receipt by DOC: _____
 DOC Project ID Number: _____

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF CORRECTIONS

Delinquency Prevention and Youth Development Act Grant Program

Application for Funds for the
 July 1, 1988 through June 30, 1989
 Funding Period

1. Applicant: _____
2. Jurisdiction(s) included in Proposed Project: _____
 If a multi-jurisdictional project, list jurisdiction that will administer the project: _____
3. Maintenance of effort amount: \$ _____
4. Program Budget:
 - Amount Requested from State \$ _____
 - Local Match \$ _____
 - Other Local Monies \$ _____
 - Federal Monies \$ _____
 - Funds committed to program for all other sources \$ _____
5. Proposed starting date of this Project _____
- 6a. City/County Administrator 6b. Project Director 6c. Finance Officer

Name _____	_____	_____
Title _____	_____	_____
Address _____	_____	_____
_____	_____	_____
_____	_____	_____
Phone Number _____	_____	_____

II. INTRODUCTION

A. STATEMENT OF COMPLIANCE TO RULES AND REGULATIONS/MINIMUM STANDARDS

The youth services citizen board of the program for which funds are being sought through this grant proposal is in accordance with Minimum Standards 1.02 and 1.03 of the Delinquency Prevention and Youth Development Act: "This composition of a youth services citizen board shall include private citizens, youth representatives, and professionals with experience in fields such as youth services, medicine, law, and education." "A majority of the youth services citizen board's members shall not be employed by government or service agencies and who are elected governmental officials."

Additionally, the governing body of our unit of local government is aware of that a local match of not less than 25% of the total award is necessary if this application is to be approved (Section 51.1-254, Code of Virginia).

 Grant Finance Officer _____ Date _____

 City or County Administrator _____ Date _____

 Chair, Youth Services Citizen Board _____ Date _____

WORKPLAN REVIEWED
 AND APPROVED: _____ Date _____
 Regional Administrator
 Division of Youth Services
 Department of Corrections

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B. LOCAL ORDINANCE OR RESOLUTION: Minimum Standard 1.01; Section 53, 1-254, Code of Virginia.

(Enclose a copy)

C. Youth Services Citizen Board Composition Documentation: Standard 1.01 and 1.03; Section 53.1-259, Code of Virginia.

(Enclose accompanying documentation of Board composition to include a list of Board member's names, primary occupation/place of employment, and term of office.

NAME	PRIMARY OCCUPATION/ PLACE OF BUSINESS	TERM EXPIRATION DATE
------	--	----------------------

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D. LETTERS OF COORDINATION AND SUPPORT

1. List the groups (agencies, organizations, citizen groups, etc.) which have assisted or supported the Steering Committee, Youth Services Citizen Board, or Office on Youth in the development of the grant proposal.

2. Obtain and submit with grant application formal letters of support, coordination and/or cooperation which address the following:

- a. That there is a need for such program.
- b. That this program will not duplicate an existing or proposed service for another agency.
- c. That the person writing the letter will be supportive of the new program.
- d. An intent to cooperate, coordinate with, refer to, receive referrals from, provide a service, serve on a task force, etc. as necessary and appropriate to make the programs successful.

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E. PROGRAM CREDIBILITY

Describe the development of the Steering Committee, its activities, and its accomplishments (See Section VI.A.2., Development Process to Establish a Youth Services Board and Office on Youth, pages 7 and 8 of the Rules and Regulations for the DP&YD Act).

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III. PROJECT DESCRIPTION, WORKPLAN, AND NEED FOR ACTION

List on Workplan forms (page 7), the specific objectives of the program with the expected action steps, timetables, and a brief statement of the need for action.

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WORKPLAN

Delinquency Prevention and Youth Development Act

Locality: _____
 Funding Period: _____
 Objective # _____

ACTION STEPS	PLANNED		STAFF ASSIGNED/ COORDINATED RESOURCES	DOCUMENTATION OF COMPLETION	STATEMENT OF NEED FOR OBJECTIVE/ COMMENTS
	BEGIN	END			

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IV. PROJECT BUDGET SUMMARY

BUDGET CATEGORY	STATE FUNDS	LOCAL MATCH		TOTAL	OTHER FUNDS
		CASH	IN-KIND		
A. Personnel					
B. Consultants					
C. Travel					
D. Equipment					
E. Supplies & Other Operating Expenses					
TOTAL PROJECT					

V. INDIVIDUAL BUDGET CATEGORIES

A. PERSONNEL

POSITION TITLE	SALARY RATE	MAN HOURS DEVOTED	STATE FUNDS	LOCAL MATCH		TOTAL
				CASH	IN-KIND	
TOTAL						
Fringe Benefits (Itemize)						
TOTAL						
TOTAL PERSONNEL						

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V. INDIVIDUAL BUDGET CATEGORIES (Continued)

B. CONSULTANTS

Type of Consultation Fee Basis	STATE FUNDS	LOCAL MATCH		TOTAL
		CASH	IN-KIND	
TOTAL				

(Consultant Travel to be included here)

C. TRAVEL

Itemize Transportation and subsistence for Project Personnel Only	STATE FUNDS	LOCAL MATCH		TOTAL
		CASH	IN-KIND	
TOTAL				

D. EQUIPMENT

Itemize Purchase: Quantity, Unit, Price Lease or Rental: Quantity, Unit, Price	STATE FUNDS	LOCAL MATCH		TOTAL
		CASH	IN-KIND	
TOTAL				

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DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

NOTE: The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations.

Title of Regulations:

VR 325-02. GAME.

VR 325-02-24. Waterfowl and Waterfowl Blinds.

VR 325-02-27. Permits.

VR 325-03. FISH.

VR 325-03-01. Fishing Generally.

VR 325-03-02. Trout Fishing.

VR 325-03-05. Minnows, Hellgrammites and Crayfish.

VR 325-04. WATERCRAFT.

VR 325-04-01. In General.

Statutory Authority: §§ 29.1-501, 29.1-502, 29.1-701 and 29.1-735 of the Code of Virginia.

Effective Date: January 1, 1989

Summary:

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

VR 325-02. GAME.

VR 325-02-24. WATERFOWL AND WATERFOWL
BLINDS.

§ 12. Hunting of waterfowl prohibited on Wednesdays on Pamunkey River.

This section is rescinded in its entirety.

VR 325-02-27. PERMITS.

§ 8. Stuffing or mounting birds and animals - Records; inspections.

A. A holder of a permit to stuff or mount birds and animals shall keep a complete record of all transactions. All records of a permit holder and the premises where such business is conducted shall be open to inspection by representatives of the department at all times. Such records shall include the species to be mounted or tanned; the date of receipt; the name, address and telephone number of the person for whom the work is being performed; the name of the person who killed the specimen (if different from above); the hunting license or Virginia driving license number of such person; the county where the specimen was taken or, if taken out-of-state, the state in which it was taken; and the date the completed work was returned to the customer. Such records shall be retained for three years. These records, and the premises where such business is conducted, shall be open to

inspection by representatives of the department [at all times during normal business hours].

B. Upon receipt of any specimen of wildlife, a holder of a permit shall immediately affix to such specimen a tag bearing the designation of the species, the name and address of the customer and the date the specimen was killed. Such tag shall remain affixed to the specimen, except when the specimen is actually in the process of being worked on, until it is delivered to the customer. A numbered tag, with numbers corresponding to the number of the line entry of the records required in subsection A of this section, may be used [in lieu thereof].

VR 325-03. FISH.

VR 325-03-01. FISHING GENERALLY.

§ 2. Creel limits.

The creel limits for the various species of fish shall be as follows:

1. Largemouth, smallmouth and spotted bass, five a day in the aggregate ; except, that on Briery Creek Lake (Prince Edward County) the limit shall be two per day in the aggregate.

2. Landlocked striped bass and landlocked striped bass X hybrids, in the aggregate, four a day; except, that in Smith Mountain Reservoir and its tributaries, including the Roanoke River upstream to Niagara Dam, the limit shall be two a day in the aggregate ; .

3. White bass, no limit, except that in Gaston Reservoir the limit shall be 25 ; .

4. Walleye or yellow pike perch and sauger, eight a day in the aggregate , and chain pickerel or jackfish eight a day of each ; provided that 10 walleye a day may be taken from South Holston Reservoir below full pool elevation of 1730; .

5. Northern pike and muskellunge, two a day ; .

6. Sauger, no limit, provided that only 15 a day may be taken from South Holston Reservoir below full pool elevation of 1730;

7. 6. Bluegill (bream) and other sunfish, including crappie or silver perch and rock bass or redeye, no limit.

§ 3. Size limit.

Except as provided in this regulation and VR 325-03-02, §§ 5, 11, 12 and 13, there shall be no size limit on any species of fish.

1. There shall be a 26 30 -inch minimum size limit on muskellunge, a 20-inch minimum size limit on

northern pike and a 20-inch minimum size limit on landlocked striped bass (rockfish) and a 15-inch minimum size limit on landlocked striped bass X white bass hybrids.

2. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass in Occoquan Reservoir from the reservoir dam upstream to the Lake Jackson Dam on Occoquan Creek and upstream to the Yates Ford Bridge (Route 612) on Bull Run Creek. It shall be unlawful to have any such bass less than 14 inches in length in one's possession on the above described waters of this reservoir.

3. There shall be a 12-inch minimum size limit on largemouth, smallmouth and spotted bass in the North Fork of Pound, Chickahominy, Claytor, Philpott, and Flannagan, and Beaver dam Loudoun County Reservoirs, and in Lake Moomaw (Gathright Project), and in the waters of Fort A.P. Hill, and in the waters of Quantico Marine Reservation. It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 12 inches in length in one's possession while on any of the waters mentioned in the preceding sentence.

4. There shall be a 14-inch minimum size limit on largemouth, smallmouth and spotted bass on the Roanoke (Staunton) and Dan Rivers and their tributaries and impoundments (Gaston, John Kerr, Leesville and Smith Mountain Reservoirs) downstream from Niagara Dam on the Roanoke River and the Brantly Steam Plant Dam on the Dan River; except, that as many as two of such bass of a lesser size caught in such waters may be retained in the creel, but no more than two such bass may be in possession on such waters that are less than 14 inches in length.

5. It shall be unlawful to have any largemouth, smallmouth or spotted bass from 12 to 15 inches in length, both inclusive, in one's possession on North Anna Reservoir and its tributaries and, on Chesdin Reservoir or the Appomattox River from the Brasfield (Chesdin) Dam to Bevel's Bridge on Chesterfield County Route 602, on Beaverdam Reservoir (Loudoun County) and on the waters of Quantico Marine Reservation.

6. It shall be unlawful to have any walleye or yellow pike perch less than 14 inches in length in one's possession on Gaston Reservoir.

7. It shall be unlawful to have any smallmouth, largemouth or spotted bass from 11 to 14 inches in length, both inclusive, in one's possession on the Shenandoah River, including the North and South Forks downstream from the Route 42 bridge on the North Fork and from the confluence of the North and South Rivers on the South Fork below Port Republic; on the New River from Claytor Dam to the West Virginia boundary line; or on the James River from

the confluence of the Jackson and Cowpasture rivers downstream to the Interstate 95 Bridge at Richmond; or on North Fork Pound Reservoir.

8. It shall be unlawful to have any largemouth, smallmouth or spotted bass less than 18 inches in length [in one's possession] on Briery Creek Lake (Prince Edward County).

§ 4. Sale of *Freshwater molluscs, mussels, game fish or catfish* prohibited.

It shall be unlawful to sell, offer for sale or buy any species of freshwater *mollusc or mussel*, game fish or catfish, provided that this shall not apply to game fish sold alive for propagation purposes or sold pursuant to VR 325-03-02, §§ 15 and 16 [,] or to any catfish taken from tidewater or artificially raised.

§ 5. Permit required for importation, etc., of certain species.

In accordance with authority conferred by § 29.1-103 of the Code of Virginia, the board finds and declares the following species to be predatory or undesirable within the meaning and intent of those terms as used in § 29.1-542 of the Code, in that their introduction into the Commonwealth will be detrimental to the native fish resources of Virginia: *Rudd (genus scardinius)*, *tilapia (genus Tilapia)*, piranha (any of the genus *Serrasalmus*, *Rooseveltiella*, *Pygocentrus*), walking catfish (any of genus *Clarias*), cichlid (Texas), perch (*Chichlasoma cyanoguttatum*), grass carp (any genus *Ctenopharyngodon*) or African clawed frog (*Xenopus laevis*).

It shall be unlawful, pursuant to § 29.1-542 of the Code, to import, cause to be imported, buy, sell or offer for sale or liberate within the Commonwealth any of the above-named species unless a permit therefor is first obtained from the department, except that the African clawed frog may be imported or sold, but not liberated, without such permit, when such action can be shown to be an essential part of a specific research or educational project designed to advance scientific knowledge by achieving precisely formulated objectives.

§ 6. Permit required to stock fish into department owned or department controlled impoundment public waters; exception.

It shall be unlawful to stock any fish species into any department owned impoundment, or any impoundment under the control of the department, without first obtaining a permit to do so from the department.

It shall be unlawful to stock any species of fish, except brook, rainbow and brown trout, into any public waters of the Commonwealth, without first obtaining a permit to do so from the department. Nothing in this section shall be construed as restricting the use of native species of fish in privately-owned ponds and lakes.

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§ 8. *Fishing, collecting bait, etc., in tail waters of Leesville Dam.*

It shall be unlawful to fish, attempt to fish, assist others in fishing or collect or attempt to collect bait while wading in any of the waters of the Roanoke River from Leesville Dam downstream a distance of 840 feet to a permanent overhead cable; provided, that this shall not be construed to prohibit persons from fishing from behind the safety railings of the Leesville Access Structure built by the department.

§ 10. Department-owned or controlled lakes, ponds or streams - General regulations.

A. Motors and boats.

Unless otherwise posted at each recognized entrance to any department-owned or controlled lake or pond or stream, the use of boats propelled by gasoline motors, sail or mechanically operated recreational paddle wheel is prohibited. Department employees may use gasoline motors in the performance of official duties.

~~B. Seining and trotlines. Seining for minnows or for any purpose and the use of trotlines in all department owned or controlled lakes, ponds or streams is prohibited.~~

B. Method of fishing.

Taking any fish at any department-owned or controlled lake or pond by any means other than by use of one or more attended poles with hook and line attached is prohibited.

C. Hours for fishing.

Unless otherwise posted at each recognized entrance to any department-owned or controlled lake, pond or stream, the hours of use shall be from one hour before sunrise to one hour after sunset.

D. Seasons; hours and methods of fishing; size and creel limits; hunting.

The open seasons for fishing, as well as fishing hours, methods of taking fish and the size, possession and creel limits, and hunting, for department-owned or department-controlled lakes, ponds or streams shall conform to the general regulations of the board unless otherwise excepted by posted notice displayed at each recognized entrance to the lake, pond or stream, in which case the posted regulations shall be in effect.

E. Other uses.

Camping overnight or building fires, except in developed and designated areas, swimming, wading in public fishing lakes, except by fishermen actively engaged in fishing and trapping for furbearers, is prohibited. Trapping may be authorized by special permit from the warden when

requested to issue such permit or permits by the fish division.

F. Fishing tournaments, etc.

It shall be unlawful to organize, conduct, supervise or solicit entries for fishing tournaments, rodeos or other fishing events on waters owned by the department, for which prizes are offered, awarded or accepted, either in money or other valuable considerations.

§ 13. Use of live minnows for bait on Quantico Marine Reservation.

This section is rescinded in its entirety.

§ 15. *Shooting certain fish in Clinch River in Scott County.*

It shall be lawful for any person holding a current license to fish to shoot suckers, redhorse and carp with a rifle, during the hours of sunrise to sunset, from April 15 to May 31, both inclusive, in the waters of the Clinch River within the limits of Scott County; except, that it shall be unlawful to shoot fish on Sunday, or within the limits of any town, or from any bridge. No more than 20 such fish may be so taken during any one day. All persons engaged in the shooting or the retrieval of fish pursuant to this section shall have in their possession a current fishing license.

VR 325-03-02. TROUT FISHING.

§ 1. Season - General open season.

Except as otherwise specifically provided in the sections appearing in this regulation, the open angling season for taking trout shall be from 9 a.m. the third Saturday in March through February 1, both dates inclusive. Except for the first day, angling during the season in *designated stocked trout waters* shall be permitted from 5 a.m. until one hour after sunset.

§ 12. Special provision applicable to certain portions of *Buffalo Creek, Mossy Creek, Smith Creek* and *Smith River*.

It shall be lawful year around to fish using only artificial lures with single hooks in that portion of *Buffalo Creek* in *Rockbridge County* from the confluence of *Colliers Creek* upstream 2.9 miles to the confluence of *North and South Buffalo Creeks*, in that portion of *Mossy Creek* in *Augusta County* upstream from the *Augusta/Rockingham County* line to a sign posted at the confluence of *Joseph's Spring*, in that portion of *Smith Creek* in *Rockingham County* from a sign posted 1.0 miles below the confluence of *Lacy Spring* to a sign posted 0.4 miles above *Lacy Spring*, and in that portion of *Smith River* in *Henry County* from signs below the east bank of *Towne Creek* for a distance of approximately three miles downstream, except that in *Mossy Creek* only fly-fishing is lawful. The daily creel limit in these waters shall be two

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trout a day year around and the size limit shall be 16 inches or more in length. All trout caught in these waters under 16 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any natural bait or any trout under 16 inches in length in these areas.

§ 14. Special provision applicable to *Stewarts Creek Trout Management Area* and certain portions of Rapidan and Staunton rivers and tributaries.

It shall be lawful year round to fish for trout using only artificial lures with single barbless hooks *within the Stewarts Creek Trout Management Area in Carroll County, and in the Rapidan and Staunton rivers and their tributaries upstream from a sign at the lower Shenandoah National Park boundary in Madison County.* All trout caught in these waters must be immediately returned to the water. No trout may be in possession at any time in these areas.

§ 14.1. *Special provision applicable to certain portions of South River.*

It shall be lawful to fish from October 1 through May [~~31~~ 15], both dates inclusive, using only artificial lures with single barbless hooks, in the South River from the CSX Railroad bridge located 0.1 miles below Broad Street in the City of Waynesboro to a sign posted 2.5 miles upstream at the upstream boundary of [Riverside Ridgeview] Park. From October 1 through May [~~31~~ 15], all trout caught in these waters must be immediately returned to the water unharmed, and it shall be unlawful for any person to have in [his] possession any natural bait or trout. During the period of [June + May 16] through September 30, these waters shall revert to general trout regulations and the above restrictions will not apply.

VR 325-03-05. MINNOWS, HELLGRAMMITES AND CRAYFISH.

§ 1. Taking minnows for sale.

A. "Minnow haul seine" defined.

"Minnow haul seine," as used in this section, when used in the public inland waters above where the tide ebbs and flows shall mean a haul seine not exceeding four feet in depth by 14 feet in length and when used in the public inland waters below where the tide ebbs and flows shall mean a haul seine not exceeding four feet in depth by 100 feet in length. Such term shall be construed also to include umbrella type nets without limit as to size and also small minnow traps.

B. Permit required.

It shall be unlawful to take minnows for sale from the public inland waters without having a permit therefor as provided for in [*subdivision 3 of subsection A of § 29.1-416 of the*] Code of Virginia § 29-110 [§ 29.1-416].

C. Permit holder to be present when seine operated; persons assisting.

The holder of a permit to seine for minnows must be present at all times when the seine is being operated to catch minnows. Persons assisting in the operation of the haul seine need not obtain permits.

D. Records.

The holder of a permit to take minnows for sale shall keep a record of the approximate number of minnows caught and sold, together with the amount received therefor.

VR 325-04. WATERCRAFT.

VR 325-04-01. IN GENERAL.

§ 4. Vessels prohibited within 600 feet *certain areas* below John H. Kerr Dam and Leesville Dam .

It shall be unlawful to operate or anchor any vessel within 600 feet below the John H. Kerr Dam or within 840 feet below the Leesville Dam .

DEPARTMENT OF HEALTH (STATE BOARD OF)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C.6 of the Code of Virginia, which excludes from Article 2 Department of Health orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Chapter 7 (§ 28.1-175 et seq.) of Title 28.1. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 355-19-02.20. Notice and Description of Shellfish Area Condemnation Number 20, Chincoteague Island - Adjacent Areas.

Statutory Authority: §§ 28.1-177 and 32.1-20 of the Code of Virginia.

Effective Date: January 18, 1989

Summary:

This notice defines six areas in and around Chincoteague Island which do not conform to the standards of an approved shellfish growing area as set by the National Shellfish Sanitation Program (NSSP) of which Virginia is a participant. Recent evaluation by the Division of Shellfish Sanitation indicated that an area in the southern part of Chincoteague Island is very heavily developed. The only systems available for treatment of sewage are septic tanks with drainfields which have overburdened the soils. The potential for

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contaminating shellfish growing areas into which these septic systems drain is such that 53 acres in Black Point Drain and Andrews Landing Gut are hereby reclassified as condemned for the direct marketing of shellfish.

VR 355-19-02.20. Notice and Description of Shellfish Area Condemnation Number 20, Chincoteague Island - Adjacent Areas.

§ 1. The "Notice and Description of Shellfish Area Condemnation Number 20, Chincoteague Island-Adjacent Areas," effective May 26, 1988 (emergency regulation), is cancelled.

§ 2. Condemned Shellfish Area Number 20, Chincoteague Island-Adjacent Areas, effective January 18, 1989, is established. It shall be unlawful for any person, firm, or corporation to take shellfish from area no. 20 for any purpose, except by permit granted by the Marine Resources Commission, as provided in Title 28.1, Chapter 7, § 28.1-179 of the Code of Virginia. The boundaries of area no. 20 are shown on map titled "Chincoteague Island-Adjacent Areas, Condemned Shellfish Area Number 20, 18 January 1989" which is part of this notice.

§ 3. Boundaries of condemned area no. 20.

A. All of the area of Chincoteague Channel and tributaries named and unnamed within or easterly of a line drawn from a point beginning at the offshoremost southwesterly projection of land approximately 1000 feet southwesterly of Blake Point to the most northerly end of the island supporting the causeway and drawbridge (Route 175); thence along the easterly side of this island to its most southwesterly tip; thence along a line drawn through Light "23" to Light "22"; thence S22°40'W approximately 4400 feet to a point intersecting a line drawn between Light "21" and Beebe Road 450 feet offshore; thence S45°35'W 5900 feet to a point 450 feet offshore of Light "18"; thence 450 feet S40°30'E to shore through Light "18."

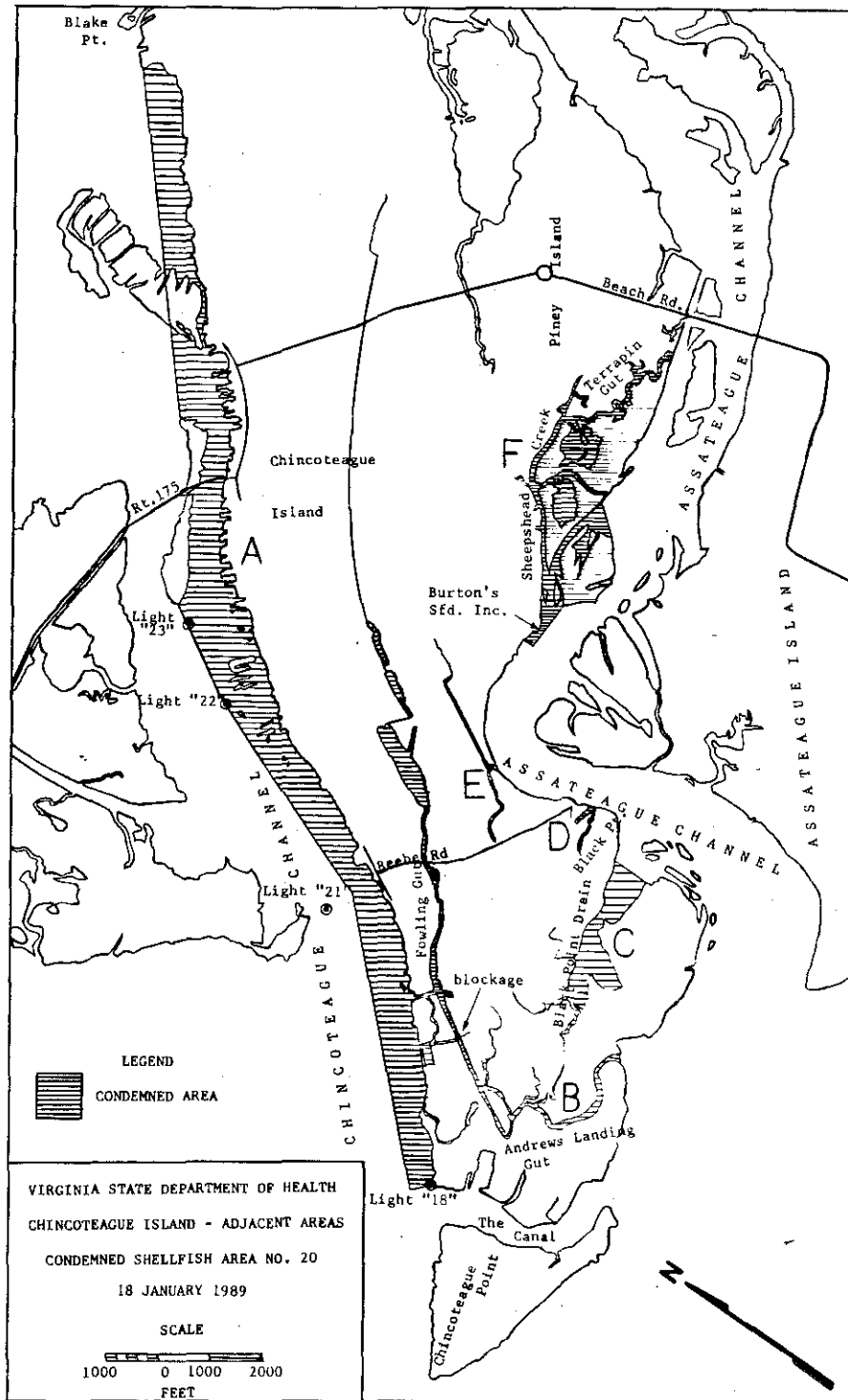
B. All of the area of Andrews Landing Gut and tributaries upstream to the artificial blockage (including that portion of Fowling Gut southwesterly of the artificial blockage) from a point beginning at the prominent projection of land on the north shore along a line running southwesterly to the opposing south shore.

C. All of the area of Black Point Drain and its tributaries upstream from a point beginning at the first major projection on the south shore along a line running northerly to the opposing north shore.

D. All of the area of the Toms Cove Campground boat basin and tributaries lying upstream of a line drawn from the most northeasterly projection of land from the south shore northwesterly to the opposing shore at its most southeasterly projection.

E. All of the unnamed drainage ditch in the bight of west side of Assateague Channel, approximately 2050 feet northerly of Area "D," upstream of a line drawn across the most easterly projections of land at the mouth between the north and south shores.

F. All of that portion of Assateague Channel and Sheepshead Creek and tributaries enclosed by a line beginning at a point on shore 450 feet westerly of the west side of the Burton's Seafood, Inc. clam processing and packing plant to a point 200 feet offshore (right angle to the shoreline); thence in an easterly direction to the westernmost projection of the large marsh island at the mouth of Sheepshead Creek; thence along the south side of the marsh island to its easternmost projection; thence in a northeasterly direction to the shore of the marsh at a point 100 feet westerly of the mouth of the unnamed gut to Sheepshead Creek; thence easterly along the shoreline, across the mouth of said gut and across the mouth of Terrapin Gut; thence along the north shore of Terrapin Gut to the upstream end of Sheepshead Creek; thence back along the Piney Island and Chincoteague shores of Sheepshead Creek to the point of beginning.



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VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Title of Regulation: VR 400-02-0015. Procedures, Instructions and Guidelines for the Virginia Senior Home Equity Account.

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

Effective Date: November 21, 1988

Summary:

The changes to the procedures, instructions and guidelines for the Virginia senior home equity account amend several sections of the procedures by defining the term "maximum amount available under the home equity account"; by clarifying that \$50,000 is the maximum principal amount which may be disbursed under a home equity account loan; by adding language which provides a maximum loan term of 50 years for each home equity account loan; and by permitting the authority to establish interest rate caps on the home equity account loans.

VR 400-02-0015. Procedures, Instructions and Guidelines for the Virginia Senior Home Equity Account.

PART I. PURPOSE AND APPLICABILITY.

§ 1.1. Definitions.

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

"Applicant" means a person or family, as defined in the authority's rules and regulations, who submits an application for a home equity account. An applicant may be an individual applicant or a joint applicant, as defined herein.

"Application" means a request to the authority by an applicant for a home equity account.

"Application date" means the date on which a completed application is received by the authority.

"Appraised value" means the value of a home as determined by an independent fee appraiser retained by the authority.

"Area agency on aging" or *"AAA"* means one of the local area agencies on aging which have been established on a local and regional basis throughout the Commonwealth pursuant to § 2.1-373 of the Code of Virginia.

"Area median income" means the area median income, adjusted for family size, for areas within the Commonwealth as established and published from time to

time by the United States Department of Housing and Urban Development.

"Assessed value" means the value of the home as determined by the real estate assessment office of the local government body for tax purposes. The applicable assessed value shall be that value which is in effect as of the application date.

"Authority" means the Virginia Housing Development Authority, a political subdivision of the Commonwealth of Virginia, constituting a public instrumentality.

"Board of Commissioners" means the board of commissioners of the authority.

"Borrower" means a person or family, as defined in the authority's rules and regulations, to whom a home equity account loan is made by the authority. If a home equity account loan is made to more than one individual, such individuals are sometimes referred to herein as joint borrowers.

"Eligible applicant" means an applicant who satisfies the criteria set forth in Part II of these procedures, instructions and guidelines.

"Equity payment" means a loan disbursement made by the authority to a borrower pursuant to an equity payment request.

"Equity payment request" means a request completed and signed by a borrower for the purpose of requesting an equity payment by the authority pursuant to the borrower's home equity account. Such payment request shall be on such form as prescribed by the authority and shall be mailed or delivered to the authority.

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

"Home" means single family residential housing, as defined in the Act, which meets the requirements set forth in Part III of these procedures, instructions and guidelines.

"Home equity account" means a line of credit made available by the authority to an eligible applicant which is secured by a first mortgage lien upon the applicant's home and, pursuant to which the authority agrees to make equity payments to the applicant in accordance with the applicant's equity payment requests, in amounts not to exceed the maximum established therefor and in accordance with the terms and conditions set forth in Part IV of these procedures, instructions and guidelines.

"Home equity account loan" means the disbursements of equity payments to be repaid, together with interest thereon, as provided in these procedures, instructions and

guidelines.

"Income" means gross family income as defined in the authority's rules and regulations, including all salary, wages, bonuses, commissions, income from self employment, interest, dividends, alimony, rental income, pensions, business income, annuities, social security payments, cash public assistance, support payments, retirement income and any other sources of cash income which are being received by the applicant as of the application date. All such earnings, provided they are not temporary, shall be computed on an annual basis to determine income for the purpose of program eligibility.

"Individual applicant" means a single person who submits an application pursuant to these procedures, instructions and guidelines.

"Joint applicant" means any two or more persons who submit an application pursuant to these procedures, instructions and guidelines.

"Maximum amount available under the home equity account" shall mean the maximum principal amount which may be outstanding at any time under the home equity account.

"Program" means the Virginia senior home equity account program as described in these procedures, instructions and guidelines.

"Value of home" or *"home value"* means the fair market value of the home as determined by the authority in accordance with these procedures, instructions and guidelines.

§ 1.2. Purpose and applicability.

This program is being implemented pursuant to Part IX of the authority's rules and regulations. The purpose of the program is to permit elderly homeowners who satisfy certain age, residency and income criteria to borrow against the equity in their homes to assist in meeting housing, medical and other living expenses as specified in § 5.3 herein. Eligible applicants shall receive a commitment from the authority for a home equity account in a maximum amount based upon the interest rate or rates to be charged thereon, the applicant's age and the value of the home. Upon satisfaction of the terms and conditions of such commitment, the authority shall make equity payments to the borrowers upon their request up to the maximum amount. All such equity payments will be made in accordance with the terms and conditions set forth in these procedures, instructions and guidelines. The maximum amount of such home equity account shall be subject to change in the manner set forth in § 4.2. The term during which the borrower may request and receive equity payments shall be established and may be extended as provided in § 4.8 hereof. Repayment of the home equity account loan is deferred as described herein, and, as a result, the borrowers may utilize the equity in their

homes without being required to sell their homes at the end of a fixed term in order to repay the home equity account loans.

The program will be administered by the authority with the participation of the Virginia Department for the Aging and local area agencies on aging. Home equity accounts will be financed entirely with authority funds.

Notwithstanding anything to the contrary herein, the executive director of the authority is authorized with respect to any home equity account to waive or modify any provision herein where deemed appropriate by him for good cause to the extent not inconsistent with the Virginia Housing Development Authority Act (the "Act"), the authority's rules and regulations and federal statutes and regulations.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's requirements and procedures and are not intended to include all of the actions involved or required in the processing and administration of the program. These procedures, instructions and guidelines are subject to amendment at any time by the authority and may be supplemented by additional policies, procedures, instructions and guidelines adopted by the authority from time to time with respect to the program. Notwithstanding anything to the contrary herein, all home equity accounts must comply with any applicable state and federal laws, rules and regulations.

PART II. ELIGIBILITY OF APPLICANTS.

§ 2.1. Eligible applicants.

An applicant that, as of the application date, satisfies all of the following criteria shall be eligible for a home equity account under the program:

1. Age. An individual applicant or each joint applicant shall be 62 years of age or older.
2. Residency. An individual applicant or each joint applicant shall be a resident of the Commonwealth.
3. Income. The income of an individual applicant or the aggregate of the incomes of all joint applicants shall not, as of the application date, exceed 80% of the area median income.
4. Ownership. An individual applicant or the joint applicants shall be the sole owner or owners of the home, and no person who is not an owner may be an applicant.
5. Principal residence. An individual applicant or each joint applicant must occupy the home as his principal residence during the term of the home equity account.

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6. Relationship of joint applicants. Joint applicants must be related by blood, marriage or adoption.

PART III. ELIGIBILITY OF THE HOME.

§ 3.1. Title.

At the time of recordation of the deed of trust securing the home equity account, fee simple title to the home shall be vested in the applicant free and clear of all liens, encumbrances, assessments or other defects which might affect the priority of the authority's lien or are otherwise unacceptable to the authority. Notwithstanding the foregoing, the home may be subject to liens securing outstanding balances in an aggregate amount not greater than one third of the maximum amount available under the account; provided, however, that the initial equity payment from the home equity account shall be used at the closing thereof to pay off such outstanding balances in full. If the spouse of an individual applicant has an inchoate dower or curtesy interest in the home, such spouse shall execute the deed of trust securing the home equity account for the purpose of conveying such dower or curtesy interest as security for the home equity account loan.

§ 3.2. Condition of home.

The home and all fixtures attached thereto shall be in a state of repair and condition satisfactory to the authority; provided, however, that the authority may require the applicant to use at settlement all or a portion of the initial equity payment on the home equity account to make necessary repairs and improvements to the home in a manner acceptable to the authority.

§ 3.3. Taxes.

All real estate taxes and assessments due and payable against the home as of the the date of recordation of the deed of trust securing the home equity account shall have been paid by the applicant; provided, however, that the authority may require the applicant to use their initial equity payment to pay such taxes and assessments.

§ 3.4. Insurance.

At the time of recordation of the deed of trust securing the home equity account, the home shall be insured against such loss and by such insurers as the authority shall approve or require and in an amount at least equal to the value of the home or such other amount as the authority may approve.

PART IV. TERMS AND CONDITIONS.

§ 4.1. Maximum amount.

The authority shall provide to an eligible applicant a

maximum amount available under the home equity account based upon the interest rate or rates to be charged thereon, the age of an individual applicant or of the youngest joint applicant as of the application date, and the value of the home.

The value of the home shall be determined by the authority based on the home's assessed value, unless the authority, at its option and at its cost, elects to have the home appraised and to use the appraised value rather than the assessed value in so determining the value of the home. Also, if requested by the applicant, the authority may, at its option and at the cost of such applicant, obtain an appraisal of the home for use by the authority, in lieu of the assessed value, in determining the value of the home.

Prior to September 1, 1988, and on or about January 1 of each subsequent year, the executive director shall establish a schedule which sets the maximum percentages of the home value by age group based upon the interest rate to be in effect for such year. The maximum amount of the home equity account during such year shall be equal to such maximum percentage applicable to the age group of the applicant (or, in the case of joint applicants, the youngest applicant) as of the application date times the value of the home.

The maximum amount available *which may be disbursed* under any home equity account shall in no event exceed \$50,000.

The applicant may, at its option, request a lower maximum amount than may be approved by the authority, in which case the maximum amount shall be the amount so requested.

§ 4.2. Adjustments in the maximum amount.

The maximum amount available under a home equity account shall be adjusted annually in accordance with the schedule then established pursuant to § 4.1 hereof. For the purpose of determining such adjusted maximum amount, the age of the borrower shall be his age (or, in the case of joint borrowers, the youngest borrower's age) as of January 1 of such year. Notwithstanding the foregoing, such maximum amount shall not be increased if (i) the authority has determined not to make funds available for such increase, or (ii) the applicant requests that the maximum amount not be increased.

If on or after five years from the date of extension of the home equity account the borrower has utilized the maximum amount available thereunder, he may request the authority to approve an increase in the value of the home. Such increase may be granted only if such increase is due to appreciation or improvements. Any such increase shall be determined by the authority based upon the then current assessed value, except that the authority may, at its option and at the request and cost of the borrower, obtain an appraisal for use by the authority, in lieu of the

assessed value, in so determining the value of the home. The maximum amount available under the home equity account, as so increased, shall be calculated in accordance with the schedule established pursuant to § 4.1 hereof using the age of the borrower (or, in the case of joint borrowers, the age of the youngest borrower) as of January 1 of the year in which the request was made. Increases in such maximum amount are subject to the determination by the authority to make funds available therefor and shall be at the sole discretion of the authority.

In the event that the borrower had originally requested and received a home equity account in a maximum amount less than the maximum amount for which he was eligible under the schedule established pursuant to § 4.1 hereof, the authority may, at its option and upon the written request of the borrower, increase the maximum amount available under the home equity account up to the maximum amount for which the borrower would then be eligible. Such an increase may be granted at any time upon the request of the borrower and without a determination of a new assessed or appraised value, subject to the authority's determination to make funds available therefor and shall be at the sole discretion of the authority.

§ 4.3. Loan term.

The term of a home equity account loan shall not be a fixed period of time ; *provided, however, that the term of such loan shall in no event exceed 50 years.* Such loan shall be due and payable upon the occurrence of any of the following events:

1. A sale or transfer (whether voluntary or involuntary) of the home or any interest therein (other than a transfer to a joint borrower) without the authority's prior written consent.
2. Failure by the borrower and, in the case of joint borrowers, all borrowers to occupy the home as his or their principal residence. Absence from the home for a period of more than 180 consecutive days, without the prior written consent of the authority, shall be deemed to be such a failure.
3. The use of the home, in whole or in part, for purposes other than as a principal residence without the prior written consent of the authority.
4. Failure to pay the home equity balance in full within nine months after the death of the borrower or, in the case of joint borrowers, within nine months after the death of the last surviving borrower.

The home equity account loan may also be declared immediately due and payable in full, at the option of the authority, upon the occurrence of any of the acts of default set forth in § 4.7 of these procedures, instructions and guidelines.

§ 4.4. Interest rate and compounding.

The interest rate to be charged on equity payments disbursed under the program during any calendar year shall be established by the authority prior to January 1 of such year. Any such interest rate shall not apply to equity payments disbursed during prior calendar years. Interest shall be compounded on the first day of each month at the applicable interest rate.

The authority shall establish from time to time a maximum interest rate to be charged on home equity account loans closed subsequent to the establishment of such rate.

§ 4.5. Equity payments.

A borrower may from time to time request and receive equity payments under a home equity account, subject to the requirements and limitations set forth in these procedures, instructions and guidelines.

No scheduled equity payments shall be made to a borrower. The borrower is required to request and receive an initial equity payment at the time of closing of the home equity account in an amount of not less than \$1,000 for any of the purposes set forth in § 5.3 hereof. Subsequent to the initial equity payment, the borrower may request and receive no more than one equity payment during a single calendar month, and each such equity payment must be in an amount of not less than \$250.

All equity payments, other than the initial equity payment, shall be made to the borrower by the authority in the form of a check which will be mailed to the borrower's home.

The authority shall bill the borrower for payment of real property taxes and hazard insurance premiums as they become due. The borrower shall be obligated to submit payment to the authority within 30 days after the date of mailing. If payment is not so made, the authority, at its option, may pay property taxes and insurance premiums from the home equity account, to the extent not fully utilized, or may deem such nonpayment by the borrower to be an act of default under § 4.7 hereof.

§ 4.6. Repayments.

The borrower is not required to make any repayments of principal or interest on the home equity account loan until such time as the loan is due and payable as described in §§ 4.3 and 4.7 hereof. The borrower may, at his option, elect to prepay at any time the home equity account loan, in whole or in part, and any such prepayments shall be applied first to accrued interest and then to the outstanding principal amount of the home equity account loan.

§ 4.7. Acts of default.

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The occurrence of any of the following events will constitute an act of default for which the home equity account loan shall, at the option of the authority, become immediately due and payable:

1. The imposition on the home or any part thereof of any lien or encumbrance (including mechanics' or tax liens) without the authority's prior written consent, if such lien or encumbrance may have priority over the lien of the home equity account loan or any prior or future equity payments thereunder and is not removed within 90 days.
2. Physical deterioration of the home beyond normal wear and tear and failure to repair, replace and maintain the various components of the home when required or necessary, including the failure to repair damage caused by fire or other casualty within a reasonable time after the occurrence as determined by the authority in its sole discretion.
3. Failure to make payment to the authority for taxes and insurance premiums as described in § 4.5 hereof.
4. A borrower's admission of his inability to pay his debts, making any assignment for the benefit of creditors or filing for relief under federal bankruptcy statutes. The filing of a petition in bankruptcy against the borrower without the borrower's consent will not be an act of default if the petition is dismissed within 60 days of filing.
5. Any omission or misrepresentation by the applicant in the application or in any equity payment request.
6. Any other occurrence which constitutes a default under the terms of the deed of trust securing the home equity account loan.

Upon default, the authority shall be entitled to exercise any one or more of the remedies set forth in the home equity account loan documents or available at law or in equity; provided, however, that, except in the case of a default as described in subdivisions 2 and 5 of this section, the authority shall not seek any personal judgment against the borrower but shall look solely to the home for payment of the home equity account loan.

§ 4.8. Term and extensions of home equity account.

The term during which the borrower shall have the right to request and receive equity payments under a home equity account shall be (i) five years, if the application shall be received prior to September 1, 1989; or (ii) such period of time as the executive director may establish prior to the closing thereof, if the application shall be received on or after September 1, 1989. The executive director may extend such term and any extensions thereof for such period of time and upon such terms and conditions as he may deem appropriate to accomplish the purposes of the program and to best utilize

the resources of the authority. The expiration of such term or any extensions thereof shall not in any way affect the then existing principal balance of the home equity account loan or any accrued interest thereon.

§ 4.9. Repairs.

The authority shall have the right to inspect the home from time to time, to require the borrower to make such repairs as are determined by the authority to be necessary to maintain the home in good condition, and, if such repairs are not promptly made, to cause such repairs to be made and to disburse equity payments under the borrower's home equity account to the parties performing such repairs in amounts necessary to pay the costs thereof.

PART V. REQUEST FOR AND USE OF HOME EQUITY ACCOUNT LOAN PAYMENTS.

§ 5.1. Requests for equity payments.

In order to receive an equity payment from the authority under a home equity account, the borrower must submit a request to the authority on a form prescribed by the authority. Such form must be completed and signed by the borrower and delivered to the authority by hand delivery or through the U.S. mail.

§ 5.2. Optional notification of third parties.

At closing, the applicant may, at his option, choose to participate in a voluntary third party notification system. Under this system, the applicant requests that the authority send notification by mail to a third party of his or her choice at least three days prior to the authority's making any equity payment to the applicant of \$2,500 or greater. The notification letter shall state that the authority intends to make the equity payment and that such notification is being given to the third party at the request of the applicant. The authority shall make such payment to the applicant if the request is otherwise in compliance with these procedures, instructions and guidelines. Third party notification shall not apply to the applicant's initial equity payment at closing, but only to subsequent equity payments. It is the applicant's responsibility to give the authority an accurate address for the third party; to notify the authority in writing in order to terminate his participation in this notification program; to change his designated third party; or to notify the authority of a change in address for the third party. Nothing contained in this section shall be deemed (i) to impose any liability on the authority for failure to send any notification or (ii) to affect the validity of the equity payment, the obligation of the borrower to repay such equity payment, together with interest thereon, or the rights and remedies of the authority upon any act of default as set forth in § 4.7 hereof.

§ 5.3. Allowable use of funds.

All equity payments requested by borrowers shall be for purposes which are expressly permitted under these procedures, instructions and guidelines or which directly benefit the applicant and demonstrably contribute to enhancing their quality of life, especially their ability to continue to live independently. Such uses shall include, but shall not be limited to, home repairs and maintenance, real estate taxes and insurance, medical expenses (including in-home health care and medical insurance premiums), travel and normal living expenses which the applicant is unable to meet from other sources. Equity payments may not be used for any type of investment or commercial purposes, for the acquisition or construction of another residence, or for any purpose which primarily benefits someone other than the borrower. The authority shall have the right to deny any equity payment request which does not, in its sole discretion, comply with the provisions of this section.

PART VI. APPLICATION AND PROCESSING.

§ 6.1. Application.

An interested applicant may obtain information about the program through any participating AAA. Informational material about the program may also be made available through senior centers and other agencies and organizations which provide services to the elderly.

If a prospective applicant wishes to submit an application, he shall do so through the local AAA or other organizations designated by the authority. The staff from the AAA will provide the applicant with an application form and will assist him or her in completing the application form. This form will contain any information which the authority deems necessary in order to determine the eligibility of the applicant and the home. This application must be signed and dated by the applicant.

The staff of the AAA will also provide program information to applicants as part of their normal agency responsibilities. Such information will include a description and explanation of the program. Applicants will be encouraged by the AAA to seek advice from others as well, including family members, attorneys and financial advisors. The authority assumes no responsibility for the performance of such services by the AAA.

§ 6.2. AAA review.

Following completion of the application, the AAA staff shall undertake a preliminary review. The purpose of this review shall be to determine if the applicant and the home are eligible under these procedures, instructions and guidelines, subject to final review and approval by the authority. If on the basis of such review the AAA determines that the applicant or the home is not eligible, the applicant shall be so informed and his application shall be terminated. A copy of this application shall be

retained by the AAA and provided to the authority upon its request.

Applications which meet all of the eligibility criteria in these procedures, instructions and guidelines shall be forwarded to the authority for review and final approval.

§ 6.3. Authority review and commitment.

Upon receipt of the application, the authority shall review it to determine the eligibility of the applicant and the home. If the applicant and the home are eligible, then the authority shall prepare a commitment to the applicant specifying the terms and requirements for closing the home equity account. This commitment shall be mailed to the applicant with instructions that it must be executed and returned to the authority within such period of time as shall be specified therein. Failure to return the executed commitment agreement within such period of time shall result in the expiration of the commitment, unless the applicant has received a written extension from the authority.

The authority may, at its option, not approve an otherwise eligible application for any of the following reasons:

1. The application contains any untrue statement of a material fact or omits any material fact necessary to make the statement therein not misleading; or
2. The authority has determined that sufficient funds are not available for the program.

§ 6.4. Closing and fees.

If the commitment is signed by the applicant and returned to the authority within the requisite time period, the applicant and the authority shall establish a mutually acceptable place and date for the purpose of executing and delivering all necessary home equity account documents and such other documents as may be required under federal and state law.

At the time of closing, the authority shall collect from the applicant an application and commitment fee in the amount of \$100. All other fees and charges associated with the closing, including title search, title insurance, legal fees, and recording costs, must be paid by the applicant. Such fees may, at the option of the applicant, be funded from the initial equity payment from the home equity account.

Subsequent to the closing, the home equity account and equity payments pursuant thereto shall be governed by the terms and conditions set forth herein and in the home equity account loan documents.

§ 6.5. Right to terminate program.

Notwithstanding anything to the contrary herein, the

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authority shall have the right, at any time, to discontinue accepting new applications for home equity accounts. Such discontinuance shall not, however, affect the terms and conditions of any then existing home equity account.

The foregoing procedures, instructions and guidelines shall take effect ~~July 19~~ *November 21*, 1988.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Title of Regulation: VR 394-01-01. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations.

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

Effective Date: March 1, 1989

Summary:

The amendment will change the regulations to allow the Board of Housing and Community Development to receive public input at public hearings prior to completion of a final draft of code changes.

VR 394-01-01. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations.

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:

“*Board*” means Board of Housing and Community Development.

“*Department*” means Department of Housing and Community Development.

“*Guidelines*” means the regulations adopted by the Board of Housing and Community Development for public participation in the formulation, promulgation and adoption of regulations.

“*Staff*” means employees of the Department of Housing and Community Development or Board of Housing and Community Development.

§ 1.2. Application.

These guidelines apply to all regulations adopted by the board. They will be used whenever regulations are

hereafter adopted, amended or deleted.

§ 1.3. Periodic review.

It is the intent of the board to conduct a periodic review of all regulations that have been adopted under state law. Such reviews will be undertaken at appropriate intervals as needed to keep the regulations up-to-date. These guidelines will be used in the review process.

PART II. PUBLIC PARTICIPATION.

§ 2.1. Mailing lists.

The department will maintain lists of individuals, businesses, associations, agencies, and public interest groups which have expressed an interest, or which could reasonably be expected to have an interest, in the board's regulations. The lists will be updated and expanded as new interested parties are identified. Deletions will be made when lack of interest is determined.

§ 2.2. Notification.

The lists will be used to notify and solicit input to the regulatory revision process from interested parties. Selected mailings will be made independently of notices in the Virginia Register of Regulations and of notices in newspapers. Advertising in department newsletters, in trade and professional publications, and in public interest group publications will be used when appropriate.

§ 2.3. Solicitation of input.

The staff of the department will continually receive, retain and compile all suggestions for changes and improvements to the regulations. In addition, a notice of intent to adopt or amend regulations will be published in the Virginia Register of Regulations to solicit public input before drafting the proposals.

§ 2.4. Regulatory review workshops.

Before adoption or revision of the regulations, the board may conduct one or more meetings for the general public to explain the review process and to solicit proposals for needed changes. At least thirty days' notice of such meetings will be published in the Virginia Register of Regulations and in a newspaper of general circulation published in the region in which the meeting is to be held, and in a newspaper of general circulation published in Richmond, Virginia. Press releases and other media will be used as needed. Selected interested persons and groups will be notified by mail.

§ 2.5. Preparation of preliminary draft.

The board will prepare a preliminary draft of proposed amendments to the regulations based on public input received and on the results of its own study of the

regulations.

§ 2.6. Ad hoc committee review.

The board may establish an ad hoc advisory committee consisting of invited representatives of all groups believed to be affected by the regulations and the proposed amendments. The board will give consideration to recommendations received from the committee, and will make appropriate revisions to the draft.

§ 2.7. Public hearings.

After Prior to completion of a final draft, the board will convene at least one public hearing in accordance with the procedures required by the Administrative Process Act and the Virginia Register Act.

PART III. ACTION ON COMMENTS OF GOVERNOR AND LEGISLATURE.

§ 3.1. When Governor suspends process.

If the Governor suspends the regulatory process to require solicitation of additional public comment, the board will do so in the manner prescribed by the Governor. If no specific method is required, the board will employ one or more of the following procedures, as deemed necessary:

1. Consult with affected persons and groups.
2. Reconvene the ad hoc review committee for further consultation.
3. Advertise and conduct an additional public hearing under the procedures prescribed by the Administrative Process Act and the Virginia Register Act.

§ 3.2. Other legislative and executive comments.

If the Governor does not require solicitation of additional public comment, but does provide suggestions, or if further suggestions are received from the required legislative review during the thirty-day final adoption period, the board will determine whether solicitation of additional public comment should be undertaken. If needed, one or more of the procedures described above may be used.

* * * * *

REGISTRAR'S NOTICE: Due to changes made by the 1988 Session of the General Assembly (Chapter 199, 1988 Acts of Assembly) the former Public Building Safety Regulations adopted by the Board of Housing and Community Development have been added as part of the Virginia Statewide Fire Prevention Code. The addition of this part has greatly increased the length of the Virginia Statewide Fire Prevention Code; therefore, the full text of

this regulation is not being published. The regulations that were published as proposed regulations in 4:23 VA.R. 2578-2601 August 15, 1988, are being published with the adopted changes shown in brackets. The addition of Addendum 2 (Public Building Safety Regulations) is not being published; however, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Housing and Community Development.

Title of Regulation: VR 394-01-06. Virginia Statewide Fire Prevention Code/1987.

Statutory Authority: §§ 27-95 and 27-97 of the Code of Virginia.

Effective Date: March 1, 1989

Summary:

The 1987 edition of the Virginia Statewide Fire Prevention Code is a mandatory, statewide, set of regulations that must be complied with for the protection of life and property from the hazards of fire or explosion. Technical requirements of the Statewide Fire Prevention Code are based on the BOCA National Fire Prevention Code, a companion document to the BOCA National Building Code which is the Uniform Statewide Building Code. The Fire Prevention Code supersedes all fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code, provided such regulations do not affect the manner of construction or materials to be used in the erection, alteration, repair, or use of a building or structure. Local enforcement of this Code is optional. The State Fire Marshal shall have authority to enforce the Fire Prevention Code in those jurisdictions in which the local governments do not enforce the Code. An administrative appeals system is established for resolution of disagreements between the enforcing agency and aggrieved party.

Changes to the regulations are as follows:

1. Buildings constructed before the Uniform Statewide Building Code: This amendment will require all public buildings constructed prior to the initial edition of the Virginia Uniform Statewide Building Code to be maintained in accordance with the previous text of the Public Building Safety Regulations.

2. Authority of local fire marshal: This amendment authorizes the local fire marshal, in localities choosing to enforce the Virginia Statewide Fire Prevention Code, to grant modifications to the Fire Prevention Code.

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3. Buildings constructed after the initial Uniform Statewide Building Code (USBC): This amendment clarifies that buildings built under previous editions of the USBC are to be maintained in accordance to the requirements of the USBC in effect at the time of construction.

4. Proposed language added to Article 26 that would have regulated the equipment, procedures and operations involving the manufacture, possession, storage, sale, transportation, and use of explosives blasting agent was not adopted by the board and has been stricken.

This final set of adopted regulations also includes an entirely new part (Addendum 2) relating to public building safety regulations. Addendum 2 was prepared to assist in implementing the changes made by the 1988 legislature to § 27-97 of the Code of Virginia. These changes became effective July 1, 1988.

Summary of Incorporated Public Building Safety Regulations

Section 27-97 was amended through the addition of a section which states, "The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986." This results in making the former "Public Building Safety Regulations" a part of the Virginia Statewide Fire Prevention Code.

To facilitate the use of these regulations as a part of the Virginia Statewide Fire Prevention Code, the regulations have been reviewed and those portions of the regulation that are no longer applicable have been deleted.

In using these regulations it is important to know that:

1. The regulations are applicable only to "public buildings." (See section 100-2 (a) Application.)

2. The regulations are not applicable to buildings constructed after September 1, 1973, the effective date of the Uniform Statewide Building Code. In addition, all alterations, renovations, additions or changes of use since September 1, 1973, are subject to the Uniform Statewide Building Code and not these regulations.

3. Modifications of these regulations were issued for specific buildings by the State Corporation Commission (April 12, 1949, to June 10, 1978, and by the Department of Housing and Community Development July 1, 1978, to July 1, 1988). Information regarding these modifications may be obtained from the Office of State Fire Marshal.

The regulations are in three parts. Part A is general application and administration. Part B is applicable to

buildings built between April 12, 1949, and September 1, 1973. Part C is applicable to buildings built prior to April 12, 1949.

5. Regulations which address the change in use of building, and the change in use occurs after September 1, 1973, are superseded by the Uniform Statewide Building Code.

VR 394-01-06. Virginia Statewide Fire Prevention Code/1987.

Article 1.

Administration and Enforcement.

SECTION F-100.0. GENERAL.

F-100.1. Title: These regulations shall be known as the Virginia Statewide Fire Prevention Code. Except as otherwise indicated, Fire Prevention Code or code, shall mean the 1987 edition of the BOCA National Fire Prevention Code as herein amended.

F-100.2. Authority: The Virginia Statewide Fire Prevention Code is adopted according to regulatory authority granted the Board of Housing and Community Development by the Statewide Fire Prevention Code Act, Chapter 9 of Title 27 (§§ 27-94 through 27-101) of the Code of Virginia.

F-100.3. Adoption: The Virginia Statewide Fire Prevention Code was adopted by order of the Board of Housing and Community Development on December 14, 1987. This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

F-100.4. Effective date: The Virginia Statewide Fire Prevention Code shall become effective on March 1, 1988.

F-100.5. Effect on other codes: The Virginia Statewide Fire Prevention Code shall apply to all buildings and structures as defined in the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia. The Virginia Statewide Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local government or other political subdivisions. When any provision of this code is found to be in conflict with the Uniform Statewide Building Code, OSHA, Health or other applicable laws of the Commonwealth, that provision of the Fire Prevention Code shall become invalid. Wherever the words "building code" appear it shall mean the building code in effect at the time of construction.

F-100.6. Purpose: The purpose of the Virginia Statewide Fire Prevention Code is to provide statewide standards for the optional local enforcement to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and

structures, and the unsafe storage, handling and use of substances, materials and devices, wherever located.

SECTION F-101.0. REQUIREMENTS.

F-101.1. Adoption of model code: The following model code, as amended by sections F-101.2 and F-101.3, is hereby adopted and incorporated in the Virginia Statewide Fire Prevention Code.

- The BOCA Basic/National Fire Prevention Code/1987 Edition

Published by:

Building Officials and Code Administrators International, Inc.
4051 West Flossmoor Road
Country Club Hills, IL 60477

F-101.2. Administrative and enforcement amendments to the referenced model code: All requirements of the referenced model code and of standards referenced therein that relate to administrative and enforcement matters are deleted and replaced by Article 1 of the Virginia Statewide Fire Prevention Code.

F-101.3. Other amendments to the referenced model code: The amendments noted in Addendum 1 shall be made to the specified articles and sections of the BOCA National Fire Prevention Code/1987 Edition for use as part of this code.

F-101.4. Limitation of application of model code: No provision of the model code shall affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure.

F-101.5. Application of Uniform Statewide Building Code: The planning, design and construction of new buildings and structures to provide the necessary egress facilities, fire protection, and built-in fire protection equipment shall be controlled by the Uniform Statewide Building Code; and any alterations, additions or changes in building required by the provisions of this code which are within the scope of the Uniform Statewide Building Code shall be made in accordance therewith. Upon completion of such structures or buildings, responsibility for fire safety protection shall pass to the local fire official or State Fire Marshal.

F-101.5. Application to post Uniform Statewide Building Code (USBC) Buildings: The maintenance of fire safety in buildings and structures shall be the responsibility of the local fire official or the State Fire Marshal. Egress facilities, fire protection, and built-in fire protection equipment shall be maintained in accordance with the requirements of the USBC in effect at the time the building or structure was constructed.

F-101.6. Existing buildings: The Virginia Statewide Fire Prevention Code shall not impose requirements that are

more restrictive than the applicable building code under which said buildings or structures were constructed. Subsequent alteration, enlargement, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the then current edition of the Uniform Statewide Building Code.

F-101.6. Application to Pre-Uniform Statewide Building Code (USBC) Buildings: Pre-USBC buildings are those buildings that were not subject to the USBC when constructed. Such buildings shall be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986, as set forth in Addendum 2 and other applicable requirements of this Code. Subsequent alterations, additions, repairs, or change of occupancy classification of such buildings shall be subject to the then current edition of the USBC.

F-101.7. Exemptions for farm structures: Farm structures not used for residential purposes shall be exempt from the provisions of the Fire Prevention Code.

SECTION F-102.0. ENFORCEMENT AUTHORITY.

F-102.1. Enforcement officer: Any local government may enforce the Statewide Fire Prevention Code. The local governing body may assign responsibility for enforcement of the Statewide Fire Prevention Code to a local agency or agencies of its choice. The State Fire Marshal shall have authority to enforce the Statewide Fire Prevention Code in jurisdictions in which the local governments do not enforce the code. Upon appointment of the fire official, the Office of the State Fire Marshal shall be notified. The terms "enforcing agency" and "fire official" are intended to apply to the agency or agencies of its responsibility for enforcement has been assigned. However, the terms "building official" or "building department" apply only to the local building official or building department.

F-102.1.2. Modifications to regulations in Addendum 2: In those localities choosing to enforce the Statewide Fire Prevention Code, the fire official shall have the same authority to grant modifications of the regulations in Addendum 2 as is delegated to the Chief Fire Marshal.

F-102.2. Qualification of local enforcing agency personnel: The local government shall establish qualifications for the fire official and his assistants, adequate to insure proper enforcement of the Statewide Fire Prevention Code.

Note: It is recommended that the fire official have at least five years of related experience. Consideration should be given for selection and maintenance of enforcing agency personnel by using certification programs offered by the Department of Housing and Community Development, Department of Fire Programs, and ETS/NFPA.

F-102.3. Inspections: The fire official may inspect all buildings, structures and premises except single family

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dwellings, dwelling units in two family and multi-family dwellings, and farm structures as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire fighting operations, endanger life or any violations of the provisions or intent of this code or any other ordinance affecting fire safety.

F-102.4. Right of entry: Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the fire official has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises unsafe, the fire official may enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the fire official by this code; provided that if such structure or premises be occupied, the fire official shall first present proper credentials and request entry. If such entry is refused, the fire official shall have recourse to every remedy provided by law to secure entry.

F-102.5. Coordinated inspections: Whenever in the enforcement of the Statewide Fire Prevention Code or another code or ordinance, the responsibility of more than one enforcement official may be involved, it shall be their duty to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code of the jurisdiction, not within the inspector's authority to enforce, the inspector shall report the findings to the official having jurisdiction in order that such official may institute the necessary corrective measures.

Note: Attention should be directed to § 36-105 of the Code of Virginia which states in part, "The building official shall coordinate all reports with inspections for compliance of the building code, from fire and health officials DELEGATED such authority, prior to issuance of an occupancy permit." (Emphasis added)

F-102.6. Fire records: The fire official shall keep a record of all fires and all facts concerning the same, including investigation of findings and statistics and information as to the cause, origin and the extent of such fires and the damage caused thereby. The fire official shall also keep records of reports of inspections, notices and orders issued and such other matters as directed by the local government. Records may be disposed of in accordance with the provisions of the Virginia Public Records Act; and, (i) after retention for 20 years in the case of arson fires, (ii) after retention for five years in nonarson fires, and (iii) after retention for three years in the case of all other reports, notices, and orders issued.

F-102.7. Administration liability: The local enforcing agency

personnel shall not be personally liable for any damages sustained by any person in excess of the policy limits of errors and omissions insurance, or other equivalent insurance obtained by the locality to insure against any action that may occur to persons or property as a result of any act required or permitted in the discharge of official duties while assigned to the department as an employee. The fire official or his subordinates shall not be personally liable for costs in any action, suit or proceedings that may be instituted in pursuance of the provisions of the Statewide Fire Prevention Code as a result of any act required or permitted in the discharge of official duties while assigned to the enforcing agency as an employee, whether or not said costs are covered by insurance. Any suit instituted against any officer or employee because of an act performed in the discharge of the Statewide Fire Prevention Code may be defended by the enforcing agency's legal representative. The State Fire Marshal or his subordinates shall not be personally liable for damages or costs sustained by any person when the State Fire Marshal or his subordinates are enforcing this code as part of their official duties under Section F-102.1.

F-102.8. Rules and regulations: Local governments may adopt fire prevention regulations that are more restrictive or more extensive in scope than the Statewide Fire Prevention Code provided such regulations are not more restrictive than the Uniform Statewide Building Code and do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure.

F-102.9. Procedures or requirements: The local governing body may establish such procedures or requirements as may be necessary for the enforcement of the Statewide Fire Prevention Code.

F-102.10. Control of conflict of interest: The minimum standards of conduct for officials and employees of the enforcing agency shall be in accordance with the provisions of the Virginia Comprehensive Conflict of Interest Act.

SECTION F-103.0. DUTIES AND POWERS OF THE FIRE OFFICIAL.

F-103.1. General: The fire official shall enforce the provisions of the Statewide Fire Prevention Code as provided herein and as interpreted by the State Building Code Technical Review Board in accordance with § 36-118 of the Code of Virginia.

Note: Investigation of fires is governed by § 27-30 et. seq. of the Code of Virginia.

F-103.2. Notices and orders: The fire official may issue all necessary notices or orders to ensure compliance with the requirements of the Statewide Fire Prevention Code for the protection of life and property from the hazards of fire or explosion.

F-103.3. Delegation of duties and powers: The fire official may delegate duties and powers subject to any limitations imposed by the local government, but shall be responsible that any powers and duties delegated are carried out in accordance with the code.

SECTION F-104.0. PERMITS.

F-104.1. General: It shall be unlawful to engage in any business activity involving the handling, storage or use of hazardous substances, materials or devices; or to maintain, store or handle materials; to conduct processes which produce conditions hazardous to life or property; or to establish a place of assembly without first notifying the local fire official. Permits may be required, by the local fire official, according to section F-104.2.

Note: The State Fire Marshal will not issue permits under the Statewide Fire Prevention Code.

F-104.1.1. State permits: The State Fire Marshal will not issue permits under the Statewide Fire Prevention Code except those required under Article 26, Explosives, Ammunition and Blasting Agents.

F-104.1.2. Local permits: In those jurisdictions that enforce the Statewide Fire Prevention Code, the Fire Official shall issue permits as required by Article 26, Explosives, Ammunition and Blasting Agents.

F-104.2. Permits required: Permits shall be obtained, when required, from the local fire official. Inspection or permit fees may be levied by the local governing body in order to defray the cost of enforcement and appeals in accordance with § 27-98 of the Code of Virginia. Permits shall be available to the fire official upon request.

F-104.3. Application for permit: Application for a permit required by this code shall be made to the local fire official in such form and detail as the local fire official shall prescribe.

F-104.4. Action on application: Before a permit is issued, the local fire official or the fire official's designated representative shall make or cause to be made such inspections or tests as are necessary to assure that the use and activities for which application is made complies with the provisions of this code.

F-104.5. Conditions of permit: A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions hazardous to life or property in accordance with the provisions of this code. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Said permit shall remain in effect until revoked, or for such period of time specified on the permit. Permits are not transferable and any change in use, operation or tenancy shall require a new permit.

Note: For rules and regulations governing the disposal of

hazardous materials contact the Virginia Department of Waste Management.

F-104.6. Approved plans: Plans approved by the building and fire officials are approved with the intent that they comply in all respects to this code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of this code.

F-104.7. Revocation of permit: The local fire official may revoke a permit or approval issued under the provisions of this code if upon inspection any violation of the code exists, or if conditions of the permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.

F-104.8. Suspension of permit: Any permit issued shall become invalid if the authorized activity is not commenced within six months after issuance of the permit, or if the authorized activity is suspended or abandoned for a period of six months after the time of commencement.

F-104.9. Payment of fees: A permit shall not be issued until the designated fees have been paid, when required.

SECTION F-105.0. APPEAL TO BOARDS OF APPEALS.

F-105.1. Local appeals: Every locality electing to enforce this code shall establish a local board of appeals as required by § 27-98 of the Code of Virginia. Appeals to the local board may be made by the person cited for violation when aggrieved by any decision or interpretation of the local fire official made under the provisions of this code. The local board of appeals shall consist of at least five members who are qualified by experience and training to rule on matters pertaining to building construction and fire prevention. The local board of appeals shall be appointed by the local governing body and shall hold office in accordance with the terms of appointment. The local appeal board shall operate in accordance with the applicable provisions of the Administrative Processes Act, § 9-6.14 of the Code of Virginia. All local board hearings shall be open to the public. All resolutions or findings of the local board shall be in writing and made available for public viewing. The local board shall meet within 20 days upon receipt of application.

Appeal from the application of the code by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board.

F-105.1.1. Grounds for appeal: The owner or occupant of a building may appeal a decision of the fire official to the local Board of Appeals when it is claimed that:

1. The fire official has refused to grant a modification of the provisions of the code;
2. The true intent of this code has been incorrectly

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interpreted;

3. The provisions of this code do not fully apply;

4. The use of a form of compliance that is equal to or better than that specified in this code has been denied.

F-105.2. Application: An application for appeal shall be submitted, in writing, to the board of appeals within seven working days upon receipt of notice or order of the fire official.

F-105.3. Decision and notification: Every action of the board on an appeal shall be by resolution. Certified copies shall be furnished to the appellant and the fire official.

F-105.4. Decision: The fire official shall take immediate action in accordance with the decision of the board.

F-105.5. Appeal to the State Building Code Technical Review Board: Any person aggrieved by a decision of the Local Board of Appeals who was a party to the appeal, or any officer or member of the governing body of the local jurisdiction, may appeal to the State Building Code Technical Review Board. Application for review shall be made to the State Building Code Technical Review Board within 15 days of receipt of the decision of the local appeals board by the aggrieved party.

F-105.6. Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the fire official shall take immediate action in accordance with the decision.

F-105.7. Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board may be presented to the court of the original jurisdiction in accordance with the provisions of the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

SECTION F-106.0. ORDERS TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS.

F-106.1. General: Whenever the fire official or the fire official's designated representative shall find in any building, structure or upon any premises dangerous or hazardous conditions or materials as follows, the fire official shall order such dangerous conditions or materials to be removed or remedied in accordance with the provisions of this code:

1. Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure or endanger the occupants thereof.

2. Conditions which would interfere with the efficiency and use of any fire protection equipment.

3. Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the egress of occupants or the operation of the fire department in case of fire.

4. Accumulations of dust or waste material in air conditioning or ventilating systems or grease in kitchen or other exhaust ducts.

5. Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.

6. Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material.

7. Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.

8. Hazardous conditions arising from defective or improperly used or installed equipment for handling or using combustible, explosive or otherwise hazardous materials.

9. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.

10. All equipment, materials, processes or operations which are in violation of the provisions and intent of this code.

F-106.2. Maintenance: The owner shall be responsible for the safe and proper maintenance of the building, structure, premises or lot at all times. In all new and existing buildings and structures, the fire protection equipment, means of egress, alarms, devices and safeguards required by the Uniform Statewide Building Code and other jurisdictional ordinances, shall be maintained in a safe and proper operating condition.

Note: Also see section F-502.6 and F-502.6.1 of this code for further information.

F-106.3. Occupant responsibility: If an occupant of a building creates conditions in violation of this code, by virtue of storage, handling and use of substances, materials, devices and appliances, the occupant shall be held responsible for the abatement of said hazardous conditions.

F-106.4. Unsafe buildings: All buildings and structures that are or shall hereafter become unsafe or deficient in adequate exit facilities or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use, occupancy or maintenance or which have sustained structural damage by reason of fire, explosion, or natural disaster shall be deemed unsafe buildings or structures. A vacant building, or portion of a building, unguarded or

open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this code. Unsafe buildings shall be reported to the building or maintenance code official who shall take appropriate action deemed necessary under the provisions of the Uniform Statewide Building Code Volume I/New Construction Code or Volume II/Building Maintenance Code to secure abatement by repair and rehabilitation or by demolition.

F-106.5. Evacuation: When, in the opinion of the fire official, there is actual and potential danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the fire official may order the immediate evacuation of said building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and persons shall not enter, or reenter, until authorized to do so by the fire official.

F-106.6. Unlawful continuance: It is deemed a violation of the Statewide Fire Prevention Code for any person to refuse to leave, interfere with the evacuation of the other occupants or continue any operation after having been given an evacuation order except such work as that person is directed to perform to remove a violation or unsafe condition.

F-106.7. Notice of violation: Whenever the fire official observes an apparent or actual violation of a provision of this code or ordinance under the fire official's jurisdiction, the fire official shall prepare a written notice of violation describing the condition deemed unsafe and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure. The written notice of violation of this code shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the conditions under violation. Such notice of violation shall be served either by delivering a copy of same to such persons by mail to the last known post office address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or in the case such person is not found upon the premises, by affixing a copy thereof, in a conspicuous place at the entrance door or avenue of access; and such procedure shall be deemed the equivalent of personal notice.

F-106.8. Issuing summons for violation: In those localities where the fire official or his designated representative has been certified in accordance with § 27-34.2 of the Code of Virginia, a summons may be issued in lieu of the above mentioned notice of violation or the provisions of section F-106.9 may be invoked.

F-106.9. Failure to correct violations: If the notice of violation is not complied with in the time specified by the fire official, the fire official shall request the legal counsel of the jurisdiction to institute the appropriate legal

proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto. The local law-enforcement agency of the jurisdiction shall be requested by the fire official to make arrests for any offense against this code or orders of the fire official affecting the immediate safety of the public when the fire official is not certified in accordance with § 27-34.2 of the Code of Virginia.

F-106.10. Penalty for violation: Violations are a Class 1 misdemeanor in accordance with § 27-100 of the Code of Virginia. Each day that a violation continues, after a service of notice as provided for in this code, shall be deemed a separate offense.

F-106.11. Correction of violation required: The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation; or to stop an illegal act, conduct of business or use of a building or structure in or about any premises.

ADDENDA.

ADDENDUM 1.

AMENDMENTS TO THE BOCA NATIONAL FIRE PREVENTION CODE 1987 EDITION.

As provided in section F-101.3 of the Virginia Statewide Fire Prevention Code, the amendments noted in this Addendum shall be made to the BOCA National Fire Prevention Code 1987 edition for use as part of the Virginia Statewide Fire Prevention Code.

ARTICLE 1.

ADMINISTRATION AND ENFORCEMENT.

1. Article 1, Administration and Enforcement, is deleted in its entirety and replaced with Article 1 of the Virginia Statewide Fire Prevention Code.

ARTICLE 2. DEFINITIONS.

1. Change section F-200.3 to read:

F-200.3. Terms defined in the other codes: Where terms are not defined in this code and are defined in the Uniform Statewide Building Code, they shall have the meanings ascribed to them as in that code.

2. Change the following definitions in section F-201 General Definitions to read:

"Building code official": The officer or other designated authority charged with the administration and enforcement of the Uniform Statewide Building Code, Volume I - New Construction Code.

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"Code official": The officer or other designated authority charged with the administration and enforcement of the Virginia Statewide Building Code, Volume II, Maintenance Code. (Note: When "code official" appears in the BOCA National Fire Prevention Code, it shall mean "fire official.")

"Occupancy classification": The various use groups as classified in the Uniform Statewide Building Code.

"Structure": An assembly of materials forming a construction for use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature. The word structure shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

3. Add these new definitions to section F-201.0 General Definitions:

"Building": A combination of any materials, whether portable or fixed, that forms a structure for use or occupancy by persons or property; provided, however, that farm buildings not used for residential purposes and frequented generally by the owner, members of his family, and farm employees shall be exempt from provisions of this code. The word building shall be construed as though followed by the words "or part or parts thereof and fixed equipment" unless the context clearly requires a different meaning. The word building includes the word structure.

"Building code": The building code in effect at the time of construction.

"Certificate of use and occupancy": The certificate issued by the code official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit. (See section 119.0 of the USBC.)

"Combustible material": A material which cannot be classified as noncombustible in accordance with that definition.

"Farm building": A structure located on a farm utilized for the storage, handling or production of agricultural, horticultural and floricultural products normally intended for sale to domestic or foreign markets and buildings used for maintenance, storage or use of animals or equipment related thereto.

"Fire official": The officer or other designated authority charged with the administration and enforcement of the Virginia Statewide Fire Prevention Code.

"Local government": Any city, county or town in this

Commonwealth, or the governing body thereof.

"Night club": Means a place of assembly that provides exhibition, performance or other forms of entertainment; serves food or alcoholic beverages; and may or may not provide music and space for dancing.

ARTICLE 3. GENERAL PRECAUTIONS AGAINST FIRE.

1. Change section F-301.1 to read:

F-301.1. General: Open burning shall be allowed in accordance with the laws and regulations set forth by the State Air Pollution Control Board, the Department of Forestry, and as regulated by the locality.

ARTICLE 4. HAZARD ABATEMENT IN EXISTING BUILDINGS.

1. Change section F-400.1 to read:

F-400.1. Continued maintenance: All service equipment, means of egress devices and safeguards which were required by a previous statute or another code in a building or structure when erected, altered or repaired shall be maintained in good working order.

2. Delete the balance of ARTICLE 4 HAZARD ABATEMENT IN EXISTING BUILDINGS as it is covered by Volume I and Volume II of the Uniform Statewide Building Code.

ARTICLE 5. FIRE PROTECTION SYSTEMS.

1. Add section F-509.4. Smoke Detector for the Deaf and Hearing-Impaired to read:

F-509.4. Audible and Visual Alarms: Audible and visual alarms, meeting the requirements of UL Standard 1638, and installed in accordance with NFPA/ANSI 72G, shall be provided in occupancies housing the hard of hearing, as required by § 36-99.5 of the Code of Virginia; however, all visual alarms shall provide a minimum intensity of 100 candella. Portable alarms meeting these requirements shall be acceptable.

ARTICLE 16. OIL AND GAS PRODUCTION.

1. Delete ARTICLE 16 OIL AND GAS PRODUCTION as it is covered by the VIRGINIA OIL AND GAS ACT, Title 45, Chapter 22 of the Code of Virginia.

ARTICLE 26. EXPLOSIVES, AMMUNITION AND BLASTING AGENTS.

1. Change section F-2605.5 to read:

F-2605.5. Personnel condition: A person shall not be permitted to ride upon, drive, load or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants or narcotics. They shall also be familiar with all state and municipal traffic regulations and shall not be in violation of § 46.1-124 (Motor Vehicle Code; transportation of explosives) and § 40.1-26 (Department of Labor and Industry; storage, handling and use of explosives) of the Code of Virginia.

[1. Article 26, Explosives, Ammunition and Blasting Agents, is deleted in its entirety and replaced with Article 26 of the Virginia Statewide Fire Prevention Code, as follows:

SECTION F-2600.0. GENERAL.

F-2600.1. Scope: The equipment, processes and operations involving the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents shall comply with the applicable requirements of this code and the provisions of this article and shall be maintained in accordance with NFPA 495, NFPA 498, and DOT 40CFR listed in Appendix A except as herein specifically exempted or where provisions of this article do not specifically cover conditions and operations; and with the Institute of Makers of Explosives (IME) guidelines, recommendations, handbooks on documentation; and with the Virginia Motor Carrier regulations.

F-2600.1.1. Responsibility: Every person or company conducting an operation or activity that requires the use of explosive materials shall be responsible for the results and consequences of any activities resulting from the use of these explosive materials.

F-2600.2. Exceptions: Nothing in this article shall be construed as applying to the following explosive uses:

1. The Armed Forces of the United States or of a state.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The sale or use of fireworks which are regulated by Article 27.
4. Laboratories engaged in testing explosive materials.
5. The possession, storage and use of not more than 5 pounds (2.27 kg) of smokeless powder, black powder, and 1,000 small arms primers for hand loading of small arms ammunition for personal use.
6. The manufacture, possession, storage and use of not more than 5 pounds (2.27 kg) of explosives or blasting agents in educational, governmental or industrial laboratories for instructional or research purposes when under the direct supervision of experienced, competent persons.

7. The transportation and use of explosives or blasting agents by the United States Bureau of Mines, the Federal Bureau of Investigation, the United States Secret Service, Virginia Department of State Police; nor to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45-1 of the Code of Virginia (Department of Mines and Quarries).

F-2600.2.1. Permit required: A permit shall be obtained from the code official for any of the following conditions or operations:

1. To possess, store, or otherwise dispose of explosives or blasting agents.
2. To transport explosives or blasting agents.
3. To use explosives or blasting agents. The classes of blasting permits are:

CLASS/CATEGORY	DESCRIPTION
A Unlimited	All types of blasting
B General Above Ground	All phases of blasting operations in quarries, open pit mines, above ground construction.
C General Underground	All phases of blasting operations in underground mines, shafts, tunnels, and drifts.
D Demolition	All phases of blasting in demolition projects.
E Seismic Prospecting	All phases of blasting in seismic prospecting.
F Agriculture	All phases of blasting in agriculture but limited to not more than 50 lbs. per blast.
G Special	Special blasting as described on the permit.

4. To operate a terminal for handling explosives or blasting agents.
5. To deliver to or receive explosives or blasting agents from a carrier at a terminal between the hours of sunset and sunrise.
6. A permit to manufacture shall be issued by the State Fire Marshal's Office and the local fire official where one exists. A permit to manufacture shall be issued upon the applicant obtaining and maintaining the following conditions:

- (a) Registration with the Department of Housing and Community Develop;
- (b) Current license from the Bureau of Alcohol,

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Tobacco and Firearms;

(c) Possess a license to do business in the Commonwealth of Virginia; and

(d) All other state and local requirements.

7. A permit to sell shall be issued by the fire official upon demonstrating the following:

(a) Current license from the Bureau of Alcohol, Tobacco and Firearms;

(b) Registration with the Department of Housing and Community Development; and

(c) Possess a license to do business in the Commonwealth of Virginia.

F-2600.2.2. Prohibited permits: Permits as required above shall not be issued for:

1. Liquid nitroglycerin and nitrate esters.

2. Dynamite (except gelatin dynamite) containing over 60% of liquid explosive ingredient.

3. Dynamite having an unsatisfactory absorbent or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.

4. Nitrocellulose in a dry and uncompressed condition to be shipped or transported.

5. Fulminate of mercury in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.

6. Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products or their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167°F (75°C).

7. New explosives until approved by DOT 49CFR listed in Appendix A, except for permits issued to educational, governmental or industrial laboratories for instructional or research purposes.

8. Explosives condemned by DOT 49CFR listed in Appendix A.

9. Explosives not packed or marked in accordance with the requirements of DOT 49CFR listed in Appendix A.

10. Explosives containing an ammonium salt and a chlorate.

F-2600.2.3. Certification of Blasters: It shall be a violation of this code for any person to load or fire explosive materials unless he, or his on-site supervisor, is a certified blaster. The blaster's certification must conform to the class and use as provided in this code, and be carried on the blaster's person during the use of explosive materials. The certification document shall state the class of certification and pertinent information about the blaster including his photograph and fingerprint(s). The applicant for blaster's certification to supervise and perform the loading and firing of explosive materials must demonstrate that he has adequate training and experience in the class of certification being applied for. The applicant shall successfully pass a qualifying examination prepared or administered, or both, by the Office of State Fire Marshal. The examination may be written, oral or by such other means as necessary to determine that the applicant is competent to conduct blasting operations and perform the duties of a blaster. An applicant for a blaster's certification shall:

1. Be at least 21 years of age;

2. Provide, at his expense, medical proof that the applicant is in adequate physical and mental condition to perform the work required;

3. Be able to understand and give written and oral instructions in the English language;

4. Not have an alcohol or chemical dependency;

5. Have worked at least one year under the direct supervision of a blaster certified by the Commonwealth of Virginia or under the supervision of a blaster certified by another authority recognized by the State Fire Marshal as being equivalent; and

6. Have a working knowledge of federal, state and local laws and regulations pertaining to explosive materials.

F-2600.2.4. Revocation or suspension of certification: The Chief State Fire Marshal may revoke or suspend certification issued under the provisions of this code if upon investigation any violation of this code exists, or if conditions of the certification have been violated, or if there has been any false statement or misrepresentation as to material fact in the application on which the certification was based. A blaster whose certification has been suspended or revoked may request, in writing, a hearing before a three member panel who are knowledgeable or competent, or both, in explosives, ammunition and blasting agents, appointed by the Director of the Department of Housing and Community Development for reinstatement of certification. Any individual whose certification has lapsed shall be required to pass a qualifying examination before reissuance.

F-2600.3. Bonding requirements for blasting: Before a permit to do blasting is issued as required under Section

F-2600.2.1, the applicant for such permit shall file a bonding requirement in such form, amount and coverage as determined by the local governing body of the jurisdiction to be adequate in each case to indemnify the jurisdiction against any damages arising from the permitted blasting. In those jurisdictions that are not enforcing the Statewide Fire Prevention Code the bond shall be determined by policy of the Board of Housing and Community Development.

F-2600.3.1. Liability insurance: The company or individual applying for a permit to blast, manufacture, or sell explosives shall provide proof of insurance in an amount determined by the fire official but in no case less than \$500,000; except liability insurance shall not be required with an Agricultural Blasting permit when the blast is conducted on the applicant's personal property.

F-2600.4. Definitions: For the purposes of this article and as used in this code, the following words and terms shall have the meaning shown.

"Blaster (shot firer)" means that qualified person in charge of, and responsible for, the loading and firing of an explosive or blasting agent.

"Blasting agent" means any material or mixture consisting of a fuel and oxidizer intended for blasting, not otherwise classified as an explosive, in which none of the ingredients are classified as explosives, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined. Materials or mixtures classified as nitro carbo nitrates by DOT regulations shall be included in this definition.

"Carrier" means any person who engages in the transportation of articles or materials by rail, highway, water or air.

"Explosive" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term "explosive" includes all materials classified as Class A, Class B or Class C explosives by DOT regulations and includes, but is not limited to, dynamite, black powder, pellet powders, smokeless powder, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse igniters, fuse lighters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord and igniters.

"Explosive-actuated device" means any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices. Examples of explosive-actuated power devices are jet tappers and jet perforators. (See Special Industrial Explosive Device.)

"Highway" means any public street, alley or road.

"Magazine" means any building or structure approved

for the storage of explosives. Magazines shall be of two classes as follows:

Class I magazines shall be used for the storage of explosives when quantities are in excess of 50 pounds (22.70 kg) of explosive material.

Class II magazines shall be used for the storage of explosives in quantities of 50 pounds (22.70 kg) or less or explosive materials except that a Class II magazine is permitted to be used for temporary storage of a larger quantity of explosives at the site of blasting operations where such amount constitutes not more than one day's supply for use in current operation.

"Peak particle velocity" means the maximum component of the three mutually perpendicular components of motion at a given point.

"Propellant-actuated power device" means any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge. (See Special Industrial Explosive Device.)

"Public conveyance" means any railway car, streetcar, cab, bus, airplane or other vehicle transporting passengers for hire.

"Railway" means any steam, electric or other railroad or railway which carries passengers for hire.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

"Small arms ammunition" means any shotgun, rifle, pistol or revolver cartridge.

"Special industrial explosive device" means any explosive power-pack containing an explosive charge in the form of a cartridge or construction device. The term includes, but is not limited to, explosive rivets, explosive bolts, explosive charges for driving pins or studs, cartridges for explosive-actuated power tools and charges of explosives used in jet tapping of open hearth furnaces and jet perforation of oil well casings.

"Special industrial high explosive materials" means sheets, extrusions, pellets and packages of high explosives containing dynamite, trinitrotoluol, pentaerythritoltetranitrate, cyclotrimethylenetrinitramine, or other similar compounds used for high energy rate forming, expanding and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

"Terminal" means those facilities used by carriers for the receipt, transfer, temporary storage or delivery of articles or materials.

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"Testing blasting cap No. 8" means one containing two grams of a mixture of 80% mercury fulminate and 20% potassium chlorate, or a cap of equivalent strength.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Transport or transportation" means any movement of property by any mode, and any packing, loading, unloading, identification, marking, placarding, or storage incidental thereto.

"Vehicle" means a conveyance of any type operated upon the highways.

SECTION F-2601.0. GENERAL REQUIREMENTS.

F-2601.1. *Manufacturing:* The manufacture of explosives or blasting agents shall be prohibited unless such manufacture is approved. This shall not apply to hand loading of small arms ammunition for personal use when not for resale.

F-2601.2. *Storage:* The storage of explosives and blasting agents is prohibited within the limits established by law as the limits of the jurisdiction having authority in which such storage is to be prohibited, except for temporary storage for use in connection with approved blasting operations; provided, however, this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than 500 pounds (227 kg) of explosive material.

F-2601.3. *Quantity control:* If necessary, the code official shall limit the quantity of explosives or blasting agents to be permitted at any location.

F-2601.4. *Sale and display:* Explosives shall not be sold, given, delivered, or transferred to any person or company not in possession of a valid license or permit. A holder of a permit to sell explosives shall make a record of all transactions involving explosives. Such record shall be made available to the fire official upon request, and shall be retained for five years. An accumulation of invoices, sales slips, delivery tickets, receipts, or similar papers representing individual transactions will satisfy the requirements for records provided they include the signature of any receiver of the explosives. A person shall not sell or display explosives or blasting agents on highways, sidewalks, public property or in places of public assembly or education.

SECTION F-2602.0. STORAGE OF EXPLOSIVES.

F-2602.1. *General:* Explosives, including special industrial high explosive materials, shall be stored in magazines which meet the requirements of this article. This shall not

be construed as applying to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than 500 pounds (227 kg) of explosive material. Magazines shall be in the custody of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for compliance with all safety precautions.

F-2602.2. *Control in wholesale and retail stores:* The storage of explosives shall not be within wholesale and retail stores. The storage of explosives for wholesale and retail sales shall be in approved outdoor magazines except that not more than 50 pounds of black or smokeless powder may be stored in a Type 4 indoor magazine.

F-2602.3. *Magazine clearances:* Magazines shall be located away from inhabited buildings, passenger railways, public highways and other magazines in conformance with Table F-2602, except as provided in Section F-2602.2.

F-2602.4. *Magazine construction:* Magazines shall be constructed and maintained in accordance with IME publication No. 1.

(NOTE: Refer to Section F-2600.4 for the use of magazines.

F-2602.4.1. *Weather resistance:* Magazines for the storage of explosives shall be weather resistant and properly ventilated and when used for storage of Class A explosives other than black powder, blasting caps and electric blasting caps, shall also be bullet resistant.

F-2602.4.2. *Magazines heat and light:* Magazines shall not be provided with artificial heat or light, except that if artificial light is necessary, an approved electric safety flashlight or safety lantern shall be used.

F-2602.5. *Safety precautions:* Smoking, matches, open flames, spark producing devices and firearms shall be prohibited inside or within 50 feet (15240 mm) of magazines. Combustible materials shall not be stored within 50 feet (15240 mm) of magazines.

F-2602.5.1. *Surrounding terrain:* The land surrounding magazines shall be kept clear of brush, dried grass, leaves, trash and debris for a distance of at least 26 feet (7620 mm).

F-2602.5.2. *Locking security:* Magazines shall be kept locked except when being inspected or when explosives are being placed therein or being removed therefrom.

F-2602.5.3. *Magazine housekeeping:* Magazines shall be kept clean, dry and free of grit, paper, empty packages and rubbish.

F-2602.5.4. *Separation of detonators and explosives:* Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same

magazine with other explosives.

F-2602.5.5. Explosive unpacking: Packages of explosives shall not be unpacked or repacked in a magazine nor within 50 feet (15240 mm) of a magazine.

F-2602.5.6. Magazine contents: Magazines shall not be used for the storage of any metal tools or of any commodity except explosives, but this restriction shall not apply to the storage of blasting agents, blasting supplies and oxidizers used in compound blasting agents.

F-2602.6. Unstable explosives: When an explosive has deteriorated to an extent that it is an unstable or dangerous condition, or if liquid leaks from any explosive, then the person in possession of such explosive shall immediately report that fact to the code official and upon his approval shall proceed to destroy such explosives and clean floors stained with liquid in accordance with the instructions of the manufacturer. Only experienced persons shall do the work of destroying explosives.

F-2602.7. Class I magazine warnings: Property upon which Class I magazines are located shall be posted with signs reading "Explosives - Keep Off." Such signs shall be located so as to minimize the possibility of a bullet traveling in the direction of the magazine if anyone shoots at the sign.

F-2602.8. Class II magazine warnings: Class II magazines shall be painted red and shall bear lettering in white, on all sides and top at least 3 inches (76 mm) high, "Explosives - Keep Fire Away."

SECTION F-2603.0. TRANSPORTATION OF EXPLOSIVES.

F-2603.1. General: Explosives shall not be transported on public conveyances. When transported in vehicles, the following precautions shall be observed.

F-2603.2. Vehicle design: Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and shall be in good mechanical condition. Explosives being transported shall be contained in an enclosed locking container attached to the vehicle either of which protects the explosives against moisture and sparks. Such vehicle shall be weather resistant, have tight floors, and exposed spark-producing metal on the inside of the cargo area to prevent contact with packages of explosives.

F-2603.3. Trailer prohibitions: Class A, B and C explosives shall not be transported in trailers or multitrailer units with the exception of one semitrailer drawn by tractor truck.

Exception: Fire and police officials of local governments acting in their official capacity.

F-2603.3.1. Transporting explosives in passenger type

vehicles: Explosives shall not be transported in or on any motor vehicle licensed as a passenger vehicle or a vehicle which is customarily and ordinarily used in the transportation of passengers except pickup trucks in compliance with Section F-2603.2. Dangerous articles, including small arms ammunition, but not including other types of explosives, may be transported in passenger type vehicles provided the maximum quantity transported does not exceed 100 pounds in weight.

F-2603.4. Vehicle restrictions: Vehicles containing explosives shall not be taken into a garage, or repair shop for repairs or storage.

F-2603.5. Vehicle contents: Only those dangerous articles authorized to be loaded with explosives by DOT 49CFR listed in Appendix A shall be carried in the body of a vehicle transporting explosives.

F-2603.6. Vehicle inspections: It shall be the duty of the person to whom a permit has been issued to transport explosives over the highway of the jurisdiction to inspect daily those vehicles under such authority and employed for this purpose to determine that:

1. Fire extinguishers are filled and in operating condition;
2. Electric wires are insulated and securely fastened;
3. The motor, chassis and body are reasonably clean and free of excessive grease and oil;
4. The fuel tank and fuel line are securely fastened and are not leaking;
5. Brakes, lights, horn, windshield wipers and steering mechanism are functioning properly;
6. Tires are properly inflated and free of defects; and
7. The vehicle is in proper condition for transporting explosives.

F-2603.7. Vehicle signs: Every vehicle transporting explosives shall be marked or placarded in accordance with state and federal Transportation Regulations as outlined in Section F-2600.1.

F-2603.8. Separation of detonators and explosives: Blasting caps, or electric blasting caps, shall not be transported over the highways of the jurisdiction on the same vehicle with other explosives, except when in compliance with IME/Safety Library Publication No. 22.

F-2603.9. Vehicle traveling clearances: Vehicles transporting explosives and traveling in the same direction shall not be driven within 300 feet (91440 mm) of each other.

F-2603.9.1. Vehicle routing: Vehicles transporting

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explosives shall be routed to avoid congested traffic and densely populated areas.

F-2603-10. Fire extinguisher: Every vehicle used for transporting explosives shall be equipped with not less than two approved fire extinguishers, suitable for use on flammable liquid fires, filled and ready for immediate use, and located near the driver's seat.

Trucks of less than 14,000 pounds GVW rating shall have two extinguishers with total fire extinguisher rating of at least 4-A: 20-B:C; and trucks over 14,000 pounds GVW rating and tractor semitrailer units shall have two or more extinguishers with total fire extinguisher rating of at least 4-A: 70-B:C.

F-2603-11. Operating precautions: A person shall not smoke, carry matches or any other flame-producing device, or carry any firearms or other loaded cartridges while in or near a vehicle transporting explosives, or drive, load or unload any such vehicle in a careless or reckless manner.

F-2603-11.1. Spark protection: Spark producing metal or spark producing metal tools shall not be carried in the explosives cargo area of a vehicle.

F-2603-12. Vehicles: Vehicles transporting explosives shall not be left unattended at any time within the jurisdiction. Unauthorized persons shall not ride on vehicles transporting explosives. Attended vehicles may be parked for meals or restroom stops, not exceeding one hour, at locations that are a minimum of 300 feet from any bridge, tunnel, dwelling, building or place where people work, congregate or assemble.

(NOTE: For the purpose of this section, a motor vehicle is considered "attended" only when the driver or attendant is physically on or in the vehicle or has the vehicle within his field of vision and can reach it quickly and with no interference. "Attended" also means that the driver or attendant is awake, alert, and not engaged in other duties or activities which may divert his attention from the vehicle.

F-2603-13. Emergency conditions: The fire and police departments shall be promptly notified when a vehicle transporting explosives is involved in an accident, breaks down, or catches fire. Only in the event of such an emergency shall the transfer of explosives from one vehicle to another vehicle be allowed on highways within a local jurisdiction and only when qualified supervision is provided. Except in such an emergency, a vehicle transporting explosives shall not be parked before reaching its destination on highways within the jurisdiction or adjacent to or in proximity to any bridge, tunnel, dwelling, building or place where people work, congregate or assemble.

F-2603-14. Delivery: Delivery shall only be made to authorized persons and into approved magazines or

approved temporary storage or handling areas.

F-2603-15. Explosives and blasting agents at terminals: The code official shall designate the location and specify the maximum quantity of explosives or blasting agents which are to be loaded, unloaded, reloaded or temporarily retained at each terminal where such operations are permitted. Terminals shall be operated pursuant to NFPA 498.

F-2603-16. Department of Transportation regulations: Shipments of explosives or blasting agents delivered to carriers shall comply with DOT49CFR listed in Appendix A.

F-2603-17. Carrier responsibility: Carriers shall immediately notify the code official when explosives or blasting agents are received at terminals.

F-2603-18. Notice to consignee: Carriers shall immediately notify consignees of the arrival of explosives or blasting agents at terminals.

F-2603-19. Consignee responsibility: The consignee of a shipment of explosives or blasting agents shall remove them from the carrier's terminal within 48 hours, Sundays and holidays excluded, after being notified of their arrival.

SECTION F-2604.0. STORAGE OF BLASTING AGENTS AND SUPPLIES.

F-2604.1. General: Blasting agents or oxidizers, when stored in conjunction with explosives, shall be stored in the manner set forth in Section F-2602.0 for explosives. The quantity of blasting agents or oxidizers shall be included when computing the total quantity of explosives for determining distance requirements.

F-2604.2. Storage location: Buildings used for storage of blasting agents separate from explosives shall be located away from inhabited buildings, passenger railways and public highways in accordance with Table F-2602.

F-2604.3. Storage housekeeping: The interior of buildings used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, nitrates other than ammonium nitrate or similar materials shall not be stored in any building containing blasting agents unless separated therefrom by construction having a fire resistance rating of not less than one hour. The provisions of this section shall not prohibit the storage of blasting agents together with nonexplosive blasting supplies.

F-2604.4. Trailer storage requirements: Semitrailers or full trailers used for temporarily storing blasting agents shall be located away from inhabited buildings, passenger railways and public highways, in accordance with Table

F-2602. Trailers shall be provided with substantial means for locking and the trailer doors shall be kept locked except during the time of placement or removal of blasting agents.

F-2604.5. Oxidizers and fuels: Piles of oxidizers and buildings containing oxidizers shall be adequately separated from readily combustible fuels.

F-2604.6. Oxidizer handling: Caked oxidizer, either in bags or in bulk, shall not be loosened by blasting.

SECTION F-2605.0. TRANSPORTATION OF BLASTING AGENTS.

F-2605.1. General: When blasting agents are transported in the same vehicle with explosives, all of the requirements of Section F-2602.0 shall apply.

F-2605.2. Vehicle condition: Vehicles transporting blasting agents shall be in safe operating condition at all times.

F-2605.3. Vehicle signs: Every vehicle transporting blasting agents shall be marked or placarded in accordance with state and federal Transportation Regulations as outlined in Section F-2600.1.

F-2605.4. Vehicle contents: Oils, matches, firearms, acids or other corrosive liquids shall not be carried in the body of any vehicle transporting blasting agents.

Exception: The firearms restriction does not apply to law-enforcement personnel.

F-2605.5. Personnel condition: A person shall not be permitted to ride upon, drive, load or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants or narcotics. They shall also be familiar with all state and municipal traffic regulations and shall not be in violation of § 46.1-124 (Motor Vehicle Code; transportation of explosives).

SECTION F-2606.0. HANDLING OF EXPLOSIVES.

F-2606.1. Mixing blasting agents: Buildings or other facilities used for mixing blasting agents shall be located away from inhabited buildings, passenger railways and public highways, in accordance with Table F-2602.

F-2606.2. Quantity of mixing agents: Not more than one day's production of blasting agents or the limit determined by Table F-2602, whichever is less, shall be permitted in or near the building or other facility used for mixed blasting agents. Larger quantities shall be stored in separate buildings or magazines.

F-2606.3. Compounding standards: Compounding and mixing of recognized formulations of blasting agents shall be conducted in accordance with NFPA 495 and DOT 49 CFR listed in Appendix A.

F-2606.4. Ignition protection: Smoking or open flames shall not be permitted within 50 feet (15240 mm) of any building or facility used for the mixing of blasting agents.

F-2606.4.1. Unpacking tools: Tools used for opening packages of explosives shall be constructed of nonsparking materials.

F-2606.5. Waste disposal: Empty oxidizer bags shall be disposed of daily by burning in a safe manner in the open at a safe distance from buildings or combustible materials.

F-2606.5.1. Packing material disposal: Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and any person shall not be nearer than 100 feet (30480 mm) after the burning has started.

SECTION F-2607.0. BLASTING.

F-2607.1. Time: Blasting operations shall be conducted during daylight hours except when otherwise approved.

F-2607.2. Personnel: The handling and firing of explosives shall be performed by the person certified as a blaster under section F-2600.2.3 of this code or by employees under that person's direct on-site supervision who are at least 21 years old.

1. A person shall not handle explosives while under the influence of intoxicants or narcotics.

2. A person shall not smoke or carry matches while handling explosives or while in the vicinity thereof.

3. An open flame light shall not be used in the vicinity of explosives.

F-2607.3. Clearance at site: At the site of blasting operations, a distance of at least 150 feet (45720 mm) shall be maintained between Class II magazines and the blast area when the quantity of explosives temporarily kept therein is in excess of 25 pounds (11.35 kg), and at least 50 feet (15240 mm) when the quantity of explosives is 25 pounds (11.35 kg) or less.

F-2607.4. Notice: Whenever blasting is being conducted in the vicinity of gas, electric, water, fire, alarm, telephone, telegraph or steam utilities, the blaster shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice. This time limit shall not be waived except in an emergency as determined by the code official.

F-2607.5. Responsibility: Before a blast is fired, the person

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in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover, and a loud warning signal has been sounded.

F-2607.6. Precautions: Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radio or radar transmitters, lighting, adjacent power lines, dust storms or other sources of extraneous electricity.

These precautions shall include:

1. The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electrical storm;
 2. The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet (106.75 m) of the blasting operations; and
 3. Compliance with NFPA 495 listed in Appendix A when blasting within 1-1/2 miles (2.41 km) of broadcast or highpower short wave radio transmitters.
4. Misfires shall be handled as directed by equipment manufacturers with no entering the blasting site, except the blaster, until the loaded charges have been made to function or have been removed.

F-2607.7. Congested areas: As required by the fire official, when blasting is done in congested areas or in close proximity to a building, structure, railway, highway or any other installation susceptible to damage, the blast shall be covered before firing, with a mat or earth so that it is capable of preventing rock from being thrown into the air out of the blast area.

F-2607.8. Blast records: A record of each blast shall be kept and retained for at least three years and shall be available for inspection by the fire official. These records shall contain the following minimum data:

1. Name of contractor.
2. Location and time of blast.
3. Name of certified blaster in charge.
4. Type of material blasted.
5. Number of holes bored and spacing.
6. Diameter and depth of holes.
7. Type and amount of explosives.
8. Amount of explosives per delay of 8 milliseconds or greater.

9. Method of firing and type of circuit.

10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial or institutional building.

11. Weather conditions.

12. If mats or other precautions were used.

13. Type of detonators and delay periods.

14. Type and height of stemming.

15. Seismograph records where indicated.

SECTION F-2608.0. STANDARDS FOR CONTROL OF AIRBLAST AND GROUND VIBRATION.

F-2608.1. Airblast: This section shall apply to airblast effects as recorded at the location of any private dwelling, public building, school, church, and community or institutional building not owned or leased by the person conducting or contracting for the blasting operation. If requested by a property owner registering a complaint and deemed necessary by the fire official, measurements on three consecutive blasts, using approved instrumentation, shall be made near to the structure in question.

F-2608.1.1. Maximum airblast: The maximum airblast at any inhabited building, resulting from blasting operations, shall not exceed 130 decibels peak, or 140 decibels peak at any uninhabited building, when measured by an instrument having a flat frequency response (+3 decibels) over a range of at least 6 to 200 Hertz.

F-2608.2. Ground vibration: This section shall provide for limiting ground vibrations at structures that are neither owned nor leased by the person conducting or contracting for the blasting operation. Engineered structures may safely withstand higher vibration levels based on an approved engineering study upon which the fire official may then allow higher levels for such engineered structures. When blasting operations are to be conducted within 200 feet of a pipe line or high voltage transmission line, the contractor shall notify the owner of the line, or his agent, that such blasting operations are intended.

(NOTE: Each Table, F-2608A to F-2608C has an increasing degree of sophistication and each can be implemented either by the fire official as a result of complaints or by the contractor to determine site specific vibration limits. The criteria in Tables F-2608 A, B, C and Section F-2608.3 are intended to protect low rise structures including dwellings.)

F-2608.2.1. Blasting without instrumentation: Where no seismograph is used to record vibration effects, the explosive charge weight per delay (8 milliseconds or greater) shall not exceed the limits shown in Table

F-2608A. When charge weights per delay on any single delay period exceed 520 pounds, then ground vibration limits for structures shall comply with Tables F-2608B, F-2608C or Section F-2608.3.

F-2608.2.2. Monitoring with instrumentation: Where a blaster determines that the charge weights per delay given in Table F-2608A are too conservative, he may choose to monitor at the closest conventional structure each blast with an approved seismograph and conform to the limits set by Tables F-2608 B, C or Section F-2608.3.

(NOTE: From this point onwards, the explosive charge weight per delay may be increased but the vibration levels detailed in Tables F-2608 B, C or Section F-2608.3 shall not be exceeded.)

F-2608.3. Response spectra: A relative velocity of 1.5 inches per second or less, within the 4 to 12 Hertz range of natural frequencies for low rise structures, shall be recorded as determined from an approved response spectra.

F-2608.4. Instrumentation: A direct velocity recording seismograph capable of recording the continuous wave form of the three mutually perpendicular components of motion, in terms of particle velocity, shall be used and shall have the following characteristics:

1. Each seismograph shall have a frequency response from 2 to 150 Hertz or greater; a velocity range from 0.0 to 2.0 inches per second or greater; adheres to design criteria for portable seismographs outlined in U.S. Bureau of Mines RI 5708, RI 6487 and RI 8506.

2. All field seismographs shall be capable of internal dynamic calibration and shall be calibrated according to the manufacturers' specifications at least once per year.

3. All seismographs shall be operated by competent people trained in their correct use and seismograph records analyzed and interpreted as may be required by the fire official.

F-2608.5. Seismographic records: A record of each blast shall be kept. All records, including seismograph reports, shall be retained for at least three years and shall be available for inspection. Records shall include the following information:

- 1. Name of company or contractor.*
- 2. Location, date and time of blast.*
- 3. Name, signature and social security number of blaster in charge.*
- 4. Type of material blasted.*
- 5. Number of holes, burden and spacing.*

6. Diameter and depth of holes.

7. Type of explosives used.

8. Total amount of explosives used.

9. Maximum amount of explosives per delay period of 8 milliseconds or greater.

10. Method of firing and type of circuit.

11. Direction and distance in feet to nearest dwelling house, public building, school, church, commercial or institutional building neither owned nor leased by the person conducting the blasting.

12. Weather conditions including such factors as wind direction, etc.

13. Height or length of stemming.

14. Type of protection, such as mats, that were used so to prevent flyrock.

15. Type of detonators used and delayed period used.

16. The exact location of the seismograph, if used, and shall also show the distance of the seismograph from the blast.

17. Seismograph readings where required shall contain:

a) Name and signature of person operating the seismograph.

b) Name of person analyzing the seismograph records.

c) Seismograph reading.

18. The maximum number of holes per delay period of 8 milliseconds or greater.

SECTION F-2609.0. THEFT OR DISAPPEARANCE OF EXPLOSIVES.

F-2609.1. Reports of stolen explosives: Pursuant to § 27-91.1 of the Code of Virginia, any person holding a permit for the manufacture, storage, handling, use or sale of explosives issued in accordance with this code shall report to the State Police and the local law-enforcement agency any theft or other disappearance of any explosives or blasting devices from their inventory. In addition, notification shall be made to the fire official having issued the permit.

F-2609.2. Reports of injuries or property damage: The fire official shall be immediately notified of injuries to any person or damage to any property as a result of the functioning of the explosive.

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F-2600.3. Relationship of local fire official and State Fire Marshal: The local fire official shall relay information obtained from reports required by sections F-2600.1 and F-2600.2 to the Office of the State Fire Marshal.]

* * * * *

Title of Regulation: VR 394-01-21. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1987.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Effective Date: March 1, 1989

NOTICE: Due to its length the 1987 Edition of the Virginia Uniform Statewide Building Code, Volume I - New Construction Code filed by the Board of Housing and Community Development is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Housing and Community Development.

Summary:

Volume I - New Construction Code of the 1987 Edition of the Virginia Uniform Statewide Building Code (USBC) is a mandatory, statewide uniform regulation which must be complied with in all buildings or additions hereafter constructed, altered, enlarged, repaired, or converted to another use group. Its purpose is to protect the health, safety and welfare of building users, and to provide for energy conservation, water conservation and accessibility for the physically handicapped and aged. Technical requirements of the New Construction Code are based on the BOCA model Building Code. The New Construction Code specifies the enforcement procedures to be used by local governments. Enforcement by local governments is mandatory. Provision is made for modifications by the building official when alternate means will provide equivalent health and safety. An administrative appeals system is established for resolution of disagreements between the building owner and the building official.

The amendments to the regulation are as follows:

- 1. Add construction standards for ammunition storage magazines.*
- 2. Add building security requirements for Use Groups R-1, R-2 and R-3 occupancies which will require dead bolt locks and other security measures.*
- 3. Amend requirements to require more toilet facilities for women in Use Groups A-1, A-3, A-4, and A-5, which include places of public assembly such as public meeting halls, museums, coliseums, theaters, etc.*
- 4. Amend regulations to require that no more than two dwelling units be allowed per floor, per building*

**ARTICLE 27.
FIREWORKS.**

1. Change section 2700.1 to read:

F-2700.1. Scope: The manufacture, transportation, display, sale or discharge of fireworks shall comply with the requirements of Chapter 11, Title 59, of the Code of Virginia.

2. Change section F-2700.4 to read:

F-2700.4. Definition: Fireworks shall mean and include any item known as firecracker, torpedo, skyrocket, or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known, as fireworks and which explodes, rises into the air or travels laterally, or fires projectiles into the air. The term "fireworks" does not include auto flares, caps for pistols, pinwheels, sparklers, fountains or Pharoah's serpents provided, however, these permissible items may only be used, ignited or exploded on private property with the consent of the owner of such property.

3. Delete section F-2701.1 General.

4. Delete section F-2701.3 Exceptions.

**ARTICLE 30.
LIQUEFIED PETROLEUM GASES.**

1. Change section F-3000.1 to read:

F-3000.1. Scope: The equipment, processes and operation for storage, handling, transporting by tank truck or tank trailer, and utilizing LP gases for fuel purposes, and for odorization of LP gases shall comply with the Virginia Liquefied Petroleum Gas Regulations in effect at the time of construction as provided for in Chapter 7, Title 27 of the Code of Virginia.

2. Delete section F-3000.3 Record of installation.

3. Delete section F-3000.4 Definitions.

4. Delete section F-3001.0 Tank container system.

5. Delete section F-3002.0 Container storage.

6. Delete section F-3003.0 Use inside buildings.

7. Delete section F-3004.0 Fire safety requirements.

8. Delete section F-3005.0 Abandonment of equipment.

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unless separated by a 2 hour rated noncombustible fire wall.

Less restrictive security requirements were adopted than those proposed. The Virginia Code Change Advisory Committee cited numerous deficiencies in the proposed draft, and the committee requested the board to amend the text of the proposed draft to reflect action taken by the 1988 General Assembly (Chapter 500, 1988 Acts).

VIRGINIA STATE BOARD OF MEDICINE

Title of Regulation: VR 465-02-01. Practice of Medicine, Osteopathic Medicine, Chiropractic, Podiatry, Clinical Psychology, and Acupuncture.

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: January 18, 1989

Summary:

The Board of Medicine has repealed existing regulations and adopted new Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture. These regulations protect the health, safety, and welfare of the citizens of the Commonwealth by establishing requirements and fees for initial license, license renewal, reinstatement of a lapsed license, and approval of foreign medical schools and other foreign institutions that teach the healing arts.

Section 6.1.B.3, "Fees for service paid to the Psychiatric Advisory Board," was deleted upon the recommendations of the Council on Health Regulatory Boards.

VR 465-02-01. Practice of Medicine, Osteopathic Medicine, Chiropractic, Podiatry, Clinical Psychology, and Acupuncture.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

A. The following words and terms, when used in these regulations, shall have the meaning ascribed to them in [Chapter 12 (§ 54-273), Medicine and Other Healing Arts, of Title 54 of the Code of Virginia § 54.1-2900 of the Code of Virginia]:

Acupuncture

Board

Clinical psychologist

Practice of clinical psychology

Practice of medicine or osteopathy

Practice of chiropractic

Practice of podiatry

The healing arts.

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

"American institution" means any accredited licensed medical school, college of osteopathic medicine, school of podiatry, chiropractic college, or institution of higher education offering a doctoral program in clinical psychology, located in the United States, its territories, or Canada.

"Approved foreign institution" means any foreign institution that is approved by the board under the provisions of VR 465-02-2, Regulations for Granting Approval of Foreign Medical Schools and Other Foreign Institutions That Teach the Healing Arts.

"Foreign institution" means any medical school, college of osteopathic medicine, school of podiatry, chiropractic college, or institution of higher education offering a doctoral program in clinical psychology, located elsewhere than in the United States, its territories, or Canada.

"Home country" means the country in which a foreign institution's principal teaching and clinical facilities are located.

"Principal site" means the location in the home country where a foreign institution's principal teaching and clinical facilities are located.

§ 1.2. A separate Virginia State Board of Medicine regulation, VR 465-02-2, Requirements for Approval of Foreign Medical Schools and Other Foreign Institutions That Teach the Healing Arts, is incorporated by reference in these regulations. Prospective applicants for licensure in Virginia who studied at a foreign institution should refer to that regulation in addition to the regulations contained here.

[§ 1.3. Vitamins, minerals and food supplements.

A. The use or recommendation of vitamins, minerals or food supplements and the rationale for that use or recommendation shall be documented by the practitioner. The rationale for said use shall be therapeutically proven and not experimental.

B. Vitamins, minerals or food supplements shall not be sold, dispensed, recommended, prescribed, or suggested in toxic doses.

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C. The practitioner shall conform to the standards of his particular branch of the healing arts in the therapeutic application of vitamins, minerals or food supplement therapy.]

[*§ 1-4. § 1.3.] A separate board regulation, VR 465-01-1, entitled Public Participation Guidelines, which provides for involvement of the public in the development of all regulations of the Virginia State Board of Medicine, is incorporated by reference in these regulations.*

[*§ 1.4. Advertising ethics.*

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

§ 1.5. Vitamins, minerals and food supplements.

A. The use or recommendations of vitamins, minerals or food supplements and the rationale for that use or recommendation shall be documented by the practitioner. The rationale for said use must be therapeutically proven and not experimental.

B. Vitamins, minerals, or food supplements, or a combination of the three, shall not be sold, dispensed, recommended, prescribed, or suggested in toxic doses.

C. The practitioner shall conform to the standards of his particular branch of the healing arts in the therapeutic application of vitamins, minerals or food supplement therapy.]

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

§ 2.1. Licensure, general.

A. No person shall practice medicine, osteopathy, chiropractic, podiatry, acupuncture, or clinical psychology in the Commonwealth of Virginia without a license from this board, except as provided in § 4.3, Exemption for temporary consultant, of these regulations.

B. For all applicants for licensure by this board except those in clinical psychology, licensure shall be by examination by this board or by endorsement, whichever is appropriate.

C. Applicants for licensure in clinical psychology shall take the examination of the Virginia State Board of Psychology, which will recommend those qualifying to the

Board of Medicine for licensure.

§ 2.2. Licensure by examination.

A. Prerequisites to examination.

1. Every applicant for examination by the Board of Medicine for initial licensure shall:

a. Meet the educational requirements specified in subdivision 2 or 3 of this subsection;

b. File the complete application and credentials required in subdivision 4 of this subsection with the executive director of the board not less than 75 days prior to the date of examination; and

c. Pay the appropriate fee, specified in § 7.1, of these regulations, at the time of filing the application.

2. Education requirements: Graduates of American institutions.

Such an applicant shall be a graduate of an American institution that meets the criteria of subdivision a, b, c, or d of § 2.2 A.2, whichever is appropriate to the profession in which he seeks to be licensed:

a. For licensure in medicine. The institution shall be a medical school that is approved or accredited by the Liaison Committee on Medical Education or other official accrediting body recognized by the American Medical Association, or by the Committee for the Accreditation of Canadian Medical Schools or its appropriate subsidiary agencies [or any other organization approved by the board].

b. For licensure in osteopathy. The institution shall be a college of osteopathic medicine that is approved or accredited by the Committee on Colleges and Bureau of Professional Education of the American Osteopathic Association [or any other organization approved by the board].

c. For licensure in podiatry. The institution shall be a school of podiatry approved and recommended by the Council on Podiatry Education of the American Podiatry Medical Association [or any other organization approved by the board].

d. For licensure in chiropractic.

(1) If the applicant matriculated in a chiropractic college on or after July 1, 1975, he shall be a graduate of a chiropractic college approved by the Commission on Accreditation of the Council of Chiropractic Education [or any other organization approved by the board].

(2) If the applicant matriculated in a chiropractic

college prior to July 1, 1975, he shall be a graduate of a chiropractic college approved by the American Chiropractic Association or the International Chiropractic Association [or any other organization approved by the board].

3. Educational requirements: Graduates and former students of foreign institutions.

a. No person who studied at or graduated from a foreign institution shall be eligible for board examination unless that institution has been granted approval by the board according to the provisions of VR 465-02-2, Regulations for Granting Approval of Foreign Medical Schools and Other Foreign Institutions That Teach the Healing Arts.

b. A graduate of an approved foreign institution applying for board examination for licensure shall also present documentary evidence that he:

(1) Was enrolled [and physically in attendance] at the institution's principal site for a minimum of two consecutive years and fulfilled at least half of the degree requirements while enrolled [two consecutive academic years] at the institution's principal site.

(2) Received a degree from the institution; and

(3) Has fulfilled the [appropriate applicable] requirements of [§ ~~54-305(d)~~ §§ 54.1-2930 and 54.1-2935] of the Code of Virginia.

c. A graduate of an approved foreign institution applying for examination for licensure in medicine or osteopathy shall also possess a standard Educational Council of Foreign Medical Graduates certificate (ECFMG), or its equivalent. Proof of licensure by the board of another state or territory of the United States or a Province of Canada may be accepted in lieu of ECFMG certification.

d. An applicant for examination for licensure in medicine who completed all degree requirements except social services and postgraduate internship at an approved foreign institution shall be admitted to examination provided that he:

(1) Was enrolled at the institution's principal site for a minimum of two consecutive years and fulfilled at least half of the degree requirements while enrolled at the institution's principal site;

(2) Has qualified for and completed an appropriate supervised clinical training program as established by the American Medical Association;

(3) Has completed the postgraduate hospital training required of all applicants for licensure as defined in [§ ~~54-305(d)~~ §§ 54.1-2930 and 54.1-2935] of the

Code of Virginia; and

(4) Presents a document issued by the approved foreign institution certifying that he has met all the formal requirements of the institution for a degree except social services and postgraduate internship.

These regulations are promulgated pursuant to [§ ~~54-306.1:2~~ § 54.1-2958] of the Code of Virginia and shall not be deemed to apply to graduates of foreign medical schools who matriculated before July 1, 1985. By resolution adopted at a public meeting on November 20, 1982, the board voted to promulgate the following regulations to be effective July 1, 1985, thereby placing potential foreign medical students on notice that such regulations would become effective on said date. Foreign medical students matriculating on and after July 1, 1985, should take care to determine whether their school satisfies these regulations before applying for licensure in Virginia. Inquiries may be directed to the board office at 1601 Rolling Hills Drive, Richmond, Virginia 23229-5005, (804) 662-9908.

4. Credentials to be filed prior to examination.

Applicants shall file with the executive director of the board, along with their applications for board examination (and at least 75 days prior to the date of examination) the credentials specified in subdivisions a, b, or c of § 2.2 A.4, whichever are appropriate:

a. Every applicant who is a graduate of an American institution shall [~~pre~~] file:

(1) Documentary evidence that he received a degree from the institution; and

(2) A complete chronological record of all professional activities since graduation, giving location, dates, and types of services performed.

b. Every applicant who attended a foreign institution shall [~~pre~~] file:

(1) The documentary evidence of education required by subdivisions 3.b, c, or d of this subsection, whichever is or are appropriate;

(2) For all such documents not in the English language, a translation made and endorsed by the consul of the home country of the applicant or by a professional translating service; and

(3) A complete chronological record of all professional activities since the applicant attended the foreign institution, giving location, dates, and types of services performed.

c. Every applicant discharged from the United States military service within the last 10 years shall

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in addition [~~pre~~] file with his application a notarized photostatic copy of his discharge papers.

B. Applicants for licensure by board examination shall take the appropriate examination prescribed by the board as provided in § 3.1 Examinations, of these regulations.

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

A. Supervision.

Pursuant to [§ 54-944(d) subdivision 4 of § 54.1-3601] of the Code of Virginia, supervision by a licensed psychologist, shall mean that the supervisor shall:

1. Provide supervision of unlicensed personnel who are providing psychological services as defined in [§ 54-936 § 54.1-3600] and who are functioning in practice and title as a professional psychologist, including the review of assessment protocols, intervention plans and psychological reports, with review denoted by countersignature on all client records and reports as specified in the required protocols within 30 days of origination;

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

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

B. Reporting.

A clinical psychologist who is providing supervision, as provided for in [§ 54-944(d) subdivision 4 of § 54.1-3601] , shall:

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

2. Notify the board of any changes in supervisory relationships, including terminations or additions, prior to or within 10 days of such change, with copies of supervisory protocol for all new supervisory relationships to follow within 30 days of such notice.

[§ 2.4. Advertising ethics.

Any statement specifying a fee for professional services which does not include the cost of all related procedures, services and products which, to a substantial likelihood

will be necessary for the completion of the advertised service as it would be understood by an ordinarily prudent person, shall be deemed to be deceptive or misleading. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of prices for specifically described services shall not be deemed to be deceptive or misleading.]

PART III. EXAMINATIONS.

§ 3.1. Examinations, general.

The following general provisions shall apply for applicants taking Board of Medicine examinations:

A. Applicants may take Parts I and II of the Federation Licensing Examination (FLEX) separately or as a unit. However, in no case shall an applicant who has not passed Part I be eligible to sit for Part II as a separate examination.

B. A minimum score of 75 is required for passing each part of the examination for licensure administered or recognized by the board.

§ 3.2. Reexamination.

An applicant for licensure by examination who fails three consecutive attempts to pass the examination(s) administered by the board shall be eligible to sit for another series of three consecutive attempts upon presenting proof to the Credentials Committee of the board that he has fulfilled the requirements of subsection A, B, or C of this section, whichever is appropriate.

A. An applicant for licensure in medicine or osteopathy who fails three consecutive attempts to pass Part I and Part II of the FLEX examination in Virginia or any other state or territory of the United States, the District of Columbia, or Province of Canada, shall engage in one year of additional postgraduate training to be obtained in a hospital in the United States or Canada approved by the American Medical Association or the American Osteopathic Association.

B. An applicant for licensure in podiatry who fails three consecutive attempts to pass the Virginia examination administered by the board shall appear before the Credentials Committee of the board and shall engage in such additional postgraduate training as may be deemed appropriate by the Credentials Committee.

C. An unsuccessful candidate for chiropractic licensure after each series of three unsuccessful attempts for licensure by examination, shall engage in one year of additional professional training [~~acceptable to approved~~ by] the board before he will be eligible to retake another series of examinations.

§ 3.3. Administration of examination.

A. The board may employ monitors for the examination.

B. For examinations given by the board other than those for which answer sheets are furnished, plain paper shall be used, preferably white, and no reference shall be made indicating either school or date of graduation. One side of paper only may be written upon and as soon as each sheet is finished, it shall be reversed to prevent its being read by others.

C. Questions will be given out and papers collected punctually at the appointed time and all papers shall be handed in at once when expiration time is announced by the chief proctor.

D. Sections of the examination shall be in such sequence as may be determined by the Federation Licensure Examination (FLEX) Committee or appropriate testing agency.

E. The order of examination shall be posted or announced at the discretion of the board. If the board has no objections, the examiners may exchange hours or days of monitoring the examination.

F. For the guidance of examiners and examinees, the following rules shall govern the examination.

1. Only members of the board, office staff, proctors, and applicants shall be permitted in the examination room, except by consent of the chief proctor.

2. Applicants shall be seated as far apart as possible at desks or desk chairs and each shall have in plain view an admission card bearing his number and photograph.

3. No examinee shall have any compendium, notes or textbooks in the examination room.

4. Any conversation between applicants will be considered prima facie evidence of an attempt to give or receive assistance.

5. Applicants are not permitted to leave the room except by permission of and when accompanied by an examiner or monitor.

6. The use of unfair methods will be grounds to disqualify an applicant from further examination at that meeting.

7. No examiner shall tell an applicant his grade until the executive director has notified the applicant that he has passed or failed.

8. No examination will be given in absentia or at any time other than the regularly scheduled examination.

9. The chief proctor shall follow the rules and regulations recommended by the FLEX Test

Committee or other testing agencies.

§ 3.4. Scoring of examination.

[A. All examination papers shall be scored according to the rules and regulations set forth by the board herein.

B. Each examiner who scores papers shall score all papers as promptly as possible.]

[C.] Scores forwarded to the executive director shall [not] be [changed by the examiner without the consent of the executive committee provided to the candidate within 30 days or receipt of the scores provided by the testing service].

PART IV.

LICENSURE BY ENDORSEMENT.

§ 4.1. Licensure by endorsement.

A. An applicant for licensure by endorsement will be considered on his merits and in no case shall be licensed unless the Credentials Committee is satisfied that he has passed an examination equivalent to the Virginia Board of Medicine examination at the time he was examined and meets all other requirements of the Virginia Board of Medicine.

B. A Doctor of Medicine who meets the requirements of the Virginia Board of Medicine and has passed the examination of the National Board of Medical Examiners, FLEX, or the examination of the Licensing Medical Council of Canada may be accepted for licensure by endorsement without further examination.

C. A Doctor of Osteopathy who meets the requirements of the Virginia Board of Medicine and has passed the examination of the National Board of Osteopathic Examiners may be accepted for licensure by endorsement without further examination.

D. A Doctor of Podiatry who meets the requirements of the Virginia Board of Medicine and has passed the National Board of Podiatry Examiners examination and has passed a clinical competence examination equivalent to the Virginia Board of Medicine examination may be accepted for licensure by endorsement without further examination.

E. A Doctor of Chiropractic who meets the requirements of the Virginia Board of Medicine, who has passed the National Board of Chiropractic Examiners examination, and has passed an examination equivalent to the Virginia Board of Medicine Part III examination, may be accepted for licensure without further examination.

§ 4.2. Licensure to practice acupuncture.

Acupuncture is an experimental therapeutic procedure, used primarily for the relief of pain, which involves the

Final Regulations

insertion of needles at various points in the human body. There are many acupuncture points, and these points are located on most portions of the human body. Insufficient information is available regarding the general usefulness of acupuncture and the risks attendant. Among the risks that attend upon it are the possibilities of prolonged and inappropriate therapy. It is clear that the administration of acupuncture is accompanied by the possibility of serious side effects and injuries, and there are reported cases of such injuries. Possible complications and injuries include peritonitis, damage from broken needles, infections, serum hepatitis, acquired immunity deficiency syndrome, pneumothorax, cerebral vascular accident (stroke), damage to the eye or the external or middle ear, and the inducement of cardiac arrhythmia.

In the judgment of the board, acupuncture shall be performed only by those practitioners of the healing arts who are trained and experienced in medicine, as only such a practitioner has (i) skill and equipment to determine the underlying cause of the pain; (ii) the capability of administering acupuncture in the context of a complete patient medical program in which other methods of therapeutics and relief of pain, including the use of drugs and other medicines, are considered and coordinated with the acupuncture treatment; and (iii) skill and training which will minimize the risks attendant with its use.

Based on the foregoing considerations, the board will license as acupuncturists only doctors of medicine, osteopathy, and podiatry, as only these practitioners have demonstrated a competence in medicine by passing the medicine/osteopathy licensure examination or podiatry licensure examination.

A. No person shall practice acupuncture in the Commonwealth of Virginia without being licensed by the board to do so.

B. The board shall license as acupuncturists only licensed doctors of medicine, osteopathy, and podiatry. Such licensure shall be subject to the following conditions:

[The applicant shall first have obtained:]

1. At least 100 hours of instruction in general and basic aspects, specific uses and techniques of acupuncture and indications and contraindications for acupuncture administration [- ; and]

2. At least 100 hours of supervised clinical experience [~~acceptable to approved by~~] the Board of Medicine and under the supervision of a currently licensed physician in acupuncture.

[3. C.] A podiatrist may use acupuncture only for treatment of pain syndromes originating in the human foot.

[4. D.] The licensee shall maintain records of the

diagnosis, treatment and patient response to acupuncture and shall submit records to the board upon request.

§ 4.3. Exemption for temporary consultant.

A. A practitioner may be exempted from licensure in Virginia if:

1. He is authorized by another state or foreign country to practice the healing arts;

2. [~~Approval~~ Authorization] for such exemption is granted by the executive director of the board; and

3. The practitioner is called in for consultation by a licensee of the Virginia State Board of Medicine.

B. Such practitioner shall not open an office or designate a place to meet patients or receive calls from his patient within this Commonwealth, nor shall he be exempted from licensure for more than two weeks unless such continued exemption is expressly approved by the board upon a showing of good cause.

PART V. RENEWAL OF LICENSE; REINSTATEMENT.

§ 5.1. Renewal of license.

Every licensee who intends to continue his practice shall renew his license biennially during his birth month and pay to the board the renewal fee prescribed in § 7.1, Fees ..., of these regulations.

A. A practitioner who has not renewed his license by the first day of the month following the month in which renewal is required [~~may shall~~] be dropped from the registration roll.

B. An additional fee to cover administrative costs for processing a late application [~~may shall~~] be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

§ 5.2. Reinstatement [of lapsed license].

A practitioner who has not renewed his certificate in accordance with [§ ~~54-215-1~~ § 54.1-2904] of the Code of Virginia for two successive years or more and who requests reinstatement of licensure shall:

A. Submit to the board a chronological account of his professional activities since the last renewal of his license; and

B. Pay the reinstatement fee prescribed in § 7.1 of these regulations.

PART VI. ADVISORY COMMITTEES AND PROFESSIONAL BOARDS.

§ 6.1. Advisory committees to the board.

A. Advisory Committee on Acupuncture.

The board may appoint an Advisory Committee on Acupuncture from licensed practitioners in this Commonwealth to advise and assist the board on all matters relating to acupuncture. The committee shall consist of three members from the state-at-large and two members from the board. Nothing herein is to be construed to make any recommendation by the Advisory Committee on Acupuncture binding upon the board. The term of office of each member of the committee shall be for one year or until his successor is appointed.

B. Psychiatric Advisory [~~Board~~ Committee].

1. The board may appoint a Psychiatric Advisory [~~Board~~ Committee] from licensed practitioners in this Commonwealth to examine persons licensed under these regulations and advise the board concerning the mental or emotional condition of such person when his mental or emotional condition is an issue before the board. Nothing herein is to be construed to make any recommendations by the Psychiatric Advisory [~~Board~~ Committee] binding upon the Board of Medicine.

2. The term of office for each member of the Psychiatric Advisory [~~Board~~ Committee] shall be one year or until his successor is appointed. [~~Members of the Psychiatric Advisory Board shall be paid a fee for professional services set by the Board of Medicine.~~]

3. Professional services for the Psychiatric Advisory Board shall be reimbursed as follows: \$75 per hour for reviewing the file, interviewing the practitioner, and writing a report to the Board of Medicine. Professional services for the Psychiatric Advisory Board attendance during the full Board of Medicine meetings shall be \$250 per day, plus travel and lodging expenses incurred performing such services.]

PART VII.

FEES REQUIRED BY THE BOARD.

§ 7.1. Fees required by the board are:

A. Examination fee for medicine or osteopathy: The fee for the Federation Licensing Examination (FLEX) for Component I shall be \$275 and Component II shall be \$275.

B. Examination fee for podiatry: The fee for the Virginia Podiatry Examination shall be \$250.

C. Examination fee for chiropractic: The fee for the Virginia Chiropractic Examination shall be \$250.

D. The fees for taking the FLEX, podiatry, and chiropractic examination are nonrefundable. An applicant

may, upon request 21 days prior to the scheduled exam, and payment of a \$100 fee, reschedule for the next time such examination is given.

E. The fee for rescoring the Virginia Chiropractic Examination or the Virginia Podiatry Examination shall be \$75.

F. Certification of licensure: The fee for certification of licensure [/grades] to another state or the District of Columbia by the board shall be \$25. The fee shall be due and payable upon submitting the form to the board.

G. The fee for a limited license issued pursuant to [§§ ~~54-311.1~~ and ~~54-311.2~~ § 54.1-2936] of the Code of Virginia shall be \$125. The annual renewal is \$25.

H. The fee for a duplicate certificate shall be \$25.

I. Biennial renewal of license: The fee for renewal shall be \$125, due in the licensee's birth month. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

J. The fee for requesting reinstatement of licensure pursuant to [§ ~~54-321~~ § 54.1-2921] of the Code of Virginia shall be \$750.

K. The fee for a temporary permit to practice medicine pursuant to [§ ~~54-276.5 B~~ § 54.1-2927 B] of the Code of Virginia shall be \$25.

L. The fee for licensure by endorsement for medicine, osteopathy, chiropractic, and podiatry shall be \$300.

M. The fee for licensure to practice acupuncture shall be \$100. The biennial renewal fee shall be \$80, due and payable by June 30 of each even-numbered year.

N. Lapsed license: The fee for reinstatement of a license issued by the Board of Medicine pursuant to [§ ~~54-315.1~~ § 54.1-2904] , which has expired for a period of two years or more, shall be \$250 and shall be submitted with an application for licensure reinstatement.

O. The fee for a limited license issued pursuant to [§ ~~54-311.3~~ § 54.1-2937] shall be \$10 a year. An additional fee for late renewal of licensure shall be \$10.

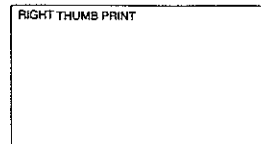
[P. The fee for a letter of good standing/verification to another state for a license shall be \$10.]

ALL QUESTIONS MUST BE ANSWERED. If any of the following questions is answered YES, explain and substantiate with available documentation. Letters must be submitted by your attorney regarding malpractice suits. Letters must be submitted by any treating professionals regarding treatment. These shall include diagnosis, treatment, and prognosis.

- 3. I hereby certify that I studied medicine/osteopathy and received the degree of _____ on _____ (DATE) from _____ (SCHOOL)
4. Do you intend to engage in the active practice of medicine/osteopathy in the Commonwealth of Virginia? _____ If YES, give location _____
5. List all states in which you have been issued a license to practice medicine/osteopathy and surgery, active or inactive. Indicate number and date issued. _____
6. Have you ever been denied a license or the privilege of taking a medical licensure/competency examination, or any other examination before any state, territory, or country licensing board? If yes, please explain, giving the location. Yes No
7. Have you ever taken the Flex examination? Yes No
If yes, how many times, and list by state, month, and year in which you took the Flex. _____
8. Have you ever been convicted of a violation of or Pled Nolo Contendere to any Federal, State, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence.) Yes No
9. Have you ever voluntarily surrendered your clinical privileges while under investigation, been censured or warned, or requested to withdraw from the staff of any hospital, nursing home, or other health care facility, or health care provider? Yes No
10. Have you ever had any of the following disciplinary actions taken against your license to practice medicine. DEA permit, state controlled substances registration, medicare, medicaid, or are any such actions pending (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) have your practice monitored or (e) limitation placed on scheduled drugs? If YES, please send complete details. Yes No
11. Have you ever had any membership in a state or local professional society revoked, suspended, or sanctioned in any manner? Yes No
12. Have you voluntarily withdrawn from any professional society while under investigation? Yes No
13. Have you had any malpractice suits brought against you in the last ten years? If so, how many, and provide a letter from your attorney explaining each case. Yes No
14. Have you ever been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a professional for substance abuse? If so, please provide a letter from the treating professional. Yes No
15. Have you ever received treatment for/or been hospitalized for a nervous, emotional or mental disorder? If so, please provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. Yes No
16. Do you have a serious physical disease or diagnosis which could affect your performance of professional duties? If so, please provide a letter from the treating professional. Yes No
17. Have you ever been adjudged mentally incompetent or been voluntarily committed to a mental institution? Please provide details. Yes No

AFFIDAVIT OF APPLICANT:

I, _____, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents. I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application. I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice medicine and surgery in the state of Virginia.



SIGNATURE OF APPLICANT

*** -- THIS MUST BE NOTARIZED -- ***

IF RIGHT THUMB IS MISSING, USE LEFT AND SO INDICATE.

NOTARY: City/County of _____ State of _____ Subscribed and Sworn to before me this _____ day of _____ 19__

My Commission Expires _____

NOTARY PUBLIC

NOTARY SEAL

CERTIFICATE OF MEDICAL EDUCATION

It is hereby certified that _____ of _____ matriculated in _____ at _____ date _____ attended _____ courses of lectures of _____ months each, and received a diploma from _____ conferring the degree of _____

DATE

SCHOOL SEAL

(PRESIDENT, SECRETARY or DEAN)

FOREIGN MEDICAL GRADUATES — Attach a notarized copy of your diploma and transcript of grades from medical school, with an ENGLISH translation.

#3

END _____
 EXAM _____
 REN _____

VIRGINIA STATE BOARD OF MEDICINE
 1601 Rolling Hills Drive
 Richmond, VA 23229-5005

Date: _____

Signed: _____

(Please print or type name)

Title: _____

Please print or type name of hospital place of employment:

(Name of applicant)

*Applicant must sign on reverse side of this form.

(This report will become a part of the applicant's file and may be reviewed by the applicant upon demand)

Signed release of information:

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and governmental agencies and instrumentalities (local, state, federal or foreign) to release to the Virginia State Board of Medicine any information, files or records requested by the Board in connection with the processing of my application.

 Signature of Applicant

To Whom It May Concern:

The Virginia State Board of Medicine, in its consideration of a candidate for licensure, depends on information from persons and institutions regarding the candidate's employment, training, affiliations and staff privileges.

Please complete this form to the best of your ability and return it to the Board so the information you provide can be given consideration in the processing of this candidate's application in a timely manner.

1. Date and type of service: This doctor served with us _____
 from (month) _____ (year) _____ to (month) _____ (year) _____

2. Please evaluate: (Please indicate with check mark)

	Poor	Fair	Good	Superior
Professional knowledge _____				
Clinical judgement _____				
Relationship with patients _____				
Ethical/professional conduct _____				
Interest in work _____				
Ability to communicate _____				

3. Recommendation: (Please indicate with check mark) 1. Recommend highly and without reservation _____
 2. Recommend as qualified and competent _____
 3. Recommend with some reservation (explain) _____
 4. Do not recommend (explain) _____

4. Of particular value to us in evaluating any candidate are comments regarding his/her notable strengths and/or weaknesses (including personal demeanor). We would appreciate such comments from you.

5. The above report is based on: (Please indicate with check mark) 1. Close personal observation _____
 2. General impression _____
 3. A composite of evaluations _____
 4. Other _____

REIN ●

VIRGINIA
REQUEST FOR PHYSICIAN PROFILE

This form is to be completed by the physician (whether a member or not) and mailed directly to one of the following:

American Medical Association
Department of Data Release
535 N. Dearborn
Chicago, Illinois 60610

OR

American Osteopathic Association
Department of Membership and
Information Services
212 E. Ohio Street
Chicago, Illinois 60611

=====

PLEASE PRINT OR TYPE

FULL NAME: _____
 First Middle Last

ADDRESS: _____
 Street City State ZIP Code

DATE OF BIRTH: _____ PLACE OF BIRTH: _____

MEDICAL/OSTEOPATHIC SCHOOL: _____

DATE OF GRADUATION: _____

ECFMG # IF FOREIGN MEDICAL GRADUATE: _____

STATE(S) IN WHICH LICENSE(S) ARE HELD: 1) _____ 2) _____

LICENSE NUMBER(S): 1) _____ 2) _____

DATE(S) ISSUED: 1) _____ 2) _____

Requesting organization: VIRGINIA BOARD OF MEDICINE
1601 Rolling Hills Drive
Richmond, Virginia 23229

(AMA/AOA - PLEASE RETURN INFORMATION TO ABOVE ADDRESS)
PURPOSE OF REQUEST FOR INFORMATION: REINSTATEMENT OF LICENSE

Exp. Exam. _____ Day _____ EC

Please complete top portion and forward one form to each State Medical Board where you hold or have held a medical license. Extra copies may be xeroxed if needed.

NOTE: Some states require a fee, paid in advance, for providing clearance information. To expedite, you may wish to contact the applicable state/states.

CLEARANCE FROM OTHER STATE BOARDS

I was granted license # _____ on _____ by the state of _____

The Virginia Board of Medicine requests that I submit evidence that my license in the state of _____ is in good standing. You are hereby authorized to release any information in your files, favorable, or otherwise, directly to the Virginia State Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA. Your early attention is appreciated.

SIGNATURE

(Please print or type name)

EXECUTIVE OFFICE OF STATE BOARD:

Please complete and return this form to the Virginia State Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229-5005.

State of _____ Name of Licensee _____

Graduate of _____ License No. _____ Issued _____

By reciprocity/endorsement _____ by examination _____

License is current _____ Lapsed _____

Has applicant's license ever been suspended or revoked? _____

If so, for what reason? _____

Derogatory information, if any _____

Comments, if any _____

(Board Seal)

Signed _____

Title _____

REIN

PLEASE COMPLETE THIS FORM AND MAIL IT TO:

DISCIPLINARY INQUIRIES
Federation of State Medical Boards
2630 West Freeway - Suite 138
Fort Worth, Texas 76102-7199

The VIRGINIA BOARD OF MEDICINE requests a disciplinary search concerning the following physician:

Name _____

Street Address _____

City, State and ZIP Code _____

Date of Birth _____ Social Security Number _____

Medical School of Graduation and Branch location _____

Date of Graduation _____

Physician's Signature _____

PLEASE NOTE: THERE IS NO CHARGE TO THE PHYSICIAN FOR THIS SERVICE

The Federation will mail the results to the following address:

VIRGINIA BOARD OF MEDICINE
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

ATTENTION: Discipline Section

LICENSE REGISTRATION

CERTIFICATE NUMBER _____ DATE DECLARED REGISTERED _____
FOR OFFICE USE ONLY

When my Virginia License is issued I would like to have my Certificate of Registration engrossed with my name as follows:

PLEASE PRINT LEGIBLY or TYPE

NAME: _____

Upon issuance of license a wall certificate will be mailed as soon as engrossing is complete. Certificates of Registration are renewable bi-annually, every even year on your birth month. The renewal fee is \$80.00. Renewal notices are mailed sixty (60) days prior to the last day of your birth month to the address on record in this office.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH REGULATORY BOARDS

BOARD OF MEDICINE
1601 Rolling Hills Drive
Richmond, VA 23229-5005

HRB-30-034
Revised: 06-08-88

AMERICAN

INSTRUCTIONS FOR COMPLETING NATIONAL BOARD'S ENDORSEMENT APPLICATION

Completed application should be returned to this office along with the statutory licensure fee of \$250.00, made payable to the Treasurer of Virginia, by **CERTIFIED CHECK** or **MONEY ORDER**. **PERSONAL CHECKS WILL BE RETURNED.**

FEES SENT BEFORE THE RECEIPT OF AN APPLICATION WILL BE RETURNED.

APPLICATIONS SENT WITHOUT THE FEE WILL BE RETURNED.

1. Send enclosed card to the National Board of Medical Examiners.
2. Forward the entire application to your professional school of graduation for certification of your professional degree (bottom, page 4). You may, a) attach your **CERTIFIED CHECK** or **MONEY ORDER** to the application and forward to your school for completion and have them send directly to the Board of Medicine, or, b) you may forward the application to your school for completion of the education section and have them return the application to you to attach the **CERTIFIED CHECK** or **MONEY ORDER** and send to the Board of Medicine.
3. Provide this office with a transcript of grades from your professional school. We will accept an unofficial copy.
4. Forward form #B (Hospital/employment questionnaire) to each place of training and/or employment that you have listed on the chronological page of your application. All professional activities since graduation from your professional school, or for the past ten years, must be included. **PLEASE NOTE THAT YOUR SIGNATURE MUST BE ON THE REVERSE SIDE OF EACH HOSPITAL/EMPLOYMENT QUESTIONNAIRE.**
5. Follow instructions as directed on form #C (State questionnaire). **FORMS #B AND #C MAY BE XEROXED FOR YOUR CONVENIENCE.**
6. Complete form #D (AMA/AOA Profile) where designated, and forward as directed.
7. Complete form #E (Disciplinary Inquiries) where designated, and forward as directed.
8. All candidates must have one year of approved post-graduate training in the United States or Canada. If your training was completed over ten years ago, submit a copy of certificate of internship or residency.
9. If you have been discharged from the United States Military Service within the past ten years, submit a photostatic notarized copy of your discharge papers.

If a candidate withdraws after the application has been submitted, a processing fee will be retained by the Board.

YOUR APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL ALL OF THE REQUIRED INFORMATION IS RECEIVED. ADDITIONAL INFORMATION MAY BE REQUESTED.

HRB-30-034
Revised: 06-08-88

AMERICAN

INSTRUCTIONS FOR COMPLETING NATIONAL BOARD'S OSTEOPATHIC EXAMINERS ENDORSEMENT APPLICATION

Completed application should be returned to this office along with the statutory licensure fee of \$250.00, made payable to the Treasurer of Virginia, by **CERTIFIED CHECK** or **MONEY ORDER**. **PERSONAL CHECKS WILL BE RETURNED.**

FEES SENT BEFORE THE RECEIPT OF AN APPLICATION WILL BE RETURNED.

APPLICATIONS SENT WITHOUT THE FEE WILL BE RETURNED.

1. Request transcript of scores from the National Board of Osteopathic Examiners.
2. Forward the entire application to your professional school of graduation for certification of your professional degree (bottom, page 4). You may, a) attach your **CERTIFIED CHECK** or **MONEY ORDER** to the application and forward to your school for completion and have them send directly to the Board of Medicine, or, b) you may forward the application to your school for completion of the education section and have them return the application to you to attach the **CERTIFIED CHECK** or **MONEY ORDER** and send to the Board of Medicine.
3. Provide this office with a transcript of grades from your professional school. We will accept an unofficial copy.
4. Forward form #B (Hospital/employment questionnaire) to each place of training and/or employment that you have listed on the chronological page of your application. All professional activities since graduation from your professional school, or for the past ten years, must be included. **PLEASE NOTE THAT YOUR SIGNATURE MUST BE ON THE REVERSE SIDE OF EACH HOSPITAL/EMPLOYMENT QUESTIONNAIRE.**
5. Follow instruction as directed on form #C (State questionnaire). **FORMS #B AND #C MAY BE XEROXED FOR YOUR CONVENIENCE.**
6. Complete form #D (AMA/AOA Profile) where designated, and forward as directed.
7. Complete form #E (Disciplinary Inquiries) where designated, and forward as directed.
8. All candidates must have one year of approved post-graduate training in the United States or Canada. If your training was completed over ten years ago, submit a copy of certificate of internship or residency.
9. If you have been discharged from the United States Military Service within the past ten years, submit a photostatic notarized copy of your discharge papers.

If a candidate withdraws after the application has been submitted, a processing fee will be retained by the Board.

YOUR APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL ALL OF THE REQUIRED INFORMATION IS RECEIVED. ADDITIONAL INFORMATION MAY BE REQUESTED.

HRB-30-034
Revised: 06-08-88

AMERICAN

INSTRUCTIONS FOR COMPLETING LMCC ENDORSEMENT APPLICATION

Completed application should be returned to this office along with the statutory licensure fee of \$250.00, made payable to the Treasurer of Virginia, by **CERTIFIED CHECK** or **MONEY ORDER**. **PERSONAL CHECKS WILL BE RETURNED.**

FEES SENT BEFORE THE RECEIPT OF AN APPLICATION WILL BE RETURNED.

APPLICATIONS SENT WITHOUT THE FEE WILL BE RETURNED.

1. Request the Medical Council of Canada to send your examination scores.
2. Forward the entire application to your professional school of graduation for certification of your professional degree (bottom, page 4). You may, a) attach your **CERTIFIED CHECK** or **MONEY ORDER** to the application and forward to your school for completion and have them send directly to the Board of Medicine, or, b) you may forward the application to your school for completion of the education section and have them return the application to you to attach the **CERTIFIED CHECK** or **MONEY ORDER** and send to the Board of Medicine.
3. Provide this office with a transcript of grades from your professional school. We will accept an unofficial copy.
4. Forward form #B (Hospital/employment questionnaire) to each place of training and/or employment that you have listed on the chronological page of your application. All professional activities since graduation from your professional school, or for the past ten years, must be included. **PLEASE NOTE THAT YOUR SIGNATURE MUST BE ON THE REVERSE SIDE OF EACH HOSPITAL/EMPLOYMENT QUESTIONNAIRE.**
5. Follow instructions as directed on form #C (State questionnaire). **FORMS #B AND #C MAY BE XEROXED FOR YOUR CONVENIENCE.**
6. Complete form #D (AMA/AOA Profile) where designated, and forward as directed.
7. Complete form #E (Disciplinary Inquiries) where designated, and forward as directed.
8. All candidates must have one year of approved post-graduate training in the United States or Canada. If your training was completed over ten years ago, submit a copy of certificate of internship or residency.
9. If you have been discharged from the United States Military Service within the past ten years, submit a photostatic notarized copy of your discharge papers.

If a candidate withdraws after the application has been submitted, a processing fee will be retained by the Board.

YOUR APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL ALL OF THE REQUIRED INFORMATION IS RECEIVED. ADDITIONAL INFORMATION MAY BE REQUESTED.

HRB-30-034
Revised: 05/11/88

INSTRUCTIONS FOR COMPLETING LMCC ENDORSEMENT APPLICATION

FOREIGN GRADUATE APPLICANTS

Completed application should be returned to this office along with the statutory licensure fee of \$250.00, made payable to the Treasurer of Virginia, by **CERTIFIED CHECK** or **MONEY ORDER**. **PERSONAL CHECKS WILL BE RETURNED.**

FEES SENT BEFORE THE RECEIPT OF AN APPLICATION WILL BE RETURNED.

APPLICATIONS SENT WITHOUT THE FEE WILL BE RETURNED.

- 1) Request the Medical Council of Canada to send your examination scores.
- 2) Submit a notarized copy of your professional school diploma with the English translation, along with a transcript of grades from your professional school. **DO NOT SEND MEDICAL EDUCATION SECTION OF APPLICATION TO YOUR MEDICAL SCHOOL.**
- 3) Forward form #C to the ECFMG office as directed.
- 4) Forward form #B (Hospital/employment questionnaire) to each place of training and/or employment that you have listed on the chronological page of your application. All professional activities since graduation from your professional school, or for the past ten years, must be included. **PLEASE NOTE THAT YOUR SIGNATURE MUST BE ON THE REVERSE SIDE OF EACH HOSPITAL/EMPLOYMENT QUESTIONNAIRE.**
- 5) Follow instructions as directed on form #C (State questionnaire). **FORMS #B AND #C MAY BE XEROXED FOR YOUR CONVENIENCE.**
- 6) Complete form #D (AMA/AOA Profile) where designated, and forward as directed.
- 7) Complete form #E (Disciplinary Inquiries) where designated, and forward as directed.

NOTE: AS OF JULY 1, 1988:

- 8) All candidates must have three (3) years of approved postgraduate training in the United States or Canada. The Board may, in its discretion, consider other postgraduate training as a substitute for up to two of the three years of the required postgraduate training if it finds that such training is substantially equivalent to that required by this section. If your training was completed over ten years ago, submit a copy of a certificate of internship or residency.
- 9) If you have been discharged from the United States Military Service within the past ten years, submit a photostatic notarized copy of your discharge papers.

(Over)

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ADDITIONAL INFORMATION MAY BE REQUIRED

HRB-30-034

Revised: 06-08-88

AMERICAN

INSTRUCTIONS FOR COMPLETING FLEX ENDORSEMENT APPLICATION

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FEES SENT BEFORE THE RECEIPT OF AN APPLICATION WILL BE RETURNED.

APPLICATIONS SENT WITHOUT THE FEE WILL BE RETURNED.

1. Send enclosed card to the Federation of State Medical Boards.
2. Forward the entire application to your professional school of graduation for certification of your professional degree (bottom, page 4). You may, a) attach your CERTIFIED CHECK or MONEY ORDER to the application and forward to your school for completion and have them send directly to the Board of Medicine, or, b) you may forward the application to your school for completion of the education section and have them return the application to you to attach the CERTIFIED CHECK or MONEY ORDER and send to the Board of Medicine.
3. Provide this office with a transcript of grades from your professional school. We will accept an unofficial copy.
4. Forward form #B (Hospital/employment questionnaire) to each place of training and/or employment that you have listed on the chronological page of your application. All professional activities since graduation from professional school, or for the past ten years, must be included. PLEASE NOTE THAT YOUR SIGNATURE MUST BE ON THE REVERSE SIDE OF EACH HOSPITAL/EMPLOYMENT QUESTIONNAIRE.
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6. Complete form #D (AMA/ACA Profile) where designated, and forward as directed.
7. Complete form #E (Disciplinary Inquiries) where designated, and forward as directed.
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HRB-30-034
Revised: 05/11/88

INSTRUCTIONS FOR COMPLETING OTHER BOARDS ENDORSEMENT APPLICATION

FOREIGN GRADUATE APPLICANTS

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APPLICATIONS SENT WITHOUT THE FEE WILL BE RETURNED.

- 1) Send form #F to the original state board in which you took the examination.
- 2) Submit a notarized copy of your professional school diploma with the English translation, along with a transcript of grades from your professional school. DO NOT SEND MEDICAL EDUCATION SECTION OF APPLICATION TO YOUR MEDICAL SCHOOL.
- 3) Forward form #G to the ECFMG office as directed.
- 4) Forward form #B (Hospital/employment questionnaire) to each place of training and/or employment that you have listed on the chronological page of your application. All professional activities since graduation from your professional school, or for the past ten years, must be included. PLEASE NOTE THAT YOUR SIGNATURE MUST BE ON THE REVERSE SIDE OF EACH HOSPITAL/EMPLOYMENT QUESTIONNAIRE.
- 5) Follow instructions as directed on form #C (State questionnaire).

FORMS #B AND #C MAY BE XEROXED FOR YOUR CONVENIENCE.

- 6) Complete form #D (AMA/AOA Profile) where designated, and forward as directed.
- 7) Complete form #E (Disiplinary Inquiries) where designated, and forward as directed.

NOTE: AS OF JULY 1, 1988:

- 8) All candidates must have three (3) years of approved postgraduate training in the United States or Canada. The Board may, in its discretion, consider other postgraduate training as a substitute for up to two of the three years of the required postgraduate training if it finds that such training is substantially equivalent to that required by this section. If your training was completed over ten years ago, submit a copy of a certificate of internship or residency.
- 9) If you have been discharged from the United States Military Service within the past ten years, submit a photostatic notarized copy of your discharge papers. If a candidate withdraws after the application has been submitted, a processing fee will be retained by the Board.

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ADDITIONAL INFORMATION MAY BE REQUESTED

HRB-30-034
Revised: 05/11/88

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- 9) If you have been discharged from the United States Military Service within the past ten years, submit a photostatic notarized copy of your discharge papers. If a candidate withdraws after the application has been submitted, a processing fee will be retained by the Board.

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ADDITIONAL INFORMATION MAY BE REQUESTED

SPECIAL NOTICE

This is to advise you of the statutory requirements for license of graduates of foreign medical schools will change effective July 1, 1988. The new law requires:

Code of Virginia (1950) Section 54-305.4
Requirements for Admission to Examination

In determining whether such course of study and institution are acceptable to it, the Board may consider the reputation of the institution and whether it is approved or accredited by regional or national educational or professional associations including but not limited to such organizations as the Accreditation Council of Graduate Medical Education or other official accrediting body recognized by the American Medical Association, by the Committee for the Accreditation of Canadian Medical Schools or their appropriate subsidiary agencies, by any appropriate agency of the United States government, or by any other organization approved by the Board. Supervised Clinical Training which is received in the United States as part of the curriculum of a foreign medical school shall be obtained in an approved hospital, institution or school of medicine offering an approved residency program in the specialty area for the relevant clinical training. The Board may also consider any other factors that reflect whether that institution and its course of instruction provide training sufficient to prepare practitioners to practice their branch of the healing arts with competency and safety in the Commonwealth.

Code of Virginia (1950) Section 54-306.3
Supplemental Training or Study Required of Certain Graduates

In the event that a candidate has completed an educational course of study in an institution that is not approved by an accrediting agency recognized by the Board, the candidate shall not be admitted to any examination given by the Board until he has completed three years of satisfactory postgraduate training in a hospital approved by an accrediting agency recognized by the Board for internship or residency training. The Board may, in its discretion, consider other postgraduate training as a substitute for up to two of the three years of the required postgraduate training if it finds that such training is substantially equivalent to that required by this section.

#G

END

EXAM _____

EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL GRADUATES
3624 Market Street
Philadelphia, PA 19104

Please certify that the following applicant for licensure in Virginia has a Standard ECFMG Certificate.

(Name of Applicant) ECFMG # _____

APPLICANTS DO NOT COMPLETE BELOW - - - FOR ECFMG USE ONLY

This is to certify that _____
(Full Name of Applicant)

was granted the Commission for Foreign Medical Graduates Standard Certificate

Number _____ on the _____ day of _____, 19 _____

This certificate is:

1. _____ Valid Indefinitely
2. _____ Under Investigation
3. _____ Recertified (Date)
4. _____ Other (Explain)

Signature _____
Executive Director

Date _____

Please return directly to:

Virginia State Board of Medicine
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

(Seal of ECFMG)

HRB-30-034
Revised: 06-08-88

AMERICAN

INSTRUCTIONS FOR COMPLETING OTHER BOARDS ENDORSEMENT APPLICATION

Completed application should be returned to this office along with the statutory licensure fee of \$250.00, made payable to the Treasurer of Virginia, by **CERTIFIED CHECK** or **MONEY ORDER**. **PERSONAL CHECKS WILL BE RETURNED.**

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APPLICATIONS SENT WITHOUT THE FEE WILL BE RETURNED.

1. Send form #F to the original state board in which you took the examination.
2. Forward the entire application to your professional school of graduation for certification of your professional degree (bottom, page 4). You may, a) attach your **CERTIFIED CHECK** or **MONEY ORDER** to the application and forward to your school for completion and have them send directly to the Board of Medicine, or, b) you may forward the application to your school for completion of the education section and have them return the application to you to attach the **CERTIFIED CHECK** or **MONEY ORDER** and send to the Board of Medicine.
3. Provide this office with a transcript of grades from your professional school. We will accept an unofficial copy.
4. Forward form #B (Hospital/employment questionnaire) to each place of training and/or employment that you have listed on the chronological page of your application. All professional activities since graduation from your professional school, or for the past ten years, must be included. **PLEASE NOTE THAT YOUR SIGNATURE MUST BE ON THE REVERSE SIDE OF EACH HOSPITAL/EMPLOYMENT QUESTIONNAIRE.**
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#F

COMMONWEALTH of VIRGINIA

*Department of Health Regulatory Boards
Board of Medicine*

BERNARD L. HENDERSON, JR.
DIRECTOR

HILARY H. CONNOR, M.D.
EXECUTIVE DIRECTOR

EUGENIA K. DORSON
BOARD ADMINISTRATOR

1601 ROLLING HILLS DRIVE
RICHMOND, VIRGINIA 23278-5005
(804) 682-9908

CERTIFICATE OF SECRETARY OF STATE BOARD ISSUING ORIGINAL LICENSE

I, _____, Secretary of the _____

State Board of Medical/Osteopathic Examiners, certify that _____

was granted certificate No. _____ to practice medicine/osteopathy in the State of _____

on the _____ day of _____ 19____ based on a written examination* _____

and that said certificate has never been revoked. (date of examination)

I further certify that the aforesaid _____

in his written examination before this Board, obtained a **GENERAL** average of _____ per cent, in the following branches: List subjects with grades.

BASIC SCIENCES		CLINICAL SCIENCES		CLINICAL COMPETENCE
Subject	Per Cent	Subject	Per Cent	Per Cent
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

FLEX WEIGHTED average _____

Acting on behalf of the _____ State Board of Medical/Osteopathic

Examiners, I hereby certify to the reputability of Dr. _____

of _____, based on the records, and recommend him to the

Virginia State Board of Medicine as a fit and proper person to receive a certificate to practice Medicine and

Surgery in Virginia.

(Seal of Board) _____ (Secretary)

Place _____ Date _____ 19____

*Endorsement based on our requirements at date of Examination.

HRB-30-057
10-15-84

COMMONWEALTH of VIRGINIA

*Department of Health Regulatory Boards
Board of Medicine
517 West Grace Street
Post Office Box 27708
Richmond, Virginia 23261*

EXAM _____
END DPM

**APPLICATION
FOR A
CERTIFICATE
TO PRACTICE
PODIATRY**

SECURELY PASTE A PASSPORT-TYPE
PHOTOGRAPH NOT LESS THAN
2 1/2" x 2 1/2" IN THIS SPACE

PLEASE SIGN PHOTO

TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR A CERTIFICATE TO PRACTICE
PODIATRY AND SURGERY IN THE STATE OF VIRGINIA AND SUBMIT THE
FOLLOWING STATEMENTS:

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(LAST)		(FIRST)		(MIDDLE/MAIDEN)		(GENDER)
(STREET)			(CITY)	(STATE)	(ZIP CODE)	
(DATE OF BIRTH)		(PLACE OF BIRTH)		(SOCIAL SECURITY NUMBER)		
MO	DAY	YR				
(GRADUATION DATE)			(PROF. SCH. DEGREE)		(SCHOOL CITY, STATE)	
MO	DAY	YR				
(SPECIALTIES)					(FOREIGN GRADS ONLY) ECFMG CERT. NO.	
DIPLOMATE	DIPLOMATE	DIPLOMATE	SPEC.	SPEC.	SPEC.	

*ATTACH COPY OF AMERICAN BOARD CERTIFICATE

APPLICANTS DO NOT USE SPACES BELOW THIS LINE — FOR OFFICE USE ONLY

APPROVED BY: _____

(CLASS)	(LICENSE NO.)	(SUFFIX)	(SCH. CODE)	(FEE)	(HOW REG.)	(BASE STATE)
0103						
(LICENSE NO.)		(EXPIRATION DATE)			(DATE ISSUED)	

(ADDRESS CHANGE)			
(STREET)	(CITY)	(STATE)	(ZIP CODE)

*PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY!

*PLEASE ATTACH CERTIFIED CHECK OR MONEY ORDER, APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. DO NOT SUBMIT FEE WITHOUT AN APPLICATION. IT WILL BE RETURNED.

Please print full name _____
(FIRST) (MIDDLE) (LAST)

PAGE 2

2. List in chronological order all professional activities since graduation, including internships, hospital affiliations and absences from work. Also list all periods of non-professional activity or employment for more than three months. Please account for all time. If engaged in private practice, list hospital affiliations. If none, please explain.

FROM	TO	LOCATION AND COMPLETE ADDRESS	POSITION HELD
------	----	-------------------------------	---------------

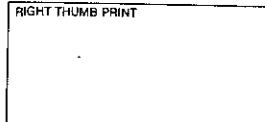
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_____	_____	_____	_____

16. AFFIDAVIT OF APPLICANT:

I, _____, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice podiatry and surgery in the state of Virginia.



IF RIGHT THUMB IS MISSING, USE LEFT AND SO INDICATE.

SIGNATURE OF APPLICANT

*** — THIS MUST BE NOTARIZED — ***

NOTARY: City/County of _____ State of _____ Subscribed and Sworn to before me this _____ day of _____ 19____

My Commission Expires _____ NOTARY PUBLIC

NOTARY SEAL

CERTIFICATE OF PODIATRY EDUCATION

It is hereby certified that _____ of _____ matriculated in _____ at _____ date _____ attended _____ courses of lectures of _____ months each, and received a diploma from _____ conferring the degree of _____

DATE

SCHOOL SEAL

(PRESIDENT, SECRETARY or DEAN)

FOREIGN MEDICAL GRADUATES — Attach a notarized copy of your diploma and transcript of grades from medical school, with an ENGLISH translation.

ALL QUESTIONS MUST BE ANSWERED. If any of the following questions is answered YES, explain and substantiate with available documentation. Letters must be submitted by your attorney regarding malpractice suits. Letters must be submitted by any treating professionals regarding treatment. These shall include diagnosis, treatment, and prognosis.

3. I hereby certify that I studied Podiatry and received the degree of _____ on _____ (DATE) from _____ (SCHOOL)

4. Do you intend to engage in the active practice of podiatry in the Commonwealth of Virginia? _____. If YES, give location _____

5. List all states in which you have been issued a license to practice podiatry and surgery, active or inactive. Indicate number and date issued. _____

6. Have you ever been denied the privilege of taking a podiatry licensing examination? Yes No

7. Have you ever been denied a certificate or the privilege of taking an examination before any state, territory, or country licensing board? Yes No

8. Are you a diplomate of the National Board of Podiatry Examiners? Yes No Are you Board eligible in a subspecialty? _____. Are you Board Certified? _____. (Attach copy)

9. Have you ever been convicted of a violation of/or Pled Nolo Contendere to any Federal, State, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence) Yes No

10. Have you ever been censured, warned, or requested to withdraw from any licensed hospital staff, nursing home, or other health care facility? Yes No

11. Have you ever had any of the following disciplinary actions taken against your license to practice podiatry, DEA, or state controlled registration, or any such actions pending? (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) have your practice monitored (e) limitation placed on scheduled drugs. If YES, please send complete details. Yes No

12. Have you ever had any membership in a state or local professional society revoked, suspended, or withdrawn? Yes No

13. Have you had any malpractice suits brought against you in the last ten years? If so, how many, and provide a letter from your attorney explaining each case. Yes No

14. Have you ever been physically or emotionally dependent upon the use of alcohol/drugs or treated by, consulted with, or been under the care of a professional for substance abuse? If so, please provide a letter from the treating professional. Yes No

15. Have you ever received treatment for/or been hospitalized for a nervous, emotional or mental disorder? If so, please provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. Yes No

(a) Do you have a serious physical disease or diagnosis which could affect your performance of professional duties? If so, please provide a letter from the treating professional. Yes No

(b) Have you ever been adjudged mentally incompetent or been voluntarily or involuntarily committed to a mental institution? Please provide details. Yes No

HRB-30-034
Revised: 06-08-88

AMERICAN

INSTRUCTIONS FOR COMPLETING OTHER BOARDS ENDORSEMENT APPLICATION

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YOUR APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL ALL OF THE REQUIRED INFORMATION IS RECEIVED. ADDITIONAL INFORMATION MAY BE REQUESTED.

#C

Dear Sirs:

The podiatrist listed below is applying for a license to practice Podiatry and Surgery in the State of Virginia. The board of medicine requires that this form be completed by each jurisdiction in which he/she holds or has held license. Please complete the form and return it to the address below. Thank you.

NAME _____

LICENSE _____

Commonwealth of Virginia
Dept. of Health Regulatory Boards
Board of Medicine
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

State of _____

Name of Licensee _____

Graduate of _____

License No. _____ Issued effective _____

By reciprocity/endorsement _____ by examination _____

License is current _____ lapsed _____

Has the applicant's license ever been suspended or revoked? _____

If so, for what reason? _____

Derogatory information, if any _____

Comments, if any _____

Signed _____

Title _____

(BOARD SEAL)

State Board _____

Virginia State Board of Medicine
 1601 Rolling Hills Drive
 Richmond, Virginia 23229-5005

APPLICATION FOR CERTIFICATION TO PRACTICE ACUPUNCTURE
 IN VIRGINIA

1. PRINT FULL NAME: (Please type or print)

(LAST) (FIRST) (MIDDLE)

(ADDRESS)

(CITY) (STATE) (ZIP CODE)

2. Documentation of One Hundred (100) hours of Acupuncture training approved by the Virginia State Board of Medicine must accompany this application. Attached notarized photostatic copy of certifications. If certifications are not in the English language, official translation must accompany same.

Acupuncture School/s

INSTITUTION	LOCATION	COMPLETION DATE	# OF HOURS

3. Do you hold an acupuncture license in another State/s. Please list.

STATE LICENSE #

DATE ISSUED

4. a. Have you ever been refused a license to practice Acupuncture?
 YES
 NO

b. If licensed to practice Acupuncture, has license ever been revoked?
 YES
 NO

(If yes to the above questions, explain on a separate sheet)

ACUPUNCTURE EXPERIENCE
 (List Chronologically)

5. Original verification of all acupuncture practice, with English translations if necessary, should be submitted with this application.

DATE		Name & Location of Inst.	Description
FROM	TO		

Under penalties of perjury, I declare and affirm that the statements made in the foregoing application, including accompanying statements and transcripts are true, complete and correct. I understand that any false or misleading information in, or in connection with my application may be cause of denial or loss of license.

TO BE COMPLETED BY THE STATE BOARD OF MEDICINE

APPROVED BY

DATE

LICENSE NUMBER DATE ISSUED

DO NOT SEPARATE INSTRUCTIONS FROM APPLICATION UNTIL THEY HAVE

HRB-30-061
REV. 3/3/87

BEEN REVIEWED BY THE APPLICANT

REQUIREMENTS AND INSTRUCTIONS FOR AN INTERN/RESIDENT LICENSE

NOTICE: THE INTERN/RESIDENT TEMPORARY LICENSE IS VALID ONLY WITHIN THE LEGALLY ESTABLISHED AND LICENSED HOSPITALS OPERATING UNDER AN APPROVED GRADUATE MEDICAL EDUCATION PROGRAM FOR WHICH IT WAS INTENDED.

An intern/resident training license may be issued to a practitioner who is to participate in a recognized, fully-accredited graduate professional clinical training program which is reportable to the appropriate credentialing body or other agencies concerned with the certification of graduate health practitioner education and training.

Applicants should apply for an intern/resident training license immediately after notification of appointment for graduate professional clinical training. All requirements must be complete and license issued prior to beginning training.

PLEASE SUBMIT THE FOLLOWING TO:

Virginia State Board of Medicine
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

1. Completed application. (Copies are NOT acceptable)
2. Fee of \$10.00. (Made payable to the "Treasurer of Virginia")
3. Pursuant to Section 54-311.3 (See enclosed Code Section), have residency program director of the approved internship or residency program complete the enclosed form (#A) to certify the beginning and ending dates of training, and to note that character reference letters are on file in the program director's office.
4. Proof of professional education must be verified on the enclosed professional education form (#B) by the dean of your medical school, with the school seal affixed. (Foreign graduates must submit a notarized copy of their professional school diploma with an English translation.)
5. Foreign graduates must also direct the enclosed ECFMG form (#C) to the ECFMG office for completion and return to the Virginia State Board of Medicine. (A notarized copy of your ECFMG certificate will be accepted pending receipt of the official ECFMG certification.)

Upon completion and approval of the intern/resident temporary license application, a computerized certificate will be issued and sent to each applicant.

HRB-30-061
4-25-86

COMMONWEALTH of VIRGINIA

Department of Health Regulatory Boards

Board of Medicine
1601 Rolling Hill Drive
Richmond, Virginia 23229-5005

APPLICATION
FOR A
TEMPORARY LICENSE FOR
INTERN/RESIDENT
TRAINING PROGRAM

SECURELY PASTE A PASSPORT-TYPE
PHOTOGRAPH APPROXIMATELY
2 1/2" x 2 1/2" IN THIS SPACE

PLEASE SIGN PHOTO

TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR A TEMPORARY LICENSE TO PRACTICE IN AN INTERN/RESIDENT TRAINING PROGRAM IN THE STATE OF VIRGINIA AND SUBMIT THE FOLLOWING STATEMENTS:

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(LAST)	(FIRST)	(MIDDLE/MAIDEN)	(GENERATION)
(STREET)	(CITY)	(STATE)	(ZIP CODE)
(DATE OF BIRTH)	(PLACE OF BIRTH)	(SOCIAL SECURITY NUMBER)	
(GRADUATION DATE)	(PROF. SCH. DEGREE)	(SCHOOL CITY, STATE)	(ECFMG CERT. NO.)

APPLICANTS DO NOT USE SPACES BELOW THIS LINE — FOR OFFICE USE ONLY

APPROVED BY: _____ DATE _____

(CLASS)	(TEMPORARY NUMBER)	(SUFFIX)	(SCH. CODE)	(FEE)	(HOW REG.)	(BASE STATE)
(EXPIRATION DATE)			(DATE ISSUED)			

(ADDRESS CHANGE)

(STREET)	(CITY)	(STATE)	(ZIP CODE)
----------	--------	---------	------------

*PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY!

*PLEASE ATTACH PERSONAL CHECK OR MONEY ORDER. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. DO NOT SUBMIT FEE WITHOUT AN APPLICATION, OR THE FEE WILL BE RETURNED.

PROFESSIONAL TRAINING AND EXPERIENCE

List in chronological order all professional training and experience since graduation, including internships, hospital affiliations and absences from work. Also list all periods of non-professional activity or employment for more than three months, and indicate the hospital where you are scheduled to begin your intern/resident training program. Please account for all time. If engaged in private practice, list hospital affiliations. If none, please explain.

FromTo Month, Day, Year	Name and Location of Institution, Place of Practice, or Other	Degree or Certificate and Date Received, or Nature of Experience or Specialty
FromTo Month, Day, Year	Name and Location of Training Program in Virginia	

PERSONAL DATA

ALL QUESTIONS MUST BE ANSWERED. If any of the following questions are answered YES, explain and substantiate with available documentation. Letters must be submitted by your attorney regarding malpractice suits. Letters must be submitted by any treating professionals regarding treatment. These shall include diagnosis, treatment, and prognosis.

1. List all states in which you have been issued a license to practice medicine, osteopathic medicine, podiatric medicine, chiropractic or clinical psychology, active or inactive. Indicate number and date issued.

2. Have you ever had a license to practice revoked or suspended?

	YES	NO
--	-----	----
3. Have you ever been denied a certificate or the privilege of taking an examination before any state, territory, or country licensing board/agency?

	YES	NO
--	-----	----
4. Have you ever been called before any state board for interrogation concerning any violation of the laws or rules pertaining to the profession for which you are applying or for unethical conduct?

	YES	NO
--	-----	----
5. Have you ever been censured, warned, or requested to withdraw from any licensed hospital staff, nursing home, or other health care facility?

	YES	NO
--	-----	----
6. Have you ever been convicted of a violation of/or Pled Nolo Contendere to any Federal, State, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except convictions for driving under the influence)

	YES	NO
--	-----	----
7. Have you ever been convicted of a violation of any state or federal Controlled Substance Act, or any drug or narcotic law?

	YES	NO
--	-----	----
8. Have you ever been addicted to or treated for addiction to any controlled substance/non-controlled substance?

	YES	NO
--	-----	----
9. Have you ever received psychiatric treatment or received treatment for a mental illness?

	YES	NO
--	-----	----
10. Have you ever engaged in the excessive use of alcohol or received treatment for alcoholism?

	YES	NO
--	-----	----
11. Are you presently suffering from any disability or illness which could affect your ability to safely practice medicine?

	YES	NO
--	-----	----
12. List all malpractice actions that have been filed against you, including the nature of the case, date and address of court where it is filed, and case status. Provide a letter from your attorney explaining each case. If none, please indicate.

AFFIDAVIT OF APPLICANT:

I, _____, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents. I hereby authorize all hospitals, institutions, or organizations, my references, personal physi-

icians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine (any information), files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I understand upon recommendation by the Chief/director of the graduate training program that the Board may issue a temporary annual license to participate in an approved internship or residency training program that such temporary license shall expire upon my withdrawal or termination from such internship or residency program. As an intern or resident holding a temporary license, I may only be employed in a legally established and licensed hospital or other organizations operating an approved graduate medical/professional education program and I shall be confined to those persons who are patients within the hospital, other organizations, or outpatient departments operating an approved graduate medical/professional internship or residency program.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice the healing arts in the state of Virginia.

SIGNATURE OF APPLICANT

*** —THIS MUST BE NOTARIZED— ***

NOTARY: City/County of _____ State of _____ Subscribed

and Sworn to before me this _____ day of _____ 19 _____

My Commission Expires _____ NOTARY PUBLIC _____

NOTARY SEAL



COMMONWEALTH of VIRGINIA
Department of Health Regulatory Boards
Board of Medicine

BERNARD L. HENDERSON, JR.
DIRECTOR

MELARY H. CONNOR, M.D.
EXECUTIVE DIRECTOR

EUGENIA K. DORSON
BOARD ADMINISTRATOR

1601 ROLLING HILLS DRIVE
RICHMOND, VIRGINIA 23229-5005
(804) 682-3908

TO: Eugenia K. Dorson, Board Administrator
Virginia State Board of Medicine

FROM: Associate Dean for Graduate Medical Education

Name of Training Institute - _____

Attention - _____

Complete Mailing Address - _____

Telephone Number - _____

This is to certify that _____ is/will be enrolled
(Name of Intern/Resident)

in _____ at _____
(Specialty) (Name of Training Facility in Virginia)

_____ from _____ with an expected
(Complete Mailing Address) (mo/day/yr)

date of completion of _____ Dr. _____ is a graduate of
(mo/day/yr) (Name of Intern/Resident)

(Med Schl) _____ We have character reference letters on
file for him/her in the program office.

ASSOCIATE DEAN FOR GRADUATE MEDICAL EDUCATION
(Please Print or Type)

SIGNATURE

#B



COMMONWEALTH of VIRGINIA

Department of Health Regulatory Boards
Board of Medicine

BERNARD L. HEMMERSDN, JR.
DIRECTOR
HILARY H. CONNOR, M.D.
EXECUTIVE DIRECTOR
EUGENIA K. DORSON
BOARD ADMINISTRATOR

1601 ROLLING HILLS DRIVE
RICHMOND, VIRGINIA 23229-5005
(804) 652-9908

CERTIFICATE OF PROFESSIONAL EDUCATION

It is hereby certified that _____ of _____
matriculated in _____ at _____ date _____
attended _____ courses of lectures of _____ months each,
and received a diploma from _____ conferring the degree of _____
DATE

SCHOOL SEAL

(PRESIDENT, SECRETARY or DEAN)

Please return to: Virginia State Board of Medicine
1601 Rolling Hills Drive
Richmond, VA 23229-5005

#C

EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL GRADUATES
3624 Market Street
Philadelphia, PA 19104

Please certify that the following applicant for licensure in Virginia
has a Standard ECFMG Certificate.

(Name of Applicant) _____ ECFMG # _____

Applicants Do Not Complete Below - - - For ECFMG Use Only

This is to certify that _____
(Name of applicant in full)
was granted the Commission for Foreign Medical Graduates Standard Certificate
Number _____ on the _____ day of _____, 19 _____

This certificate is:

- 1. _____ Valid Indefinitely
2. _____ Under Investigation
3. _____ Recertified (Date)
4. _____ Other (Explain)

Signature

Ray L. Casterline, M.D.,
Executive Director

Date

Please return directly to:

Virginia State Board of Medicine
1601 Rolling Hills Dr.
Richmond, VA 23229-5005

(SEAL OF ECFMG)



COMMONWEALTH of VIRGINIA

Department of Health Regulatory Boards
Board of Medicine

BERNARD L. HENDERSON, JR.
DIRECTOR

HILARY H. CONNOR, M.D.
EXECUTIVE DIRECTOR

EUGENIA K. DORSCH
BOARD ADMINISTRATOR

1601 ROLLING HILLS DRIVE
RICHMOND, VIRGINIA 23228-5005
(804) 582-9908

APPLICATION FOR TEMPORARY PERMIT TO
PRACTICE MEDICINE IN CONJUNCTION WITH
A SUMMER CAMP OR RECREATIONAL ACTIVITIES

PLEASE COMPLETE AND RETURN WITH THE REQUIRED FEE OF \$20.00.

NAME IN FULL (PLEASE PRINT) _____
(FIRST) (MIDDLE) (LAST)

PROFESSIONAL ADDRESS _____
(NUMBER & STREET) (CITY) (STATE) (ZIP)

NAME AND ADDRESS OF THE SUMMER CAMP OR RECREATIONAL ACTIVITY IN VIRGINIA

THE LENGTH OF TIME AND DATES YOU WILL BE PARTICIPATING IN THE SUMMER CAMP
(FROM) (TO)

(TEMPORARY PERMIT SHALL NOT EXCEED THREE MONTHS)

PLEASE SUBMIT TWO (2) ORIGINAL LETTERS OF RECOMMENDATION FROM PHYSICIANS LIC-
ENSED IN YOUR STATE WHO HAVE KNOWN YOU FOR TWO (2) YEARS OR LONGER AND CAN
ATTEST TO YOUR MORAL CHARACTER AND PROFESSIONAL ABILITY. PLEASE HAVE THEM
INDICATE THEIR OWN CREDENTIALS AND LENGTH OF TIME THAT THEY HAVE KNOWN YOU.

PLEASE SUBMIT THE STATE QUESTIONNAIRE ENCLOSED TO THE STATE BOARD OF MEDICINE
IN WHICH YOU ARE NOW PRACTICING FOR COMPLETION. THE FORM MUST BE RETURNED TO
THE VIRGINIA BOARD OFFICE.

PLEASE NOTE THAT YOUR APPLICATION WILL NOT BE COMPLETE UNTIL ALL OF THE
INFORMATION REQUESTED HAS BEEN RECEIVED. A LETTER WILL BE SENT TO YOU UPON
APPROVAL OF YOUR APPLICATION BY THE SECRETARY OF THE BOARD.

CODE SECTION 54-276.5 (B) AND REGULATION 4.2-6 ARE ENCLOSED FOR YOUR REVIEW.

VIRGINIA STATE BOARD OF MEDICINE
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

APPLICATION FOR LIMITED LICENSE TO PRACTICE MEDICINE AND SURGERY UNDER
SECTION 54-311.1 OF THE MEDICAL PRACTICE ACT OF THE CODE OF VIRGINIA

To The State Board of Medicine of Virginia

I hereby make application and enclose \$125.00 statutory fee for a limited
certificate of licensure to practice Medicine and surgery in the State of Virginia
and submit the following statement concerning my age, character, preliminary and
medical education and practice.

1. Name in Full: (Print) _____
First Middle Last
Citizen of _____

2. Present Address: _____
Present Immigration Status _____

3. Planned Length of Stay in U.S.A.: _____ Months; _____ Years: _____
Permanently; _____

4. Place of Birth: _____ Date of Birth _____ Race _____ Sex _____

5. School of Graduation: _____ Year of Grad: _____

I have spent _____ years in the study of medicine in the institutions named below:

Day,Month,Year	Day,Month,Year	Name of School	Location
FROM _____	TO _____	_____	_____
FROM _____	TO _____	_____	_____
FROM _____	TO _____	_____	_____
FROM _____	TO _____	_____	_____

6. Chronological record of professional activities since graduation. (List all locations
and indicate internship, residences, practice and teaching experience.)

FROM _____	TO _____	At _____
FROM _____	TO _____	At _____
FROM _____	TO _____	At _____
FROM _____	TO _____	At _____
FROM _____	TO _____	At _____

VIRGINIA STATE BOARD OF MEDICINE
 1601 Rolling Hills Drive
 Richmond, Virginia 23229-5005

APPLICATION FOR LIMITED LICENSE TO PRACTICE MEDICINE AND SURGERY UNDER SECTION 54-311.2 OF THE MEDICAL PRACTICE ACT OF THE CODE OF VIRGINIA

To The State Board of Medicine of Virginia

I hereby make application and enclose \$125.00 statutory fee for a limited certificate of licensure to practice Medicine and surgery in the State of Virginia and submit the following statement concerning my age, character, preliminary and medical education and practice.

- Name in Full: (Print) _____
 First _____ Middle _____ Last _____
 Citizen of _____
- Present Address: _____
 Present Immigration Status _____
- Planned Length of Stay in U.S.A.: _____ Months; _____ Years: _____
 Permanently; _____
- Place of Birth: _____ Date of Birth _____ Race _____ Sex _____
- School of Graduation: _____ Year of Grad: _____

I have spent _____ years in the study of medicine in the institutions named below:

Day, Month, Year	Day, Month, Year	Name of School	Location
FROM _____	TO _____	_____	_____
FROM _____	TO _____	_____	_____
FROM _____	TO _____	_____	_____
FROM _____	TO _____	_____	_____
FROM _____	TO _____	_____	_____

6. Chronological record of professional activities since graduation. (List all locations and indicate internship, residences, practice and teaching experience.)

FROM _____	TO _____	At _____
FROM _____	TO _____	At _____
FROM _____	TO _____	At _____
FROM _____	TO _____	At _____
FROM _____	TO _____	At _____

I have received degree of _____ from the _____ College located at _____ on the _____ day of _____ 19 _____

I am the person named in the diploma and am the lawful possessor of same. The photograph attached hereto is a true likeness of myself and was taken within sixty days prior to the date of this application.

(Right Thumb Print) _____ Signed _____ (Name in Full) _____
 Date _____

Affidavit of Applicant _____
 City/County of _____ State of _____ ss.
 In _____ in said City/County on this _____ day of _____ 19 _____ personally appeared before me _____

who, being duly sworn, deposes and says that he had read carefully, and truthfully answered the questions in this application.

(Notary Seal) _____ (Notary Public) _____
 My commission expires _____

CERTIFICATION OF MEDICAL SCHOOL IN VIRGINIA

It is hereby certified that _____ M.D. of _____ is known to this school as a graduate of _____ who has attained prominence in the field of _____ and who will have faculty position of _____ and we hereby request that this doctor be considered for licensure under Section 54-311.1 of the Medical Practice Act of the Code of Virginia.

Signed _____ (Dean)

Date _____ Name of Medical School _____

I have received degree of _____ from the _____ College located at _____ on the _____ day of _____ 19 _____

I am the person named in the diploma and am the lawful possessor of same. The photograph attached hereto is a true likeness of myself and was taken within sixty days prior to the date of this application.

(Right Thumb Print) _____ Signed _____ (Name in Full) _____ Date _____

Affidavit of Applicant _____

City/County of _____ State of _____ ss.

In _____ in said City/County on this _____ day of _____ 19 _____ personally appeared before me _____

who, being duly sworn, deposes and says that he had read carefully, and truthfully answered the questions in this application.

(Notary Seal) _____ (Notary Public) _____ My commission expires _____

CERTIFICATION OF MEDICAL SCHOOL IN VIRGINIA

It is hereby certified that _____ M.D. of _____ is known to this school as a graduate of _____ who has attained prominence in the field of _____ and who will have faculty position of _____ and we hereby request that this doctor be considered for licensure under Section 54-311.1 of the Medical Practice Act of the Code of Virginia.

Signed _____ (Dean)

Date _____ Name of Medical School _____



COMMONWEALTH of VIRGINIA

Department of Health Regulatory Boards

Board of Medicine
1601 Rolling Hills Drive
Scurry Building, Second Floor
Richmond, Virginia 23229-5005
(804) 652-9928

REINSTATEMENT INFORMATION

PLEASE REFER TO ITEMS INDICATED BY CHECK MARK.

THIS WILL ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

- ___ 1. THE RENEWAL FEE OF \$ _____.
- ___ 2. APPLICATION FOR REACTIVATION.
- ___ 3. LETTERS OF RECOMMENDATION FROM:

- ___ 4. HOSPITAL QUESTIONNAIRES FROM:

- ___ 5. STATE QUESTIONNAIRES FROM:

- ___ 6. THE FOLLOWING ITEMS ARE NEEDED TO COMPLETE YOUR APPLICATION.

COMMENT: The responsibility regarding the status of the application lies entirely with the applicant.

Registration Secretary

REG.
REVISED 05/02/88

**INSTRUCTIONS FOR COMPLETING REINSTATEMENT
OF LICENSURE APPLICATION**

Completed application should be returned to this office along with the reinstatement fee of \$ 80.00. Application will not be processed unless the fee is attached. Fees sent before the receipt of an application will be returned. Applications submitted without the application fee will be returned.

Checks should be made payable to the **Treasurer of Virginia**.

TWO ORIGINAL LETTERS OF TESTIMONIAL OF MORAL AND PROFESSIONAL CHARACTER—Please request two physicians of your choice, in your field of practice, who have known you for six months or longer and are licensed in the United States or Canada to submit these current letters directly to the Board office.

BOARD CERTIFICATION—If you are American Board Certified, please indicate your specialty under "diplomat" (1-3) and attach a copy of your certificate.

PLEASE NOTE THAT:

The enclosed hospital questionnaires are to be sent to the hospitals in which you have practiced for the last ten years. You will also receive state questionnaires to be sent to those states in which you have been licensed. Please make the appropriate number of photocopies of these forms as may be needed and return the completed forms to this office. **YOUR APPLICATION WILL NOT BE COMPLETE UNTIL ALL OF THESE FORMS ARE RETURNED TO THIS OFFICE.** PLEASE NOTE that your signature must be on the reverse side of each employment questionnaire. Places of employment outside of the U.S. may be substantiated with notarized documentation.

If you have been discharged from the United States Military Service within the past ten years, please submit a photostatic notarized copy of your discharge papers.

Applications for reinstatement require approximately six to eight weeks to process. Any application not completed after six months will automatically become void. Should the applicant wish to continue after that time, he may be required to resubmit any or all documentation.

ADDITIONAL INFORMATION MAY BE REQUESTED

REINSTATEMENT FEES ARE NOT REFUNDABLE.

COMMONWEALTH of VIRGINIA

Department of Health Regulatory Boards
Board of Medicine
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

**APPLICATION FOR
REINSTATEMENT
OF LICENSURE**

SECURELY PASTE A PASSPORT-TYPE
PHOTOGRAPH NOT LESS THAN
2 1/4" x 2 1/2" IN THIS SPACE

PLEASE SIGN PHOTO

TO THE BOARD OF MEDICINE OF VIRGINIA:
I HEREBY MAKE APPLICATION TO REINSTATE MY LICENSE TO
PRACTICE _____ IN THE STATE
OF VIRGINIA AND SUBMIT THE FOLLOWING STATEMENTS:

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(LAST)	(FIRST)	(MIDDLE/MAIDEN)	(SUFFIX)
(STREET)	(CITY)	(STATE)	(ZIP CODE)
(DATE OF BIRTH) MO. DAY YR.	(PLACE OF BIRTH)	(SOCIAL SECURITY NUMBER)	
(GRADUATION DATE) MO. DAY YR.	(PROF. SCH. DEGREE)	(SCHOOL, CITY, STATE)	
(SPECIALTIES) 1. DIPLOMATE 2. DIPLOMATE 3. DIPLOMATE 4. SPEC. 5. SPEC. 6. SPEC.			(FOREIGN GRADS ONLY) ECFMG CERT. NO.

*ATTACH COPY OF AMERICAN BOARD CERTIFICATE

APPLICANTS DO NOT USE SPACES BELOW THIS LINE — FOR OFFICE USE ONLY

APPROVED BY: _____

(CLASS)	(LICENSE NO.)	(SUFFIX)	(SCH. CODE)	(FEE)
---------	---------------	----------	-------------	-------

(ADDRESS CHANGE)

(STREET)	(CITY)	(STATE)	(ZIP CODE)
----------	--------	---------	------------

*Please submit address changes in writing immediately!

*Please attach personal check or money order. Applications will not be processed without the appropriate fee. Do not submit fee without an application. It will be returned.

15. AFFIDAVIT OF APPLICANT:

I, _____, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine any information, files, or records requested by the Board which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice medicine and surgery in the state of Virginia.

SIGNATURE OF APPLICANT

*** THIS MUST BE NOTARIZED ***

NOTARY: City/County of _____ State of _____ Subscribed and Sworn to before me this _____ day of _____ 19_____

My Commission Expires _____ NOTARY PUBLIC

NOTARY SEAL

DEAR SIRs:

RE
I AM APPLYING FOR REINSTATEMENT OF MY LICENSE TO PRACTICE _____ IN THE STATE OF VIRGINIA. THE VIRGINIA BOARD OF MEDICINE REQUIRES THAT THIS FORM BE COMPLETED BY EACH JURISDICTION IN WHICH I HOLD OR HAVE HELD LICENSES. PLEASE COMPLETE THE FORM AND RETURN IT TO THE ADDRESS BELOW. THANK YOU.

NAME: _____

LICENSE NO.: _____

COMMONWEALTH OF VIRGINIA
VIRGINIA BOARD OF MEDICINE
1601 ROLLING HILLS DRIVE
SURREY BUILDING, SECOND FLOOR
RICHMOND, VIRGINIA 23229-5005

STATE OF _____

NAME OF LICENSEE _____

GRADUATE OF _____

LICENSE NO. _____ ISSUED EFFECTIVE _____

BY RECIPROCITY / ENDORSEMENT _____ BY EXAMINATION _____

LICENSE IS CURRENT _____ LAPSED _____

HAS THE APPLICANT'S LICENSE EVER BEEN SUSPENDED OR REVOKED? _____

IF SO, FOR WHAT REASON? _____

DEROGATORY INFORMATION, IF ANY. _____

COMMENTS, IF ANY. _____

SIGNED _____

(BOARD SEAL)

TITLE _____

STATE BOARD _____

REINSTATEMENT
Rev. 05/06/88

IMPORTANT NOTICE

The Virginia Board of Medicine requires each license to be renewed biennially.

Regulation 4.2 Fees for Service.

D. Biennial Renewal of Certificate.

Every certificate to practice any of the healing arts granted under the provisions of this chapter shall be renewed biennially, effective July 1, 1982, as herein provided.

1. The fee for registration is \$80.00.
2. The renewal of licensure shall be by the licensee's birth month. Any practitioner who has not complied by the first day of the next following month may be dropped from the registration roll or penalties may be imposed without further action by the Board. (Section 54-315.1 of the Code of Virginia).
3. A practitioner who has not renewed his certificate in accordance with Section 54-315.1 for two successive years or more shall, as a condition of renewal, submit to the Board, a chronological account of his activities since the last renewal of his certificate.

E. Penalty of violation

Any person who fails to comply with any of the provisions of this section may be assessed a penalty of twenty-five dollars (\$25) for each failure to comply. (Section 54-315.4 of the Code of Virginia).

Should your reinstatement be completed during the current biennium of 1988-1990, your license must be renewed again during the current renewal period on your birth month.

Renewal notices are mailed 30 days prior to your birth month. It is suggested that upon receipt of the notice, the renewal be processed immediately to avoid any delays of the renewal.

However, if you do not receive the renewal when due, please inform the Board office immediately and you will receive assistance.

Thank you for your cooperation.

Final Regulations

* * * * *

Title of Regulation: VR 465-03-01. Physical Therapy.

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

Effective Date: January 18, 1989

Summary:

The board has repealed existing regulations and adopted new regulations governing the practice of physical therapy. These regulations protect the health, safety and welfare of the citizens of the Commonwealth by establishing requirements and fees for licensure, renewal of license, reinstatement of a lapsed license, for traineeships, and for foreign graduates who have attended foreign institutions that teach physical therapy.

After consideration of the comments, amendments were made relating to § 2.4 (Educational requirements for graduates of foreign physical therapy programs outside of the United States or Canada); § 5.3 (Supervisory responsibilities of physical therapists, physical therapist assistants, physical therapy aides) and § 9.1 (fees for service).

VR 465-03-01. Physical Therapy.

**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:

"Board" means the Virginia [State] Board of Medicine.

["Committee" "Advisory board"] means the Advisory Board on Physical Therapy [to the board].

"Evaluation" means the carrying out by a physical therapist of the sequential process of assessing a patient, planning the patient's physical therapy treatment program, and appropriate documentation.

"Examination" means an examination approved and prescribed by the board for licensure as a physical therapist or physical therapy assistant.

"Physical therapist" means a person qualified by education and training to administer a physical therapy program under the direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

"Physical therapist assistant" means a person qualified

by education and training to perform physical therapy functions under the supervision of and as directed by a physical therapist.

["Physical therapy aide" means any nonlicensed personnel performing patient care functions at the direction of a physical therapist or physical therapist assistant within the scope of these regulations.]

"Referral and direction" means the referral of a patient by a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery to a physical therapist for a specific purpose and for consequent treatment that will be performed under the direction of and in continuing communication with the referring doctor or dentist.

"Trainee" means a person undergoing a traineeship.

1. "Relicensure trainee" means a physical therapist or physical therapist assistant who has been inactive for four years or more and who wishes to return to the practice of physical therapy.

2. "Unlicensed graduate trainee" means a graduate of an approved physical therapy program who has not taken the state licensure examination or who has taken the examination but not yet received a license from the board.

[3. "Foreign trained trainee" means a physical therapist who graduated from a school outside the United States, its territories, or the District of Columbia and who is seeking licensure to practice in Virginia.]

"Traineeship" means a period of activity during which an unlicensed physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

"Direct supervision" means a physical therapist is present and is fully responsible for the activities assigned to the trainee.

§ 1.2. A separate board regulation entitled VR 465-01-1, Public Participation Guidelines, which provides for involvement of the public in the development of all regulations of the Virginia State Board of Medicine, is incorporated by reference in these regulations.

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

§ 2.1. Requirements, general.

A. No person shall practice as a physical therapist or physical therapist assistant in the Commonwealth of Virginia except as provided in these regulations.

B. Licensure by this board to practice as a physical

therapist or physical therapist assistant shall be by examination or by endorsement, whichever is appropriate.

§ 2.2. Licensure by examination: Prerequisites to examination.

A. Every applicant for initial board licensure by examination shall:

1. Meet the age and character requirements of [§§ 54-308.5 and 54-308.6 §§ 54.1-2947 and 54.1-2948] of the Code of Virginia;

2. Meet the educational requirements prescribed in §§ 2.3 or 2.4 of these regulations;

3. Submit the required application and credentials to the board not less than 30 days prior to the date of examination; and

4. Submit, along with his application, the examination fee prescribed in § 9.1, Fees, of these regulations.

B. Every applicant shall take the examination at the time prescribed by the board.

§ 2.3. Education requirements: Graduates of American institutions or programs.

A. A graduate of an American institution who applies for licensure as a physical therapist shall be a graduate of a school of physical therapy approved by the American Physical Therapy Association and shall submit to the board documented evidence of his graduation from such a school.

B. An applicant for licensure as a physical therapist assistant who attended an American institution shall be a graduate of a two-year college-level educational program for physical therapist assistants approved by the board and shall submit to the board documented evidence of his graduation from such a program.

§ 2.4. Educational requirement: Graduates of foreign institutions.

A. An applicant for licensure as a physical therapist who graduated from a school outside the United States or Canada shall be a graduate of such a school which offers and requires courses in physical therapy acceptable to the board on the advice of the [committee advisory board].

B. An applicant under this section for licensure as a physical therapist, when filing his application and examination fee with the board, shall also:

1. Submit proof of proficiency in the English language by passing with a grade of not less than 560, the Test of English as a Foreign Language (TOEFL); or an equivalent examination approved by the board. [TOEFL may be waived upon evidence of English

proficiency.]

2. Submit a photostatic copy of the original certificate or diploma verifying his graduation from a physical therapy curriculum [which has been certified as a true copy of the original by a notary public];

3. If such certificate or diploma is not in the English language, submit either:

a. A translation of such certificate or diploma by a qualified translator other than the applicant; or

b. An official certification from the school attesting to the applicant's attendance and graduation date [; and .]

4. [Submit satisfactory evidence that the curriculum of the school or course of study from which he graduated is substantially equivalent to that approved by the American Physical Therapy Association. Submit verification of the equivalency of the applicant's education to the following standards from a scholastic credentials service approved by the advisory board.

Total education (general and professional) - 120 semester hours

a. General education requirements. 40 or more semester hours in the following subjects: humanities, social sciences, natural sciences, biological sciences and electives.

b. Professional education requirements. 60 or more semester hours; the course of professional study shall include: basic health sciences, clinical sciences, clinical education, and other electives.

c. Education requirements of foreign trained physical therapists shall be equivalent to the entry level degree of U.S. trained physical therapists as established by the American Physical Therapy Association.

5. Submit verification of having successfully completed a full-time 1000 hour traineeship (approximately six months) under the direct supervision of a physical therapist licensed under § 54.1-2946 of the Code of Virginia. The initial 500 hours must be in an acute care facility treating both in and out patients and 500 hours may be in another type of physical therapy facility which is on the list approved by the advisory board.

6. The traineeship must be completed in Virginia:

a. At a JCAH accredited hospital or other facility approved by the advisory board; and

b. At a hospital that serves as a clinical education facility for students enrolled in an accredited

Final Regulations

program in physical therapy education in Virginia.

7. It will be the responsibility of the trainee to make the necessary arrangements for his training with the Director of Physical Therapy, or the director's designee at the facility selected by the trainee.

8. The physical therapist supervising the trainee shall submit a progress report to the chairman of the advisory board at the end of 500 hours of training. A final report will be submitted at the end of the second 500 hours. These reports will be submitted on forms supplied by the advisory board.

9. If the trainee's performance is unsatisfactory, during the training period, the supervising therapist will notify, in writing, the chairman of the advisory board.

10. If the traineeship is not successfully completed at the end of the six month period, the advisory board shall determine if the traineeship will be continued for a period not to exceed six months.

11. The traineeship requirements of this part may be waived, at the discretion of the advisory board, if the applicant for licensure can verify, in writing, the successful completion of one year of clinical practice in the United States, its territories or the District of Columbia.

12. A foreign trained physical therapist licensed in another state who has not less than one year of clinical practice in the United States, its territories or the District of Columbia must comply with the 1000 hour traineeship requirement for licensure by endorsement.]

[The board may accept as such evidence verification of the equivalency of the foreign physical therapy curriculum from a scholastic credentials evaluation service approved by the board.]

PART III. EXAMINATION.

§ 3.1. Conditions of examinations.

A. The licensure examinations for both physical therapists and physical therapist assistants shall be prepared and graded as prescribed and approved by the board.

B. The [committee advisory board] shall schedule and conduct the examinations at least once each fiscal year, the time and place to be determined by the [committee advisory board].

C. The physical therapy examination shall be a three part examination as follows: Part I shall cover the topics of Basic Sciences; Part II shall cover the topics of Clinical

Sciences; and Part III shall cover the topics of Theory and Procedures, and physical therapy treatment.

D. The physical therapy assistant examination shall be [a one part an] examination [to include the topics of basic and clinical sciences approved by the board as prescribed in § 54.1-2948].

§ 3.2. Examination scores.

A. The minimum passing scores shall be:

1. For the physical therapist examination: 70% on each of the three parts and an overall average of 75%.

2. For the physical therapist assistant examination: 75%.

B. The scores shall be filed with the appropriate interstate reporting services.

§ 3.3. Failure to pass.

A. An applicant who fails the examination after three attempts shall be required to satisfactorily complete a full time supervised traineeship approved by the chairman of the Advisory Board on Physical Therapy as prescribed in § 8.4, Traineeship, prior to being eligible for three additional attempts.

PART IV. LICENSURE BY ENDORSEMENT.

§ 4.1. [Endorsement.]

A physical therapist or physical therapist assistant who has been licensed by another state or territory or the District of Columbia by examination equivalent to the Virginia examination at the time of licensure and who has met all other requirements of the board may, upon recommendation of the Advisory Board to the board, be licensed in Virginia by endorsement.

PART V. PRACTICE OF PHYSICAL THERAPY.

§ 5.1. General requirements.

All services rendered by a physical therapist shall be performed only upon medical referral by and under the direction of a doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

§ 5.2. Individual responsibilities to patients and to referring doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

A. The physical therapists' responsibilities are to evaluate a patient, plan the treatment program and administer and document treatment within the limit of his

professional knowledge, judgment, and skills.

B. A physical therapist shall maintain continuing communication with and shall report the results of periodic evaluation of patients to the referring practitioner.

§ 5.3. Supervisory responsibilities.

A. A physical therapist shall supervise no more than three physical therapist assistants at any one time participating in the treatment of patients.

B. A physical therapist shall be responsible for any action of persons performing physical therapy functions under the physical therapist's supervision or direction.

~~C. A physical therapist or physical therapist assistant shall be available in person to supervise nonlicensed personnel involved in patient care activities. Such nonlicensed personnel shall not perform those patient care functions that do require professional judgment or discretion.~~

C. A physical therapist may not delegate physical therapy treatments to physical therapy aides except those activities that are available without prescription in the public domain to include but not limited to hot packs, ice packs, massage and bandaging.

D. Supervision of a physical therapy aide means that a licensed physical therapist or licensed physical therapist assistant must be within the facility to give direction and instruction when procedures or activities are performed. Such nonlicensed personnel shall not perform those patient care functions that require professional judgment or discretion.]

~~D. E.]~~ For patients assigned to a physical therapist assistant, the physical therapist shall make visits to such patients jointly with the assistant at the frequency prescribed in § 6.1 of these regulations.

PART VI.

PRACTICE OF PHYSICAL THERAPIST ASSISTANTS.

§ 6.1. Scope of responsibility.

A. A physical therapist assistant is permitted to perform all physical therapy functions within his capabilities and training as directed by a physical therapist. The scope of such functions excludes initial evaluation of the patient, initiation of new treatments, and alteration of the plan of care of the patient.

B. Direction by the physical therapist shall be interpreted as follows:

1. The initial patient visit shall be made by the physical therapist for evaluation of the patient and establishment of a plan of care.

2. The physical therapist assistant's first visit to the patient shall be made jointly with the physical therapist.

3. The physical therapist shall provide on-site supervision one of every five visits made to the patient by the physical therapist assistant during a 30-day period. Should there be fewer than five visits to the patient by the physical therapist assistant in a 30-day period, the assistant shall be supervised on-site at least once during that period by the physical therapist.

4. Failure to abide by this regulation due to absence of the physical therapist in case of illness, vacation, or professional meeting, for a period not to exceed five consecutive days, will not constitute violation of the foregoing provisions.

PART VII.

RENEWAL OF LICENSURE; UPDATE FOR QUALIFICATIONS.

§ 7.1. Biennial renewal of license.

Every physical therapist and physical therapist assistant who intends to continue practice shall renew his license biennially during his birth month in each even numbered year and pay to the board the renewal fee prescribed in § 9.1 of these regulations.

A. A licensee whose license has not been renewed by the first day of the month following the month in which renewal is required [~~may shall~~] be dropped from the registration roll.

B. An additional fee to cover administrative costs for processing a late application [~~may shall~~] be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

§ 7.2. Updates on professional activities.

A. The board [~~may shall~~] require from physical therapists and physical therapist assistants licensed or applying for licensure in Virginia reports concerning their professional activities as [~~may shall~~] be necessary to implement the provisions of these regulations.

~~B. The practice of physical therapy for a minimum of 600 hours cumulatively during the last four licensure years will satisfy professional activity requirements.~~

B. A minimum of 720 hours of practice shall be required for licensure renewal for each biennium.]

C. Any physical therapist or physical therapist assistant who fails to meet the requirements of subsection B of this section shall be considered to have been inactive since the professional activity requirement was last satisfied and the license shall be deemed to have expired and become

Final Regulations

invalid.

PART VIII. TRAINEESHIP REQUIREMENTS.

§ 8.1. Traineeship required for relicensure.

A. Any physical therapist or physical therapist assistant who has been inactive as described in § 7.1 for a period of four years or more and who wishes to resume practice shall first serve a traineeship.

B. The period of traineeship to be served by such person shall be:

1. A minimum of one month full time for those inactive for a period of four to six years.
2. A minimum of two months full time for those inactive for a period of six to 10 years.
3. A minimum of three months full time for those inactive for a period exceeding 10 years.

C. The physical therapist who serves as the supervisor of a trainee under this section shall certify to the [~~committee~~ advisory board] upon completion of the traineeship that the trainee's knowledge and skills meet current standards of the practice of physical therapy.

D. Upon receipt of a petition from a person seeking relicensure and declaring hardship, the [~~committee~~ advisory board] may, at its discretion, recommend to the board that the traineeship provision be waived.

§ 8.2. Additional requirement for physical therapist: Examination.

In addition to the traineeship required in § 8.1, any physical therapist seeking relicensure who has been inactive for six years or more shall take and pass the theory and procedures portion of [~~the P.E.S.~~ an] examination [prescribed by the board] with a grade of 70% or more [and a fee as prescribed in § 9.1].

§ 8.3. Exemption for physical therapist assistant.

A physical therapist assistant seeking relicensure who has been inactive shall be exempt from reexamination requirements but not from traineeship requirements.

§ 8.4. Traineeship required for unlicensed graduate scheduled to sit for the board's licensure examination as required by regulation in § 2.1.

A. Upon approval of the chairman of the Advisory Board, an unlicensed graduate trainee may be employed under the direct supervision of a physical therapist while awaiting the results of the next licensure examination.

B. The traineeship shall terminate upon receipt by the

candidate of the licensure examination results.

C. A person not taking the licensure examination within three years after graduation shall serve a three-month traineeship before taking the licensure examination.

PART IX. FEES.

§ 9.1. The following fees have been established by the board:

1. The fee for physical therapist examination shall be \$200.
2. The fee for the physical therapist assistant examination shall be \$200.
3. The fee for licensure by endorsement for the physical therapist shall be [~~\$200~~ \$225].
4. The fee for licensure by endorsement for the physical therapist assistant shall be [~~\$200~~ \$225].
5. The fees for taking the physical therapy or physical [~~therapy~~ therapist] assistant examination are nonrefundable. An applicant may, upon request 21 days prior to the scheduled exam, and payment of the \$100 fee, reschedule for the next time such examination is given.
6. The fee for license renewal for a physical [~~therapy~~ therapist] assistant's license is \$80 and shall be due in the licensee's birth month, in each even number year. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.
7. The fee for license renewal for a physical therapy license is \$125 and shall be due in the licensee's birth month, in each even numbered year. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.
- [8. The examination fee for reinstatement of an inactive license as prescribed in § 8.2 shall be \$75.]

COMMONWEALTH of VIRGINIA

Department of Health Regulatory Boards
Board of Medicine
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

Office Use Only
EXAM _____
END _____

APPLICATION FOR A LICENSE TO PRACTICE PHYSICAL THERAPY

SECURELY PASTE A PASSPORT SIZE PHOTOGRAPH

TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR A LICENSE TO PRACTICE PHYSICAL THERAPY IN THE STATE OF VIRGINIA AND SUBMIT THE FOLLOWING STATEMENTS:

1. NAME IN FULL (PLEASE PRINT OR TYPE)

Form with fields for (LAST), (FIRST), (MIDDLE/MAIDEN), (JR./SR.), (STREET), (CITY), (STATE), (ZIP CODE), (DATE OF BIRTH), (PLACE OF BIRTH), (SOCIAL SECURITY NUMBER), (GRADUATION DATE), (PROF. SCH. DEGREE), (SCHOOL, CITY, STATE)

APPLICANTS DO NOT USE SPACES BELOW THIS LINE -- FOR OFFICE USE ONLY

APPROVED BY: _____ Date

Table with license details: (CLASS), (LICENSE NO.), (SUFFIX), (SCH. CODE), (FEE), (HOW REG.), (BASE STATE), (EXPIRATION DATE), (DATE ISSUED)

(ADDRESS CHANGE)

Form with fields for (STREET), (CITY), (STATE), (ZIP CODE)

- * PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY!
* PLEASE ATTACH CERTIFIED CHECK OR MONEY ORDER. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. DO NOT SUBMIT FEE WITHOUT AN APPLICATION. IT WILL BE RETURNED.

- 2. List in chronological order all professional practice since graduation (eg. hospital department, outpatient centers, etc.). Also list all periods of absences from work and non-professional activity/employment of more than three months. Please account for all time. If engaged in private practice, list hospital or other professional practice.

Table with columns: From, To, Location and Complete Address, Position Held

ALL QUESTIONS MUST BE ANSWERED: If any of the following questions is answered YES, explain and substantiate with documentation.

3. List all states in which you have been issued a license to practice physical therapy; active, inactive, or expired.

Indicate license number and date issued: _____

4. Have you ever been denied the privilege of taking a physical therapy licensure examination? Yes No
5. Have you ever taken the PES examination? If so, what state? _____ Yes No
6. Have you ever been denied a physical therapy license? Yes No
7. Have you ever been convicted of a violation of or pled Nolo Contendere to any Federal, State, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violation, except convictions for driving under the influence) Yes No
8. Have you ever been censured, warned, or requested to withdraw from any licensed hospital staff, nursing home, or other health care facility? Yes No
9. Have you ever had any of the following disciplinary actions taken against your license to practice physical therapy, or are any such actions pending? (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) have your practice monitored. Yes No
10. Have you ever had any membership in a state or local professional society revoked, suspended, or involuntarily withdrawn? Yes No
11. Have you had any malpractice suits brought against you in the last ten years? If so, how many? _____ Provide a letter from your attorney explaining each case. Yes No
12. Have you ever been physically or emotionally dependent upon use of alcohol/drugs? Yes No
13. Have you ever been treated by, consulted with, or been under care of a professional for substance abuse? If so, please provide a letter from the treating professional which includes diagnosis, treatment, and prognosis. Yes No
14. Have you ever received treatment for/or been hospitalized for a nervous, emotional or mental disorder? If so, provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. Yes No
15. Do you have a serious physical disease or diagnosis which could effect your performance of professional duties? If so, please provide a letter from the treating professional which includes diagnosis, treatment, and prognosis. Yes No
16. Have you ever been adjudged mentally incompetent or been voluntarily or involuntarily committed to a mental institution? Provide details. Yes No

17. AFFIDAVIT OF APPLICANT:

I, _____, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice physical therapy in the state of Virginia.

RIGHT THUMB PRINT

THIS MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC

IF RIGHT THUMB IS MISSING, USE LEFT AND SO INDICATE.

 Signature of Applicant

NOTARY: City/County of _____ State of _____

Subscribed and Sworn to before me this _____ day of _____ 19____

My Commission Expires _____
 Notary Public

(NOTARY SEAL)

CERTIFICATE OF PROFESSIONAL EDUCATION
 (Not For Use By Foreign Trained Applicants)

It is hereby certified that _____
 Name of Applicant

matriculated in _____ on _____
 Course of Study Date

and received/will receive a diploma from _____
 Institution

conferring the degree of _____
 Degree

on _____
 Date

SCHOOL SEAL

 (Dean, Program Director or Chairman)

HRB-30-099
Revised: 8/26/87

VERIFICATION OF PHYSICAL THERAPY PRACTICE

I hereby authorize all hospital, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal or foreign) to release to the Virginia State Board of Medicine any information files or records requested by the Board in connection with the processing of my application.

Print Full Name _____ Signature of Applicant _____

Director of Physical Therapy Department:

The Virginia State Board of Medicine receives a great number of applications for licensure. Since we cannot personally interview these applicants, we are forced to depend on information from the employment settings in which the applicant has had work experience. We feel that in making our decision we can get invaluable help from those with whom the applicant has worked.

Will you answer the following questions and return this form to us as soon as possible. Thank you.

Virginia Board of Medicine
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

1. Date and type of service: This applicant served in our facility as _____ from _____ to _____.
2. I consider this individual to have practiced ethically.
YES _____ NO _____
If no, explain: _____
3. My judgement of this individual's professional competence is as follows: _____

(Use back of sheet if needed)

Signature _____
Title _____
Date _____
Print Name of Employment Setting _____

(This report will become a part of the applicant's file and may be reviewed by the applicant upon demand)

HRB-30-099
Revised: 8/26/87

VERIFICATION OF STATE LICENSURE

Applicant:

Please supply license number and forward to each state in which you are now or have been licensed.

Applicant's Name _____

Applicant's License # _____

To State Board Office: _____

I am applying for a license to practice physical therapy in the State of Virginia. The Board of Medicine requires that this form be completed by each jurisdiction in which I hold or have held licenses. Please complete the form and return it to the address below. Thank you.

Virginia Board of Medicine
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

STATE OF _____

NAME OF LICENSEE _____

LICENSE NO. _____ DATE ISSUED _____

LICENSED THROUGH (CHECK ONE):

- _____ P.E.S. EXAMINATION
- _____ RECIPROCITY/ENDORSEMENT FROM _____ (NAME OF STATE)
- _____ BOARD EXAMINATION OTHER THAN P.E.S.
- _____ OTHER

LICENSE IS CURRENT _____ LAPSED _____ (DATE LAPSED)

HAS APPLICANT'S LICENSE EVER BEEN SUSPENDED OR REVOKED? _____

IF SO, FOR WHAT REASON? _____

DEROGATORY INFORMATION, IF ANY _____

COMMENTS, IF ANY _____

SIGNED _____

TITLE _____

BOARD SEAL

STATE BOARD _____

HRB-30-059
Revised: 8/26/87

VIRGINIA STATE BOARD OF MEDICINE
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

TRAINEESHIP APPLICATION

Authorization to work as a trainee is valid only for the dates indicated on the "Statement of Authorization" issued by the State Board of Medicine. Unforeseen circumstances that require interruption or prevent successful completion of the Traineeship should be brought to the attention of the Board.

This traineeship may only be served under a Virginia licensed physical therapist.

(Check one)

Applying for the examination for licensure as a physical therapist/physical therapist assistant.

Applying for relicensure as an inactive physical therapist/physical therapist assistant.

Traineeship will begin on _____ and will end on _____ or upon receipt of the exam results.

Type or print name of Trainee: _____

Type or print name and title of Supervisor of Trainee: _____

Name of Institution: _____

Complete Address: _____

We, the undersigned, have read and understand Article IX of the "Rules and Regulations of the Healing Arts Licensed and Regulated by the Virginia State Board of Medicine" pertaining to the trainee program and the document "Physical Therapy Traineeship for relicensure" and agree to abide by the conditions contained herein.

Signature of Trainee _____ Signature of Supervisor _____

Approved by _____
Chairman, Advisory Board on Physical Therapy

Date Approved _____

COMMONWEALTH of VIRGINIA

Department of Health Regulatory Boards
Board of Medicine
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005

Office Use Only
EXAM _____
END _____

**APPLICATION
FOR A
LICENSE
TO PRACTICE
AS A PHYSICAL THERAPIST
ASSISTANT**

SECURELY PASTE
A PASSPORT SIZE
PHOTOGRAPH

TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR A LICENSE TO PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THE STATE OF VIRGINIA AND SUBMIT THE FOLLOWING STATEMENTS:

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(LAST)	(FIRST)	(MIDDLE/MAIDEN)	(JR./SR.)
(STREET)		(CITY)	(STATE) (ZIP CODE)
(DATE OF BIRTH)	(PLACE OF BIRTH)	(SOCIAL SECURITY NUMBER)	
MO DAY YR			
(GRADUATION DATE)	(PROF. SCH. DEGREE)	(SCHOOL, CITY, STATE)	
MO DAY YR			

APPLICANTS DO NOT USE SPACES BELOW THIS LINE — FOR OFFICE USE ONLY

APPROVED BY: _____
Chairman, Advisory Board on Physical Therapy Date

(CLASS)	(LICENSE NO.)	(SUFFIX)	(SCH. CODE)	(FEE)	(HOW REG.)	(BASE STATE)
(LICENSE NO.)		(EXPIRATION DATE)		(DATE ISSUED)		

(ADDRESS CHANGE)

(STREET)	(CITY)	(STATE)	(ZIP CODE)
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- * PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY!
- * PLEASE ATTACH CERTIFIED CHECK OR MONEY ORDER. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. DO NOT SUBMIT FEE WITHOUT AN APPLICATION. IT WILL BE RETURNED.

2. List in chronological order all professional practice since graduation (eg. hospital department, outpatient centers, etc.). Also list all periods of absences from work and non-professional activity/employment of more than three months. **Please account for all time.** If engaged in private practice, list hospital or other professional practice.

From	To	Location and Complete Address	Position Held
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____

ALL QUESTIONS MUST BE ANSWERED: If any of the following questions is answered YES, explain and substantiate with documentation.

- List all states in which you have been issued a license to practice as a physical therapist assistant; active, inactive, or expired. Indicate license number and date issued: _____
- Have you ever been denied the privilege of taking a physical therapist assistant licensure examination? Yes No
- Have you ever taken the PES examination? If so, what state? _____ Yes No
- Have you ever been denied a physical therapist assistant license? Yes No
- Have you ever been convicted of a violation of/or pled Nolo Contendere to any Federal, State, or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violation, except convictions for driving under the influence) Yes No
- Have you ever been censured, warned, or requested to withdraw from any licensed hospital staff, nursing home, or other health care facility? Yes No
- Have you ever had any of the following disciplinary actions taken against your license to practice as a physical therapist assistant, or are any such actions pending? (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) have your practice monitored. Yes No
- Have you ever had any membership in a state or local professional society revoked, suspended, or involuntarily withdrawn? Yes No
- Have you had any malpractice suits brought against you in the last ten years? If so, how many? _____ Provide a letter from your attorney explaining each case. Yes No
- Have you ever been physically or emotionally dependent upon use of alcohol/drugs? Yes No
- Have you ever been treated by, consulted with, or been under care of a professional for substance abuse? If so, please provide a letter from the treating professional which includes diagnosis, treatment, and prognosis. Yes No
- Have you ever received treatment for/or been hospitalized for a nervous, emotional or mental disorder? If so, provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. Yes No
- Do you have a serious physical disease or diagnosis which could effect your performance of professional duties? If so, please provide a letter from the treating professional which includes diagnosis, treatment, and prognosis. Yes No
- Have you ever been adjudged mentally incompetent or been voluntarily or involuntarily committed to a mental institution? Provide details. Yes No

17. AFFIDAVIT OF APPLICANT:

I, _____, being first duly sworn, depose and say that I am the person referred to in the foregoing application and supporting documents. I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and all governmental agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application. I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice as a physical therapist assistant in the state of Virginia.

RIGHT THUMB PRINT

IF RIGHT THUMB IS MISSING, USE LEFT AND SO INDICATE.

THIS MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC

Signature of Applicant

NOTARY: City/County of _____ State of _____
 Subscribed and Sworn to before me this _____ day of _____ 19____
 My Commission Expires _____
 Notary Public

(NOTARY SEAL)

CERTIFICATE OF PROFESSIONAL EDUCATION
 (Not For Use By Foreign Trained Applicants)

It is hereby certified that _____
 Name of Applicant
 matriculated in _____ on _____
 Course of Study Date
 and received/will receive a diploma from _____
 Institution
 conferring the degree of _____
 Degree
 on _____
 Date

SCHOOL SEAL

(Dean, Program Director or Chairman)



COMMONWEALTH of VIRGINIA
 Department of Health Regulatory Boards
 Board of Medicine

BERNARD L. HENDERSON, JR.
 DIRECTOR
 HILARY H. CONNOR, M.D.
 EXECUTIVE DIRECTOR
 EUGENIA K. BORSON
 BOARD ADMINISTRATOR

1601 ROLLING HILLS DRIVE
 RICHMOND, VIRGINIA 23279-5005
 (804) 662-9900

TO APPLICANTS FOR LICENSURE BY ENDORSEMENT:

A Physical Therapist/Physical Therapist Assistant applying for licensure who is planning to practice in any employment setting should submit an application for licensure at least two months prior to his/her designed employment date. After receipt of an application in this office, including hospital verification, state verification, etc., the application is submitted for approval. Permanent licenses are issued once every month. A cut-off date is necessary to allow office processing. All materials MUST be in the Board office by the cut-off date if you wish to be licensed on the appropriate licensing date. The scheduled licensing dates and cut-off dates for 1989 are as follows:

Licensing - December 30, 1988	Licensing - June 30, 1989
Cut-off - December 16, 1988	Cut-off - June 16, 1989
Licensing - February 1, 1989	Licensing - August 1, 1989
Cut-off - January 19, 1989	Cut-off - July 18, 1988
Licensing - March 1, 1989	Licensing - September 1, 1989
Cut-off - February 16, 1989	Cut-off - August 18, 1989
Licensing - March 31, 1989	Licensing - September 29, 1989
Cut-off - February 17, 1989	Cut-off - September 15, 1989
Licensing - May 1, 1989	Licensing - November 1, 1989
Cut-off - April 17, 1989	Cut-off - October 18, 1989
Licensing - June 1, 1989	Licensing - December 1, 1989
Cut-off - May 18, 1989	Cut-off - November 17, 1989

Applications will remain in process no longer than six months. If, at the end of that time, a license is not issued, your file will be placed in an inactive status for a period of approximately two years, after which it will be destroyed.

Please read all instructions carefully to avoid errors which might lead to a delay in the processing procedure. CERTIFIED CHECKS OR MONEY ORDERS must accompany application. Personal checks WILL BE RETURNED. Applications submitted WITHOUT A FEE WILL NOT BE PROCESSED. Fees submitted WITHOUT AN APPLICATION WILL BE RETURNED.

THIS NOTICE WILL SERVE TO INFORM YOU THAT, EFFECTIVE JANUARY 19, 1989, THE FEE FOR A PHYSICAL THERAPIST OR PHYSICAL THERAPIST ASSISTANT ENDORSEMENT LICENSURE WILL BE \$225.00. ANY APPLICATION RECEIVED ON OR AFTER THAT DATE MUST BE ACCOMPANIED WITH THE \$225.00 FEE.

Physical Therapy and Physical Therapy Assistants who have been licensed by examination in another state, territory, or the District of Columbia, equivalent to the Virginia examination (PES examination) at the time they were licensed and, having met the following requirements, may, at the recommendation of the Advisory Board on Physical Therapy to the Virginia State Board of Medicine, be accepted for licensure by endorsement in Virginia.

The completed application should be returned to this office along with the licensure fee of \$200.00. Applications will not be processed unless the fee is attached and fees sent before the receipt of an application will also be returned.

Certified Check or Money Order ONLY, made payable to: Treasurer of Virginia.

PROOF OF PROFESSIONAL EDUCATION - Professional Education Section (bottom, page 4 of application) should be completed by your physical therapy/physical therapy assistant school of graduation. The entire application must be forwarded. We will not accept copies. **FOREIGN TRAINED GRADUATES** - Submit a notarized photostatic copy of your physical therapy/physical therapy assistant diploma along with an English translation, and return with the application. Do not send the Professional Education Section of the application to your school.

QUIZ ON THE HEALING ARTS - Complete and return the Quiz on the Virginia Code and Regulations with the application. The application will not be considered complete without this Quiz.

P.E.S. SCORES - Complete the enclosed form and mail to the Interstate Reporting Service. The initial registration fee is thirty dollars (\$30.00) and the reporting fee is five dollars (\$5.00). Fees should accompany your request for the reporting of your scores. You may obtain your identification number, NOT your social security number, and the date and place of examination from the State Board which administered your P.E.S. examination. The Board of Medicine neither accepts from nor reports to another Board a candidate's scores attained on the Professional Examination Services examination (P.E.S.). Therefore, an endorsement candidate who has taken the P.E.S. examination must register with the Interstate Reporting Service and request that your scores be reported to the Virginia State Board of Medicine.

EMPLOYMENT AND STATE LICENSURE QUESTIONNAIRES - One employment and one state licensure questionnaire is enclosed. You may xerox these forms. Send one form to each place of employment in the last ten (10) years. All professional practice since graduation from Physical Therapy/Physical Therapy Assistant school for the past ten years must be included. Please note that your signature must be on the front side of each employment questionnaire. Also, send the state licensure questionnaire to those states in which you have held or currently hold a license. Your application will not be complete until all of these forms are returned to this office.

A Physical Therapist/Physical Therapist Assistant who has been inactive in the field of physical therapy for three years or more shall be unable to obtain Virginia licensure unless and until he/she serves an approved traineeship. The traineeship application, along with the Supervisor's Guidelines, are available upon request.

FOREIGN TRAINED GRADUATES ONLY - In addition to the application, candidates must provide satisfactory evidence that the curriculum from which they graduated is substantially equivalent to that approved by the American Physical Therapy Association. The Board will accept as such evidence/verification, credentials from the Evaluation Service of the International Education Research Foundation, Inc., P.O. Box 24679, Los Angeles, California 90024; The International Consultants of Delaware, 109 Barksdale Professional Center, Newark, Delaware 19711; and/or The International Credentialing Associates, Inc., 1101 New Hampshire Avenue, N.W., Washington, DC 20027.

Also each candidate must provide certification of English proficiency, e.g., the Test of English as a Foreign Language. Contact TOEFL, Box 899, Princeton, New Jersey 08540.

GENERAL INFORMATION

If a candidate withdraws after the application has been processed, a processing fee of \$100.00 will be retained by the Board.

IT IS UNLAWFUL TO PRACTICE PHYSICAL THERAPY/PHYSICAL THERAPY ASSISTANT IN VIRGINIA UNTIL YOU HAVE RECEIVED YOUR VIRGINIA LICENSE OR UNTIL YOU HAVE RECEIVED AUTHORIZATION FROM THE BOARD OFFICE TO SERVE A TRAINEESHIP UNDER THE DIRECT SUPERVISION OF A LICENSED PHYSICAL THERAPIST IN VIRGINIA.

HB-30-059
Revised: 8/26/87

INSTRUCTIONS FOR LICENSURE BY EXAMINATION
TO PRACTICE AS A
PHYSICAL THERAPIST ASSISTANT

The Virginia Physical Therapy Assistant examination is provided by the Professional Examination Service. Our next examination will be held on _____ at the _____, Richmond, Virginia. The deadline date for the receipt of the completed application is 30 days prior to the date of the examination. If the application is not completed, the candidate will not be eligible to take the examination. Failure to appear for the examination without a one week written notification to the Board office will result in an automatic forfeiture of the entire examination fee.

THE FEE for taking the P.E.S. examination is \$200.00. The fee must be accompanied by the application. Applications will not be processed unless the fee is attached and fees sent before the receipt of an application will be returned.

Certified Check or Money Order ONLY, made payable to: Treasurer of Virginia.

PROOF OF PROFESSIONAL EDUCATION - Professional Education Section (bottom, page 4 of application) must be completed by your physical therapy assistant school of graduation. The entire application must be forwarded. We will not accept copies.

QUIZ ON THE HEALING ARTS - Complete and return the Quiz on the Virginia Code and Regulations with the application. The application will not be considered complete without this Quiz.

EXAMINATION RESULTS

The grading shall be done a percentage basis with a minimum passing grade of 75%.

A candidate who has failed the examination twice shall be interviewed by the Advisory Board on Physical Therapy to determine the candidate's eligibility to sit for another examination. Upon Committee approval, the candidate may present himself for re-examination. Upon the denial of the applicant's appeal for re-examination, the decision of the Committee may be appealed to the Board of Medicine for further disposition.

The results of the examination are received directly from the Professional Examination Service. This process takes about four to six weeks. Please do not contact the Board office. The results will be sent out as soon as they are received.

The Board of Medicine neither accepts from nor reports to another Board a candidate's scores attained on the Professional Examination Service Physical Therapy Assistant Examination. Scores shall be obtained only from the Interstate Reporting Service of the Professional Examination Service.

GENERAL INFORMATION

If a candidate withdraws after the application has been processed, a processing fee of \$100.00 will be retained by the Board.

IT IS UNLAWFUL TO PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN VIRGINIA UNTIL YOU HAVE RECEIVED YOUR VIRGINIA LICENSE OR UNTIL YOU HAVE RECEIVED AUTHORIZATION FROM THE BOARD OFFICE TO SERVE A TRAINEESHIP UNDER THE DIRECT SUPERVISION OF A LICENSED PHYSICAL THERAPIST IN VIRGINIA.

TRAINEESHIPS

Upon approval by the Chairman of the Advisory Board, while awaiting the next licensure examination, an unlicensed graduate physical therapist or physical therapist assistant may be employed as a trainee under the direct supervision of a licensed physical therapist in a hospital or other physical therapy setting which employ one or more licensed therapist.

No traineeship will be considered until the original application to take the examination has been completed and approved.

The process of approvals for the completed application for the examination and the traineeship are sent the first of each week to the chairman of the Physical Therapy Advisory Board. This process takes approximately five working days.

Your supervisor will be notified as soon as your traineeship has been approved.

Over

HRB-30-059
Revised: 8/26/87

**INSTRUCTIONS FOR LICENSURE BY EXAMINATION
TO PRACTICE
PHYSICAL THERAPY**

The Virginia Physical Therapy examination is provided by the Professional Examination Service. Our next examination will be held on _____ at the _____, Richmond, Virginia. The deadline date for the receipt of the completed application is 30 days prior to the date of the examination. If the application is not completed, the candidate will not be eligible to take the examination. Failure to appear for the examination without a one week written notification to the Board office will result in an automatic forfeiture of the entire examination fee.

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Certified Check or Money Order ONLY, made payable to: Treasurer of Virginia.

PROOF OF PROFESSIONAL EDUCATION - Professional Education Section (bottom, page 4 of application) should be completed by your physical therapy school of graduation. The entire application must be forwarded. We will not accept copies.

QUIZ ON THE HEALING ARTS - Complete and return the Quiz on the Virginia Code and Regulations with the application. The application will not be considered complete without this Quiz.

EXAMINATION RESULTS

The grading shall be done a percentage basis with a minimum passing grade of 70% for each of the three parts and an overall average of at least 75%.

A candidate who has failed the examination twice shall be interviewed by the Advisory Board on Physical Therapy to determine the candidate's eligibility to sit for another examination. Upon Committee approval, the candidate may present himself for re-examination. Upon the denial of the applicant's appeal for re-examination, the decision of the Committee may be appealed to the Board of Medicine for further disposition.

The results of the examination are received directly from the Professional Examination Service. This process takes about four to six weeks. Please do not contact the Board office. These results will be sent out as soon as they are received.

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TRAINEESHIPS

Upon approval by the Chairman of the Advisory Board, while awaiting the next licensure examination, an unlicensed graduate physical therapist or physical therapist assistant may be employed as a trainee under the direct supervision of a licensed physical therapist in a hospital or other physical therapy setting which employ one or more licensed therapist.

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The process of approvals for the completed application for the examination and the traineeship are sent the first of each week to the chairman of the Physical Therapy Advisory Board. This process takes approximately five working days.

Your supervisor will be notified as soon as your traineeship has been approved.

Over

HRB-30-059
Revised: 8/26/87

INSTRUCTIONS FOR LICENSURE BY EXAMINATION
FOR FOREIGN GRADUATES
TO PRACTICE
PHYSICAL THERAPY/PHYSICAL THERAPY ASSISTANT

The Virginia Physical Therapy/Physical Therapy Assistant examination is provided by the Professional Examination Service. Our next examination will be held on _____ at the _____, Richmond, Virginia. The deadline date for receipt of the completed application is 30 days prior to the date of the examination. If the application is not completed, the candidate will not be eligible to take the examination. Failure to appear for the examination without a one week written notification to the Board office will result in an automatic forfeiture of the entire examination fee.

THE FEE for taking the P.E.S. examination is \$200.00. The fee must be accompanied by the application. Applications will not be processed unless the fee is attached and fees sent before the receipt of an application will be returned.

Certified Check or Money Order ONLY, made payable to: Treasurer of Virginia.

PROOF OF PROFESSIONAL EDUCATION - Submit a notarized photostatic copy of your physical therapy/physical therapy assistant diploma, along with an English translation, and return with application. Do not send the Professional Education Section of the application to your school.

QUIZ ON THE HEALING ARTS - Complete and return the Quiz on the Virginia Code and Regulations with the application. The application will not be considered complete without this Quiz.

CREDENTIALS EVALUATION - In addition to the application, candidates must provide satisfactory evidence that the curriculum from which they graduated is substantially equivalent to that approved by the American Physical Therapy Association. The Board will accept as such evidence/verification, credentials from the Evaluation Service of the International Education Research Foundation, Inc., P.O. Box 24679, Los Angeles, California 90024; The International Consultants of Delaware, 109 Barksdale Professional Center, Newark, Delaware 19711; and/or The International Credentialing Associates, Inc., 1101 New Hampshire Avenue, N.W., Washington, DC 20027.

Also each candidate must provide certification of English proficiency, e.g., the Test of English as a Foreign Language. Contact TOEFL, Box 899, Princeton, New Jersey 08540.

EMPLOYMENT AND STATE LICENSURE QUESTIONNAIRES - One employment and one state licensure questionnaire is enclosed. You may xerox these forms. Send one form to each place of employment in the last ten (10) years. All professional practice since graduation from physical therapy/physical therapy assistant school for the past ten years must be included. Please note that your signature must be on the front side of each employment questionnaire.

Also, send the state licensure questionnaire to those states in which you have held or currently hold a license. Your application will not be complete until all of these forms are returned to this office.

EXAMINATION RESULTS

The grading shall be done on a percentage basis with a minimum passing grade of 70% for each of the three parts and an overall average of at least 75%.

A candidate who has failed the examination twice shall be interviewed by the Advisory Board on Physical Therapy to determine the candidate's eligibility to sit for another examination. Upon Committee approval, the candidate may present himself for re-examination. Upon the denial of the applicant's appeal for re-examination, the decision of the Committee may be appealed to the Board of Medicine for further disposition.

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The Board of Medicine neither accepts from nor reports to another Board a candidate's scores attained on the Professional Examination Service Physical Therapy Examination. Scores shall be obtained only from the Interstate Reporting Service of the Professional Examination Service.

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IT IS UNLAWFUL TO PRACTICE PHYSICAL THERAPY IN VIRGINIA UNTIL YOU HAVE RECEIVED YOUR VIRGINIA LICENSE OR UNTIL YOU HAVE RECEIVED AUTHORIZATION FROM THE BOARD OFFICE TO SERVE A TRAINEESHIP UNDER THE DIRECT SUPERVISION OF A LICENSED PHYSICAL THERAPIST IN VIRGINIA.

TRAINEESHIPS

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No traineeship will be considered until the original application to take the examination has been completed and approved.

The process of approvals for the completed application for the examination and the traineeship are sent the first of each week to the chairman of the Physical Therapy Advisory Board. This process takes approximately five working days.

Your supervisor will be notified as soon as your traineeship has been approved.

Over

(EXAM)

LICENSURE REGISTRATION

 CERTIFICATE NUMBER _____ DATE DECLARED REGISTERED _____

 FOR OFFICE USE ONLY

When my Virginia license is issued I would like to have my Certificate of Registration engrossed with my name as follows:

PLEASE PRINT LEGIBLY or TYPE

NAME: _____

Upon issuance of license a wall certificate will be mailed as soon as engrossing is complete. Certificates of Registration are renewable bi-annually, every even year on your birth month. The renewal fee is \$80.00. Renewal notices are mailed sixty (60) days prior to the last day of your birth month to the address on record in this office.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH REGULATORY BOARDS

BOARD OF MEDICINE
1501 Rolling Hills Drive
Richmond, VA 23229-5005

THE INTERSTATE REPORTING SERVICE
of the
PROFESSIONAL EXAMINATION SERVICE
in cooperation with the
AMERICAN PHYSICAL THERAPY ASSOCIATION
Physical Therapist Licensing Examination

Please do not write in this space.

CO _____	RPT _____
_____ DA _____	
_____ RN _____	_____ F _____
_____ ED _____	_____ ED _____
_____ ST _____	_____ ST _____
_____ ID _____	_____ ID _____
_____ FO _____	_____ FO _____
_____ T _____	_____ T _____
_____ I _____	_____ I _____
_____ II _____	_____ II _____
_____ III _____	_____ III _____
_____ ED _____	_____ ED _____
_____ ST _____	_____ ST _____
_____ ID _____	_____ ID _____
_____ FO _____	_____ FO _____
_____ T _____	_____ T _____
_____ I _____	_____ I _____
_____ II _____	_____ II _____
_____ III _____	_____ III _____

Application for:
 Registration
 Transfer
 Today's Date _____

Last Name _____ First Name _____
 (please print)
 Address _____
 (number) (street)
 (city) (state) (zip code)

Date of examination _____

State in which examination was taken _____

Identification number _____

(This is the number you wrote on your answer sheet. If you do not know your ID number, you can obtain it from the examining agency of the state in which you took the test.)

Please report scores to the following state(s) _____

I am enclosing:
 \$30.00 for registration of each examination
 \$10.00 for each additional registration of examination part
 \$ 5.00 for each score report
 Total

In offering this Service, Professional Examination Service in no way guarantees that any board will accept a score report in lieu of other state requirements for purposes of licensure.

Signature _____

Please do not send cash. Make your certified check or money order payable to Professional Examination Service.

Mail to: Professional Examination Service, 475 Riverside Drive, New York, NY 10115.

(212) 870-2724

COMMONWEALTH of VIRGINIA

Department of Health Regulatory Boards
Board of Medicine

1601 ROLLING HILLS DR
RICHMOND VA 23229-5005

REINSTATEMENT INFORMATION

To the Applicant:

In reference to your application for re-instating your license in Virginia, the items below which are marked with "X" have been received. Items marked with an asterisk (*) have not been received and are needed to complete your application.

- _____ Statutory fee of ~~\$50.00~~ ^{\$70.00}
- _____ Curriculum Vitae
- _____ Two letters of Testimonial Character from:

- _____ Hospital Questionnaires
- _____ Verification of State Licensure
- _____ Traineeship Application

Once your application is complete and approved by the Chairman of the Advisory Committee on Physical Therapy, you will be notified.

PHYSICAL THERAPY SECRETARY

REG.
C. WINSTON
HRB-30-003-1A
1-28-82



COMMONWEALTH of VIRGINIA

Virginia State Board of Medicine

1601 POLLING HILLS DR
RICHMOND VA 23229-5005

EUGENIA K. DORSON
EXECUTIVE SECRETARY

REINSTATEMENT OF LICENSURE

Please complete and return so that we may update your file to determine your eligibility for the reinstatement of your physical therapy license in Virginia by registration.

Name in full (please print) _____
(first) (middle) (last)

Address _____
(Number and Street) (City) (State) (Zip Code)

List all states in which you have been issued a license to practice. (Use back if necessary)

STATE	DATE	STATE	DATE	STATE	DATE
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

If any of the following questions are answered yes, give full details on separate paper and attach to application. All questions must be answered.

1. Have you ever been convicted of violation of any Federal, State, or Local statute? _____ (Felony or misdemeanor other than parking or speeding tickets)
2. Have you ever been called before any licensing agency for a hearing on a charge of violation of the Medical Practice Act, unprofessional or unethical conduct? _____
3. Have you ever had a license to practice physical therapy revoked _____, suspended _____, or any other disciplinary action taken in any state, territory, or country? _____
4. Please submit two (2) original letters of recommendation from physical therapists practicing in the U.S. or Canada, who have known you for 6 months or longer who can attest to your moral character and professional ability. Please have them indicate their own credentials and length of time that they have known you.
5. On back of application give a chronological record of all professional activities for the last 10 years; start with your present or last employers. Hospital affiliations, private practice, absences from work, periods of non-professional activities or employment for more than 3 to 6 months, etc. Give complete dates for each. All time must be accounted for.

(Signature of Licensee)

(Date)

REG.
C. WINSTON

TESTIMONIAL OF MORAL CHARACTER

I offer the following character references, who are currently licensed to practice physical therapy and are not related to me, and who have personally observed my practice and are able to provide a full evaluation of my abilities and competence.

Dear Colleague

I am applying for a license to practice physical therapy as a physical therapist assistant in the State of Virginia. The State Board of Medicine requires that this form be completed by each recommending therapist of my choice. Please complete the form and return it to the address below. Thank you.

NAME _____
COMMONWEALTH OF VIRGINIA
DEPT. OF HEALTH REGULATORY BOARDS
BOARD OF MEDICINE
1601 POLLING HILLS DR
RICHMOND VA 23229-5005

Name of Recommending Therapist _____
(PLEASE PRINT OR TYPE)
Address _____ Graduated From _____
Date of Graduation _____
States Licensed _____ License Number _____

This certifies that I have been personally acquainted with _____
for _____ years, that I know _____ to be of good moral and professional
character and hereby recommend _____ to the Virginia Board of Medicine as en-
tirely worthy of a license to practice physical therapy as a physical therapist assistant in the State of Virginia pursuant
to law

SIGNATURE _____

REG.
C. WINSTON
HRB-004-1B
7-12-82



COMMONWEALTH of VIRGINIA
Department of Health Regulatory Boards
State Board of Medicine

EUGENIA K. DORSON
EXECUTIVE SECRETARY

1601 POLLING HILLS DR
RICHMOND VA 23229-5005

DIRECTOR OF PHYSICAL THERAPY DEPARTMENT

RE: _____
(Name of applicant)
(Applicant must sign on reverse side of this form)

Dear Sir:

The Virginia State Board of Medicine receives a great number of applications for reinstatement licensure. Since we cannot personally interview these applicants, we are forced to depend on information from the hospitals in which the applicant has had post-graduate training/experience. We feel that in making our decisions we can get invaluable help from those with whom the applicant has worked.

Will you answer the following questions and return this form to us at your earliest convenience. Thank you.

VIRGINIA STATE BOARD OF MEDICINE

Please answer "yes" or "no" to questions 1 through 4.

Date and type of service: This applicant served in our facility as _____
from _____ to _____

1. Was he/she loyal to his/her superiors and subordinates? _____
2. Was responsibility sought? _____ avoided? _____ accepted? _____
3. Do you consider this physical therapist to be ethical? _____ studious? _____
honest? _____ conscientious? _____ diligent? _____ cooperative? _____
4. At the present time, would you consider this physical therapist to work in your department? _____
5. Based on the records, my judgement of his/her character and professional ability is as follows: _____

(use back of sheet if needed)

DATE: _____ SIGNATURE _____

REG.
C. WINSTON

____ END
____ EXAM

PLEASE SUPPLY LICENSE NUMBER AND FORWARD TO EACH STATE LICENSED IN OR HAVE BEEN LICENSED IN

Dear Sirs:

I am applying for a license to practice physical therapy as a physical therapist assistant in the State of Virginia. The State Board of Medicine requires that this form be completed by each jurisdiction in which I hold or have held licenses. Please complete the form and return it to the address below. Thank you.

NAME: _____

LICENSE: _____

COMMONWEALTH OF VIRGINIA
VIRGINIA STATE BOARD OF MEDICINE
1501 POLLING HILLS DR
RICHMOND VA 23229-5005

STATE OF _____

NAME OF LICENSEE _____

LICENSE NO. _____ DATE ISSUED _____

LICENSED THROUGH (CHECK ONE):

_____ P.E.S. EXAMINATION BOARD EXAMINATION _____

_____ RECIPROCITY, FROM _____ (NAME OF STATE)

_____ OTHER

LICENSE IS CURRENT _____ LASPED _____

HAS APPLICANTS LICENSE EVER BEEN SUSPENDED OR REVOKED? _____

IF SO, FOR WHAT REASON? _____

DEROGATORY INFORMATION, IF ANY _____

COMMENTS, IF ANY _____

SIGNED _____

TITLE _____

STATE BOARD _____

*** (BOARD SEAL)

EMERGENCY REGULATIONS

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: State Plan for Medical Assistance Relating to Criteria for Preadmission Screening and Nursing Home Placement of Mentally Ill and Mentally Retarded Individuals.

VR 460-01-46. Utilization Control.

VR 460-02-4.141. Criteria for Preadmission Screening and Nursing Home Placement of Mentally Ill and Mentally Retarded Individuals.

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

Effective Dates: January 1, 1989, through December 31, 1989.

Summary:

1. **REQUEST:** The Governor's approval is hereby requested to adopt the emergency regulation entitled "Criteria for Pre-Admission Screening and Nursing Home Placement of Mentally Ill and Mentally Retarded Individuals" as federally required in the Omnibus Budget Reconciliation Act of 1987.

2. **RECOMMENDATION:** Recommend approval of the Department's request to take an emergency adoption action. The purpose of this emergency regulation is, with the concurrence of the Department of Mental Health, Mental Retardation and Substance Abuse Services, to conform the Plan for Medical Assistance to Congressional intent.

/s/ Bruce U. Kozlowski, Director
Date: November 14, 1988

3. CONCURRENCES:

/s/ Eva S. Teig
Secretary of Health and Human Resources
Date: November 26, 1988

4. GOVERNOR'S ACTION:

/s/ Gerald L. Baliles, Governor
Date: November 30, 1988

5. FILED WITH:

/s/ Joan W. Smith
Registrar of Regulations
Date: December 1, 1988 - 2:23 p.m.

DISCUSSION

6. **BACKGROUND:** The Omnibus Budget Reconciliation Act (OBRA) of 1987, Part 2, Subtitle C of Title IV added § 1919 to the Social Security Act. Specifically, § 1919(b)(3)(F) prohibits a nursing facility from admitting any new resident who has mental illness or mental

retardation (or a related condition), unless that individual has been determined by the State Mental Health or Mental Retardation Authority to require the level of services provided by a nursing facility. If so, the State Mental Health or Mental Retardation Authority will determine whether active treatment is required. Section 1919(e)(7) requires the states to have pre-admission screening programs to identify individuals with mental illness or mental retardation, using criteria established by the Secretary of Health and Human Services.

The Commonwealth of Virginia has in place a pre-admission screening program to determine whether or not a Medicaid eligible or potentially eligible individual is appropriate for nursing facility placement. In addition, as required by OBRA, all applicants must be screened for possible conditions of mental illness and mental retardation.

Federal minimum criteria for states to use in making determinations are categorized into two levels. Level I determinations will identify whether individuals are suspected to have mental illness or mental retardation and will be performed by existing local Nursing Home Pre-Admission Screening Committees. For this purpose, a supplemental assessment form has been developed for use with the present DMAS-95 form. This new assessment form identifies those individuals who either have a known diagnosis or history of mental illness or mental retardation, or who have any presenting evidence of mental illness or mental retardation. Examples of presenting evidence are disturbances in orientation, affect, mood, or cognitive or behavior functions.

Those who are identified as mentally ill or mentally retarded will be referred to the appropriate Community Service Board for the Level II evaluation and determination process. This activity will include psychiatric and/or psychological assessments, decision making, and follow-up case management services. Federal law prohibits consideration of the availability of placement alternatives during the determination of appropriate placement. The state shall enter into an agreement with the Secretary as to the disposition of those nursing facility patients who do not require the level of services of a nursing facility, but who require active treatment for mental illness or mental retardation. The State Mental Health or Mental Retardation Authority shall devise and implement these alternative disposition plans.

7. **AUTHORITY TO ACT:** The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance in lieu of the Board according to its requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:1 et seq., for the exemption of certain regulatory actions by state agencies. Section 9-6.14:4.1.C contains agency exemptions otherwise subject to the public notice and comment requirements of Article 2 of the APA.

Emergency Regulations

This action was mandated by the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203), and is therefore exempt from Article 2 of the APA. The final federal criteria are not expected until after January 1, 1989. However, the language of OBRA required the states to have a pre-admission screening program in effect for these individuals by January 1, 1989. OBRA specified that the states were not relieved from implementing this pre-admission screening requirement if the Secretary of Health and Human Services failed to develop minimum criteria.

8. FISCAL/BUDGETARY IMPACT: This legislation will have a budgetary impact on the Department of Medical Assistance Services in several areas. The Department has filed a budget amendment with the Department of Planning and Budget to provide for this federal mandate. The cost in state fiscal year 1989 will be \$1,019,303 (\$103,374 GF; \$915,929 NGF). The cost in state fiscal year 1990 will be \$3,004,435 (\$505,620 GF; \$2,498,815 NGF). The new and expanded services will be described separately below.

First, to comply with the statute, the Department must expand the Nursing Home Pre-Admission Screening Program to include the screening of all individuals, regardless of payment source, prior to nursing home admission. This represents a 20% increase over current screening projections. It is now projected that a total of 16,200 individuals will be screened in state fiscal year 1989 and 17,400 individuals in state fiscal year 1990. In addition, the Nursing Home Pre-Admission Screening committees must conduct a more in-depth assessment to determine if the individual needs referral to the second level review for psychiatric and psychological evaluation and determination of active treatment needs. This extra effort and time necessitates the adjustment of the rate paid to the committees for each screening from \$65 to \$100. The cost for the additional screenings and increased fees above current appropriations is \$264,192 for fiscal year 1989. This represents an additional federal cost of \$349,596 while saving the state funds \$85,404. A cost savings is possible because OBRA '87, which begins in January 1, 1989, increases the Federal Financial Participation match from 50 percent to 75 percent for this screening. The cost for fiscal year 1990 is \$460,858 which represents an additional federal match cost of \$665,429 and a state savings of \$204,571.

A second area of expense is the addition of nine Utilization Review Analysts to complete policy development, training and monitoring the expanded program at a cost of \$297,186 (\$148,593 GF; \$148,593 NGF) for Fiscal Year 1990. This figure includes salaries, benefits and all other general administrative costs.

Third, to facilitate the required expansion to include assessments, determinations and follow-up by the Community Services Boards, it will be necessary to develop and implement training, manuals, and forms. These costs are expected to be fiscal year 1989 \$11,980

(\$2,995 GF; \$8,985 NGF). The cost for fiscal year 1990 is \$5,750 (\$1,438 GF; \$4,312 NGF).

Fourth, the Department must reimburse the Community Services Boards (CSBs) for the second level screening assessment which includes the training and follow-up case management activities associated with placement and service needs. An average cost of \$525 per individual assessed at this second level is required for proper evaluations. Based upon data from the Department's Long Term Care Information system, it is projected 522 individuals with diagnoses of mental illness or mental retardation will be referred to the CSBs between January 1, 1989 and June 30, 1989, at a cost to Medicaid of \$274,050 (\$68,512 GF; \$205,538 NGF). We further anticipate that in state fiscal year 1990, the number of individuals referred to the CSBs will be 1,044 at a cost to Medicaid of \$548,100 (\$137,025 GF; \$411,075 NGF).

Fifth, the Department is requesting in its budget amendment the appropriations only for three Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) staff needed to meet and monitor the OBRA '87 requirements associated with the State Mental Health authorities' review and approval of these individuals' plans of care. For fiscal year 1989, the costs associated with salaries, benefits and other general administrative costs for half a year is \$67,501 (\$16,875 GF; \$50,626 NGF). In fiscal year 1990, the costs are \$101,881 (\$25,470 GF; \$76,411 NGF).

Beginning April 1, 1989, another mandatory requirement for DMHMRSAS is annual reviews of current nursing home residents with diagnoses of mental illness, mental retardation and related conditions. It is estimated that 3,000 current nursing home residents will require annual reviews at an average cost of \$525 per review. It is anticipated the cost per annual resident review will be the same as for the second level pre-admission screening assessment because the activities are identical. Based on the April 1, 1989 implementation date, the cost for fiscal year 1989 is projected to be \$393,750 (\$98,438 GF; \$295,312 NGF). For fiscal year 1990, the projected costs for review activity is \$1,575,000 (\$393,750 GF; \$1,181,250 NGF).

A final cost associated with OBRA '87 is for express mail between DMHMRSAS and the CSBs. Routine mail procedures cannot be used because the second level assessment and decision making process is required to be completed and received by DMHMRSAS within 72 hours of receipt of a referral. In fiscal year 1989, the cost will be \$7,830 (\$1,958 GF; \$5,872 NGF) and in fiscal year 1990, it will be \$15,660 (\$3,915 GF; \$11,745 NGF).

9. RECOMMENDATION: Recommend approval of this request for the Department to take an emergency adoption action of the regulation entitled "Criteria for Pre-Admission Screening and Nursing Home Placement of Mentally Ill and Mentally Retarded Individuals." The purpose of this emergency regulation is to conform the Plan for Medical Assistance to Congressional intent. This

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emergency regulation is to become effective January 1, 1989 and to remain in effect for one full year or until superseded by final regulations promulgated through the APA. Without an effective emergency regulation, the Department would lack the authority to implement this new federal mandate.

10. APPROVAL SOUGHT FOR VR 460-01-46 and 460-02-4.141. Approval of the Governor is sought for an emergency modification to the State Plan for Medical Assistance in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the regulations found on the following pages.

VR 460-01-46. Utilization Control.

Revision: HCFA PM 87-9 (BERC) OMB No.: 0938-0193
August 1987

State Territory : Virginia

Citation 4.14 Utilization Control

42 CFR 431.630 A Statewide program of surveillance
42 CFR 456.2 and utilization control has been
50 FR 15312 implemented that safeguards against
unnecessary or inappropriate use of
Medicaid services available under
this plan and against excess payments,
and that assesses the quality of
services. The requirements of 42 CFR
Part 456 are met:

- ☐ Directly. Attachment 4.14 A contains the criteria for pre-admission screening and nursing home placement of MI/MR persons.

1902(a)(30)(C) ☐ By undertaking medical and utilization
and 1902(d) of review requirements (including quality
the Act, P.L. review requirements described in section
99-509 1902(a)(30)(C) of the Act relating
(Section 9431) to services furnished by HMOs under
contract) through a contract with
a Utilization and Quality Control
Peer Review Organization (PRO)
designated under 42 CFR Part 462.
The contract with the PRO -

- (1) Meets the requirements of § 434.6(a);
- (2) Includes a monitoring and evaluation plan to ensure satisfactory performance;
- (3) Identifies the services and providers subject to PRO review;
- (4) Ensures that PRO review activities are not inconsistent with the PRO review of Medicare services; and
- (5) Includes a description of the extent to which PRO determinations are considered conclusive for payment purposes.

- ☐ Quality review requirements described in Section 1902(a)(30)(C) of the Act relating to services furnished by HMOs under contract are undertaken through contract with the PRO designated under 42 CFR Part 462.

1902(a)(30)(C) ☐ By undertaking quality review of
and 1902(d) of services furnished under each contract
the Act, P.L. with an HMO through a private
99-509 accreditation body.

(Section 9431)

VR 460-02-4.141. Criteria for Preadmission Screening and Nursing Home Placement of Mentally Ill and Mentally Retarded Individuals.

§ 1. Definitions.

"Active treatment for mental illness" means the implementation of an individual plan of care developed under and supervised by a physician, provided by a physician and other qualified mental health professionals, that prescribes specific therapies and activities for the treatment of persons who are experiencing an acute episode of severe mental illness, which necessitates supervision by trained mental health personnel.

"Active treatment for mental retardation" means a continuous program for each client, which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services, and related services that is directed towards (1) the acquisition of the behaviors necessary for the client to function with as much self-determination and independence as possible; and (2) the prevention or declaration of regression or loss of current optimal functional status. Active treatment does not include services to maintain generally independent clients who are able to function with little supervision or in the absence of a continuous active treatment program.

"Community Services Board (CSB)" means the local governmental agency responsible for local mental health, mental retardation, and substance abuse services. Boards function as service providers, client advocates, and community educators.

"Diagnostic and Statistical Manual of Mental Disorders, 3rd edition (DSM IIR)" means the 1980 publication of the American Psychiatric Association classifying diagnoses of abnormal behavior.

"DMAS-95 form" means the six-page assessment tool utilized by Nursing Home Pre-Admission Screening Committees and Utilization Review staff to assess an individual's medical and social status and to reflect justification for a certified level of care.

"Level I Identification Screening" means the screening done by the local Nursing Home Pre-Admission Screening Committees to identify those individuals who have a known or suspected diagnosis of mental illness or mental retardation (or related condition).

"Level II Evaluation Process" means the determination process done by local Community Service Boards for those individuals who are identified as having a potential diagnosis of mental illness and/or mental retardation. The CSBs will submit the required assessments to the State Mental Health or Mental Retardation Authority which will

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decide whether or not active treatment is indicated.

"Mental Illness" means the existence of a diagnosis of a major mental disorder as defined in the *Diagnostic and Statistical Manual of Mental Disorders, 3rd edition (DSM IIR)*, limited to schizophrenic, paranoid, major affective, schizoaffective disorders, and atypical psychosis, and does not include a primary diagnosis of dementia (including Alzheimer's disease or a related disorder).

"Mental Retardation and related conditions" means the existence of a level of retardation (mild, moderate, severe and profound) as described in the *American Association on Mental Deficiency's Manual on Classification in Mental Retardation (1983)* which states that "Mental retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period." The provisions of this section also apply to persons with "related conditions," meaning severe, chronic disabilities that meet all of the following conditions:

- It is attributable to cerebral palsy or epilepsy or any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons, and requires treatment or services similar to those required for those persons.
- It is manifested before the person reaches age 22.
- It is likely to continue indefinitely.
- It results in substantial functional limitations in three or more of the following areas of major life activity: self-care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living.

"MI/MR Supplemental Assessment" means the assessment form developed to meet the requirements of OBRA '87. It will be utilized by the Nursing Home Pre-Admission Screening Committees in conjunction with the DMAS-95 to identify those individuals with a known or suspected diagnosis of mental illness or mental retardation.

"Nursing Home Pre-Admission Screening Committee" means either a local committee organized by the local health director or a committee established in a hospital setting for the purpose of determining whether an individual meets nursing facility criteria. Those organized by the local health director must be composed, at a minimum, of a physician, nurse, and social worker. The nurse and physician (both of whom are licensed or eligible to be licensed) will be employed by the local health department, and the social worker will be employed from the adult services section of the local department of social services or the local health department. The committee, at the discretion of the local health director, may include

representatives of other agencies providing community services to aged and disabled individuals. Hospital committees are composed of a social worker or discharge planner and physician. If the discharge planner is not a nurse, collaboration with a registered nurse who is knowledgeable about the individual's medical needs is required prior to completion of the screening process. A mental health professional from the local Community Services Board may also function as a part of the committee.

Nursing Home "Pre-Admission Screening Program" means a process to: (1) evaluate the medical, nursing, developmental, psychological, and social needs of each individual believed to be in need of nursing home admission; (2) analyze what specific services the individual needs; and (3) evaluate whether a service or a combination of existing community services are available to meet the individual's needs. An essential part of the assessment process is determining the level of care required by applying existing criteria for skilled and intermediate nursing home care.

"State Mental Health or Mental Retardation Authority" means the designated representative of the Department of Mental Health, Mental Retardation, and Substance Abuse Services who shall make active treatment decisions.

§ 2. Persons Subject to Nursing Home Pre-Admission Screening and for Conditions of Mental Illness and Mental Retardation.

A. All persons applying for admission to a Medicaid-certified nursing facility who are Medicaid eligible or expected to become eligible for Medicaid within 6 months of admission shall be screened to determine whether the individual meets the criteria for nursing facility placement and for conditions of mental illness and mental retardation. Screenings shall be performed regardless of patients' diagnoses.

B. Beginning 4/1/90, nursing facility residents shall be reviewed annually for conditions of mental illness and/or mental retardation.

§ 3. Pre-Admission Screening Process.

A. Level I Identification Screening: The initial screening shall be administered by local Nursing Home Pre-Admission Screening Committees to determine 1) the need for nursing facility services and 2) whether or not the individual has a known or suspected diagnosis of mental illness and/or mental retardation (or a related condition). The DMAS-95 form and the MI/MR Supplemental Assessment will be utilized by the screening committees in making Level I identifications. Persons identified as potentially having a diagnosis of mental illness and/or mental retardation shall be referred for further diagnostic evaluation performed by the local Community Services Board (CSB).

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B. Level II Evaluation Process: The local CSB shall further evaluate the individual suspected of having conditions of mental illness and/or mental retardation for the need for active treatment and to determine appropriate placement if active treatment is indicated. The criteria used in making a decision about appropriate placement is not, in any way, to be affected by the availability of placement alternatives. The State Mental Health or Mental Retardation Authority shall decide whether or not active treatment is indicated, based on the CSB's recommendation. If active treatment for mental retardation or mental illness is required, the CSB will arrange for the appropriate services to be provided and nursing facility services under Medicaid will be denied.

* * * * *

Title of Regulation: VR 460-04-8.2. Home and Community Based Ventilation Services.

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

Effective Dates: December 1, 1988 through January 5, 1989

Summary:

1. **REQUEST:** *The Governor's approval is hereby requested to adopt the emergency regulation entitled "Services for Ventilator-Dependent Individuals (up to age 21)."*

2. **RECOMMENDATION:** *Recommend approval of the Department's request to take an emergency adoption action. The purpose of this emergency regulation is to implement these rules immediately without waiting for the final review period of the Administrative Process Act before covering these services for individuals. Coverage of these services will allow currently hospitalized individuals to return to their homes sooner.*

/s/ Bruce U. Kozlowski, Director
Date: November 22, 1988

3. CONCURRENCES:

Concur:
/s/ Eva S. Teig
Secretary of Health and Human Resources
Date: November 29, 1988

4. GOVERNOR'S ACTION:

Approve:
/s/ Gerald L. Baliles, Governor
Date: November 30, 1988

5. FILED WITH:

/s/ Joan W. Smith
Registrar of Regulations
Date: December 1, 1988 - 2:23 p.m.

DISCUSSION

6. **BACKGROUND:** *This emergency regulation will not become a part of the State Plan for Medical Assistance since it is not federally required to be in the Plan.*

The Department of Medical Assistance Service's (DMAS) objective in the emergency regulation is to cover medically appropriate and cost-effective services necessary to return ventilator-dependent individuals to their communities from hospitals. To attain this goal, the 1988 General Assembly directed DMAS to submit a waiver request to the Health Care Financing Administration (HCFA) for approval for federal financial participation for these home and community based care services.

The services specifically covered under this special waiver are private duty nursing, respite care, and medical equipment and supplies not otherwise available under services already covered in the State Plan for Medical Assistance. For an individual to receive these services, an evaluation of the required medical needs and home environment must be conducted by the Health Care Coordinator. An individual's receipt of these waived services must be preauthorized by the Department of Medical Assistance Services.

The Health Care Coordinator will be an employee of a hospital which has a contract with DMAS to provide health care coordination and in which the ventilator dependent individual is institutionalized. This Coordinator may be either a registered nurse or a social worker.

Waiver services will be offered at any one time to no more than 200 ventilator-dependent individuals who would be Medicaid eligible if institutionalized. It is anticipated that with the availability of Title XIX coverage under the authority of this waiver, ventilator-dependent individuals requiring intensive skilled nursing services and dependent on technology not generally available outside an institutional setting will return home to a medically stable environment with a reduced risk of reinstitutionalization and at reduced costs. Entitlement for community based services will be limited to those individuals for whom the cost of Medicaid reimbursed hospital care would exceed the cost of Medicaid reimbursed home and community-based services.

Medical and support personnel in hospitals and groups which provide community based services commented upon the waiver request forwarded to HCFA. During the APA public comment period, comments were received from two interested persons.

7. **AUTHORITY TO ACT:** *The Code of Virginia (1950) as amended, § 32.1-325, grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. The Code § 32.1-324 grants to the Director the authority to adopt regulations in lieu of the Board according to its requirements. The 1988 General Assembly approved item 389 G in the*

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Appropriations Act to wit "The Department ...shall develop and submit to the Health Care Financing Administration (HCFA), for approval, a Section 2176 Model Home and Community Based Care Waiver to provide coverage for in-home care for ventilator-dependent children as an alternative to institutional care." The waiver's federal approval, under the authority of the Social Security Act § 1915(c), has been received. A copy of this approval letter is filed at the end of this emergency regulation request.

The Code of Virginia at § 9-6-14.4.1 (the Administrative Process Act) requires agencies to promulgate their regulations according to certain prescribed public notice and comment period requirements. The Department published its proposed regulations as required in § 9-6-14.7.1 and received public comment thereon.

8. FISCAL/BUDGETARY IMPACT: Section 1915(c) of the Social Security Act allows states to offer Home and Community Based Services to individuals who would otherwise be institutionalized as long as the State can provide that such waived services will be less costly to Medicaid than the costs to Medicaid if the individuals were institutionalized.

The Commonwealth of Virginia has submitted to HCFA estimates of the costs to Medicaid for individuals who would receive Home and Community Based Services through a § 1915 Waiver and the costs to Medicaid for hospitalization of these individuals in the absence of a Waiver. The Department derived these utilization and costs estimates from data submitted by three hospitals currently serving ventilator dependent children, data obtained from the Medicaid Management Information System, consultation with physicians and other private providers serving ventilator dependent children, and analysis of Department studies of ventilator dependent children's needs.

In the absence of this Waiver, the Commonwealth estimates that during the next three years the annual number of ventilator dependent individuals who will receive hospital services will be 23, 34, and 45 respectively. The estimated costs to Medicaid for hospitalization of these individuals over three years is \$19,330,728. During that same period, the expected utilization of this Waiver is projected to be 10, 20, and 30 respectively. With an approved Waiver, the estimated cost to Medicaid for these individuals plus those individuals who would continue to be served in hospitals is \$18,085,902. Thus, the Department expects the approval of the Waiver to result in a direct service cost savings to the Commonwealth of \$1,244,826 over the first three years of the Waiver's existence.

9. RECOMMENDATION: Recommend approval of this request for the Department to take an emergency adoption action of the regulation entitled "Services for Ventilator-Dependent Individuals (up to age 21)." The purpose of this emergency regulation is to provide the

regulatory authority to render this service during its final period of review of the Administrative Process Act. This emergency regulation is to become effective December 1, 1988 and to remain in effect until superseded by final regulations promulgated through the APA, on or about January 5, 1989. Without an effective emergency regulation, the Department would lack the regulatory authority to immediately cover this new service.

10. APPROVAL SOUGHT FOR VR 460-04-8.2 Approval of the Governor is sought for an emergency regulation adoption action in accordance with the Code of Virginia § 9-6-14.4.1(C)(5) to adopt the following regulation:

VR 460-04-8.2. Home and Community Based Ventilation Services.

§ 1. Definitions.

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

"DMAS" means the Department of Medical Assistance Services.

"Health care coordinator" means the health care professional, designated by the hospital as responsible for ensuring that the assessment, care planning, monitoring, and review activities as required by DMAS are accomplished.

"Health care coordination" means a comprehensive needs assessment, determination of cost effectiveness, and the coordination of the service efforts of multiple providers in order to avoid duplication of services and ensure the individual's access to and receipt of needed services.

"Medical equipment and supplies" means those articles prescribed by the attending physician, generally recognized by the medical community as serving a diagnostic or therapeutic purpose and as being a medically necessary element of the home care plan. Items covered are those not already available under other services covered by the Plan.

"Plan of Care" means the written plan of services and supplies certified by the attending physician needed by the individual to ensure optimal health and safety for an extended period of time.

"Private duty nursing" means individual and continuous nursing care provided by a registered nurse or a licensed practical nurse under the supervision of a registered nurse.

"Providers" means those individuals or facilities registered, licensed, or certified, as appropriate, and enrolled by DMAS to render services to Medicaid recipients eligible for services.

"Respite care services" means temporary skilled nursing services designed to relieve the family of the care of the ventilator dependent individual (up to age 21) for a short period(s) of time (a maximum of 15 days per year or 360 hours per 12-month period). Respite care shall be provided in the home of the individual's family or caretaker.

"Routine respiratory therapy" means services that can be provided on a regularly scheduled basis. Therapy interventions may include: (i) monitoring of oxygen in blood; (ii) evaluation of pulmonary functioning; and (iii) maintenance of respiratory equipment.

"State Plan for Medical Assistance" or "the Plan" means the document containing the covered groups, covered services and their limitations, and provider reimbursement methodologies as provided for under Title XIX of the Social Security Act.

§ 2. Coverage statement.

A. Coverage shall be provided under the administration of the Department of Medical Assistance Services for certain ventilator dependent individuals up to the age of 21 who would otherwise remain in hospitals.

B. The objective of this waiver is to provide for medically appropriate and cost-effective coverage of services necessary to maintain these individuals in the community.

C. Coverage shall not be provided for these services in board and care facilities.

D. Coverage shall be provided for private duty nursing, respite care, and medical supplies and equipment not otherwise available under the State Plan. All such services shall be covered only in the individual's home.

§ 3. Covered services and provider requirements.

A. Private duty nursing service shall be covered for individuals up to the age of 21 qualified for ventilator services. This service shall be provided only through a home health agency certified by the Virginia Department of Health for Medicaid participation, and with which DMAS has a contract for private duty nursing. At a minimum the private duty nurse shall either be a licensed practical nurse or a registered nurse with a current and valid license issued by the Virginia State Board of Nursing.

1. During the first 30 days after the individual's discharge from the hospital, private duty nursing is covered for 24 hours per day if needed and appropriate to assist the family in adjustment to the care associated with ventilator dependency. After 30 days, private duty nursing shall be reimbursed for a maximum of 16 hours per 24 hour period. The department may grant individual exceptions to these maximum limits based on documented emergency

needs of the individual and continued aggregate cost effectiveness of community services.

2. If the individual is weaned from the ventilator, reimbursement may be available for private duty nursing for a maximum of 16 hours per 24 hour period not to exceed two weeks from the date the attending physician certifies the cessation of ventilator dependency.

3. The hours of private duty nursing shall be limited by medical necessity and cost effectiveness.

B. Respite care service shall be covered for individuals up to the age of 21 who are qualified for ventilator services. This service shall be provided by skilled nursing staff (registered nurse or licensed practical nurse licensed to practice in the Commonwealth) under the direct supervision of a home health agency certified by the Virginia Department of Health for Medicaid participation and with which DMAS has a contract to provide private duty nursing.

C. Durable medical equipment and supplies not otherwise covered in the State Plan shall be provided for individuals qualified for ventilator services. This service shall be provided by persons qualified to render it.

1. Durable medical equipment and supplies shall be necessary to maintain the individual in the home environment.

a. Medical equipment and supplies shall be prescribed by the attending physician and included in the Plan of Care, and shall be generally recognized as serving a diagnostic or therapeutic purpose and being medically necessary for the home care of the individual.

b. Vendors of durable medical equipment and supplies related to the ventilator shall have a contract with DMAS to provide services.

c. In addition to providing the ventilator and associated equipment and supplies, the vendor providing the ventilator shall ensure the following:

(1) 24 hour on-call for emergency services;

(2) Technicians to make regularly scheduled maintenance visits at least every 15 days and more often if called;

(3) Replacement or repair of equipment and supplies as required; and

(4) Respiratory therapist registered with the National Board for Respiratory Care (NBRC) on-call 24 hours per day and stationed within two hours of the individual's home to facilitate immediate response. The respiratory therapist shall be

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available for routine respiratory therapy as well as emergency care. In the event that the Commonwealth of Virginia Board of Health Professions implements through state law a regulation requiring registration, certification or licensure for respiratory therapists to practice in the Commonwealth, DMAS shall require all respiratory therapists providing services to this ventilator dependent population to be duly registered, licensed or certified.

2. Medical equipment and supplies include:

a. All durable medical equipment and supplies which are covered under the State Plan. See the attachment listing for specific items which are covered.

b. Apnea monitor.

§ 4. Provider reimbursement.

A. All private duty nursing services shall be reimbursed at an hourly negotiated fee.

B. Respite care shall be reimbursed at an hourly negotiated fee.

C. Prior approval by DMAS shall be required for all durable medical equipment and other medically related supplies furnished under this program before the individual's discharge from the hospital and before reimbursement. If additional equipment and supplies are needed following the individual's discharge from the hospital, the Health Care Coordinator shall obtain DMAS' approval. This prior authorization requirement shall apply to all durable medical equipment and supplies that are covered under the State Plan or the waiver.

§ 5. Patient qualification and eligibility requirements.

A. Medicaid eligible individuals, younger than 21, shall be entitled to this service based on the anticipated cost to Medicaid of home care being less than the anticipated cost to Medicaid of the individual remaining in the hospital and based on continued aggregate cost effectiveness of community services.

B. The individual shall have a live-in primary care giver who accepts responsibility for the individual's health and welfare.

C. These services shall not be available to inpatients of general acute care hospitals, skilled nursing facilities, intermediate care facilities, or intermediate care facilities for the mentally retarded.

D. Virginia will apply the financial eligibility criteria contained in the State Plan for the categorically needy and the medically needy. Virginia has elected to cover the optional categorically needy group under 42 CFR 435.211,

435.231 and 435.217. The income level used for 435.211, 435.231 and 435.217 is 300% of the current Supplemental Security Income payment standard for one person.

1. Under this waiver, the coverage groups authorized under § 1902(a)(10)(A)(ii)(VI) of the Social Security Act will be considered as if they were institutionalized for the purpose of applying institutional deeming rules. The medically needy individuals participating in the waiver will also be considered as if they were institutionalized for the purpose of applying the institutional deeming rules.

2. Virginia will treat the income of an eligible individual who receives home and community-based care services under 42 CFR 435.217 using the methodology in 42 CFR 435.735 to reduce the agency's payment for home and community-based services. The following amounts from the individual's total income (including amounts disregarded in determining eligibility) will be deducted:

a. For the individual's maintenance needs, the current Supplemental Security Income (SSI) payment standard for one individual (the categorically needy income standard for one).*

b. For an individual with a spouse living in the home, an additional amount for the maintenance needs of the spouse based upon a reasonable assessment of need but not to exceed the current Supplemental Security Income payment for one individual (the categorically needy income standard for one).

c. For an individual with a family at home, an additional amount for the maintenance needs of the family based upon a reasonable assessment of need but not to exceed the medically needy income standard for a family of the same size.

d. Amounts for incurred expenses for Medicare and other health insurance premiums, deductibles, or coinsurance charges.

e. Amounts for incurred expenses for necessary medical or remedial care not subject to payment by a third party recognized under state law but not covered under the Commonwealth's Medicaid Plan within the same reasonable limits established under the State Plan for institutionalized individuals.

* Although Virginia has elected to apply more restrictive eligibility requirements than SSI, Virginia does not apply a more restrictive income standard.

E. Assessment and Plan of Care requirements.

1. The initial assessment and development of the Plan of Care shall be conducted by a hospital-based multidisciplinary team. The team shall include an

attending physician, a nurse, and a social worker.

a. The physician shall be currently certified by the Board of Medicine and have a currently valid license to practice medicine in the Commonwealth. The physician shall have experience in the needs and care of ventilator dependent persons and the needs of children.

b. The nurse shall be a registered nurse currently and validly licensed to practice nursing in the Commonwealth. The nurse shall have experience in the needs and care of ventilator dependent persons and the needs of children.

c. The social worker shall have a master's degree in social work. The social worker shall have experience in the needs and care of ventilator dependent persons and the needs of children.

d. Other specialists who are currently and validly licensed, registered or certified to practice their specialties within the Commonwealth may participate in the assessment and care planning process. These other specialists shall have experience in the needs and care of ventilator dependent persons and the needs of children.

e. The Health Care Coordinator is responsible for ensuring that the assessment, care planning, monitoring, and review activities required by DMAS are accomplished. The Health Care Coordinator shall be either a nurse or a social worker meeting the requirements of subdivision b or c above.

2. Referral for waiver services and assessment.

a. A service referral shall originate from the clinical staff in the hospital where the individual is located.

b. The Health Care Coordinator shall meet with the family and representatives of the clinical patient care team to preliminarily assess the individual's needs.

c. Upon receiving parental or guardian consent to explore the possibility of home care, the Health Care Coordinator shall arrange for the assessment process for waiver services. The initial assessment and development of the Plan of Care for a potential waiver participant will be conducted by the hospital-based multidisciplinary team.

d. At the time of assessment, certification from the attending physician that the individual would otherwise require continued acute care or skilled nursing facility care will be necessary in order to continue the assessment process.

e. If the physician certifies the need for care and if the family desires community based care, the

Health Care Coordinator shall continue the assessment process. The Health Care Coordinator shall perform a home visit to ensure suitability of the home environment for the individual's placement. Concurrently, the Health Care Coordinator or social worker of the multidisciplinary team shall conduct a family assessment to ensure the family's willingness and ability to participate in home care. Consideration shall also be given to the extent of family and community support available to meet the care needs of the ventilator dependent individual.

3. Development of the Plan of Care.

a. Upon completion of the medical/nursing/functional assessment and the family and home assessment, the Plan of Care is developed.

d. At minimum, the Plan of Care shall include:

(1) A statement of the appropriateness of the home in which the individual is to be placed.

(2) Identification of the type, frequency, and amount of nursing care needed. This shall include the name of the provider agency, whether the nurse is an RN or an LPN, and verification that the nurse is licensed to practice in the Commonwealth. This shall also contain documentation that the Health Care Coordinator has verified that the provider agency is an enrolled provider with DMAS to provide skilled nursing services for this population.

(3) Identification of all other services that are needed in order for the individual to be discharged home. The statement shall include, as appropriate, speech therapy, occupational therapy, physical therapy, transportation, physician services, the frequency and amount of service needed, the provider of the service, and the payment source.

(4) A complete list of equipment and supply needs, and identification of the provider and source of payment.

(5) Identification of the type, frequency, and amount of care that the family or other informal caregivers shall provide.

(6) Identification of the anticipated utilization of respite care during the 12-month period post-hospital discharge.

(7) Other referrals for assessment for services (as needed and appropriate) to include the school system; Women, Infants, and Children Program; child development clinic services; and Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) services.

Emergency Regulations

(8) Identification of the primary care physician in the community who has agreed to follow the individual in the community.

(9) The appropriateness of the medical care, including a statement from the multidisciplinary team as well as the individual's primary care physician, to be signed by the legally responsible adult, attesting that the medical care the individual is to receive in the home is agreed to by the legally responsible adult and is appropriate in the opinion of all involved parties.

4. Cost effectiveness computations.

a. These computations shall be completed by the Health Care Coordinator upon completion of the Plan of Care.

b. The Health Care Coordinator shall be required to document the anticipated cost to DMAS for the individual's waiver services for a 12-month period. The Health Care Coordinator shall then compare DMAS costs for the waiver to anticipated costs to DMAS for continued hospitalization of the individual.

5. Patient selection of waiver services.

a. When the determination that the individual's needs can appropriately and cost-effectively be met in the community with these waiver services, the Health Care Coordinator shall give the legally responsible party the choice of waiver services or continued hospitalization.

b. If waiver services are chosen, the legally responsible party and the primary care giver if separate persons will also be given the opportunity to choose the providers of service, if more than one provider is available to render the services.

6. DMAS shall review and approve the plan of care prior to the individual's hospital discharge to the community with waiver services, and prior to Medicaid payment for waiver services.

7. Reevaluation requirements and utilization review.

a. Reevaluations shall be conducted by the Health Care Coordinator at least every 30 days during the first three months after discharge from the hospital and at any time when a change in the individual's condition indicates the need for reevaluation. After the first three months, the Health Care Coordinator shall conduct a home visit once every three months and more often if necessary.

b. DMAS is responsible for performing utilization review at least semi-annually and for the maintenance of supporting documentation. DMAS

shall also maintain a copy of the Plan of Care, the initial evaluation, and each reevaluation for a minimum period of five years.

c. The Health Care Coordinator shall review the Plan of Care for appropriateness of the level, amount, type, and quality of services provided as well as for monitoring the cost effectiveness of the individual's care in the community.

d. Medical necessity of waiver services shall be reviewed by the Health Care Coordinator.

e. The Health Care Coordinator shall submit this information to DMAS.

f. During the semi-annual review period, a DMAS utilization review analyst shall review the record and conduct a home visit. The purposes of this record review and home visit is to determine the correctness of the level of care; to ensure that the amount, duration, and scope of the services are appropriate; to ensure that the individual's health and welfare are protected; and to ensure that cost effectiveness is maintained.

§ 6. Appeal of denied coverage.

A. DMAS shall provide the opportunity for a fair hearing under 42 CFR Part 431, Subpart E, to individuals who are not given the choice of home and community-based services as an alternative to remaining in the hospital or entering a skilled nursing facility services or who are denied the service of their choice or the provider of their choice.

B. The individual shall be advised of the denial and of his right to appeal.

§ 7. Documentation requirements.

The Health Care Coordinator shall submit the following documentation to DMAS before the individual's discharge from the hospital:

1. All of the required assessment and documentation.
2. Certification of level of care.
3. Plan of care.
4. Cost-effectiveness computation.
5. Agreement of legally responsible party and the primary care giver if separate persons with the plan of care.
6. Choice of home and community-based care or hospital care.
7. Choice of waiver service providers, if waiver

services are chosen.

ATTACHMENT LIST OF COVERED DURABLE MEDICAL EQUIPMENT

Medical Equipment and Supplies Covered Under State Plan.

1. Ventilator and necessary attachments.
2. Back-up portable ventilator and attachments.
3. Suction machine, stationary.
4. Suction machine, portable.
5. Ambu bag.
6. Patient lift.
7. Overbed table.
8. Commode, shower chair, or stretcher.
9. Environmental control unit.
10. Alternative communication devices.
11. Tracheostomy tubes.
12. Tracheostomy care kits or individual supplies normally found in the kit.
13. Gastrostomy tubes.
14. Feeding pumps.
15. Suction catheters.
16. Sterile water.
17. Sterile saline.
18. Special mattresses.
19. Oxygen and oxygen equipment.
20. Foley catheters.
21. Bed pans.
22. Antiseptic solution for cleaning of ventilator and respiratory supplies.
23. Wheelchair, manual or power, including adaptive seating devices to prevent contractures and skin breakdown.
24. Hospital bed.
25. Adaptive mobility transportation device (Mulholland

chair).

26. Phrenic pacer (implant, transmitter box, antenna and battery).

27. Pharmacological preparation necessary for life sustaining nutritional management (legend drug only).

28. Pulse oximeter.

Medical Equipment and Supplies Not Covered Under State Plan

1. Apnea monitor.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-02-490. Declaration of
Estimated Income Tax by Individuals: Definitions and
Declaration of Estimated Tax.

VR 630-02-492. Declaration of Estimated Income Tax by
Individuals: Failure by Individual to Pay Estimated Tax.

Governor's Comment:

No objection to the proposed regulations as presented.

/s/ Gerald L. Baliles

Date: November 16, 1988

* * * * *

Title of Regulation: VR 630-5-490. Fiduciary Estimated
Tax: Definitions, Declarations.

VR 630-5-491. Fiduciary Estimated Tax: Installment
Payments.

VR 630-5-492. Fiduciary Estimated Tax: Additions to the
Tax.

Governor's Comment:

No objection to the proposed regulations as presented.

/s/ Gerald L. Baliles

Date: November 16, 1988

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF AIR POLLUTION CONTROL

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Air Pollution Control intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution Concerning Emission Standards for Volatile Organic Compounds (VOCs)**. The purpose of the proposed action is to require the owner or operator to limit VOC emissions from the specific source to a level resultant from the use of reasonably available control technology and necessary for the protection of human health and welfare.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until January 4, 1989.

Contact: Robert A. Mann, Director, Division of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5789 or SCATS 786-5789

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

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects intends to consider amending regulations entitled: **State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects Rules and Regulations**. The purpose of the proposed action is to place a fee schedule into the regulations, and to make minor changes to the regulations to conform with Code of Virginia changes and for clarity.

Statutory Authority: §§ 54-1.28 and 54-25 of the Code of Virginia.

Written comments may be submitted until January 1, 1989.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, toll-free 1-800-552-3016 or SCATS 367-8514

DEPARTMENT OF COMMERCE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider promulgating regulations entitled: **Virginia Asbestos Licensing Regulations**. The purpose of the proposed regulation is to promulgate regulations to replace emergency regulations enacted July 1, 1988.

Statutory Authority: § 54-145.5 of the Code of Virginia.

Written comments may be submitted until January 20, 1989.

Contact: Peggy Wood, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8595, toll-free 1-800-552-3016 or SCATS 367-8595

DEPARTMENT OF EDUCATION (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 Education intends to consider amending regulations entitled: **VR 270-02-0000. Certification Regulations for Teachers**. Amendments to the regulation is in response to federal legislation (P.L. 99-457) requiring that personnel serving special education students meet the highest standard in the Commonwealth. Accordingly, the certification regulations for speech-language pathologists are being revised.

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

Written comments may be submitted until December 31, 1988.

Contact: Dr. Lissa Power Cluver, Associate Director, Special Education Programs, Department of Education, P. O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2873

General Notices/Errata

BOARD OF GEOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Geology intends to consider amending regulations entitled: **Virginia Board of Geology Rules and Regulations**. The purpose of the proposed action is to place a fee schedule into the regulations, and to make minor changes to the regulations to conform with Code of Virginia changes and for clarity.

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

Written comments may be submitted until January 1, 1989.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, toll-free 1-800-552-3016 or SCATS 367-8514

DEPARTMENT OF HEALTH

† Notice of Intended Regulatory Action

Notice is hereby given that the Department of Health intends to consider promulgating regulations entitled: **Regulations Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems and Private Wells**. The purpose of the proposed regulation is to establish a fee for filing an application for a permit to construct an onsite sewage disposal system or for the construction of a private well, and establish a procedure for the waiver of fees for an owner whose income of his family is at or below the federal poverty guidelines established by the United States Department of Health and Human Services, or when the application is for a pit privy, the replacement of a private well, or the repair of a failing onsite sewage disposal system.

Statutory Authority: §§ 32.1-164 C and 32.1-176.4 B of the Code of Virginia.

Written comments may be submitted until January 3, 1989.

Contact: Robert B. Stroube, M.D., M.P.H., Deputy Commissioner, James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3575 or SCATS 786-3575

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Disproportionate Share Adjustments to Hospitals**. The purpose of the proposed action is to

conform the Plan for Medical Assistance to the disproportionate share adjustment requirements of OBRA 1987.

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

Written comments may be submitted until January 5, 1989, to N. Stanley Fields, Director, Division of Provider Reimbursement, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Qualified Provider for Medicaid Expanded Prenatal Services and Maternal/Infant Care Coordination**. The purpose of the proposed action is to amend existing regulations to enroll additional qualified providers for Medicaid Expanded Prenatal Services and Targeted Care Coordination services.

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

Written comments may be submitted until January 16, 1989, to David Austin, Manager, Post Payment Review, Health Services Review, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

VIRGINIA STATE BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Medicine intends to consider amending regulations entitled: **VR 465-02-1. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture**. The purpose of the proposed action is to develop regulations regarding prescriptions for contact lenses.

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

Written comments may be submitted until January 5, 1989.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

† **Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Medicine intends to consider amending regulations entitled: **VR 465-02-1. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture.** The purpose of the proposed action is to amend § 2.4 to address the issue of advertising free services rendered.

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

Written comments may be submitted until January 3, 1989.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

† **Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Medicine intends to consider amending regulations entitled: **VR 465-05-1. Regulations Governing the Practice of Physician Assistants.** The purpose of the proposed action is to define direct, general and personal supervision of physician assistants.

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

Written comments may be submitted until January 3, 1989.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Professional Counselors intends to consider amending regulations entitled: **VR 560-01-02. Regulations Governing the Practice of Professional Counseling.** The purpose of the proposed action is to allow individuals registered with the board prior to July 31, 1988, under the supervision of nonlicensed board approved supervisors to have their supervised experience counted towards licensure and allow nonregistered supervised experience obtained before July 31, 1988, to be applied towards licensure.

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

Written comments may be submitted until December 21, 1988.

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804)

662-9912 or SCATS 662-9912

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Professional Counselors intends to repeal regulations entitled: **VR 560-01-02. Regulations Governing the Practice of Professional Counseling, Part II - § 2.3 Requirements for Provisional License Part IV - § 4.3.** The board will have no statutory authority to allow applicants who have a doctorate in counseling to be granted a provisional license while completing either specific coursework or supervised experience required for licensure after January 1, 1989, or to renew that license.

Statutory Authority: §§ 54-929(a) and 54-993.1 of the Code of Virginia.

Written comments may be submitted until December 21, 1988.

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912 or SCATS 662-9912

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Professional Counselors intends to consider promulgating regulations entitled: **VR 560-01-03. Regulations Governing the Certification of Substance Abuse Counselors.** The purpose of the proposed regulation is to establish the requirements for examination and certification of substance abuse counselors and set the standards of practice for certified substance abuse counselors in Virginia.

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

Written comments may be submitted until December 21, 1988.

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912 or SCATS 662-9912

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-3-400.1. Corporation Income Tax: Telecommunications Companies.** The purpose of the proposed action is to implement the changes to the existing Corporation Income Tax Regulations required by the 1988 Acts, Chapter 899 (S.B. 312) which subjects

General Notices/Errata

telecommunications companies to the Corporate Income Tax and imposes a minimum corporate income tax on telecommunications companies.

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

Written comments may be submitted until January 5, 1989.

Contact: Janie E. Bowen, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8010 or SCATS 367-8010

BOARD OF VETERINARY MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Veterinary Medicine intends to consider amending regulations entitled: **VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine.** The purpose of the proposed regulation is to establish standards for licensure and practice as a veterinarian and veterinary technician; state requirements for registration of an animal facility.

Statutory Authority: §§ 54-776 through 54-791 of the Code of Virginia.

Written comments may be submitted until December 21, 1988.

Contact: Moira C. Lux, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9915

GENERAL NOTICES

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: Jane Chaffin, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06

AGENCY RESPONSE TO LEGISLATIVE
OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT OF PLANNING AND BUDGET
(Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained from Jane Chaffin at the above address.

ERRATA

DEPARTMENT OF AIR POLLUTION CONTROL

Title of Regulation: **VR 120-99-01. Regulation for the Control of Motor Vehicle Emissions.**

Publication: 5:4 V.A.R. 537-556 November 21, 1988

The correction to the final regulation:

Page 545, § 4.1 T, change "Licenses are valid for three years" to "Licenses are valid for [time periods determined by the board, not to exceed] three years"

Title of Regulation: **VR 120-99-02. Regulation for Vehicle Emissions Control Program Analyzer Systems.**

Publication: 5:4 V.A.R. 557-583 November 21, 1988

The corrections to the final regulation:

Page 561, § 2.9 D, Heading, change "Optional" to "Optical"

Page 565, § 4.6 A 3, line 6, change "certificate of emissions" to "certificate of [vehicle] emissions"

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

February 22, 1989 - 2 p.m. – Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, 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 115-03-01. Rules and Regulations Applicable to Controlled Atmosphere (CA) Apples.** These regulations prescribe requirements for apples identified as stored under controlled atmosphere conditions.

Statutory Authority: § 3.1-997 of the Code of Virginia.

Written comments may be submitted until February 3, 1989, to T. Graham Copeland, Jr., 1100 Bank Street, Room 210, Richmond, Virginia 23219.

Contact: Donald B. Ayers, Director of Commodity Services, Department of Agriculture and Consumer Services, 1100 Bank St., Room 804, Richmond, Va. 23219, telephone (804) 786-0480 or SCATS 786-0480

STATE AIR POLLUTION CONTROL BOARD

† **January 13, 1989 - 9 a.m.** – Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Agecroft Room, Richmond, Virginia. ☒

A general meeting of the board.

Contact: Richard Stone, Public Information Office, Department of Air Pollution Control, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5478 or SCATS 786-5478

ALCOHOLIC BEVERAGE CONTROL BOARD

December 27, 1988 - 9:30 a.m. – Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☒

A meeting to receive and discuss reports and activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, Secretary to the Board, 2901 Hermitage Rd., P. O. Box 27491, Richmond, Va. 23261, telephone (804) 367-0616

VIRGINIA BOATING ADVISORY BOARD

† **January 4, 1989 - 10 a.m.** – Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☒

A meeting to review, discuss and act on legislation issues and regulations affecting Virginia's recreational boating public.

Contact: Wayland W. Rennie, Chairman, 8411 Patterson Ave., Richmond, Va. 23229, telephone (804) 740-7206

CHARLES CITY LOCAL EMERGENCY PLANNING COMMITTEE

† **December 20, 1988 - 7 p.m.** – Open Meeting
Charles City Neighborhood Facility Building, Board of Supervisor's Conference Room, Charles City, Virginia

Local Emergency Preparedness Committee meeting on Emergency Preparedness as required by SARA Title III.

Contact: Fred A. Darden, P.O. Box 128, Charles City, Va. 23030, telephone (804) 829-2401

Calendar of Events

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

January 5, 1989 - 5:30 p.m. - Open Meeting
February 2, 1989 - 5:30 p.m. - Open Meeting
Chesterfield County Administration Building, 10001
Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund
Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services
Coordinator, Chesterfield Fire Department, P. O. Box 40,
Chesterfield, Va. 23832, telephone (804) 748-1236

CONSORTIUM ON CHILD MENTAL HEALTH

January 4, 1989 - 9 a.m. - Open Meeting
February 1, 1989 - 9 a.m. - Open Meeting
Eighth Street Office Building, 805 East Broad Street, 11th
Floor Conference Room, Richmond, Virginia. ☒

A regular business meeting open to the public,
followed by an executive session, for purposes of
confidentiality, to review applications for funding of
services to individuals.

Contact: Wenda Singer, Chair, Virginia Department for
Children, 805 E. Broad St., Richmond, Va. 23219, telephone
(804) 786-2208

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Goose Creek Scenic River Advisory Board

January 16, 1989 - 2 p.m. - Open Meeting
Middleburg Community Center, Main Street, Middleburg,
Virginia

A business meeting to discuss issues and matters
pertaining to the Goose Creek Scenic River.

Contact: Richard G. Gibbons, Recreation Planning Chief,
Department of Conservation and Historic Resources,
Division of Planning and Recreation Services, 221
Governor St., Suite 306, Richmond, Va. 23219, telephone
(804) 786-4132

STATE BOARD FOR CONTRACTORS

January 18, 1989 - 9 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Richmond,
Virginia. ☒

A quarterly meeting to (i) address policy and
procedural issues, (ii) review and render decisions on
applications for contractors' licenses, (iii) review staff

recommendations for revisions to its rules and
regulations, and (iv) review and render case decisions
on matured complaints against licensees. The meeting
is open to the public; however, a large portion of the
board's business will be discussed in the executive
session.

Contact: Laster G. Thompson, Jr., Assistant Director, 3600
W. Broad St., Richmond, Va. 23230, telephone (804)
367-8557 or toll-free 1-800-552-3016

STATE BOARD OF CORRECTIONS

January 18, 1989 - 10 a.m. - Open Meeting
6900 Atmore Drive, Board of Corrections Board Room,
Richmond, Virginia. ☒

A regular monthly meeting to consider such matters
as may be presented to the board.

Contact: Vivian Toler, Secretary to the Board, 6900 Atmore
Dr., Richmond, Va. 23225, telephone (804) 674-3235

VIRGINIA BOARD OF COSMETOLOGY

December 19, 1988 - 9 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor,
Richmond, Virginia. ☒

A meeting to (i) review enforcement cases; (ii) review
correspondence; (iii) review applications; (iv) review
committee reports; and (v) conduct regulatory review
to adopt final regulations.

Contact: Roberta L. Banning, Assistant Director,
Department of Commerce, 3600 W. Broad St., Richmond,
Va. 23230-4917, telephone (804) 367-8590 or toll-free
1-800-552-3016 (VA only)

DANVILLE LOCAL EMERGENCY PLANNING COMMITTEE

† January 19, 1989 - 3 p.m. - Open Meeting
Municipal Building, 2nd Floor Conference Room, Danville,
Virginia. ☒

Local Committee, SARA Title III. Hazardous Material
Community Right-to-Know.

Contact: C. David Lampley, Chairman, LEPC, 297 Bridge
St., Danville, Va. 24541, telephone (804) 799-5228

STATE BOARD OF EDUCATION

January 12, 1989 - 9 a.m. - Open Meeting
January 13, 1989 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference

Rooms D & E, 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 Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va. 23219, telephone (804) 225-2540

* * * * *

December 21, 1988 - 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 Virginia State Board of Education intends to amend regulations entitled: **VR 270-02-0007. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.** The purpose of the proposed regulations is to ensure the provisions of a free and appropriate public education in the least restrictive environment to all handicapped youth ages 2 to 21, inclusive, residing in the Commonwealth.

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

Written comments may be submitted until December 21, 1988.

Contact: Kathe Klare, Supervisor of Due Process Proceedings, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2887

* * * * *

† February 17, 1989 - Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Education intends to amend regulations entitled: **VR 270-02-0007. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.** The purpose of the proposed amendments is to ensure the provision of a free and appropriate public education in the least restrictive environment to all handicapped youth ages 2 to 21, inclusive, residing in the Commonwealth.

STATEMENT

Purpose: The purpose of the reproposal of the regulations is to publish the amendments based on the comments which substantially changed the original draft of amended regulations. The amended regulations bring the state regulations in compliance with Congressional amendments

to P.L. 94-142, the federal law mandating that handicapped children and youth receive a free and appropriate public education.

Basis: Section 22.1-16 of the Code of Virginia; 20 USC Section 1412 and 1413.

Subject, substance and issues: The amended regulations were inconsistent with federal law and other proposed changes were based on the public comments and included in this amended draft. The major changes in the proposed regulations include deletion of the requirement for parental consent before any change in the identification or placement for a handicapped child, maintaining autism as a separate category, defining reevaluation and significant change in placement, expanding the definition of special education to comport with federal law, adding qualifications of personnel providing services, adding related services to an existing IEP, termination of special education services, adding language and timelines regarding suspensions and expulsions and amending the regulations to comply with the law for serving children in juvenile detention homes.

Impact: The regulations directly affect 140 school divisions in the Commonwealth.

Statutory Authority: § 22.1-16 of the Code of Virginia and 20 USC §§ 1412 and 1413.

Written comments may be submitted until February 17, 1989.

Contact: Kathe Klare, Supervisor of Due Process Proceedings, Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2887

STATE BOARD OF ELECTIONS

† December 21, 1988 - 10 a.m. - Open Meeting State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

A meeting to ascertain the results of the December 13, 1988, special elections.

Contact: Susan H. Fitz-hugh, Secretary, State Board of Elections, 101 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-6551

LOCAL EMERGENCY PLANNING COMMITTEE OF FAIRFAX COUNTY - TOWN OF VIENNA - CITY OF FAIRFAX - TOWN OF HERNDON

† January 12, 1989 - 10 a.m. - Open Meeting John C. Wood Municipal Center, Lee Highway, Fairfax, Virginia. ☒

Local Emergency Preparedness Committee meeting on

Calendar of Events

Emergency Preparedness as required by SARA Title III.

225-2681

Contact: Eileen McGovern, 4031 University Dr., Fairfax, Va. 22030, telephone (703) 246-2331

DEPARTMENT OF FIRE PROGRAMS

February 3, 1989 - 9 a.m. - Public Hearing
Holiday Inn-Downtown, 301 West Franklin Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Fire Services intends to amend regulations entitled: **VR 310-01-02. Regulations Establishing Certification Standards for Fire Inspectors.** This regulation establishes certification standards for fire inspectors and is amended to incorporate training required as a result of revisions to the Code of Virginia by the 1988 General Assembly authorizing search warrants for inspection or reinspection of buildings.

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

Written comments may be submitted until February 3, 1989.

Contact: Robert A. Williams, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681 or SCATS 225-2681

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February 3, 1989 - 9 a.m. - Public Hearing
Holiday Inn-Downtown, 301 West Franklin Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Fire Programs intends to adopt regulations entitled: **VR 310-01-04. Regulations Governing the Certification of Instructors Providing Training at Local Fire Training Facilities.** Regulations Governing the Certification of Instructors Providing Training at Local Fire Training Facilities will require localities using Fire Programs Funds for local fire training construction, improvement and expansion to use instructors meeting standards approved by the Virginia Fire Services Board.

Statutory Authority: §§ 9-155 and 38.2-401 of the Code of Virginia.

Written comments may be submitted until 5 p.m., February 10, 1988.

Contact: Carl N. Cimino, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681 or SCATS

BOARD OF FORESTRY

† January 12, 1989 - 9:30 a.m. - Open Meeting
Marriott Hotel, 500 East Broad Street, Richmond, Virginia.

☐

A general business meeting.

Contact: Barbara A. Worrell, Department of Forestry, P.O. Box 3758, Charlottesville, Va. 22903, telephone (804) 977-6555 or SCATS 487-1230

DEPARTMENT OF FORESTRY

† January 4, 1989 - 10 a.m. - Public Hearing
Department of Forestry Regional Offices located in Portsmouth, Waverly, Sandston, Tappahannock, Charlottesville, Staunton, Salem, Farmville, and Abingdon.

The guidelines for Forestry Best Management Practices to meet water quality standards for Virginia and the goals of the Clean Water Act. These guidelines contain suggested practices to reduce erosion and sedimentation resulting from silvicultural operations. The primary purpose of the public input meetings are to receive comments from broad spectrum of the general public.

Contact: W. C. Stanley, Chief, Forest Management, P.O. Box 3758, Charlottesville, Va. 22903, telephone (804) 977-6555

FRANKLIN, ISLE OF WIGHT AND SOUTHAMPTON EMERGENCY PLANNING COMMITTEE

December 20, 1988 - 7 p.m. - Open Meeting
Public Safety Building, Franklin, Virginia. ☐

A meeting to review status of Emergency Response Plan.

Contact: Jim Wagenbach, Chief of Emergency Services, Public Safety Building, 1005 Main St., Franklin, Va. 23851, telephone (804) 562-8581

STATE HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

Training Study Committee

† January 11, 1989 - 10 a.m. - Open Meeting
Radisson Hotel, 555 East Canal Street, Richmond, Virginia

The meeting will focus on the formation of a permanent Hazardous Materials Training Committee to

include membership, committee functions, and responsibilities.

Contact: Captain Lou Stark, Chairman, Newport News Fire Department, 2400 Washington Ave., Newport News, Va. 23607, telephone (804) 247-8404

COUNCIL ON HEALTH REGULATORY BOARDS

Executive Committee

December 19, 1988 - 1 p.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Room 2, Richmond, Virginia. ☐

The committee will review the regulations of the Board of Social Work.

Regulatory Evaluation and Research Committee

December 19, 1988 - 1 p.m. - Open Meeting
NOTE: CHANGE OF MEETING DATE
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Room 2, Richmond, Virginia. ☐

The committee will review regulations of the Board of Social Work.

Scope and Standards Committee

December 19, 1988 - 3 p.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Room 2, Richmond, Virginia. ☐

The committee will consider further background information on the criteria revision.

Contact: Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23219, telephone (804) 662-8818

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **January 24, 1989 - 11 a.m. - Public Hearing**
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Health Services Cost Review Council intends to amend regulations entitled: **VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.** The purpose of the proposed action is to incorporate the Commercial Diversification Survey into the regulations.

STATEMENT

This proposed amendment is consistent with the council's authority to undertake financial analysis and studies

relating to health care institutions.

The major change in the regulations includes: conducting annual survey of all hospitals that report to the council or any corporation that controls a hospital to determine the extent of commercial diversification in the industry and reporting this information annually to the General Assembly.

Impact: The proposed changes will provide information that is needed by legislators/policy makers for determining whether or not nonprofit hospitals may be unfairly competing in the healthcare marketplace.

Statutory Authority: §§ 9-156 through 9-166 of the Code of Virginia.

Written comments may be submitted until February 17, 1989.

Contact: Ann Y. McGee, Director, Health Services Cost Review Council, 805 E. Broad St., 9th Floor, Richmond, Va. 23219, telephone (804) 786-6371 or SCATS 786-6371

COUNCIL ON HUMAN RIGHTS

January 5, 1989 - 10 a.m. - Open Meeting
March 9, 1989 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 18th Floor Conference Room, Richmond, Virginia. ☐

A monthly council meeting.

Contact: Alison Browne Parks, Administrative Staff Specialist, P.O. Box 717, Richmond, Va. 23206, telephone (804) 225-2292, SCATS 225-2292 or toll-free 1-800-633-5510/TDD ☐

COUNCIL ON INDIANS

January 5, 1989 - 2 p.m. - Open Meeting
Ninth Street Office Building, Cabinet Conference Room, 6th Floor, Richmond, Virginia. ☐

A regular meeting of the Council on Indians to conduct general business and to receive reports from the council standing committees.

Contact: Mary Zoller, Information Director, Council on Indians, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9285 or SCATS 662-9285

STATE LOTTERY BOARD

December 19, 1988 - 10 a.m. - Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Agcroft Room, Richmond, Virginia. ☐

Calendar of Events

A regularly scheduled monthly meeting of the board. Business will be conducted according to items listed on agenda which has not yet been determined.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 367-9433 or SCATS 367-9433

MARINE RESOURCES COMMISSION

† January 3, 1989 - 9:30 a.m. - Open Meeting
Newport News City Council Chambers, 2400 Washington Avenue, Newport News, Virginia

The Virginia Marine Resources Commission will meet on the first Tuesday of each month at 9:30 a.m. It hears and decides cases on fishing licensing, oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery management and conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within 5 days.

Contact: Sandra S. Schmidt, Secretary to the Commission, 2401 W. Avenue, P. O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

BOARD OF MEDICAL ASSISTANCE SERVICES

January 10, 1989 - 5 p.m. - Open Meeting
January 11, 1989 - 9 a.m. - Open Meeting
600 East Broad Street, Suite 1300, Richmond, Virginia. ☒

January 10 - Legislative/Public Affairs and Policy Committees

January 11 - A regular business meeting.

Contact: Jacqueline Fritz, Legislative Analyst, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

VIRGINIA STATE BOARD OF MEDICINE

December 20, 1988 - 9 a.m. - Public Hearing
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to receive public comments on the use of therapeutic drugs by Doctors of Optometry.

Advisory Committee on Acupuncture

† January 28, 1989 - 9 a.m. - Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, Board Room 400-401, Richmond, Virginia. ☒

A meeting to review patient charts and the proposed acupuncture legislation.

Informal Conference Committee

January 12, 1989 - 9:30 a.m. - Open Meeting
Sheraton-Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☒

A meeting to inquire to 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 session pursuant to § 2.1-344 of the Code of Virginia.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, Va. 23229-5005, telephone (804) 662-9925

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† January 25, 1989 - 9:30 a.m. - Open Meeting
Hampton-Newport News Community Services Board, 1520 Aberdeen Road, Hampton, Virginia. ☒

A regular monthly meeting. The agenda will be published on January 18 and may be obtained by calling Jane Helfrich.

Joint Board Liaison Committee

† January 6, 1989 - 10 a.m. - Open Meeting
Koger Center, Blair Building, 2nd Floor Conference Room A-B, Richmond, Virginia. ☒

A quarterly meeting of the Joint Board Liaison Committee comprised of representatives of the Boards of Education; Health; Mental Health, Mental Retardation and Substance Abuse Services; Rehabilitative Services; and Social Services. Agenda items include topics of common interest and the development of joint policies relative to clients who are mutually served.

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

VIRGINIA MILITARY INSTITUTE

Board of Visitors

† **January 28, 1989 - 8:30 a.m.** – Open Meeting
Virginia Military Institute, Smith Hall, Smith Hall Board Room, Lexington, Virginia. ☐

Regular winter meeting of the VMI Board of Visitors. Committee reports.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Virginia Military Institute, Lexington, Va. 24450, telephone (703) 463-6206

MILK COMMISSION

† **December 21, 1988 - 11 a.m.** – Open Meeting
Ninth Street Office Building, Room 1015, Ninth and Grace Streets, Richmond, Virginia. ☐

A routine monthly meeting.

Contact: C. H. Coleman, Administrator, 1015 Ninth Street Office Bldg., Ninth and Grace Sts., Richmond, Va. 23219, telephone (804) 786-2013

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mined Land Reclamation

December 19, 1988 - 2 p.m. – Public Hearing
Division's AML Conference Room, 622 Powell Avenue, Big Stone Gap, Virginia. ☐

The purpose of this public meeting is to give interested persons an opportunity to be heard in response to the FY1989 Virginia Abandoned Mine Land Construction and Administration Grant applications to be submitted to the Federal Office of Surface Mining.

Contact: Roger L. Williams, Abandoned Mine Land Manager, P.O. Drawer U, 622 Powell Ave., Big Stone Gap, Va. 24219, telephone (703) 523-2925

VIRGINIA STATE BOARD OF NURSING

† **December 20, 1988 - 10 a.m.** – Open Meeting
† **December 21, 1988 - 9 a.m.** – Open Meeting
Old Dominion University, Batten Arts and Letters Faculty Conference Room, Room 921, Norfolk Virginia. ☐
(Interpreter for deaf provided if requested)

Formal hearings will be held to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909, toll-free 1-800-533-1560 or SCATS 662-9909

BOARD OF OPTOMETRY

† **January 10, 1989 - 9 a.m.** – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Board Room I, Richmond, Virginia. ☐

A general business meeting and informal conference.

† **January 11, 1989 - 8 a.m.** – Open Meeting
Sanger Hall, 1101 East Marshall Street, Room 1-044, Richmond, Virginia. ☐

To administer the State Practical Examination at 8 a.m. and the Diagnostic Pharmaceutical Agents Exam at 3:30 p.m.

Contact: Moira C. Lux, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

PITTSYLVANIA COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

January 12, 1989 - 10 a.m. – Open Meeting
Chamber of Commerce, Main Street, Chatham, Virginia. ☐

The Local Emergency Planning Committee (LEPC) will meet to develop and update the Emergency Plan for Pittsylvania County in accordance with SARA Title III; Emergency Planning and Community Right to Know Act of 1986.

Contact: Gary Lee Toler, Fire Marshal/Hazardous Materials Coordinator, P.O. Box 426, Chatham, Va. 24531, telephone (804) 432-2041 Ext. 233

VIRGINIA REAL ESTATE BOARD

† **January 26, 1989 - 10 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

The Virginia Real Estate Board will meet to conduct a formal administrative hearing: Virginia Real Estate Board v. William M. Thornburg, Jr.

Contact: Gayle Eubank, Hearings Coordinator, Virginia Real Estate Board, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524,

Calendar of Events

ROANOKE VALLEY LOCAL EMERGENCY PLANNING COMMITTEE

† **January 18, 1989 - 9 a.m.** – Open Meeting
Salem Civic Center, 1001 Roanoke Boulevard, Room C,
Salem, Virginia. ☒

A meeting to receive (i) public comment; (ii) reports from community coordinators; and (iii) reports from standing committees.

Contact: Warren E. Trent, Emergency Services Coordinator, 215 Church Ave., S.W., Roanoke, Va. 24011, telephone (703) 981-2425

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

January 7, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-01-2. Lump Sum Ineligibility Period in the Aid to Dependent Children (ADC) Program.** This amendment deletes language giving final authority to the local social services agency for decisions regarding conditions deemed to have occurred beyond the control of the assistance unit, that could shorten the period of ineligibility established due to receipt of a lump sum.

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

Written comments may be submitted until January 7, 1989, to Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carol Holmes, Program Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9046 or SCATS 662-9046

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January 19, 1989 - 2 p.m. – Public Hearing
Blair Building, 8007 Discovery Drive, 2nd Floor Conference Rooms A and B, 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 615-45-2. Child Protective Services Client Appeals.** These amendments establish regulations by which child protective services clients can appeal the decision made by a local department of social services regarding the disposition of a child protective services complaint.

Statutory Authority: §§ 63.1-25 and 63.1-248.6:1 of the Code

of Virginia.

Written comments may be submitted until January 19, 1989.

Contact: Janine Tondrowski, State Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9081, toll-free 1-800-552-7091 or SCATS 662-9081

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January 20, 1989 – 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 615-70-9. Enforcement of Child Support Obligations.** This proposed regulation authorizes the Department of Social Services to collect current and delinquent child support payments through methods such as wage withholding, tax refund intercepts, imposition of liens, and orders to withhold and deliver.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – 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 615-70-10. Confidentiality and Exchange of Information for Child Support Enforcement Services.** This proposed regulation authorizes the Department of Social Services to restrict the release of information on absent responsible parents and custodial parents to the general public.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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Calendar of Events

January 20, 1989 – 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 615-70-11. Establishment of Paternity in Child Support Enforcement.** This proposed regulation authorizes the Department of Social Services to obtain voluntary admissions of paternity. It also authorizes the department to obtain consent orders or Acknowledgment of Paternity forms to be used as evidence in judicial paternity hearings.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – 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 615-70-12. Responsibilities of IV-D Agencies in Interstate Child Support.** This proposed regulation authorizes the Department of Social Services to comply with state and federal laws which require a Central Interstate Registry to manage the flow of child support correspondence into and out of the state.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – 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 615-70-13. Child Support Enforcement Services (Application Fees, Rights and Responsibilities and Payment Recovery).** This proposed regulation describes (i) application fees for child support

services; (ii) the rights and responsibilities of custodial parents and the Division of Child Support Enforcement; and (iii) payment recovery.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – 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 615-70-14. Establishment of Administrative Support Orders.** This proposed regulation authorizes the Department of Social Services to establish and modify child support obligations and to enforce child support obligations through administrative rather than judicial means.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – 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 Department of Social Services intends to adopt regulations entitled: **VR 615-70-15. Persons Qualifying for Child Support Enforcement Services.** This proposed regulation describes the criteria by which eligibility for child support services is determined.

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

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

Calendar of Events

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

February 16, 1989 - 11 a.m. - Public Hearing
Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Professional Soil Scientists intends to adopt regulations entitled: **VR 627-01-1. Public Participation Guidelines.** These proposed regulations set forth public participation guidelines for the purpose of soliciting the input of interested parties in the formation and development of regulations for the Board for Professional Soil Scientists.

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

Written comments may be submitted until February 6, 1989.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, SCATS 367-8514 or toll-free 1-800-552-3016

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February 16, 1989 - 11 a.m. - Public Hearing
Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Professional Soil Scientists intends to adopt regulations entitled: **VR 627-02-1. Board for Professional Soil Scientists Regulations.** The purpose of these proposed regulations is to establish the requirements for certification of professional soil scientists.

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

Written comments may be submitted until February 6, 1989.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, SCATS 367-8514 or toll-free 1-800-552-3016

DEPARTMENT OF TAXATION

January 9, 1989 - 9 a.m. - Public Hearing
Department of Taxation, 2220 West Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-2-323.1. Individual Income Tax: Excess Cost**

Recovery. These regulations implement 1987 and 1988 legislation which repeals the ACRS addition and permits taxpayers to recover the outstanding balance of excess cost recovery over two or five years.

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

Written comments may be submitted until January 23, 1989.

Contact: Janie E. Bowen, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8010 or SCATS 367-8010

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January 9, 1989 - 9 a.m. - Public Hearing
Department of Taxation, 2220 West Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-3-323.1. Corporation Income Tax: Excess Cost Recovery.** These regulations implement 1987 and 1988 legislation which repeals the ACRS addition and permits taxpayers to recover the outstanding balance of excess cost recovery over two or five years.

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

Written comments may be submitted until January 23, 1989.

Contact: Janie E. Bowen, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, (804) 367-8010 or SCATS 367-8010

TREASURY BOARD

December 21, 1988 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Conference Room, 3rd Floor, Richmond, Virginia. ☒

A regular monthly meeting of the board.

Contact: Betty A. Ball, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., 3rd Fl., Richmond, Va. 23219, telephone (804) 225-2142

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

January 14, 1989 - 11 a.m. - Open Meeting
397 Azalea Avenue, Administrative Headquarters, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23277, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD

VIRGINIA VOLUNTARY FORMULARY BOARD

December 22, 1988 - 10 a.m. - Public Hearing James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia.

The Virginia Voluntary Formulary Board will hold a public hearing on this date. The purpose of this hearing is to consider the proposed adoption and issuances of a revised Virginia Voluntary Formulary. The proposed revision to the Formulary adds and deletes drugs and drug products to the Formulary that became effective on November 1, 1987, and a supplement to the Formulary that becomes effective on November 15, 1988.

Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia. Written comments sent to the above address and received prior to 5 p.m. on December 22 will be made a part of the hearing record and considered by the board.

January 12, 1988 - 10:30 a.m. - Open Meeting Department of Health, James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia.

A meeting to review public hearing comments and product data for drug products being considered for inclusion in the Virginia Voluntary Formulary.

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

DEPARTMENT OF WASTE MANAGEMENT

December 19, 1988 - 1 p.m. - Public Hearing Donaldson Brown Center, Blacksburg, Virginia

December 21, 1988 - 10 a.m. - Public Hearing NOTE: CHANGE IN MEETING LOCATION James Monroe Building, 101 North 14th Street, Richmond, Virginia.

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

of the Code of Virginia that the Department of Waste Management intends to adopt regulations entitled: VR 672-40-01. Infectious Waste Management Regulations. Comprehensive rules defining "infectious waste" and establishing standards for its packaging transportation, storage, treatment and disposal; including design, operation and facility permitting.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Written comments may be submitted until January 25, 1989.

Contact: Robert G. Wickline, P.E., Director of R & D, D.T.S., James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2321 or SCATS 225-2321

STATE WATER CONTROL BOARD

January 5, 1989 - 2 p.m. - Public Hearing Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: VR 680-14-01. Permit Regulation. The proposed amendments are to conform with federal regulations and to revise the section requiring issuance of a permit prior to commencing erection, construction or expansion or employment of new processes at any site.

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

Written comments may be submitted until January 13, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: David Smith, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6302 or SCATS 367-6302

January 9, 1989 - 2 p.m. - Public Hearing General District Courtroom, Warm Springs Courthouse, Courthouse Road, Warm Springs, 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 680-21-08.8. James River Basin (Upper) - Water Quality Standards. The proposed amendment would reclassify Hot Springs Runs from natural trout waters to mountainous zone waters.

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

Calendar of Events

Virginia.

Written comments may be submitted until 4 p.m., January 19, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Jean Gregory, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6985 or SCATS 367-6985

COUNCIL ON THE STATUS OF WOMEN

January 31, 1989 - 8 p.m. - Open Meeting
Richmond Radisson, 555 East Canal Street, Richmond, Virginia

Meetings of the Standing Committees of the Virginia Council on the Status of Women.

February 1, 1989 - 9:30 p.m. - Open Meeting
Richmond Radisson, 555 East Canal Street, Richmond, Virginia

A regular meeting to conduct general board business and to receive reports from Council Standing Committees.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9200 or SCATS 662-9200

LEGISLATIVE MEETINGS

AGRICULTURE SUBCOMMITTEE STUDYING WAYS TO IMPROVE VIRGINIA'S FARM ECONOMY

† **December 19, 1988 - 10 a.m. - Open Meeting**
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☐

A meeting to discuss proposed recommendations for legislation. HR 6

Contact: John Heard, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

HOUSE APPROPRIATIONS/SENATE FINANCE COMMITTEE JOINT MEETING

December 19, 1988 - 9:30 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

Governor's revised revenue forecast.

Contact: Kris Ragan or Linda Ladd, House Appropriations Committee, General Assembly Bldg., 9th Fl., Richmond, Va. 23219, telephone (804) 786-1837

VIRGINIA STATE CRIME COMMISSION

December 20, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☐

Prior to each session of the General Assembly, the commission develops a package of legislative initiatives. These bills result from the commission's formal studies and also from proposals and concerns voiced by citizens and criminal justice agencies and organizations.

At this meeting, the commission will receive comments from a variety of parties who have recommendations for legislative initiatives to enhance, improve or remedy some situation in Virginia's criminal justice system. The commission will also handle other business matters at the meeting.

Contact: Tammy Sasser, Executive Administrative Assistant, State Crime Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 225-4534

HOUSE FINANCE COMMITTEE

† **December 19, 1988 - 9:30 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

Governor Baliles will present his revised revenue forecast at this meeting.

Contact: John Garka, Economist, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

HOUSE FINANCE SUBCOMMITTEE NO. 1

† **January 10, 1989 - 2 p.m. - Open Meeting**
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

House Finance Subcommittee No. 1 will meet to review legislation carried over from the 1988 session.

Contact: John Garka, Economist, or Reggie McNally, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING PRACTICES BY WHICH INSURANCE COMPANIES REINSURE ALL OR PARTS OF THE RISKS THEY INSURE, THE AVISABILITY OF REPEALING THE EXEMPTIONS FROM THE COMMONWEALTH'S ANTITRUST LAWS GRANTING TO THE INSURANCE INDUSTRY, AND MEANS OF ASSURING THE CONTINUED AVAILABILITY AND AFFORDABILITY OF LIABILITY INSURANCE COVERAGE

† December 27, 1988 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ☐

Work session for the subcommittee. Scheduled to receive report. HJR 120

Contact: Administrative: Jeff Finch, House of Delegates, P.O. Box 406, Richmond, Va. 23203, telephone (804) 786-2227. For additional information: Bill Cramme', Staff Attorney, or Terry Barrett, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

December 19

Appropriations/Senate Finance Committee Joint Meeting, House
Cosmetology, Virginia Board of
† Farm Economy, Agriculture Subcommittee Studying Ways to Improve Virginia's
† Finance Committee, House
Health Regulatory Boards, Council on
- Executive Committee
- Regulatory Evaluation and Research Committee
- Scope and Standards Committee
Lottery Board, State

December 20

† Charles City Local Emergency Planning Committee
Crime Commission, Virginia State
Franklin, Isle of Wight and Southampton Emergency Planning Committee
† Nursing, Virginia State Board of

December 21

† Elections, State Board of
† Milk Commission
† Nursing, Virginia State Board of
Treasury Board

December 27

Alcoholic Beverage Control Board

† Insurance Companies Reinsure All or Parts of the Risks They Insure, the Advisability of Repealing the Exemptions From the Commonwealth's Antitrust Laws Granting to the Insurance Industry, and Means of Assuring the Continued Availability and Affordability of Liability Insurance Coverage, Joint Subcommittee Studying Practices By Which

January 3, 1989

† Marine Resources Commission

January 4

† Boating Advisory Board, Virginia
Child Mental Health, Consortium on

January 5

Chesterfield County, Local Emergency Planning Committee of
Human Rights, Council on
Indians, Council on

January 6

† Mental Health, Mental Retardation and Substance Abuse Services Board, State
- Joint Board Liaison Committee

January 10

† Finance Subcommittee No. 1, House
Medical Assistance Services, Board of
† Optometry, Board of

January 11

† Hazardous Materials Emergency Response Advisory Council, State
- Training Study Committee
Medical Assistance Services, Board of
† Optometry, Board of

January 12

Education, State Board of
† Fairfax County, City of Fairfax, and the Towns of Herndon and Vienna, Local Emergency Planning Committee
† Forestry, Board of
Medicine, Virginia State Board of
- Informal Conference Committee
Pittsylvania County Local Emergency Planning Committee
Voluntary Formulary Board, Virginia

January 13

† Air Pollution Control Board, State
Education, State Board of

January 14

Visually Handicapped, Department for the
- Advisory Committee on Services

January 16

Conservation and Historic Resources, Department of
- Goose Creek Scenic River Advisory Board

Calendar of Events

January 18

Contractors, State Board for
Corrections, State Board of
† Roanoke Valley Local Emergency Planning
Committee

January 19

† Danville Local Emergency Planning Committee

January 25

† Mental Health, Mental Retardation and Substance
Abuse Services Board, State

January 26

† Real Estate Board, Virginia

January 28

† Medicine, Virginia State Board of
- Advisory Committee on Acupuncture
† Military Institute, Virginia
- Board of Visitors

January 31

Women, Council on the Status of

February 1

Child Mental Health, Consortium on
Women, Council on the Status of

February 2

Chesterfield County, Local Emergency Planning
Committee of

March 9

Human Rights, Council on

Taxation, Department of
Water Control Board, State

January 19

Social Services, Department of

January 24

† Health Services Cost Review Council, Virginia

February 3

Fire Programs, Department of

February 16

Soil Scientists, Board for Professional

February 22

Agriculture and Consumer Services, Department of

PUBLIC HEARINGS

December 19

Mines, Minerals and Energy, Department of
- Division of Mined Land Reclamation
Waste Management, Department of

December 20

Medicine, Virginia State Board of

December 21

Waste Management, Department of

December 22

Voluntary Formulary Board, Virginia

January 4, 1989

† Forestry, Department of

January 5

Water Control Board, State

January 9