

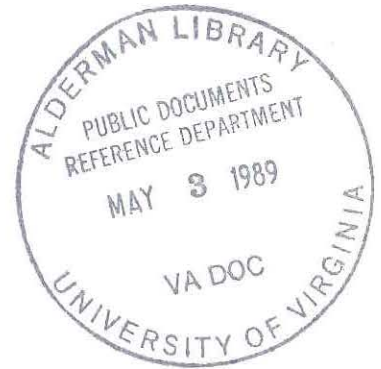
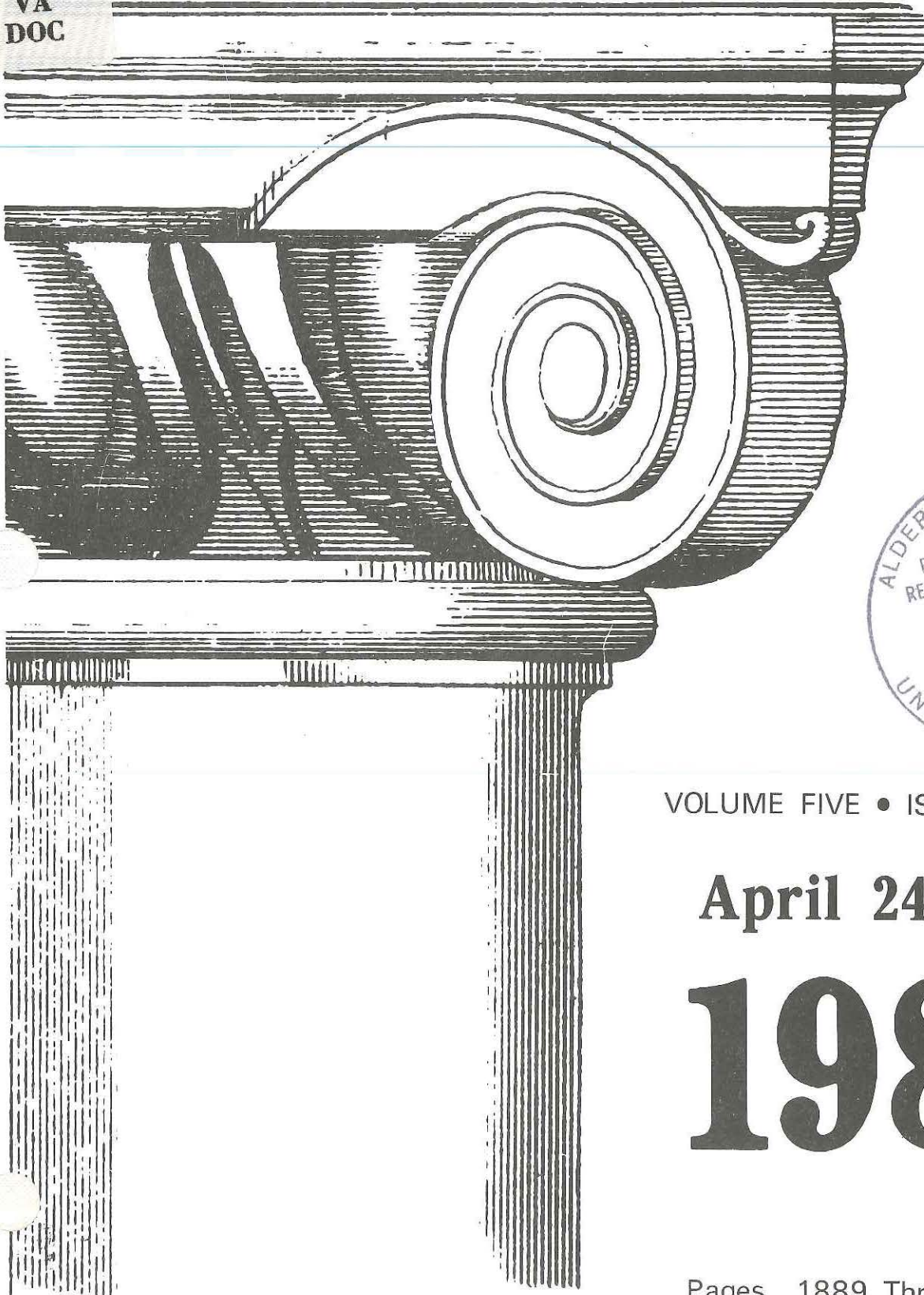
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THE VIRGINIA REGISTER

OF REGULATIONS

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April 24, 1989

1989

Pages 1889 Through 2088

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 periodically 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

The *Virginia Register* is cited by volume, issue, page number, and date. 1:3 V.A.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the *Virginia Register* issued on November 12, 1984.

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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.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Title of Regulation: VR 173-02-00. Chesapeake Bay Preservation Area Designation and Management Regulations.

Statutory Authority: §§ 10.1-2103 and 10.1-2107 of the Code of Virginia.

Public Hearing Dates:

May 3, 1989 - 7 p.m.
May 4, 1989 - 7 p.m.
May 8, 1989 - 7 p.m.
May 11, 1989 - 7 p.m.
May 16, 1989 - 7 p.m.
May 18, 1989 - 7 p.m.
May 24, 1989 - 7 p.m.
May 25, 1989 - 7 p.m.
May 30, 1989 - 7 p.m.

(See Calendar of Events section for additional information)

Summary:

This regulation is proposed by the Chesapeake Bay Local Assistance Board in accordance with provisions of §§ 10.1-2103 and 10.1-2107 of the Code of Virginia. The proposed regulation is divided into six parts dealing with (i) introductory matters, (ii) local government requirements, (iii) Chesapeake Bay Preservation Area criteria, (iv) land use and development performance criteria, (v) implementation, assistance, and determination of consistency, and (vi) enforcement.

Part I, "Introduction," establishes the purpose, authority, and applicability for the regulation and defines terms.

Part II, "Local Government Programs," sets forth the objectives of local programs that implement the regulations and lists the elements that must be included in local programs.

Part III, "Chesapeake Bay Preservation Area Designation Criteria," includes the first set of criteria required by the Code. These criteria describe the characteristics and objectives of Chesapeake Bay Preservation Areas and list the land types that must be included or considered for inclusion in preservation areas. Chesapeake Bay Preservation Areas are proposed to be subdivided into the more sensitive lands adjacent to the shoreline, called Resource Protection Areas, and less sensitive upland areas

called Resource Management Areas.

Part IV, "Land Use and Development Performance Criteria," includes the second set of criteria required by the Code, called performance criteria. The performance criteria are subdivided into two groups: (i) general criteria that apply in all Chesapeake Bay Preservation Areas, and (ii) additional or more stringent criteria that apply only in the Resource Protection exceptions to the performance criteria.

Part V, "Implementation, Assistance, and Determination of Consistency," provides guidance in the orderly and timely development of local programs and criteria by which local program consistency will be determined. This part is subdivided into the following components:

a. First year requirements covering the mapping and designation of Chesapeake Bay Preservation Areas and the employment of the performance criteria;

b. Second year program elements, including (i) necessary changes in local zoning and subdivision ordinances and comprehensive plans, (ii) implementation of a local process to review development proposals in preservation areas for compliance with the Act and regulations, (iii) conditions under which water quality impact assessments will be required for proposal developments, and (iv) review by the board of completed local programs for consistency and, upon request, board certification of local programs.

Part VI, "Enforcement," establishes informal and formal administrative procedures to secure compliance, ending with referral to the Attorney General's office for legal proceedings.

VR 173-02-00. Chesapeake Bay Preservation Area Designation and Management Regulations.

PART I. INTRODUCTION.

§ 1.1. Application.

The board is charged with the development of regulations including criteria that will provide for the protection of water quality and conservation of habitat dependent on water quality in Chesapeake Bay Preservation Areas, and that also will accommodate economic development. All counties, cities, and towns in

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Tidewater Virginia shall comply with these regulations. Other local governments not in Tidewater Virginia are encouraged to use the criteria, and to conform their ordinances as provided in these regulations to protect the quality of state waters in accordance with § 10.1-2110 of the Code of Virginia.

§ 1.2. Authority for regulations.

These regulations are issued under the authority of §§ 10.1-2103 and 10.1-2107 of Chapter 21 of Title 10.1 of the Code of Virginia (the Chesapeake Bay Preservation Act, hereinafter "the Act").

§ 1.3. Purpose of regulations.

These regulations establish the criteria that counties, cities, and towns (hereinafter "local governments") must use to determine the extent of the Chesapeake Bay Preservation Areas within their jurisdictions. They establish criteria for use by local governments in granting, denying, or modifying requests to rezone, subdivide, or to use and develop land in Chesapeake Bay Preservation Areas. They identify the requirements for changes which local governments must incorporate into their comprehensive plans, zoning ordinances, and subdivision ordinances to protect the quality of state waters pursuant to §§ 10.1-2109 and 10.1-2111 of the Act.

§ 1.4. Definitions.

The following words and terms used in these regulations have the following meanings, unless the context clearly indicates otherwise. In addition, some terms not defined herein are defined in § 10.1-2101 of the Act.

"Act" means the Chesapeake Bay Preservation Act found in Chapter 21 (§ 10.1-2100 et seq.) of Title 10.1 of the Code of Virginia.

"Board" means the Chesapeake Bay Local Assistance Board.

"Buffer zone" means an area of natural or established vegetation managed to protect aquatic, wetland, shoreline and other habitat dependent on water quality from significant degradation due to man-made disturbances.

"Chesapeake Bay Preservation Area" means any land designated pursuant to Part III of these regulations and § 10.1-2107 of the Act. A Chesapeake Bay Preservation Area shall not consist of a Resource Protection Area and a Resource Management Area.

"Department" means the Chesapeake Bay Local Assistance Department.

"Development" means the construction, redevelopment or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

"Director" means the Executive Director of the Chesapeake Bay Local Assistance Department.

"Floodplain" means an area that would be inundated as a result of a storm event of a 100-year return interval.

"Highly erodible soils" means soils with an erodibility (K) value greater than .35 of all soils on slopes with a gradient exceeding 15%, as identified in local Soil Surveys published by the U.S. Department of Agriculture-Soil Conservation Service, where such surveys exist.

"Highly permeable soils" means soils with a high potential for transmission of pollutants into groundwater, as identified in the soils information section of the Field Office Technical Guides published by the U.S. Department of Agriculture-Soil Conservation Service.

"Local governments" means counties, cities, and towns. These regulations apply to local governments in Tidewater Virginia, as defined in § 10.1-2101 of the Act, but the provisions of these regulations may be used by other local governments.

"Local program" means the measures by which a local government complies with the Act and regulations.

"Nontidal wetlands" means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to § 404 of the federal Clean Water Act as amended, in 33 C.F.R. 328.3b, dated November 13, 1986.

"Redevelopment" means the process of developing land that is or has been developed.

"Redevelopment Management Area" means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area.

"Resource Protection Area" means that component of the Chesapeake Bay Preservation Area comprised of sensitive lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters and loss of aquatic habitat.

"Subdivision" means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision.

"Tidal shoreline" means land contiguous to a tidal body of water to an elevation one and one-half times the local

tide range above the mean low water level.

"Tidal wetlands" means vegetated and nonvegetated wetlands as defined in § 62.1-13.2 of the Code of Virginia.

"Tidewater Virginia" means those jurisdictions named in § 10.1-2101 of the Act.

"Tributary stream" means any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000).

"Use" means activity on the land other than development, including, but not limited to agriculture, horticulture, silviculture, and recreation.

"Water-dependent facility" means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas, and (v) fisheries or other marine resources facilities.

§ 1.5. Local government discretion.

These regulations represent minimum criteria to be used by localities.

PART II. LOCAL GOVERNMENT PROGRAMS.

§ 2.1. Local program development.

Local governments shall develop measures (hereinafter called "local programs") necessary to comply with the Act and regulations. Counties and towns are encouraged to cooperate in the development of their local programs. In conjunction with other state water quality programs, local programs shall encourage and promote: (i) protection of existing high quality state waters and restoration of all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (ii) safeguarding the clean waters of the Commonwealth from pollution; (iii) prevention of any increase in pollution; (iv) reduction of existing pollution; and (v) promotion of water resource conservation in order to provide for the health, safety and welfare of the present and future citizens of the Commonwealth.

§ 2.2. Elements of program.

Local programs shall contain the elements listed below. Elements A and B shall be adopted concurrently 12 months after the effective date of these regulations. Elements C through G may be in place within 24 months after the effective date.

A. A zoning map designating Chesapeake Bay Preservation Areas.

B. Performance criteria applying in Chesapeake Bay Preservation Areas at least as stringent as those provided in Part IV.

C. A comprehensive plan or revision that incorporates the protection of Chesapeake Bay Preservation Areas and of the quality of state waters.

D. A zoning ordinance or revision that (i) incorporates measures to protect the quality of state waters in Chesapeake Bay Preservation Areas, (ii) requires compliance with all criteria set forth in Part IV, and (iii) requires a plan of development prior to the issuance of a building permit to assure that use and development of land in Chesapeake Bay Preservation Areas are accomplished in a manner that protects the quality of state waters.

E. A subdivision ordinance or revision that (i) incorporates measures to protect the quality of state waters in Chesapeake Bay Preservation Areas, and (ii) assures that all subdivisions in Chesapeake Bay Preservation Areas comply with the criteria set forth in Part IV.

F. An erosion and sediment control ordinance or revision that requires compliance with the criteria in Part IV.

G. A building permit process or revision that requires compliance with the criteria set forth in Part IV.

PART III. CHESAPEAKE BAY PRESERVATION AREA DESIGNATION CRITERIA.

§ 3.1. Purpose.

The criteria in this part provide direction for local government designation of the ecological and geographic extent of Chesapeake Bay Preservation Areas. Chesapeake Bay Preservation Areas are divided into Resource Protection Areas and Resource Management Areas that are subject to the criteria in Part IV and the requirements in Part V.

§ 3.2. Resource Protection Areas.

A. Resource Protection Areas shall consist of sensitive lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform and are sensitive to impacts which may cause significant degradation to the quality of state waters or loss of aquatic habitat.

B. As a minimum, the Resource Protection Area shall include:

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1. Tidal wetlands;

2. Nontidal wetlands hydrologically connected by surface flow and contiguous to tidal wetlands or tributary streams;

3. Tidal shorelines;

4. Such other lands as might qualify under the provisions of subsection A of § 2.2 of this part that local governments deem necessary to protect the quality of state waters.

5. A vegetated buffer zone located adjacent to and landward of the components listed in subdivisions 1 through 4 above, and along both sides of any tributary stream.

a. The purpose of the buffer zone is to (i) provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries; (ii) minimize the adverse effects of human activities on wetlands, shorelines, state waters, aquatic resources, and habitat dependent on water quality; and (iii) maintain the natural environment of streams.

b. The width of the buffer zone shall be (i) 100 feet landward of all other components of Resource Protection Areas contiguous to tidal waters, or (ii) 50 feet landward of all other components of Resource Protection Areas contiguous to nontidal waters.

§ 3.3. Resource Management Areas.

A. Resource Management Areas shall include land types that, if improperly used or developed, have a potential for causing significant water quality degradation or for causing a loss of the functional value of the Resource Protection Area.

B. A Resource Management Area shall be provided contiguous to the entire inland boundary of the Resource Protection Area. The following land categories shall be considered for inclusion in the Resource Management Area:

1. Floodplains;

2. Highly erodible soils, including steep slopes;

3. Highly permeable areas or other areas vulnerable to groundwater degradation;

4. Nontidal wetlands not included in the Resource Protection Area;

5. Such other lands as might qualify under the provisions of subsection A of § 3.3 of this part that local governments deem necessary to prevent nonpoint

source pollution of state waters.

C. Resource Management Areas shall encompass a land area large enough to provide significant water quality protection through the employment of the criteria in Part IV and the requirements in Parts II and V.

PART IV.

LAND USE AND DEVELOPMENT PERFORMANCE CRITERIA.

§ 4.1. Purpose.

The purpose of this part is to implement the goals of the Act and Part II by establishing criteria to reduce nonpoint source pollution loads entering the Bay, its tributaries and other state waters, to protect the functional integrity of the Resource Protection Area, and to conserve water resources.

These criteria are supplemental to the various planning and zoning concepts employed by local governments in granting, denying, or modifying requests to rezone, subdivide, or to use and develop land in Chesapeake Bay Preservation Areas.

§ 4.2. General performance criteria.

It must be demonstrated to the satisfaction of local governments that any use, development, or redevelopment of land in Chesapeake Bay Preservation Areas meets the following performance criteria:

1. No more land shall be disturbed than is necessary to provide for the desired use or development.

2. Natural vegetation shall be preserved to the maximum extent possible.

3. Nonstructural best management practices shall be employed rather than structural best management practices where either will perform the required function. In any case, best management practices utilized shall be self-maintaining or regular maintenance of their function must be ensured.

4. All development of land shall be accomplished through a plan of development review process consistent with § 15.1-491 (h) of the Code of Virginia.

5. Land development shall minimize impervious cover.

6. All subdivision lots platted after the effective date shall provide sufficient area for the construction of the principal structure, accessory structures, access road or driveway, and necessary on-site treatment facilities outside the Resource Protection Area.

7. Any land disturbing activity that exceeds an area of 2,500 square feet (including construction of all single family houses, septic tanks and drainfields, but

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otherwise as defined in § 10.1-560 of the Code of Virginia) shall comply with the requirements of the local erosion and sediment control ordinance.

8. On-site sewage treatment systems not requiring a State Water Control Board permit shall:

a. Have inspection and pump-out accomplished at least every five years;

b. Provide a reserve drainfield site equal to the area of the primary drainfield site. The reserve drainfield site shall be shown on the plat map and building shall be prohibited on the area of the reserve drainfield;

c. Require a minimum vertical separation distance between the septic absorption area and the seasonally high water table of at least 18 inches at all times of the year.

9. Stormwater management criteria at least as stringent as the following apply:

a. Sheet flows shall be maintained and concentrated flows avoided to the maximum extent possible;

b. For new development, the post-development nonpoint source pollution runoff load shall not exceed the predevelopment load based upon average land cover conditions;

c. Redevelopment shall result in a 10% reduction of nonpoint source pollution in runoff compared to the existing runoff load from the site.

10. Agricultural lands shall have a soil and water conservation plan approved by the local Soil and Water Conservation District by January 1, 1995.

11. Where nontidal wetlands exist on the site, the following criteria apply:

a. Disturbance of nontidal wetlands or alteration of their biological function or character shall be avoided. Man-made nontidal bodies of water, including farm and stock ponds, irrigation ditches, drainage ditches and stormwater management best management practices other than created wetlands, are not considered wetlands by these regulations. However, man-made vegetated wetlands created as water quality best management practices or for purposes of compensation shall be considered equivalent to natural wetlands.

b. Except as provided in subsection B of § 4.3 of this part, if disturbance or alteration of nontidal wetlands cannot be completely avoided and exceeds an area of 10,000 square feet, the disturbed or altered area shall be replaced by at least an equal area of compensation wetlands on the site or within

the same watershed wherever possible. Compensation wetlands shall be protected by perpetual conservation easements or other method of comparable effect.

c. Silvicultural activities shall implement best management practices for wetlands as established by the Virginia Department of Forestry. Notice that a logging operation is about to commence shall be given to appropriate officials of the Virginia Department of Forestry.

d. Local governments shall require evidence of all nontidal wetlands permits required by law prior to authorizing grading or other on-site activities to begin.

§ 4.3. Performance criteria for Resource Protection Areas.

The following criteria shall apply specifically within Resource Protection Areas and supplement the general performance criteria in § 4.2 of this part.

A. Allowable development.

A water quality impact assessment shall be required for any proposed development in accordance with Part V. Land development may be allowed only if it (i) is water dependent or (ii) constitutes redevelopment.

1. A new or expanded water-dependent facility may be allowed provided that:

a. It does not conflict with the comprehensive plan;

b. It complies with the performance criteria set forth in this part;

c. Any nonwater-dependent component is located outside of Resource Protection Areas;

d. Marina and community boat mooring locations conform to criteria established by the Virginia Marine Resources Commission;

e. Access will be provided with the minimum disturbance necessary. Where possible, a single point of access will be provided.

2. Redevelopment shall conform to all applicable criteria in this part.

B. Nontidal wetlands.

Subject to the additional criteria in § 4.2 of this part, any disturbed or altered area of nontidal wetlands shall be replaced by compensation nontidal wetlands of at least twice the area of the wetlands disturbed or altered.

C. Buffer zone requirements.

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In order to satisfy the buffer zone requirements, appropriate vegetation shall be established where it does not exist naturally. Otherwise, the following performance criteria shall apply:

1. Natural vegetation shall be preserved to the maximum extent possible, with the following exception:

a. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control structures built, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements;

b. In order to maintain the functional value of the buffer zone, vegetation may be removed only to provide for reasonable sight lines, access path, and general woodlot management.

2. When the application of the buffer zone would result in the loss of a buildable area on a lot or parcel recorded prior to the effective date, modifications to the width of the buffer zone may be allowed in accordance with the following criteria:

a. Modifications to the buffer zone shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;

b. Where possible, an area equal to the area encroaching the buffer zone shall be estimated elsewhere on the lot or parcel in a way to maximize water quality protection;

c. In no case shall the reduced portion of the buffer zone be less than 50 feet in width.

3. In agricultural lands:

a. Where a naturally vegetated buffer zone up to the width required in Part III exists, it shall be maintained;

b. Existing agricultural activities in the buffer zone area shall maintain, as a minimum best management practice, a 25-foot wide vegetated filter strip measured landward from the mean high water level of tidal waters or tributary streams, or from the landward edge of any wetlands. The filter strip is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the local Soil and Water Conservation District;

c. The filter strip shall be composed of either trees with a dense ground cover, a thick sod of grass, or an appropriate legume cover and shall be managed to prevent concentrated flows of surface water from

breaching the strip and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) from invading the strip;

d. The filter strip shall be maintained until the landowner has implemented a program of Best Management Practices that improve water quality in accordance with a conservation plan approved by the local Soil and Water Conservation District, provided that the portion of the conservation plan being implemented for the Resource Protection Area achieves water quality protection at least the equivalent of that provided by the filter strip.

4. Silvicultural activities shall maintain, as a minimum best management practice, a streamside management zone extending the full width of the buffer zone landward from all other components of Resource Protection Areas, in accordance with criteria developed by the Virginia Department of Forestry.

§ 4.4. Incorporation into local programs.

Local governments shall incorporate the criteria in this part, or provisions at least the equivalent thereof, into their comprehensive plans, zoning ordinances, subdivision ordinances, and such other police and zoning powers as may be appropriate, in accordance with §§ 10.1-2111 and 10.1-2108 of the Act and Part V of these regulations. The criteria may be employed in conjunction with other planning and zoning concepts to protect the quality of state waters.

§ 4.5. Exceptions to the criteria.

Exceptions to the requirements of these regulations may be granted if: (i) strict application of the criteria will result in undue hardship unique to the particular situation of the applicant and (ii) granting the exception will not result in an increase of nonpoint source pollution over what would have resulted if the criteria had been applied.

A. Exceptions to the criteria shall be the minimum necessary to afford relief.

B. Reasonable and appropriate conditions upon any exception granted shall be imposed as necessary so that the purpose and intent of the Act is preserved.

PART V. IMPLEMENTATION, ASSISTANCE, AND DETERMINATION OF CONSISTENCY.

§ 5.1. Purpose.

The purpose of this part is to assist local governments in the timely preparation of local programs to implement the Act, and to establish guidelines for determining local program consistency with the Act.

§ 5.2. Schedule of program adoption.

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To ensure timely achievement of the requirements of the Act and timely receipt of assistance, local governments should adhere to the following schedule for the completion of program elements and their submission to the board for its information. The following schedule should be initiated and completed after the effective date of these regulations:

1. First year schedule.

a. Work plan within two months.

b. ~~Proposed program for the designation of Chesapeake Bay Prevention Areas and adoption of performance criteria within six months.~~

c. Public hearings to designate Chesapeake Bay Preservation Areas and adopt performance criteria at the earliest possible date.

d. Work plan for second program year within nine months.

e. Local designation of Chesapeake Bay Preservation Areas and adoption of performance criteria must occur within 12 calendar months.

2. Second year schedule.

a. Proposed program for full implementation of the Act and regulations within 20 months.

b. Local adoption of complete local program within 24 months.

§ 5.3. First year program elements.

A. The board will establish liaison with each local government to assist that local government in developing and implementing its local program in obtaining technical and financial assistance, and in complying with the Act and regulations.

B. Program work plan.

Local governments should provide the board with a tentative work plan for accomplishing their program which should include:

1. Identification and description of elements of the local program;
2. Identification of specific tasks necessary to achieve each program element and the responsible department or agency to perform each task;
3. Maps and resources to be used to designate Chesapeake Bay Preservation Areas;
4. Tentative dates for completion of program elements;
5. Anticipated needs for technical and financial

assistance for specified program elements.

C. Planning district comments.

Local governments are encouraged to enlist the assistance and comments of regional planning district agencies early in the development of their local programs. Any comments from the regional planning district agency should be taken into consideration prior to completion and submission of a work plan.

D. Preliminary review by the board.

The board will review a work plan within 30 days. If it appears consistent with the Act, the board will schedule a conference with the local government to determine what technical and financial assistance may be needed and can be supplied to accomplish the work plan. If not, the board will notify the local government and recommend specific changes.

E. Designation of Chesapeake Bay Preservation Areas.

Local governments shall designate Chesapeake Bay Preservation Areas within 12 months after the effective date of these regulations. To assure timely adoption, they should prepare a proposed designation program and submit it to the board. The program should:

1. Inventory and analyze wetlands, nontidal wetlands, tidal shorelines, tributary streams, flood plains, highly erodible soils including steep slopes, highly permeable areas, and other sensitive environmental resources as necessary to comply with Part III.
2. Determine, based upon the inventory and analysis, the extent of Chesapeake Bay Preservation Areas within its jurisdiction.
3. Prepare a map delineating Chesapeake Bay Preservation Areas.
4. Prepare amendments to local ordinances which incorporate the performance criteria of Part IV or the model ordinance prepared by the board.

F. Review by the board.

The board will review a proposed designation program within 60 days. If it is consistent with the Act, the board will schedule a conference with the local government to determine what additional technical and financial assistance may be needed and can be supplied to accomplish the proposed program. If not, the board will notify the local government and recommend specific changes.

G. Adoption of first year program.

As soon as possible after being advised of program consistency, local governments shall hold a public hearing,

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designate Chesapeake Bay Preservation Areas as an amendment to the local zoning map, and adopt the performance criteria. Copies of the adopted program documents and subsequent changes thereto, shall be provided to the board.

§ 5.4. Second year program elements.

A. Work plan.

Within nine months after the effective date, local governments should provide a second year work plan to the board.

B. Preliminary review by the board.

The board will review the work plan within 30 days. If it is consistent with the Act, the board will schedule a conference with the local government to determine what technical and financial assistance may be needed and can be supplied to accomplish the work plan. If not, the board will notify the local government and recommend specific changes.

C. Preparation and submission of management program.

Within 20 months after the effective date, local governments should submit to the board completed local program documents, including any revisions to comprehensive plans, zoning ordinances, subdivision changes, and other local authorities necessary to implement the Act. Prior to adoption, local governments may submit any proposed revisions to the board for comments. Guidelines are provided below for local government use in preparing local programs and the board's use in determining local program consistency.

1. Comprehensive plans. Local governments shall review and revise their comprehensive plans, as necessary, for compliance with § 10.1-2109 of the Act. As a minimum, the comprehensive plan or plan component should consist of the following basic elements: (i) a summary of data collection and analysis; (ii) a policy discussion; (iii) a land use plan map; (iv) implementing measures, including specific objectives and a time frame for accomplishment.

a. Local governments should establish an information base from which to make policy choices about future land use and development that will protect the quality of state waters. This element of the plan should be based upon the following:

- (1) Inventories and analyses used to designate Chesapeake Bay Preservation Areas;
- (2) Other marine resources and marine habitat;
- (3) Shoreline erosion problems and location of erosion control structures;

(4) Conflicts between existing and proposed land uses and water quality;

(5) A map or map series, accurately representing the above information.

b. As part of the comprehensive plan, local governments should clearly indicate local policy on land use issues relative to water quality protection. Local governments should ensure consistency among the policies developed.

(1) Local governments should discuss each component of Chesapeake Bay Preservation Areas in relation to the types of land uses considered appropriate and the reasons for including each type of land use.

(2) As a minimum, local governments should prepare policy statements for inclusion in the plan on the following issues:

(a) Physical constraints to development, including soil limitations, with an explicit discussion of soil suitability for septic tank use;

(b) Protection of potable water supply, including groundwater resources;

(c) Relationship of land use to commercial and recreational fisheries, including nursery and habitat areas;

(d) Appropriate density for docks and piers;

(e) Public and private access to waterfront areas and effect on water quality;

(f) Existing pollution sources;

(g) Potential water quality improvement through the redevelopment of intensely developed areas.

(3) For each of the policy issues listed above, the plan should contain a discussion of the scope and importance of the issue, alternative policies considered, the policy adopted by the local government for that issue, and a description of how the local policy will be implemented.

(4) Within the policy discussion, local governments should address consistency between the plan and all adopted land use, public services, land use value taxation ordinances and policies, and capital improvement plans and budgets.

c. Water-dependent facilities.

(1) Local governments should include in their comprehensive plans a plan for water-dependent facilities. As a minimum, local governments should

consider the following factors in the planning process:

(a) Impact of water-dependent uses on water quality;

(b) Existing wetlands, submerged aquatic plant beds, shellfish beds, anadromous fish spawning grounds, and other important habitat dependent on water quality;

(c) Extent and effects of any dredging required, including placement of dredged material;

(d) Compatibility of current land uses with water quality protection goals.

(2) Local governments should prepare an analysis of the capacity of existing water-dependent facilities and future demands. This analysis should address marinas, boat ramps, public docks, shoreline fishing areas, and other public access to the waterfront or beach. Areas currently zoned for water-dependent facilities should also be evaluated.

(3) Local governments should identify areas suitable for water-dependent facilities with respect to other comprehensive plan policies and in accordance with performance criteria in Part IV.

2. Zoning ordinances. Local governments shall review and revise their zoning ordinances, as necessary, to comply with § 10.1-2109 of the Act. The ordinances should:

a. Make provisions for the protection of Chesapeake Bay Preservation Areas;

b. Incorporate either explicitly or by direct reference, the performance criteria in Part IV;

c. Be consistent with the comprehensive plan within Chesapeake Bay Preservation Areas.

3. Plan of development review. Local governments shall make provisions as necessary to ensure that any development of land within Chesapeake Bay Preservation Areas must be accomplished through a plan of development procedure pursuant to § 15.1-491(h) of the Code of Virginia to ensure compliance with the Act and regulations. Any exemptions from those review requirements shall be established and administered in a manner that ensures compliance with these regulations.

4. Subdivision ordinances. Local governments shall review and revise their subdivision ordinances, as necessary, to comply with § 10.1-2109 of the Act. The ordinances should:

a. Include language to ensure the integrity of

Chesapeake Bay Preservation Areas;

b. Incorporate, either explicitly or by direct reference, the performance criteria of Part IV.

5. Water quality impact assessment. A water quality impact assessment shall be required for any proposed development within the Resource Protection Area consistent with Part IV and for any other development in Chesapeake Bay Preservation Areas that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development. Local governments should notify the board of all development requiring a water quality impact assessment. Upon request, the board will provide review and comment on any water quality impact assessment within 90 days, in accordance with advisory state review requirements of § 10.1-2112 of the Act.

D. Review by the board.

The board will review a proposed management program within 90 days. If it is consistent with the Act, the board will schedule a conference with the local government to determine what additional technical and financial assistance may be needed and can be supplied to accomplish the long-term aspects of the local program. If the program or any part thereof is not consistent, the board will notify the local government in writing stating the reasons for a determination of inconsistency and recommending specific changes. Copies of the adopted program documents and subsequent changes thereto, shall be provided to the board.

§ 5.5. Certification of local program.

Upon request, the board will certify that a local program complies with the Act and regulations.

PART VI. ENFORCEMENT.

§ 6.1. Applicability.

The Act requires that the board ensure that local governments comply with the Act and regulations and that their comprehensive plans, zoning ordinances, and subdivision ordinances are in accordance with the Act. To satisfy these requirements, the board has adopted these regulations and will monitor each local government's compliance with the Act and regulations.

§ 6.2. Informal proceedings.

Prior to instituting notice and formal hearing proceedings or making a finding of noncompliance, the board will attempt through informal administrative proceedings to secure local program compliance with the Act.

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§ 6.3. Notice and formal hearing.

When the board formally reviews a local government's compliance with the Act and regulations, it shall give the local government at least 15 days notice of the time and place of its next meeting and of intention to then hear evidence on the local government's compliance. Evidence will be received from the staff and from the local government.

§ 6.4. Finding of noncompliance.

Upon a finding of noncompliance, the board will refer the matter for legal action.

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 325-01. DEFINITIONS AND MISCELLANEOUS.

VR 325-01-1. Definitions and Miscellaneous.

VR 325-02. GAME.

VR 325-02-1. In General.

VR 325-02-2. Bear.

VR 325-02-6. Deer.

VR 325-02-8. Fox.

VR 325-02-9. Grouse.

VR 325-02-16. Pheasant.

VR 325-02-17. Quail.

VR 325-02-18. Rabbit.

VR 325-02-19. Raccoon.

VR 325-02-21. Squirrel.

VR 325-02-22. Turkey.

VR 325-02-25. Firearms.

VR 325-04. WATERCRAFT.

VR 325-04-4. Accident and Casualty Reporting.

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

Proposed Effective Date: July 1, 1989

Public Hearing Date: May 5, 1989 - 9:30 a.m.

(See Calendar of Events section for additional information)

Public Hearing Notice:

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed new and amended board regulations. A public hearing on the advisability of adopting, or amending and adopting, the proposed regulations, or any part thereof, will be

held at the Holiday Inn I-64, West End, 6531 West Broad Street, Richmond, Virginia, beginning at 9:30 a.m. on Friday, May 5, 1989, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulations, or any part thereof, are advisable, in the form in which published or as amended as a result of the public hearing, the board may adopt such proposals at that time, acting upon the proposals separately or in block.

Summary:

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

VR 325-01. DEFINITIONS AND MISCELLANEOUS.

VR 325-01-1. Definitions and Miscellaneous.

§ 10. Prohibited use of vehicles on department-owned lands.

It shall be unlawful on department-owned lands to drive through or around gates designed to prevent entry with any type of motorized vehicle or to use such vehicles to travel anywhere on such lands except on roads open to vehicular traffic. Any motor-driven conveyance shall conform with all state laws for highway travel; provided, that this requirement shall not apply to the operation of motor vehicles for administrative purposes by department-authorized personnel on department-owned lands.

§ 14. Structures on department-owned lands.

A. It shall be unlawful to construct, maintain or occupy any permanent structure, except by permit, on department-owned lands. This provision shall not apply to structures, stands or blinds provided by the department.

B. It shall be unlawful to maintain any temporary dwelling on department-owned lands for a period greater than 14 consecutive days. Any person constructing or occupying any temporary structure shall be responsible for complete removal of such structures when vacating the site.

C. It shall be unlawful to construct, maintain or occupy any tree stand on department-owned lands; provided, that portable tree stands which are not permanently affixed may be used.

VR 325-02. GAME.

VR 325-02-1. In General.

§ 3. Recorded wild animal or wild bird calls or sounds prohibited in taking game; coyotes and crows excepted.

It shall be unlawful to take or attempt to take wild

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animals and wild birds, with the exception of coyotes and crows, by the use or aid of recorded wild animal or wild bird calls or sounds or recorded or electrically amplified imitation of wild animal or wild bird calls or sounds; provided, that the use of electronic calls for hunting coyotes requires the written permission of the landowner; and further provided, that the authority granted by this section for use of electronic calls for the taking of coyotes will expire on June 30, 1990 1991 .

§ 6. Hunting with dogs or possession of weapons in certain locations during closed season.

A. National forests and ~~commission~~ department lands.

It shall be unlawful to hunt with a dog or gun or have in possession a strung bow, or a gun which is not unloaded and cased or dismantled, in the national forests and on the department-owned lands and on lands managed by the department under cooperative agreement except during the period when it is lawful to hunt bear, deer, grouse, pheasant, quail, rabbit, raccoon, squirrel, turkey, waterfowl in all counties west of the Blue Ridge Mountains and on National Forest lands east of the Blue Ridge Mountains and migratory game birds in all counties east of the Blue Ridge Mountains. The provisions of this subsection shall not prohibit the establishment and operation of archery and shooting ranges on national forest lands for the purpose of sighting in rifles and general shooting within established and identified range boundaries. The use of firearms and bows in such ranges during the closed hunting period will be restricted to the area within established range boundaries. Such weapons shall be required to be unloaded and cased or dismantled in all areas other than within the range boundaries. The use of firearms or bows during the closed hunting period in such ranges shall be restricted to target practice only and no birds or animals shall be molested.

B. Certain counties.

It shall be unlawful to have either a shotgun or a rifle in one's possession when accompanied by a dog in the daytime in the fields, forests or waters of the counties of Augusta, Clarke, Frederick, Page, Shenandoah and Warren, and in counties east of the Blue Ridge Mountains, except Patrick, at any time except the periods prescribed by law to hunt game birds and animals.

C. Meaning of "possession" of bow or firearm.

For the purpose of this section the word "possession" shall include having any bow or firearm in one's car or conveyance.

D. It shall be unlawful to hunt, or attempt to hunt, by the aid of a dog in a strike cage, or a dog on or outside any portion of a vehicle forward of the driver, except during the open season for the hunting of bear with dogs.

§ 11. Hog Island Wildlife Management Area; possession of

loaded gun prohibited; exception.

It shall be unlawful to have in possession at any time on the Hog Island Wildlife Refuge a gun which is not unloaded and cased or dismantled on that portion of the Hog Island Wildlife Management Area bordering on the James River and lying north of the Surry Nuclear Power Plant, except while hunting deer or waterfowl in conformity with a special permit issued by the department pursuant to VR 325-02-06, § 3 .

§ 21. Use of deadfalls prohibited; restricted use of snares.

It shall be unlawful to trap, or attempt to trap, on land any wild bird or wild animal with any deadfall or snare ; provided, however, that nonlocking snares with loops no more than eight 12 inches in diameter and with the top of the snare loop set not to exceed 10 12 inches above ground level may be used with the written permission of the landowner .

VR 325-02-2. Bear.

§ 1-2. Open season; Cities of Chesapeake and Suffolk east of Dismal Swamp Line.

Rescind this section in its entirety.

§ 1-3. Open season; Cities of Suffolk west of Dismal Swamp Line.

Rescind this section in its entirety.

§ 2. Open season; Russell County and Clinch Mountain and Hidden Valley Wildlife Management Area Areas .

It shall be lawful to hunt bear from December 5 through December 17 the first Monday in December and for 11 consecutive hunting days following , both dates inclusive, in Russell County (south and east of U.S. Route 19) and on the Clinch Mountain and Hidden Valley Wildlife Management Area Areas .

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

It shall be unlawful to hunt bear at any time in the counties of Accomack, Amelia, Appomattox, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Grayson, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Montgomery (South of U.S. Route I-81), New Kent, Northampton, Northumberland, Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski (South of U.S. Route I-81), Richmond, Roanoke (South of U.S. Route I-81), Russell

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(North and West of U.S. Route 19), Scott, Smyth (South of U.S. Route I-81), Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell (North of U.S. Route 19), Washington (South of U.S. Route I-81 and West of U.S. Route 19, Westmoreland, Wise, Wythe (South of U.S. Route I-81) and York; and in the Cities of Hampton, Newport News, Norfolk and Virginia Beach ; and on the Hidden Valley Wildlife Management Area .

VR 325-02-6. Deer.

§ 2. Open season; Counties west of Blue Ridge Mountains and certain counties or parts thereof east of Blue Ridge Mountains.

It shall be lawful to hunt deer on the third Monday in November and for 11 consecutive hunting days following in the counties west of the Blue Ridge Mountains (except on the Radford Army Ammunition Plant in Pulaski County), and in the counties of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad); and on the Leesville Chester F. Phelps Wildlife Management Area.

§ 2-1. Open season; Cities of Virginia Beach, Chesapeake and Suffolk east of Dismal Swamp Line.

Rescind this section in its entirety.

§ 2-3. Open season; Back Bay National Wildlife Refuge and False Cape State Park.

It shall be lawful to hunt deer on the Back Bay National Wildlife Refuge and on False Cape State Park from October 1 through October 31.

§ 3. Open season; Hog Island Wildlife Management Area.

Rescind this section in its entirety.

§ 5. Muzzle-loading gun hunting.

A. Season.

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

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

Only deer with antlers visible above the hair may be

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

C. Muzzle-loading gun defined.

A muzzle-loading gun for the purpose of this section means a single shot flintlock or side lock percussion weapon, 45 caliber or larger, firing a single projectile loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder. If telescopic sights are used, such weapon shall not be deemed to be a muzzle-loading gun.

D. Unlawful to have other firearms in possession.

It shall be unlawful to have in immediate possession any other firearm while hunting with a muzzle-loading gun in a special muzzle-loading season.

§ 7. Bag limit; One a day, two a license year, either sex last two days in certain counties and areas.

The bag limit for deer shall be one a day, two a license year, either sex last two hunting days only, in the Counties of Alleghany, Augusta, Bath, Bland, ~~Botetourt~~, Carroll, Clarke, Craig, Floyd, Frederick, Giles, Grayson, Highland, Montgomery, Page, Pulaski (except on the Radford Army Ammunition Plant), Roanoke, Rockbridge, Rockingham, Shenandoah, Smyth (except on Clinch Mountain Wildlife Management Area) ; ~~Warren~~, and Wythe.

§ 8. Bag limit; One a day, ~~two three~~ a license year, ~~one of which must be an antlerless deer~~, either sex last three days, in certain counties and areas.

The bag limit for deer shall be one a day, ~~two a three~~ per license year, ~~one of which must be an antlerless deer~~, either sex on the last three hunting days only, in the counties of Amherst, ~~Botetourt~~, Buckingham (except on Buckingham-Appomattox State Forest), Campbell, ~~Clarke~~, ~~Craig~~, Cumberland (except on the Cumberland State Forest), Fluvanna, Franklin (except on Philpott Reservoir), ~~Frederick~~, Goochland, Hanover, Henrico, Henry (except on Fairystone Wildlife Management Area and Philpott Reservoir), Louisa, ~~Mathews~~, ~~Middlesex~~, Nelson, Patrick (except on Fairystone Park, Fairystone Wildlife Management Area and Philpott Reservoir) ~~and~~ , Spotsylvania ~~and Warren~~ ; and on Fort A.P. Hill (~~nonimpact training areas~~) ~~and Fort Pickett~~ , and on the Powhatan, G. Richard Tompson ; Leesville and White Oak Mountain Wildlife Management Areas.

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

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Rescind this section in its entirety.

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

The bag limit for deer shall be one a day, three a license year, either sex, one of which must be an antlerless deer, in the County of Fairfax, and on Back Bay National Wildlife Refuge, *Caledon Natural Area*, Camp Peary, Cheatham Annex, Chincoteague National Wildlife Refuge, ~~Dahlgren Naval Surface Weapons Warfare Center~~, Dam Neck Amphibious Training Base, Dismal Swamp National Wildlife Refuge, Eastern Shore of Virginia National Wildlife Refuge, False Cape State Park, Fisherman's Island National Wildlife Refuge, Fort Belvoir, Fort Eustis, *Fort Lee*, *Fort Pickett*, Harry Diamond Laboratory, Langley Air Force Base, *Northwest Naval Security Group*, Presquile National Wildlife Refuge, Quantico Marine Corps Reservation, Radford Army Ammunition Plant, ~~the City of Suffolk (except west of the Dismal Swamp Line)~~, *Sky Meadows State Park*, *York River State Park* and Yorktown Naval Weapons Station.

§ 11. Bag limit; One a day, ~~two~~ *three* a license year, *one of which must be an antlerless deer*, either sex last day, in certain counties and areas.

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

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

Rescind this section in its entirety.

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

The bag limit for deer shall be one a day, three a license year, one of which must be an antlerless deer, either sex last six days, in the Counties of Accomack (except on Chincoteague National Wildlife Refuge), *Albemarle*, *Amelia*, *Bedford*, Brunswick (except on *Fort Pickett*), *Caroline*, Charles City (except on *Chickahominy Wildlife Management Area*), *Charlotte*, *Culpeper* (except on *Chester F. Phelps Wildlife Management Area*), *Dinwiddie* (except on *Fort Pickett*), *Gloucester*, *Halifax*, *James City*, *King William*, *Lunenburg*, *Mecklenburg*, *New Kent*, *Northampton* (except Eastern Shore of Virginia National Wildlife Refuge and Fisherman's Island National Wildlife Refuge), *Nottoway* (except on *Fort Pickett*), *Orange*,

Pittsylvania (east of Norfolk Southern Railroad, except on White Oak Mountain Wildlife Management Area), *Powhatan* (except on *Powhatan Wildlife Management Area*), *Prince Edward* (except on *Prince Edward State Forest*), and *Prince George* (except on *Fort Lee*), *Prince William* (except on *Harry Diamond Laboratory and Quantico Marine Reservation*), *Stafford* (except on *Quantico Marine Reservation*) and *York* (except on *Camp Peary*, *Cheatham Annex* and *Naval Weapons Station*); and in the Cities of *Chesapeake* (except on *Dismal Swamp National Wildlife Refuge* and on the *Northwest Naval Security Group*), *Hampton* (except on *Langley Air Force Base*), *Newport News* (except on *Fort Eustis*) and *Virginia Beach* (except on *Back Bay National Wildlife Refuge*, *Dam Neck Amphibious Training Base* and *False Cape State Park*).

§ 14. Bag limit; One a day, three a license year, one of which must be an antlerless deer, either sex last 24 days, in certain counties and cities.

The bag limit for deer shall be one a day, three a license year, one of which must be an antlerless deer, either sex last 24 days, in the counties of Greenville, Isle of Wight, Southampton, Surry, Sussex, and in the City of Suffolk (west of Dismal Swamp Line except on the *Dismal Swamp National Wildlife Refuge*).

§ 14-1. Bag limit; One a day, three a license year, one of which must be an antlerless deer, either sex last 12 days, in certain counties and areas .

The bag limit for deer shall be one a day, three a license year, one of which must be an antlerless deer, either sex last 12 days, in the counties of *Essex*, *Fauquier* (except on the *G. Richard Thompson and Chester F. Phelps Wildlife Management Areas*), *King and Queen*, *King George*, *Lancaster*, *Loudoun*, *Northumberland*, *Rappahannock*, *Richmond* and *Westmoreland* , and on *Fort A.P. Hill* (controlled access area) .

§ 17. Hunting prohibited in certain counties or parts thereof .

It shall be unlawful to hunt deer at any time in the counties of *Arlington*, *Buchanan* ; and *Dickenson* and *Fairfax* (in that section closed to all hunting) .

§ 18. Hunting with dogs prohibited in certain counties and areas.

A. Generally.

It shall be unlawful to hunt deer with dogs in the Counties of *Amherst* (west of U.S. Route 29), *Bedford*, *Campbell* (west of Norfolk Southern Railroad), *Fairfax*, *Franklin*, *Henry*, *Loudoun*, *Nelson* (west of Route 151), *Northampton*, *Patrick* and *Pittsylvania* (west of Norfolk Southern Railroad); and on the *Amelia*, *Chester F. Phelps* , and *Chickahominy*, *G. Richard Thompson*, *Pettigrew* and *White Oak Mountain* Wildlife Management Areas.

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B. Special provision for Greene and Madison counties.

It shall be unlawful to hunt deer with dogs during the first 12 hunting days in the counties of Greene and Madison.

VR 325-02-8. Fox.

PART II. HUNTING WITH GUNS.

§ 2.1-1. Open season; Buchanan County.

Rescind this section in its entirety.

§ 2.1-2. Open season; Counties of Scott, Washington and Wythe.

Rescind this section in its entirety.

PART III. TRAPPING.

§ 3.2. Prohibited in certain counties.

It shall be unlawful to trap foxes in the counties of Clarke (except on the G. Richard Thompson Wildlife Management Area), Fauquier (except on the Chester F. Phelps and G. Richard Thompson Wildlife Management Areas), Goochland, Lee, Loudoun and Rappahannock.

VR 325-02-9. Grouse.

§ 1. Open season.

Except as otherwise specifically provided in the sections appearing in this regulation, it shall be lawful to hunt grouse from the first Monday in November through ~~January 31~~ the second Saturday in February, both dates inclusive.

§ 3. Continuous closed season.

There shall be continuous closed season for the hunting or shooting of grouse in all counties and portions of counties lying east of U.S. Route I-95.

VR 325-02-16. Pheasant.

§ 1. Open season; Counties east of Blue Ridge Mountains. -

Except as otherwise specifically provided in the sections appearing in this regulation, it shall be lawful to hunt pheasant in all counties east of the Blue Ridge Mountains from the ~~third~~ second Monday in November through ~~January 31~~ the second Saturday in February, both dates inclusive.

§ 4. Continuous closed season in certain counties.

There shall be a continuous closed season for the

hunting or shooting of pheasant in the counties of Lancaster, Northumberland, Richmond and Westmoreland.

VR 325-02-17. Quail.

§ 1. Open season; Generally.

Except as otherwise specifically provided by the sections appearing in this regulation, it shall be lawful to hunt quail from the ~~third~~ first Monday in November through January 31, both dates inclusive.

§ 2. Open season; Counties east of the Blue Ridge Mountains generally.

It shall be lawful to hunt quail in all counties east of the Blue Ridge Mountains from the second Monday in November through the second Saturday in February, both dates inclusive.

§ 5. Hunting in snow prohibited.

Rescind this section in its entirety.

VR 325-02-18. Rabbit.

§ 6. Continuous closed season for Varying hare.

There shall be a continuous closed season for the hunting, shooting or trapping of Varying (snowshoe) hare (*Lepus americanus*).

VR 325-02-19. Raccoon.

PART I. CHASING.

§ 1.1. Open season; Counties east of Blue Ridge Mountains; possession of certain devices unlawful.

Except as otherwise specifically provided in the sections appearing in this regulation, it shall be lawful to chase raccoon with dogs, without capturing or taking, in all counties east of the Blue Ridge Mountains (except on the George Washington and Jefferson National Forests) from August 1 through ~~May 31~~ March 10, both dates inclusive. It shall be unlawful to have in immediate possession a firearm, bow, axe, saw, or any tree climbing device while hunting during this chase season.

PART II. HUNTING AND TRAPPING.

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

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this regulation, it shall be lawful to take raccoon by hunting in all counties east of the Blue Ridge Mountains from ~~November 1~~ October 15 through March 10,

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both dates inclusive.

VR 325-02-21. Squirrel.

PART I. GRAY AND RED SQUIRREL.

§ 1.3. Season; Certain counties; September 1 through September 15 and the first Monday in November through January 31.

It shall be lawful to hunt squirrel from September 1 through September 15, both dates inclusive, and from the first Monday in November through January 31, both dates inclusive, in the counties of Brunswick (except Fort Pickett), Dinwiddie (except Fort Pickett), and Lunenburg and Nottoway (except on Fort Pickett).

§ 1.5. Season; Certain counties; September 15 through October 14 and the first Monday in November through January 31.

It shall be lawful to hunt squirrel from September 15 through October 14 and from the first Monday in November through January 31, both dates inclusive, in the counties of Bedford, Campbell, Charlotte, Halifax and Pittsylvania.

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

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

PART II. FOX SQUIRREL.

§ 2.5. Open season; Certain counties; October 1 through October 14 and from the first Monday in November through January 31.

It shall be lawful to hunt fox squirrel from October 1 through October 14, both dates inclusive, and from the first Monday in November through January 31, both dates inclusive, in the counties of Alleghany, Augusta, Clarke, Fairfax, Fauquier (except on the Chester F. Phelps Wildlife Management Area), Frederick, Loudoun, Page, Rappahannock, Rockbridge, Rockingham, Shenandoah and Warren.

VR 325-02-22. Turkey.

§ 2. Open season; Certain counties and areas ; First Monday in November and for 11 hunting days following .

It shall be lawful to hunt turkeys on the first Monday in November and for eleven consecutive hunting days following in the counties of Charles City, Chesterfield, Greensville Gloucester , Henrico, Isle of Wight, King George, Lancaster, Meeklenburg, Middlesex, New Kent, Northumberland, Prince George, Richmond, Surry, Sussex, Westmoreland and York, and on Camp Peary.

§ 2-1. Open season; Certain counties and areas; First Monday in November through Saturday prior to third Monday in November and fourth Monday in November through first Saturday in January.

It shall be lawful to hunt turkeys on the first Monday in November through the Saturday prior to the third Monday in November and from the fourth Monday in November through the first Saturday in January, both dates inclusive, in the counties of Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah and Warren.

§ 3. Open season; Spring season for bearded turkeys.

It shall be lawful to hunt bearded turkeys only from the second Saturday in April through the second Saturday in May Saturday nearest the 15th of April and for 30 consecutive hunting days following , both dates inclusive, from 1/2 hour before sunrise to 11 a.m. 12:00 noon prevailing time . Bearded turkeys may be hunted by calling. It shall be unlawful to use dogs or organized drives for the purpose of hunting.

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

There shall be continuous closed turkey season, except where a special spring season for bearded turkeys is provided for in § 3 of this regulation, in the counties of Accomack, Arlington, Buchanan, Dickenson, Gloucester, Isle of Wight, James City, Mathews, Northampton and Southampton; and in the cities of Chesapeake, Hampton, Newport News, Suffolk and Virginia Beach.

VR 325-02-25. Firearms.

§ 7. Use of shotguns with rifled barrels.

Where the use of shotguns with slugs is permitted, shotguns with barrels that are partially or entirely rifled may be used unless otherwise prohibited by local ordinance.

VR 325-04. WATERCRAFT

VR 325-04-4. Accident and Casualty Reporting.

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§ 3. Written casualty or accident reports required; time for making.

A. In addition to the notification required by § 2 of this regulation, the operator of a vessel shall submit a written casualty or accident report to the department when, as a result of an occurrence that involves the vessel or its equipment :

1. A person dies;
2. A person is unable to perform normal or usual activities;
3. Damage to the vessel and other property damage totals more than \$200 \$500 or complete loss of the vessel ; or
4. A person disappears from the vessel under circumstances that indicate probable death or injury.

B. A written report required by this section must be made :

1. Within 48 hours of the occurrence if a person dies within 24 hours of the occurrence;
2. Within 48 hours of the occurrence if a person is unable to perform normal or usual activities or disappears from a vessel; and
3. Within 10 days of the occurrence or death if an earlier report is not required by the foregoing provisions of this section.

C. When the operator of a vessel cannot submit the report required by this section, the owner shall submit the required report.

DEPARTMENT OF HEALTH (STATE BOARD OF)

REGISTRAR'S NOTICE: Due to its length, the regulation entitled Regulations Governing Licensure of Home Health Agencies and Hospices filed by the Department of Health 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 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 Health.

Title of Regulation: VR 355-33-02. Regulations Governing Licensure of Home Health Agencies and Hospices.

Statutory Authority: §§ 32.1-162.5 and 32.1-162.12 of the Code of Virginia.

Public Hearing Date: May 23, 1989 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

These regulations define minimum standards of organization and operation required of a licensed home health agency and a licensed hospice. In addition, the regulations (i) provide guidelines for the Commissioner of Health and notice to the home health agency and the hospice industry of the standards on which licensure shall be dependent, and (ii) assist operators in preparation of an application for licensure and other reports. In the absence of such regulations home health agencies, hospice organizations or single service vendors who are not currently regulated by the Medicare or Medicaid certification programs can operate and could provide less than an acceptable standard of care, leaving the consumer with no standard against which to measure a provider's service. By regulating these activities, the Commonwealth intends to promote quality care and protect the safety and welfare of sick and terminally ill individuals receiving home health and hospice services.

These regulations are based upon nationally accepted standards established by various accrediting organizations, by certification standards established by the U.S. Department of Health and Human Services, Office of Health Care Financing Administration, and on recommendations received from the Home Health Agency Advisory Committee and from representatives of the Virginia Association of Hospices.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

REGISTER'S NOTICE: The following regulation is exempted from the Administrative Process Act under the provisions of § 9-6.14:4.1 B 4 of the Code of Virginia, which excludes agency action relating to grants of state or federal funds or property.

Title of Regulation: VR 394-01-106. Single and Multifamily Production Loan Program.

Statutory Authority: Chapter 9 (§ 36-141 et seq.) of Title 36 of the Code of Virginia.

Public Hearing Date: N/A

(Written comments may be submitted until May 15, 1989. See Calendar of Events section for additional information.)

Summary:

Responding to critical housing problems facing the state, as documented in the 1987 Annual Report of the Virginia Housing Study Commission, the Governor and the General Assembly established the Virginia Housing Partnership Revolving Loan Fund. The purpose of the Fund is to increase the availability of decent and

affordable housing for low- and moderate-income Virginia residents. The Single and Multifamily Production Program provides low-interest loans from the Virginia Housing Partnership Fund. The purpose of this program is to increase the supply of affordable housing of Virginia's low- and moderate-income residents. These regulations establish program guidelines for low-interest loans.

VR 394-01-106. Single and Multifamily Production Loan Program.

PART I. DEFINITIONS.

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

"Applicant" means a for-profit, nonprofit or governmental entity making an application or proposal under these guidelines.

"Application" means a written request to the Department of Housing and Community Development by a prospective applicant to the program on such form as the department shall provide.

"Area median income" means the median income established by HUD from time to time for various areas of the state, or the state median income, means the statewide median income as established by the University of Virginia, Center for Public Service.

"Borrower" means an individual, for-profit, nonprofit or governmental entity making an application for funds.

"Funds" means the Virginia Housing Partnership Revolving Loan Fund.

"Multifamily" means a structure with two or more complete dwelling units.

"Program" means the Single and Multifamily Production Program.

"Single family" means a structure with one complete dwelling unit.

PART II. PURPOSE AND APPLICABILITY.

§ 2.1. Purpose and applicability.

The purpose of the Single and Multifamily Production Program is to increase the supply of housing or homeownership opportunities for low- and moderate-income Virginians. Program funds will only be available to projects involving new construction. The highest priority for the program is placed upon increasing the supply of housing serving lower-income families. These guidelines

will be applicable for loans or programs which finance the production of single or multifamily housing.

There will be emphasis on creative uses which result in the most effective use of resources and advancement of the state of the art in providing decent housing at an affordable cost to lower-income Virginians.

Special emphasis will be placed on using the program to attract and leverage other financing of all kinds. The program shall be used to encourage partnerships with both public and private sectors including nonprofit, local government and for-profit organizations. The goal is to maximize the variety of resources used to solve housing problems of lower-income Virginians.

PART III. ELIGIBLE APPLICANTS, APPLICATIONS AND ACTIVITIES.

§ 3.1. Eligible applicants.

To be eligible applicants must be:

1. Nonprofit organizations incorporated under the laws of the Commonwealth of Virginia;
2. For-profit, private corporations;
3. Governmental entities including local redevelopment and housing authorities.

§ 3.2. Eligible applications.

Eligible applicants may submit more than one application provided the applications are for different projects and are written requests in such form as the state shall provide.

§ 3.3. Eligible activities.

There is no restriction on the use of the program funds provided the funds contribute directly to the construction of new single family or multifamily units serving low- and moderate-income persons. Eligible uses may include, but are not limited to:

1. Primary or secondary financing for permanent mortgages;
2. Construction financing;
3. Bridge financing;
4. Credit enhancement.

PART IV. DISTRIBUTION AND USES OF THE FUND.

§ 4.1. Geographic distribution.

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Funds will be awarded through a competitive process. The state will seek an equitable geographic distribution of funds.

PART V. LOANS TERMS.

§ 5.1. Loan amount.

The maximum loan shall be \$500,000 per application.

§ 5.2. Term of loans.

The term shall be no more than 15 years.

§ 5.3. Interest Rate.

The interest rate shall be fixed at 3.0%.

§ 5.4. Deferrals.

Deferral of principal payments or of both principal and interest payments may be allowed for up to five years. An alternative deferral technique or a delayed amortization of the loan may also be permitted. The use of such options may require higher interest rates to be paid during the loan repayment period.

PART VI. PRINCIPLES GOVERNING THE PROGRAM.

§ 6.1. General principles.

A. The program is available for the production of Single or Multifamily Housing for low- and moderate-income Virginians.

B. All single family projects must provide 100% of the units to households at or below 80% of the median. All multifamily projects must select one of three occupancy options at the time of application and comply with it for the term of the loan:

OPTION 1:

A minimum of 20% of the units must be reserved for persons within incomes at 50% or less of the area median income as established by HUD or the state median income as established by the University of Virginia, Center for Public Service, whichever is higher.

OPTION 2:

A minimum of 40% of the units must be reserved for persons within incomes at 60% or less of the area median income as established by HUD or the state median income as established by the University of Virginia, Center for Public Service, whichever is higher.

OPTION 3:

A minimum of 80% of the units must be reserved for persons within incomes at 80% or less of the area median income as established by the University of Virginia, Center for Public Service, whichever is higher.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulations: State Plan for Medical Assistance Relating to Nonenrolled Providers.

VR 460-02-4.191. Methods and Standards for Establishing Payment Rates - In-Patient Hospital Care.

VR 460-02-4.192. Methods and Standards for Establishing Payment Rates - Other Types of Care.

VR 460-02-4.194. Methods and Standards for Establishing Payment Rates - Long-Term Care.

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

Public Hearing Date: N/A

(Written comments may be submitted until June 28, 1989. See Calendar of Events section for additional information.)

Summary:

Once these regulations are adopted in their final form, they will supersede the current emergency regulation. These regulations establish in the Plan for Medical Assistance the department's policies for reimbursing nonenrolled providers for services rendered to Virginia Medicaid recipients. These providers are usually located outside the Commonwealth.

VR 460-02-4.191. Methods and Standards for Establishing Payment Rates - In-Patient Hospital Care.

The state agency will pay the reasonable cost of inpatient hospital services provided under the Plan. In reimbursing hospitals for the cost of inpatient hospital services provided to recipients of medical assistance.

I. For each hospital also participating in the Health Insurance for the Aged Program under Title XVIII of the Social Security Act, the state agency will apply the same standards, cost reporting period, cost reimbursement principles, and method of cost apportionment currently used in computing reimbursement to such a hospital under Title XVIII of the Act, except that the inpatient routine services costs for medical assistance recipients will be determined subsequent to the application of the Title XVIII method of apportionment, and the calculation will exclude the applicable Title XVIII inpatient routing service charges or patient days as well as Title XVIII inpatient routine service cost.

II. For each hospital not participating in the Program under Title XVIII of the Act, the state agency will apply

the standards and principles described in 42 CFR 447.250 and either (a) one of the available alternative cost apportionment methods in 42 CFR 447.250, or (b) the "Gross RCCAC method" of cost apportionment applied as follows: For a reporting period, the total allowable hospital inpatient charges; the resulting percentage is applied to the bill of each inpatient under the Medical Assistance Program.

III. For either participating or nonparticipating facilities, the Medical Assistance Program will pay no more in the aggregate for inpatient hospital services than the amount it is estimated would be paid for the services under the Medicare principles of reimbursement, as set forth in 42 CFR 447.253(b)(2), and/or lesser of reasonable cost or customary charges in 42 CFR 447.250.

IV. The state agency will apply the standards and principles as described in the state's reimbursement plan approved by the Secretary, HHS on a demonstration or experimental basis for the payment of reasonable costs by methods other than those described in paragraphs (a) and (b) above.

V. The reimbursement system for hospitals includes the following components:

(1) Hospitals should be grouped by classes according to number of beds and urban versus rural. (Three groupings for rural—less than 100 beds, 101 to 170 beds, and over 171 beds; four groupings for urban—less than 100, 100 to 400, 401 to 600, and over 601 beds.) Groupings are similar to those used by the Health Care Financing Administration (HCFA) in determining routine cost limitations.

(2) Prospective reimbursement ceilings on allowable operating costs were established as of July 1, 1982, for each grouping. Hospitals with a fiscal year end after June 30, 1982, shall be subject to the new reimbursement ceilings.

The calculation of the initial group ceilings as of July 1, 1982, was based on available, allowable cost data for all hospitals in calendar year 1981. Individual hospital operating costs were advanced by a reimbursement escalator from the hospital's year end to July 1, 1982. After this advancement, the operating costs were standardized using SMSA wage indices, and a median was determined for each group. These medians were readjusted by the wage index to set an actual cost ceiling for each SMSA. Therefore, each hospital grouping has a series of ceilings representing one of each SMSA area. The wage index is based on those used by HCFA in computing its Market Basket Index for routine cost limitations.

Effective July 1, 1986, providers subject to the prospective payment system of reimbursement had their prospective operating cost rate and prospective operating cost ceiling computed using a new

methodology. This method uses an allowance for inflation based on the percent of change in the quarterly average of the Medical Care Index of the Chase Econometrics - Standard Forecast determined in the quarter in which the provider's new fiscal year began.

The prospective operating cost rate is based on the provider's allowable cost from the most recent filed cost report, plus the inflation percentage add-on.

The prospective operating cost ceiling is determined by using the base that was in effect for the provider's fiscal year that began between July 1, 1985, and June 1, 1986. The allowance for inflation percent of change for the quarter in which the provider's new fiscal year began is added to this base to determine the new operating cost ceiling. This new ceiling was effective for all providers on July 1, 1986. For subsequent cost reporting periods beginning on or after July 1, 1986, the last prospective operating rate ceiling determined under this new methodology will become the base for computing the next prospective year ceiling.

Effective on and after July 1, 1988, for providers subject to the prospective payment system, the allowance for inflation will be based on the percent of change in the moving average of the Data Resources, Incorporated Health Care Cost HCFA-Type Hospital Market Basket determined in the quarter in which the provider's new fiscal year begins. Such providers will have their prospective operating cost rate and prospective operating cost ceiling established in accordance with the methodology which became effective July 1, 1986. Rates and ceilings in effect July 1, 1988, for all such hospitals will be adjusted to reflect this change.

The new method will still require comparison of the prospective operating cost rate to the prospective operating ceiling. The provider is allowed the lower of the two amounts subject to the lower of cost or charges principles.

(3) Subsequent to June 30, 1982, the group ceilings should not be recalculated on allowable costs, but should be updated by the escalator.

(4) Prospective rates for each hospital should be based upon the hospital's allowable costs plus the escalator, or the appropriate ceilings, or charges; whichever is lower. Except to eliminate costs that are found to be unallowable, no retrospective adjustment should be made to prospective rates.

Depreciation, capital interest, and education costs approved pursuant to HIM-15 (Sec. 400), should be considered as pass throughs and not part of the calculation.

(5) Hospitals which have a disproportionately higher

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level of Medicaid patients and which exceed the ceiling should be allowed a higher ceiling based on the individual hospital's Medicaid utilization. This should be measured by the percent of Medicaid patient days to total hospital patient days. Each hospital with a Medicaid utilization of over 8.0% should receive an adjustment to its ceiling. The adjustment should be set at a percent added to the ceiling for each percent of utilization up to 30%. An incentive plan should be established whereby a hospital will be paid on a sliding scale, percentage for percentage, up to 25% of the difference between allowable operating costs and the appropriate per diem group ceiling when the operating costs are below the ceilings. The incentive should be calculated based on the annual cost report.

(6) There will be special consideration for exception to the median operating cost limits in those instances where extensive neonatal care is provided.

(7) An incentive plan should be established whereby a hospital will be paid on a sliding scale, percentage for percentage, up to 25% of the difference between allowable operating costs and the appropriate per diem group ceiling when the operating costs are below the ceilings. The incentive should be calculated based on the annual cost report. Hospitals which have a disproportionately higher level of Medicaid patients and which exceed the ceiling should be allowed a higher ceiling based on the individual hospital's Medicaid utilization. This should be measured by the percent of Medicaid patient days to total hospital patient days. Each hospital with a Medicaid utilization of over 8.0% should receive an adjustment to its ceiling. The adjustment should be set at a percent added to the ceiling for each percent of utilization up to 30%.

The table below presents three examples under the new plan:

Group Ceiling	Hospital's Allowable Cost Per Day \$	Difference % of Ceiling	Sliding Scale Incentive % of Difference
\$230	\$230	-0-	-0-
\$230	207	23.00	10%
\$230	172	57.50	25%
\$230	143	76.00	33%

VI. In accordance with Title 42 §§ 447.250 through 447.272 of the Code of Federal Regulations which implements § 1902(a)(13)(A) of the Social Security Act, the Department of Medical Assistance Services ("DMAS") establishes payment rates for services that are reasonable and adequate to meet the costs that shall be incurred by efficiently and economically operated facilities to provide services in conformity with state and federal laws, regulations, and quality and safety standards. To establish these rates Virginia uses the Medicare principles of cost reimbursement in determining the allowable costs for

Virginia's prospective payment system. Allowable costs will be determined from the filing of a uniform cost report by participating providers. The cost reports are due not later than 90 days after the provider's fiscal year end. If a complete cost report is not received within 90 days after the end of the provider's fiscal year, the Program shall take action in accordance with its policies to assure that an overpayment is not being made. The cost report will be judged complete when DMAS has all of the following:

1. Completed cost reporting form(s) provided by DMAS, with signed certification(s);
2. The provider's trial balance showing adjusting journal entries;
3. The provider's financial statements including, but not limited to, a balance sheet, a statement of income and expenses, a statement of retained earnings (or fund balance), a statement of changes in financial position, and footnotes to the financial statements;
4. Schedules which reconcile financial statements and trial balance to expenses claimed in the cost report;
5. Home office cost report, if applicable; and
6. Such other analytical information or supporting documents requested by DMAS when the cost reporting forms are sent to the provider.

Although utilizing the cost apportionment and cost finding methods of the Medicare Program, Virginia does not adopt the prospective payment system of the Medicare Program enacted October 1, 1983.

VII. Revaluation of assets.

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

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

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

D. Costs (including legal fees, accounting and administrative costs, travel costs, and feasibility studies) attributable to the negotiation or settlement of the sale or purchase of any capital asset (by acquisition or merger) shall be reimbursable only to the extent that they have

not been previously reimbursed by Medicaid.

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

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

VIII. Refund of overpayments.

A. Lump sum payment.

When the provider files a cost report indicating that an overpayment has occurred, full refund shall be remitted with the cost report. In cases where DMAS discovers an overpayment during desk review, field audit, or final settlement, DMAS shall promptly send the first demand letter requesting a lump sum refund. Recovery shall be undertaken even though the provider disputes in whole or in part DMAS's determination of the overpayment.

B. Offset.

If the provider has been overpaid for a particular fiscal year and has been underpaid for another fiscal year, the underpayment shall be offset against the overpayment. So long as the provider has an overpayment balance, any underpayments discovered by subsequent review or audit shall also be used to reduce the remaining amount of the overpayment.

C. Payment schedule.

If the provider cannot refund the total amount of the overpayment (i) at the time it files a cost report indicating that an overpayment has occurred, the provider shall request an extended repayment schedule at the time of filing, or (ii) within 30 days after receiving the DMAS demand letter, the provider shall promptly request an extended repayment schedule.

DMAS may establish a repayment schedule of up to 12 months to recover all or part of an overpayment or, if a provider demonstrates that repayment within a 12-month period would create severe financial hardship, the Director of the Department of Medical Assistance Services ("the director") may approve a repayment schedule of up to 36 months.

A provider shall have no more than one extended repayment schedule in place at one time. If an audit later uncovers an additional overpayment, the full amount shall be repaid within 30 days unless the provider submits further documentation supporting a modification to the existing extended repayment schedule to include the additional amount.

If, during the time an extended repayment schedule is

in effect, the provider withdraws from the Program or fails to file a cost report in a timely manner, the outstanding balance shall become immediately due and payable.

When a repayment schedule is used to recover only part of an overpayment, the remaining amount shall be recovered by the reduction of interim payments to the provider or by lump sum payments.

D. Extension request documentation.

In the request for an extended repayment schedule, the provider shall document the need for an extended (beyond 30 days) repayment and submit a written proposal scheduling the dates and amounts of repayments. If DMAS approves the schedule, DMAS shall send the provider written notification of the approved repayment schedule, which shall be effective retroactive to the date the provider submitted the proposal.

E. Interest charge on extended repayment.

Once an initial determination of overpayment has been made, DMAS shall undertake full recovery of such overpayment whether or not the provider disputes, in whole or in part, the initial determination of overpayment. If an appeal follows, interest shall be waived during the period of administrative appeal of an initial determination of overpayment.

Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313 of the Code of Virginia from the date the director's determination becomes final.

The director's determination shall be deemed to be final on (i) the due date of any cost report filed by the provider indicating that an overpayment has occurred, or (ii) the issue date of any notice of overpayment, issued by DMAS, if the provider does not file an appeal, or (iii) the issue date of any administrative decision issued by DMAS after an informal factfinding conference, if the provider does not file an appeal, or (iv) the issue date of any administrative decision signed by the director, regardless of whether a judicial appeal follows. In any event, interest shall be waived if the overpayment is completely liquidated within 30 days of the date of the final determination. In cases in which a determination of overpayment has been judicially reversed, the provider shall be reimbursed that portion of the payment to which it is entitled, plus any applicable interest which the provider paid to DMAS.

IX. Effective October 1, 1986, hospitals that have obtained Medicare certification as inpatient rehabilitation hospitals or rehabilitation units in acute care hospitals, which are exempted from the Medicare Prospective Payment System (DRG), shall be reimbursed in accordance with the current Medicaid Prospective Payment System as described in the preceding sections I,

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II, III, IV, V, VI, VII, VIII and excluding V(6). Additionally, rehabilitation hospitals and rehabilitation units of acute care hospitals which are exempt from the Medicare Prospective Payment System will be required to maintain separate cost accounting records, and to file separate cost reports annually utilizing the applicable Medicare cost reporting forms (HCFA 2552 series) and the Medicaid forms (MAP-783 series).

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

X. Item 398 D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers.

XI. Pursuant to Item 389 E4 of the 1988 Appropriation Act (as amended), effective July 1, 1988, a separate group ceiling for allowable operating costs shall be established for state-owned university teaching hospitals.

XII. Nonenrolled providers.

A. Hospitals that are not enrolled as providers with the Department of Medical Assistance Services (DMAS) which submit claims shall be paid using the DMAS average reimbursable inpatient cost-to-charge ratio, updated annually, for enrolled hospitals less 5.0%. The 5.0% is for the cost of the additional manual processing of the claims. Hospitals that are not enrolled shall submit claims using the required DMAS invoice formats. Such claims must be submitted within 12 months from date of services. A hospital is determined to regularly treat Virginia Medicaid recipients and shall be required by DMAS to enroll if it provides more than 100 days of care to Virginia Medicaid recipients during the hospitals' financial fiscal year. A hospital which is required by DMAS to enroll shall be reimbursed in accordance with the current Medicaid Prospective Payment System as described in the preceding sections I, II, III, IV, V, VI, VII, VIII, IX, and X. The hospital shall be placed in one of the existing peer groupings which most nearly reflects its licensed bed size and location (section V (1) above). These hospitals shall be required to maintain separate cost accounting records, and to file separate cost reports annually, utilizing the applicable Medicare cost reporting forms (HCFA 2552 Series), and the Medicaid forms (MAP-783 Series).

B. A newly enrolled facility shall have an interim rate determined using the provider's most recent filed Medicare cost report or a pro forma cost report or detailed budget

prepared by the provider and accepted by DMAS, which represents its anticipated allowable cost for the first cost reporting period of participation. For the first cost reporting period, the provider shall be limited to the lesser of its actual operating costs or its peer group ceiling. Subsequent rates shall be determined in accordance with the current Medicaid Prospective Payment System as noted in section XII A.

C. Once a hospital has obtained the enrolled status, 100 days of care, the hospital must agree to become enrolled as required by DMAS to receive reimbursement. This status shall continue during the entire term of the provider's current Medicare certification and subsequent recertification or until mutually terminated with 30 days written notice by either party. The provider must maintain this enrolled status to receive reimbursement. If an enrolled provider elects to terminate the enrolled agreement, the nonenrolled reimbursement status will not be available to the hospital for future reimbursement, except for emergency care.

D. Prior approval must be received from the DMAS Health Services Review Division when a referral has been made for treatment to be received from a nonenrolled acute care facility (in-state or out-of-state), except in the case of an emergency or because medical resources or supplementary resources are more readily available in another state.

E. Nothing in this regulation is intended to preclude DMAS from reimbursing for special services, such as rehabilitation, ventilator, and transplantation, on an exception basis and reimbursing for these services on an individually, negotiated rate basis.

VR 460-02-4.192. Methods and Standards for Establishing Payment Rates - Other Types of Care.

The policy and the method to be used in establishing payment rates for each type of care or service (other than inpatient hospitalization, skilled nursing and intermediate care facilities) listed in § 1905(a) of the Social Security Act and included in this State Plan for Medical Assistance are described in the following paragraphs:

a. Reimbursement and payment criteria will be established which are designed to enlist participation of a sufficient number of providers of services in the program so that eligible persons can receive the medical care and services included in the Plan at least to the extent these are available to the general population.

b. Participation in the program will be limited to providers of services who accept, as payment in full, the state's payment plus any copayment required under the State Plan.

c. Payment for care or service will not exceed the amounts indicated to be reimbursed in accord with the

policy and methods described in this Plan and payments will not be made in excess of the upper limits described in 42 CFR 447.304(a). The state agency has continuing access to data identifying the maximum charges allowed: such data will be made available to the Secretary, HHS, upon request.

d. Payments for services listed below shall be on the basis of reasonable cost following the standards and principles applicable to the Title XVIII Program. The upper limit for reimbursement shall be no higher than payments for Medicare patients on a facility by facility basis in accordance with 42 CFR 447.321 and 42 CFR 447.325. In no instance, however, shall charges for beneficiaries of the program be in excess of charges for private patients receiving services from the provider. The professional component for emergency room physicians shall continue to be uncovered as a component of the payment to the facility.

Reasonable costs will be determined from the filing of a uniform cost report by participating providers. The cost reports are due not later than 90 days after the provider's fiscal year end. If a complete cost report is not received within 90 days after the end of the provider's fiscal year, the Program shall take action in accordance with its policies to assure that an overpayment is not being made. The cost report will be judged complete when DMAS has all of the following:

1. Completed cost reporting form(s) provided by DMAS, with signed certification(s);
2. The provider's trial balance showing adjusting journal entries;
3. The provider's financial statements including, but not limited to, a balance sheet, a statement of income and expenses, a statement of retained earnings (or fund balance), and a statement of changes in financial position;
4. Schedules which reconcile financial statements and trial balance to expenses claimed in the cost report;
5. Depreciation schedule or summary;
6. Home office cost report, if applicable; and
7. Such other analytical information or supporting documents requested by DMAS when the cost reporting forms are sent to the provider.

Item 398 D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers.

The services that are cost reimbursed are:

- (1) Inpatient hospital services to persons over 65 years of age in tuberculosis and mental disease hospitals

- (2) Home health care services
- (3) Outpatient hospital services excluding laboratory
- (4) Rural health clinic services
- (5) Rehabilitation agencies
- (6) Comprehensive outpatient rehabilitation facilities
- (7) Rehabilitation hospital outpatient services.

e. Payment for the following services shall be the lowest of: State agency fee schedule, actual charge (charge to the general public), or Medicare (Title XVIII) allowances:

- (1) Physicians' services
- (2) Dentists' services
- (3) Mental health services including:
 - Community mental health services
 - Services of a licensed clinical psychologist
 - Mental health services provided by a physician
- (4) Podiatry
- (5) Nurse-midwife services
- (6) Durable medical equipment
- (7) Local health services
- (8) Laboratory services (Other than inpatient hospital)
- (9) Payments to physicians who handle laboratory specimens, but do not perform laboratory analysis (limited to payment for handling)
- (10) X-Ray services
- (11) Optometry services
- (12) Medical supplies and equipment.

f. Payment for pharmacy services shall be the lowest of items (1) through (5) (except that items (1) and (2) will not apply when prescriptions are certified as brand necessary by the prescribing physician in accordance with the procedures set forth in 42 CFR 447.331 (c) if the brand cost is higher than the HCFA upper limit of VMAC cost) subject to the conditions, where applicable, set forth in items (6) and (7) below:

- (1) The upper limit established by the Health Care Financing Administration (HCFA) for multiple source drugs which are included both on HCFA's list of

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multiple source drugs and on the Virginia Voluntary Formulary (VVF), unless specified otherwise by the agency;

(2) The Virginia Maximum Allowable Cost (VMAC) established by the agency plus a dispensing fee, if a legend drug, for multiple source drugs listed on the VVF;

(3) The estimated acquisition cost established by the agency for legend drugs except oral contraceptives; plus the dispensing fee established by the state agency, or

(4) A mark-up allowance determined by the agency for covered nonlegend drugs and oral contraceptives; or

(5) The provider's usual and customary charge to the public, as identified by the claim charge.

(6) Payment for pharmacy services to patients of skilled or intermediate care facilities will be as described above; however, payments for legend drugs will include the allowed cost of the drugs plus only one dispensing fee per month for each specific drug.

(7) The Program recognizes the unit dose delivery system of dispensing drugs only for patients residing in skilled or intermediate care facilities. Reimbursements are based on the allowed payments described above plus the unit dose add on fee and an allowance for the cost of unit dose packaging established by the state agency. The maximum allowed drug cost for specific multiple source drugs will be the lesser of: either the VMAC based on the 60th percentile cost level identified by the state agency or HCFA's upper limits. All other drugs will be reimbursed at drug costs not to exceed the estimated acquisition cost determined by the state agency.

g. All reasonable measures will be taken to ascertain the legal liability of third parties to pay for authorized care and services provided to eligible recipients including those measures specified under 42 USC 1396(a)(25).

h. The single state agency will take whatever measures are necessary to assure appropriate audit of records whenever reimbursement is based on costs of providing care and services, or on a fee-for-service plus cost of materials.

i. Payment for transportation services shall be according to the following table:

TYPE OF SERVICE	PAYMENT METHODOLOGY
Taxi services	Rate set by the single state agency
Wheelchair van	Rate set by the single state agency

Nonemergency ambulance Rate set by the single state agency

Emergency ambulance Rate set by the single state agency

Volunteer drivers Rate set by the single state agency

Air ambulance Rate set by the single state agency

Mass transit Rate charged to the public

Transportation agreements Rate set by the single state agency

Special Emergency transportation Rate set by the single state agency

j. Payments for Medicare coinsurance and deductibles for noninstitutional services shall not exceed the allowed charges determined by Medicare in accordance with 42 CFR 447.304(b) less the portion paid by Medicare, other third party payors, and recipient copayment requirements of this Plan.

k. Payment for eyeglasses shall be the actual cost of the frames and lenses not to exceed limits set by the single state agency, plus a dispensing fee not to exceed limits set by the single state agency.

l. Expanded prenatal care services to include patient education, homemaker, and nutritional services shall be reimbursed at the lowest of: state agency fee schedule, actual charge, or Medicare (Title XVIII) allowances.

m. Targeted case management for high-risk pregnant women and infants up to age 1 shall be reimbursed at the lowest of: state agency fee schedule, actual charge, or Medicare (Title XVIII) allowances.

n. *Reimbursement for all other nonenrolled institutional and noninstitutional providers.*

(1) All other nonenrolled providers shall be reimbursed the lesser of the charges submitted, the DMAS cost to charge ratio, or the Medicare limits for the services provided.

(2) Outpatient hospitals that are not enrolled as providers with the Department of Medical Assistance Services (DMAS) which submit claims shall be paid using the DMAS average reimbursable outpatient cost-to-charge ratio, updated annually, for enrolled outpatient hospitals less 5.0%. The 5.0% is for the cost of the additional manual processing of the claims. Outpatient hospitals that are nonenrolled shall submit claims on DMAS invoices.

(3) Nonenrolled providers of noninstitutional services shall be paid on the same basis as enrolled in-state providers of noninstitutional services. Nonenrolled

providers of physician, dental, podiatry, optometry, and clinical psychology services, etc., shall be reimbursed the lesser of the charges submitted, or the DMAS rates for the services.

(4) All nonenrolled noninstitutional providers shall be reviewed every two years for the number of Medicaid recipients they have served. Those providers who have had no claims submitted in the past 12 months shall be declared inactive.

(5) Nothing in this regulation is intended to preclude DMAS from reimbursing for special services, such as rehabilitation, ventilator, and transplantation, on an exception basis and reimbursing for these services on an individually, negotiated rate basis.

o. Refund of overpayments.

(1) Providers reimbursed on the basis of a fee plus cost of materials.

(a) When DMAS determines an overpayment has been made to a provider, DMAS shall promptly send the first demand letter requesting a lump sum refund. Recovery shall be undertaken even though the provider disputes in whole or in part DMAS's determination of the overpayment.

(b) If the provider cannot refund the total amount of the overpayment within 30 days after receiving the DMAS demand letter, the provider shall promptly request an extended repayment schedule.

DMAS may establish a repayment schedule of up to 12 months to recover all or part of an overpayment or, if a provider demonstrates that repayment within a 12-month period would create severe financial hardship, the Director of the Department of Medical Assistance Services (the "director") may approve a repayment schedule of up to 36 months.

A provider shall have no more than one extended repayment schedule in place at one time. If an audit later uncovers an additional overpayment, the full amount shall be repaid within 30 days unless the provider submits further documentation supporting a modification to the existing extended repayment schedule to include the additional amount.

If, during the time an extended repayment schedule is in effect, the provider withdraws from the Program, the outstanding balance shall become immediately due and payable.

When a repayment schedule is used to recover only part of an overpayment, the remaining amount shall be recovered by the reduction of interim payments to the provider or by lump sum payments.

(c) In the request for an extended repayment schedule, the provider shall document the need for an extended (beyond 30 days) repayment and submit a written proposal scheduling the dates and amounts of repayments. If DMAS approves the schedule, DMAS shall send the provider written notification of the approved repayment schedule, which shall be effective retroactive to the date the provider submitted the proposal.

(d) Once an initial determination of overpayment has been made, DMAS shall undertake full recovery of such overpayment whether the provider disputes, in whole or in part, the initial determination of overpayment. If an appeal follows, interest shall be waived during the period of administrative appeal of an initial determination of overpayment.

Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313 of the Code of Virginia from the date the director's determination becomes final.

The director's determination shall be deemed to be final on (i) the issue date of any notice of overpayment, issued by DMAS, if the provider does not file an appeal, or (ii) the issue date of any administrative decision issued by DMAS after an informal factfinding conference, if the provider does not file an appeal, or (iii) the issue date of any administrative decision signed by the director, regardless of whether a judicial appeal follows. In any event, interest shall be waived if the overpayment is completely liquidated within 30 days of the date of the final determination. In cases in which a determination of overpayment has been judicially reversed, the provider shall be reimbursed that portion of the payment to which it is entitled, plus any applicable interest which the provider paid to DMAS.

(2) Providers reimbursed on the basis of reasonable costs.

(a) When the provider files a cost report indicating that an overpayment has occurred, full refund shall be remitted with the cost report. In cases where DMAS discovers an overpayment during desk review, field audit, or final settlement, DMAS shall promptly send the first demand letter requesting a lump sum refund. Recovery shall be undertaken even though the provider disputes in whole or in part DMAS's determination of the overpayment.

(b) If the provider has been overpaid for a particular fiscal year and has been underpaid for another fiscal year, the underpayment shall be offset against the overpayment. So long as the provider has an overpayment balance, any underpayments discovered by subsequent review or audit shall also be used to reduce the remaining

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amount of the overpayment.

(c) If the provider cannot refund the total amount of the overpayment (i) at the time it files a cost report indicating that an overpayment has occurred, the provider shall request an extended repayment schedule at the time of filing, or (ii) within 30 days after receiving the DMAS demand letter, the provider shall promptly request an extended repayment schedule.

DMAS may establish a repayment schedule of up to 12 months to recover all or part of an overpayment or, if a provider demonstrates that repayment within a 12-month period would create severe financial hardship, the Director of the Department of Medical Assistance Services (the "director") may approve a repayment schedule of up to 36 months.

A provider shall have no more than one extended repayment schedule in place at one time. If an audit later uncovers an additional overpayment, the full amount shall be repaid within 30 days unless the provider submits further documentation supporting a modification to the existing extended repayment schedule to include the additional amount.

If, during the time an extended repayment schedule is in effect, the provider withdraws from the Program or fails to file a cost report in a timely manner, the outstanding balance shall become immediately due and payable.

When a repayment schedule is used to recover only part of an overpayment, the remaining amount shall be recovered by the reduction of interim payments to the provider or by lump sum payments.

(d) In the request for an extended repayment schedule, the provider shall document the need for an extended (beyond 30 days) repayment and submit a written proposal scheduling the dates and amounts of repayments. If DMAS approves the schedule, DMAS shall send the provider written notification of the approved repayment schedule, which shall be effective retroactive to the date the provider submitted the proposal.

(e) Once an initial determination of overpayment has been made, DMAS shall undertake full recovery of such overpayment whether or not the provider disputes, in whole or in part, the initial determination of overpayment. If an appeal follows, interest shall be waived during the period of administrative appeal of an initial determination of overpayment.

Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313 of the Code of Virginia from the date the director's

determination becomes final.

The director's determination shall be deemed to be final on (i) the due date of any cost report filed by the provider indicating that an overpayment has occurred, or (ii) the issue date of any notice of overpayment, issued by DMAS, if the provider does not file an appeal, or (iii) the issue date of any administrative decision issued by DMAS after an informal factfinding conference, if the provider does not file an appeal, or (iv) the issue date of any administrative decision signed by the director, regardless of whether a judicial appeal follows. In any event, interest shall be waived if the overpayment is completely liquidated within 30 days of the date of the final determination. In cases in which a determination of overpayment has been judicially reversed, the provider shall be reimbursed that portion of the payment to which it is entitled, plus any applicable interest which the provider paid to DMAS.

VR 460-02-4.194. Methods and Standards for Establishing Payment Rates - Long-term Care.

The policy and the method to be used in establishing payment rates for skilled and intermediate care nursing homes listed in § 1905(a) of the Social Security Act and included in this State Plan for Medical Assistance are described in the following paragraphs.

a. Reimbursement and payment criteria will be established which are designed to enlist participation of a sufficient number of providers of services in the Program so that eligible persons can receive the medical care and services included in the Plan to the extent these are available to the general population.

b. Participation in the Program will be limited to providers of services who accept, as payment in full, the amounts so paid.

c. Payment for care of service will not exceed the amounts indicated to be reimbursed in accord with the policy and the methods described in the Plan and payments will not be made in excess of the upper limits described in 42 CFR 447.253(b)(2). The state agency has continuing access to data identifying the maximum charges allowed. Such data will be made available to the Secretary, HHS, upon request.

d. Payments for services to skilled and intermediate nursing homes shall be on the basis of reasonable cost in accordance with the standards and principles set forth in 42 CFR 447.252 as follows:

(1) A uniform annual cost report which itemizes allowable cost will be required to be filed within 90 days of each provider's fiscal year end. The effective date of this requirement was July 1, 1972, for intermediate care facilities.

(2) The determination of allowable costs will be in accordance with Medicare principles as established in the Provider Reimbursement Manual (HIM-15) except where otherwise noted in this Plan. For hospital based, skilled, and combined skilled and intermediate care facilities, the cost finding method will be in accordance with Medicare principles. For free-standing intermediate care facilities, a simplified method not requiring a step-down of indirect costs will be substituted by the Program.

(3) Field audits will be conducted on the cost data submitted by the provider to verify the accuracy and reasonableness of such data. Audits will be conducted for each facility on a periodic basis as determined from internal desk audits and more often as required. Audit procedures are in conformance with SSA standards set forth in HIM-13-2. Internal desk audits are conducted annually within six months of receipt of a completed cost report from the provider.

(4) Reports of field audits are retained by the state agency for at least three years following submission of the report.

(5) (Reserved.)

(6) Facilities are paid on a cost-related basis in accordance with the methodology described in the Plan.

(7) Modifications to the Plan for reimbursement will be submitted as Plan amendments.

(8) Covered cost will include such items as:

(a) Cost of meeting certification standards.

(b) Routine services which include items expense providers normally incur in the provision of services.

(c) The cost of such services provided by related organizations except as modified in the payment system supplement 4.19-D.

(9) Bad debts, charity and courtesy allowances shall be excluded from allowable cost.

(10) Effective for facility cost reporting periods beginning on or after October 1, 1978, the reimbursable amount will be determined prospectively on a facility by facility basis, except that mental institutions and mental retardation facilities shall continue to be reimbursed retrospectively. The prospective rate will be based on the prior period's actual cost (as determined by an annual cost report and verified by audit as set forth in section d(3) above) plus an inflation factor. Payments will be made to facilities no less than monthly.

(11) The payment level calculated by the prospective rate will be adequate to reimburse in full such actual allowable costs that an economically and efficiently operated facility might incur. In addition, an incentive plan will be established as described in the payment system supplement 4.19-D.

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

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

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

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

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

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

(15) Item 398D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers.

e. Reimbursement of nonenrolled long-term care facilities.

(1) Nonenrolled providers of institutional long-term care services shall be reimbursed based upon the average per diem cost, updated annually, reimbursed to enrolled intermediate or skilled care providers.

(2) Prior approval must be received from the DMAS Medical Social Services Division for recipients to receive institutional services from nonenrolled long-term care facilities. Prior approval can only be granted:

(a) When the nonenrolled long-term care facility with an available bed is closer to the recipient's Virginia residence than the closest facility located in Virginia with an available bed, or

(b) When long-term care special services, such as intensive rehabilitation services, are not available in Virginia, or

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(c) If there are no available beds in Virginia facilities.

(3) Nothing in this regulation is intended to preclude DMAS from reimbursing for special services, such as rehabilitation, ventilator, and transplantation, on an exception basis and reimbursing for these services on an individually, negotiated rate basis.

WOLF MCCOY BLANKS FORMS, INC.
UBS2-B

APPROVED OMB NO. 0938-0273

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431										432										433										434										435									
436										437										438										439										440									
441										442										443										444										445									
446										447										448										449										450									
451										452										453										454										455									
456										457										458										459										460									
461										462										463										464										465									
466										467										468										469										470									
471										472										473										474										475									
476										477										478										479										480									
481										482										483										484										485									
486										487										488										489										490									
491										492										493										494										495									
496										497										498										499										500									

NURSING HOME INVOICE

VIRGINIA MEDICAL ASSISTANCE PROGRAM

021

TRANSMISSION CODE: 021 PROVIDER I.D. NO. 17: _____

RECIPIENT NUMBER 12: _____ RECIPIENT LAST NAME: _____ FIRST NAME: _____

PRIMARY CARRIER INFORMATION - CHECK ONE

7 NO OTHER COVERAGE BILLED AND PAID BILLED, NO COVERAGE MAP CONTROL # _____

PATIENT ACCOUNT NUMBER (10 MAXIMUM): _____

DATE OF THIS ADMISSION: MO./2: _____ DAY/2: _____ YEAR/2: _____

ALPHABETIC COVER PERIOD: MO./2: _____ DAY/2: _____ YEAR/2: _____

WAS TREATMENT DUE TO ACCIDENTAL INJURY? YES NO

PATIENT STATUS - ENTER ONE

0 STILL A PATIENT 1 TRANS. HOSP. 2 DISC. TRANS. SHIP. 3 DISC. TRANS. ICF

4 DISC. TRANS. OTHER 5 DISC. HOME SELF CARE 6 DISC. UNDER CARE IN AGENCY

7 LEFT AGAINST ADVICE 8 DIED

STATEMENT OF SERVICES RENDERED				
13 ACCOMMODATION	1411 DISC.	RATE	1412 COVERED DAYS	CHARGE
A. 1 BED				
B. 2-3-4 BED				
C.				
D.				
E.				
F.				
14 TOTAL ACCOMMODATION CHARGES (Sum of A—F)				
15 ANCILLARIES				
A. LABORATORY				
B. RADIOLOGY—DIAGNOSTIC				
C. RADIOLOGY—THERAPEUTIC				
D. PHARMACY				
E. MEDICAL—SURGICAL SUPPLIES				
F. EKG				
G. EEG				
H. BLOOD				
I. BLOOD ADMINISTRATION				
J. PHYSICAL THERAPY				
K. OCCUPATIONAL THERAPY				
L. SPEECH THERAPY				
M. OXYGEN—INHALATION THERAPY				
N. CHARGE A				
O. CHARGE B				
P. CHARGE C				
Q. CHARGE D				
R. CHARGE E				
16 TOTAL ANCILLARY CHARGE (Sum of Lines 15 A—R)				
17 TOTAL SERVICE CHARGE (Sum of Lines 14 and 16)				
18 TOTAL NON-COVERED CHARGE				
19 TOTAL CHARGE (Sum of Lines 17 and 18)				
20 AMOUNT COVERED BY PRIMARY CARRIER				
21 PATIENT PAY AMOUNT (Co-Pay For Long Stay Institutions)				
22 DATE PATIENT PAYMENT BEGINS (For Long Stay Institutions)				

UTILIZATION REVIEW PRO STATUS

THIS IS TO CERTIFY THAT THE FOREGOING INFORMATION IS TRUE, ACCURATE AND COMPLETE. I UNDERSTAND THAT PAYMENT AND SATISFACTION OF THIS CLAIM WILL BE FROM FEDERAL AND STATE FUNDS, AND THAT ANY FALSE CLAIMS, STATEMENTS, OR DOCUMENTS OR CONCEALMENT OF A MATERIAL FACT, MAY BE PROSECUTED UNDER APPLICABLE FEDERAL OR STATE LAWS.

SIGNATURE _____ DATE _____

INTERMEDIARY COPY
MAP 215-1-14

INSTRUCTIONS FOR COMPLETING NURSING HOME INVOICE (MAP - 215)
(DO NOT USE IF MEDICARE IS BILLED AS PRIMARY CARRIER)

- Block 1: **Transmission Code** - Preprinted.
- Block 2: **Provider I.D. Number** - If not preprinted, enter the seven-(7-) digit provider identification number assigned by Virginia Medicaid.
- Block 3: **Recipient I.D. Number** - Enter the twelve-(12-) digit Virginia Medicaid identification number for the recipient receiving the service.
- Block 4: **Recipient's Name** - Enter the name of the recipient receiving the service as it appears on the identification card.
- Block 5: **Primary Carrier Information** - The appropriate block under block 5 must be checked.
 - a. **Block 2, No Other Coverage** - If the recipient's medical resources are XXX, check block 2.
 - b. **Block 3, Billed and Paid** - If the provider has received payment from the primary carrier(s) other than Medicare, block 3 must be checked.
 - c. **Block 5-Billed, No Coverage** - If primary carrier excludes a particular type of service or denies payment, use code 5. Explain in remarks column.
- Block 6: **Attending Physician I.D. Number** - Enter the physician's seven-(7-) digit Virginia Medicaid provider number.
- Block 6A: **Other Physician I.D. Number** - Enter the physician's seven-(7-) digit Virginia Medicaid provider number.
- Block 7: **Patient Account Number** - Optional - Enter account number assigned by provider.
- Block 8: **Control Number** - Enter the control number assigned by Virginia Medicaid upon admission.
- Block 9: **Diagnosis Code** - Enter primary diagnosis code in the first block. Enter secondary diagnosis code in the second block.
- Block 10: **Date of Admission** - Six-(6-) digit date, along with hour and minute of admission, must be entered in block 10 for all original billings, interim billings, and final billings for a given admission.
- Block 11: **Statement Covers Period** - Using six-(6-) digit dates, enter the beginning date of this service (from) and the last date of this service (thru), e.g., 07-09-77.
- Block 11A: **Treatment Due to Accident** - Check the appropriate block regarding reason for admission if relating to accident.
- Block 12: **Patient Status** - Put appropriate number in the block reflecting the patient's status.
- Block 13: **Accommodation** - Fill in the appropriate block as it relates to the type of room occupied by the patient. Record the charges by entering the accommodation rate, the covered days, and the charge (rate times covered days). Refer to manual for a more detailed explanation.
- Block 14: **Total Accommodation Charges** - Total the accommodation charges on lines 13A through 13F and enter sum in block 14.
- Block 15: **Ancillary Charges** - Enter the usual and customary ancillary charges from line 15A through 15R. Use lines 15N through 15R where the facility has separate charge centers not included on lines 15A through 15M.
- Block 16: **Total Ancillary Charge** - Total all ancillary charges as recorded on lines 15A through 15R and enter the sum in block 16.
- Block 17: **Total Service Charges** - Enter the sum of blocks 14 and 16.
- Block 18: **Total Non-Covered Charges** - Enter the total non-covered charges.
- Block 19: **Total Charge** - Enter the sum of block 17 and block 18.
- Block 20: **Amount Covered by Primary Carrier** - If primary carrier information is coded 3, enter dollar amount received from primary carrier.
- Block 21: **Patient Pay Amount** - Enter the amount of the patient contribution toward cost of care as stated on the MAP-122.
- Block 22: **Date Patient Pay Begins** - Enter effective date on MAP-122.
- Block 23: **Utilization Review (PRO) Status** - Enter the PRO Certification stamp, complete time and date. An-1

HOME HEALTH AGENCY INVOICE
VIRGINIA
 DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

1 TRANSMISSION CODE 041		2 PROVIDER I.D. NUMBER (7)		3 RECIPIENT I.D. NUMBER (12)		4 RECIPIENT'S LAST NAME		5 FIRST NAME	
6 PATIENT ACCOUNT NUMBER (10 MAXIMUM)		7 PRIMARY CARRIER INFORMATION (CHECK ONE) NO OTHER COVERAGE <input type="checkbox"/> BILLED AND PAID <input type="checkbox"/> BILLED AND COVERAGE <input type="checkbox"/>		8 STATEMENT COVERS PERIOD (DATE)		9 DISCHARGE STATUS (CHECK ONE) 1 <input type="checkbox"/> DISCHARGED 2 <input type="checkbox"/> DIED 3 <input type="checkbox"/> STILL A PATIENT		10 DIAGNOSIS CODE	
11 STATEMENT OF SERVICES RENDERED		VISITS		CHARGE					
A. SKILLED NURSING CARE									
B. PHYSICAL THERAPY									
C. SPEECH THERAPY									
D. OCCUPATIONAL THERAPY									
E. MEDICAL SOCIAL SERVICES									
F. HOME HEALTH AIDE									
G. OTHER VISITS									
H. SUPPLIES									
I. RENTAL - MEDICAL EQUIPMENT									
12 TOTAL COVERED CHARGE									
13 AMOUNT COVERED BY PRIMARY CARRIER									

REMARKS:

INSTRUCTIONS FOR COMPLETING HOME HEALTH AGENCY INVOICE (DMAS - 92)
 (DO NOT USE IF MEDICARE IS BILLED AS PRIMARY CARRIER)

- Block 1: Transmission Code - Preprinted.
- Block 2: Provider I.D. Number - If not preprinted, enter the seven - (7-) digit provider identification number assigned by Virginia Medicaid.
- Block 3: Recipient I.D. Number - Enter the twelve - (12) digit Virginia Medicaid identification number for the recipient receiving the service.
- Block 4: Recipient Name - Enter the name of the recipient receiving the service as it appears on the identification card.
- Block 5: Patient Account Number - Optional - Enter account number assigned by provider.
- Block 6: Primary Carrier Information - The appropriate block under block 5 must be checked.
 - a. Block 2 - No Other Coverage - If the recipient's medical resources are XXX, check block 2.
 - b. Block 3 - Billed and Paid - If the provider has received payment from the primary carrier(s) other than Medicare, block 3 must be checked.
 - c. Block 5 - Billed, No Coverage - If primary carrier excludes a particular type of service or denies payment, use code 5. Explain in remarks column.
- Block 7: Date Care Began - Enter date patient was admitted to Home Health Services by agency, and patient has received continuous services since this date.
- Block 8: Statement Covers Period - Using six - (6-) digit dates, enter the beginning date of this service (from) and the last date of this service (thru), e.g., 07-09-77.
- Block 9: Discharge Status - Check applicable block.
- Block 10: Diagnosis Code - Enter three-digit ICDA code for the primary diagnosis for which Home Health Services are rendered.
- Block 11: Statement of Services Rendered - Number of visits made during billing period and total charges for visits to be entered on each applicable line (a thru g). Items H and I, enter total charges for supplies or equipment supplied by the Home Health Agency.
- Block 12: Total Covered Charge - Total of items 11 A-1.
- Block 13: Amount Paid by Other Insurance Carriers - If primary carrier information is coded 3, enter dollar amount received from primary carrier.

THIS IS TO CERTIFY THAT THE FOREGOING INFORMATION IS TRUE, ACCURATE AND COMPLETE. I UNDERSTAND THAT PAYMENT AND SATISFACTION OF THIS CLAIM WILL BE FROM FEDERAL AND STATE FUNDS AND THAT ANY FALSE CLAIMS, STATEMENTS OR DOCUMENTS OR CONCEALMENT OF A MATERIAL FACT, MAY BE PROSECUTED UNDER APPLICABLE FEDERAL OR STATE LAWS.

INTERMEDIARY COPY

SIGNATURE _____

DATE _____

PRACTITIONER INVOICE

VIRGINIA

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

1 TRANSMISSION CODE 051		2 PROVIDER I.D. NUMBER (7)		3 RECIPIENT I.D. NUMBER (12)		4 RECIPIENT'S LAST NAME		5 FIRST NAME					
6 PATIENT ACCOUNT NUMBER (10 MAXIMUM)				7 CODE FOR BLOCK 16 PRIMARY CARRIER INFORMATION				8 NO OTHER CARRIER 9 BILLED AND PAID 0 BILLED, NO COVERAGE					
9 SERVICE PERIOD		7 DIAGNOSIS		8 PLACE OF TREAT		9 TYPE SERV		10 PROCEDURE CODE (5)		11 CHARGE		12 PAYMENT I. PRIMARY CARRIER	
FROM	THRU												
MO (2)	DAY (2)	YEAR (2)	MO (2)	DAY (2)	YEAR (2)								
0													
1													
2													
3													
4													

PLACE OF TREATMENT CODE SERVICE

1	INPATIENT HOSPITAL
2	OUTPATIENT HOSPITAL
3	PRACTITIONER'S OFFICE
4	PATIENT'S HOME
8	NURSING HOME
9	AMBULANCE

PROCEDURE MODIFIERS

A	PROFESSIONAL COMPONENT
B	ASSISTANT SURGEON
C	CONCURRENT CARE
D	INDIVIDUAL CONSIDERATION
E	TECHNICAL COMPONENT
	BLANK, IF NONE OF THE ABOVE

WAS TREATMENT DUE TO ACCIDENTAL INJURY? PLACE (X) IF YES

TYPE OF SERVICE CODE SERVICE

2	SURGERY
3	MATERNITY
4	ANESTHESIA
5	RADIOLOGY
6	MEDICAL CARE
8	DIAGNOSTIC EXAMINATION (PATH)
9	CONSULTATION

REMARKS

THIS IS TO CERTIFY THAT THE FOREGOING INFORMATION IS TRUE, ACCURATE AND COMPLETE. I UNDERSTAND THAT IF I AM NOT SATISFIED WITH THE PAYMENT AND SATISFACTION OF THIS CLAIM, I WILL BE RESPONSIBLE FOR THE PAYMENT OF FEDERAL AND STATE FUNDS, AND THAT ANY FALSE CLAIMS, STATEMENTS, OR DOCUMENTS OR CONCEALMENT OF MATERIAL FACT, MAY BE PROSECUTED UNDER APPLICABLE FEDERAL OR STATE LAWS.

ORIGINAL COPY

SIGNATURE

DATE

INSTRUCTIONS FOR COMPLETING PRACTITIONER INVOICE (DMAS-12)
(DO NOT USE IF MEDICARE IS BILLED AS PRIMARY CARRIER)

- Block 1: Preprinted.
- Block 2: Provider I.D. Number-If not preprinted, enter the seven- (7-) digit provider identification number assigned by Virginia Medicaid.
- Block 3: Recipient Number-Enter the twelve- (12-) digit Virginia Medicaid identification number for the recipient receiving the service.
- Block 4: Recipient's Name-Enter the name of the recipient receiving the service as it appears on the identification card.
- Block 5: Patient Account Number-Optional-Enter account number assigned by provider.
- Block 6: Service Period-Using six- (6-) digit dates, enter the beginning date of this service (from) and the last date of this service (thru), e.g., 07-09-77.
- Block 7: Diagnosis - Use ICD-9-CM diagnosis code for primary diagnosis, only one code is processable.
- Block 8: Place of Treatment-Enter the code for the place of treatment.
- Block 9: Accidental Injury-If treatment was due to a traffic accident or is work-related, place an X in block 9 and explain below.
- Block 10: Type of Service-Enter the code describing the type of service.
- Block 11: Procedure Code-Enter the appropriate CPT Code which describes the service rendered or procedure performed.
- Block 12: Procedure Modifier-To be used only when applicable, such as professional component, assistant surgeon.
- Block 13: Visits/Unit/Studies-Enter the number of times the procedure was performed during the service period.
- Block 14: Charge-Enter usual and customary charge.
- Block 15: Primary Carrier Information-Enter the appropriate code.
 - a. Code 2-No Other Coverage-If the recipient's medical resources are XXX.
 - b. Code 3-Billed and Paid-If the provider has received payment from the primary carrier(s) other than Medicare.
 - c. Code 5-Billed, No Coverage-If primary carrier excludes a particular type of service or denies payment. Explain in remarks column.
- Block 16: Paid by Primary Carrier-If primary carrier information is coded 3, enter dollar amount received from primary carrier.
- Block 17: Signature-The signature of the provider or agent.
- Block 18: Date-Enter the date signed.
- Block 19: Submit the original copy of the completed form to the Department of Medical Assistance Services using the Practitioner Envelope supplied by the Department.

Proposed Regulations

MD-061 (REV. 12-1-78)

DAILY PHARMACY DRUG CLAIM LEDGER

VIRGINIA

MEDICAL ASSISTANCE PROGRAM

TRANSMISSION CODE	061
DATE OF SERVICE	MO / DAY / YR
PHARMACY I.D. NO.	

0	1	2	3	4	5	6	7	8	9
PATIENT I.D. NO.	PREScriBER I.D. NO.	DRUG CODE	QUANTITY	CHARGE	PHARMACY I.D. NO.	SIN	PHARMACY I.D. NO.	DATE	UNIT

PATIENT I.D. NO.	
PREScriBER I.D. NO.	
DRUG CODE	
QUANTITY	
CHARGE	
PHARMACY I.D. NO.	
SIN	
PHARMACY I.D. NO.	
DATE	
UNIT	

RETAIL CHARGE

0 - ORIGINAL
1 - FIRST REFILL
2 - ADDITIONAL REFILLS

LINE NUMBER	PREScription NUMBER	DRUG NAME, STRENGTH, AND DOSAGE FOR COMPOUNDED PRESCRIPTIONS AND DRUGS NOT ON DRUG LIST	BRAND NECESSARY

DATE: _____

SIGNATURE: _____

DATE: _____

NOTE: TO GUARANTEE THE PROGRAM'S INTEGRITY, ACCURACY AND COMPLETE TURNOVER THAT PAYMENT AND SATISFACTION OF THIS CLAIM WILL BE SECURED BY THE MEMBER'S DEPOSIT TO THE MEDICAL ASSISTANCE PROGRAM.

NOTE: THIS PROGRAM IS SUBJECT TO FEDERAL AND STATE LAWS, AND THAT ANY TAKE CLAVIS, STATUTES OR DOCUMENTS OR CONSEQUENT OF A MATERIAL FACT, MAY BE PROSECUTED UNDER APPLICABLE FEDERAL OR STATE LAWS.

INSTRUCTIONS FOR COMPLETING DAILY PHARMACY DRUG CLAIM LEDGER (MAP - 173)

The Daily Pharmacy Drug Claim Ledger is to be used daily to record only those prescriptions filled on the date entered in Block 3. All entries must be numeric in blocks 1 - 10.

Block 1 - Prescription Number: Enter the prescription number assigned by the pharmacy (6 digits).

Block 2 - Provider I.D. Number: If not preprinted, enter the seven- (7-) digit provider identification number assigned by Virginia Medicaid.

Block 3 - Date of Service: Enter the date the prescriptions were dispensed using 2 digits each for month, day, and year, e.g., 07-09-78.

Block 4 - Recipient Number: Enter the twelve- (12-) digit Virginia Medicaid identification number for the recipient receiving the service.

Block 5 - Prescription Number: Enter the prescription number assigned by the pharmacy (6 digits).

Block 6 - Drug Code: Enter the 10-digit NATIONAL DRUG CODE of the drug dispensed as assigned by the drug manufacturer (must be 10 digits).

Block 7 - Metric Quantity: Enter the quantity dispensed using 3 digits; no decimals or fractions. Refer to code listing for reporting unit.

Block 8 - N/R: New or original prescriptions enter 0; first refill, 1; additional refill, 2.

Block 9 - Charge: Enter usual and customary charge.

Block 10 - Prescriber's I.D.: Enter the physician's seven- (7-) digit Virginia Medicaid provider number.

Block 11: Leave blank, except when physician certifies BRAND NECESSARY for a specific Brand Name drug, enter an "X".

For Pharmacist's Use: Self-explanatory.

TOTAL CHARGE - For pharmacist's use.

Block 12 - Signature - The signature of the provider or agent.

Block 13 - Date - Enter the date signed.

NOTE: Use the section at the bottom of the form to fully describe the compounded prescription and the non-coded prescription.

Submit original form using the Pharmacy Envelope supplied by the Program.

The other two copies are for your files or use if needed.

SPECIAL SERVICE INVOICE
VIRGINIA
 MEDICAL ASSISTANCE PROGRAM

1 TRANSMISSION CODE 071		2 PROVIDER I.D. NO. (7)		3 PROVIDER NAME (24)	
4 PROVIDER ADDRESS (24)				5 CITY (24)	
6 STATE (19)				7 ZIP CODE (5)	
8 RECIPIENT NUMBER (12)			9 RECIPIENT'S LAST NAME		
10 RECIPIENT'S FIRST NAME			11 LOCAL HEALTH DEPARTMENT SIGNATURE		
12 CITY/COUNTY CODE (3)		13 SERVICE AUTHORIZED BY LOCAL HEALTH DEPARTMENT		14 DATE	

1 FROM MO. (2)	2 DAY (2)	3 YEAR (2)	4 TO MO. (2)	5 DAY (2)	6 YEAR (2)	7 SERVICE CODE	8 CHARGE	9 PAID BY PRIMARY CARRIER	10 PRIMARY CARRIER INFORMATION (1)			
									1 NO OTHER COVERAGE	2 BILLED AND PAID	3 BILLED, NO COVERAGE	
0												
1												
2												
3												

NOTE TO PROVIDER:
 This authorization is only for the item(s) listed.

REMARKS

THIS IS TO CERTIFY THAT THE FOREGOING INFORMATION IS TRUE, ACCURATE AND COMPLETE. I UNDERSTAND THAT PAYMENT AND SATISFACTION OF THIS CLAIM WILL BE FROM FEDERAL AND STATE FUNDS, AND THAT ANY FALSE CLAIMS, STATEMENTS, OR DOCUMENTS OR CONCEALMENT OF A MATERIAL FACT, MAY BE PROSECUTED UNDER APPLICABLE FEDERAL OR STATE LAWS.

INTERMEDIARY COPY

SIGNATURE

DATE

INSTRUCTIONS FOR COMPLETING SPECIAL SERVICE INVOICE (MAP - 199)
 (DO NOT USE IF MEDICARE IS BILLED AS PRIMARY CARRIER)

- Block 1: No entry required.
- Block 2: **Provider I.D. Number** - Enter the seven- (7-) digit provider identification number assigned by Virginia Medicaid.
- Block 3: **Provider Name** - Enter the name of the provider that is providing the service.
- Block 4: **Provider Address** - Enter the address of the provider.
- Block 5: **Recipient Number** - Enter the twelve- (12-) digit Virginia Medicaid identification number for the recipient receiving the service.
- Block 6: **Recipient's Name** - Enter the name of the recipient receiving the service as it appears on the identification card.
- Block 7: **City/County Code** - Enter the 3- digit City/County Code assigned by Virginia Medicaid; service authorized by date and signature. For services requiring preauthorization, this section is completed by the local health department authorizing the service.
- Block 8: **Service Period** - Using six- (6-) digit dates, enter the beginning date of this service (from) and the last date of this service (thru), e.g., 07-09-77.
- Block 9: **Service Code** - Enter the Virginia Medicaid procedure code for the service provided. See Medicaid instructions.
- Block 10: **Charge** - Enter usual and customary charge.
- Block 11: **Paid by Primary Carrier** - If primary carrier information is coded 3, enter dollar amount received from primary carrier.
- Block 12: **Primary Carrier Information** - Enter the appropriate code.
 - a. **Code 2 - No Other Coverage** - If the recipient's medical resources are XXX.
 - b. **Code 3 - Billed and Paid** - If the provider has received payment from the primary carrier(s) other than Medicare.
 - c. **Code 5 - Billed, No Coverage** - If primary carrier excludes a particular type of service or denies payment. Explain in remarks column.
- Block 13: **Signature** - The signature of the provider or agent.
- Block 14: Enter the date signed.

The completed Intermediary Copy, and the Local health Final Copy, are returned to the local health department preauthorizing the service.

INDEPENDENT LABORATORY INVOICE
VIRGINIA
 DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

INSTRUCTIONS FOR COMPLETING INDEPENDENT LABORATORY INVOICE (DMAS-123)
 (DO NOT USE IF MEDICARE IS BILLED AS PRIMARY CARRIER)

TRANSMISSION CODE		PROVIDER I.D. NUMBER (7)		RECIPIENT I.D. NUMBER (12)		RECIPIENT'S LAST NAME		FIRST NAME	
PATIENT ACCOUNT NUMBER (10 MARKING)		CODE FOR BLOCK 4		NO OTHER COVERAGE		BILLED AND PAID		BILLED NO COVERAGE	
PRIMARY CARRIER INFORMATION									
SERVICE PERIOD		PROCEDURE CODE (3)		CHARGE (6)		PAID BY PRIMARY CARRIER (6)		REFERRING PHYSICIAN (7)	
FROM MO (2)	DAY (2)	YEAR (2)	THRU MO (2)	DAY (2)	YEAR (2)				
0									
1									
2									
3									
4									
5									
6									
7									
8									
9									

- Block 1: Preprinted.
- Block 2: Provider I.D. Number — If not preprinted, enter the seven- (7-) digit provider identification number assigned by Virginia Medicaid.
- Block 3: Recipient Number — Enter the twelve- (12-) digit Virginia Medicaid identification number for the recipient receiving the service.
- Block 4: Recipient's Name — Enter the name of the recipient receiving the service as it appears on the identification card.
- Block 5: Patient Account Number — Optional — Enter account number as assigned by provider.
- Block 6: Service Period — Using six- (6-) digit dates, enter the beginning date of this service (from) and the last date of this service (thru), e.g., 07-09-77.
- Block 7: Procedure Code — Enter the acceptable Virginia Medicaid procedure code which describes the test(s) performed; use code for automated channel tests when applicable.
- Block 8: Number of Studies — Enter the number of the procedures listed in block 7 which were actually performed.
- Block 9: Charge — Enter usual and customary charge.
- Block 10: Paid by Primary Carrier — If primary carrier information is coded 3, enter dollar amount received from primary carrier.
- Block 11: Primary Carrier Information — Enter the appropriate code.
 a. Code 2 — No other Coverage — If the recipient's medical resources are XXX.
 b. Code 3 — Billed and Paid — If the provider has received payment from the primary carrier(s) other than Medicare.
 c. Code 5 — Billed, No Coverage — If primary carrier excludes a particular type of service or denies payment. Explain in remarks column.
- Block 12: Referring Physician — Enter the physician's seven- (7-) digit Virginia Medicaid provider number.
- Block 13: Signature — The signature of the provider or agent.
- Block 14: Date — Enter the date signed.
- Block 15: Submit the original copy of the completed form to Virginia Department of Medical Assistance Services using the Laboratory envelope supplied by the Department.

REMARKS:

THIS IS TO CERTIFY THAT THE FOREGOING INFORMATION IS TRUE, ACCURATE AND COMPLETE. I UNDERSTAND THAT PAYMENT AND SATISFACTION OF THIS CLAIM WILL BE FROM FEDERAL AND STATE FUNDS, AND THAT ANY FALSE CLAIMS, STATEMENTS, DOCUMENTS OR CONCEALMENT OF A MATERIAL FACT, MAY BE PROSECUTED UNDER A PUNISHABLE FEDERAL OR STATE LAW.

SIGNATURE _____ DATE _____

INTERMEDIARY COPY
 DMAS-123 4/75

TITLE XVIII (MEDICARE) DEDUCTIBLE AND COINSURANCE INVOICE
VIRGINIA
 DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

091

1 TRANSMISSION CODE	2 PROVIDER ID NO. (7)	3 RECIPIENT'S LAST NAME	4 FIRST NAME	5 RECIPIENT ID NUMBER (12)	6 PATIENT ACCOUNT NUMBER	7 RECIPIENT'S HIB NUMBER (MEDICARE)
7 PRIMARY CARRIER INFORMATION (OTHER THAN MEDICARE)	8 TYPE OF IMAGE (MEDICARE)	9 PLACE OF TREATMENT	10 ACCIDENT/EMERGENCY INDICATOR	11 PROCEDURE CODE	12 DATE OF ADMISSION	13 STATEMENT COVERS PERIOD
<input type="checkbox"/> 2 NO OTHER COVERAGE	<input type="checkbox"/> A <input type="checkbox"/> B		<input type="checkbox"/> ACCIDENT <input type="checkbox"/> EMERGENCY		MO (1) DAY (2) YEAR (3) MO (4) DAY (5) YEAR (6) MO (7) DAY (8) YEAR (9) MO (10) DAY (11) YEAR (12)	FROM (THIS)
<input type="checkbox"/> 3 BILLED AND PAID						
<input type="checkbox"/> 5 BILLED NO COVERAGE						
14 CHARGES TO MEDICARE	15 ALLOWED BY MEDICARE	16 PAID BY MEDICARE	17 DEDUCTIBLE	18 COINSURANCE	19 PAID BY CARRIER OTHER THAN MEDICARE	20 PATIENT PAY AMOUNT LTC ONLY

REMARKS. IDENTIFY LINE ITEM TO WHICH REMARKS REFER

THIS IS TO CERTIFY THAT THE FOREGOING INFORMATION IS TRUE, ACCURATE AND COMPLETE. I UNDERSTAND THAT PAYMENT AND SATISFACTION OF THIS CLAIM WILL BE FROM FEDERAL AND STATE FUNDS, AND THAT ANY FALSE CLAIMS, STATEMENT OR DOCUMENTS OR CONCEALMENT OF A MATERIAL FACT, MAY BE PROSECUTED UNDER APPLICABLE FEDERAL OR STATE LAWS.

ORIGINAL COPY

SIGNATURE

DA

INSTRUCTIONS FOR COMPLETING TITLE XVIII (MEDICARE) DEDUCTIBLE AND COINSURANCE INVOICE
 DMAS - 30

PURPOSE: To provide a means for providers to submit the applicable Medicare coinsurance and deductible amount.

- Block 1: **Transmission Code** - This is a number assigned and preprinted by the Department of Medical Assistance Services.
- Block 2: **Provider Identification Number** - If not preprinted, enter the 7-digit provider identification number assigned by Medicaid. Also, the provider name and address should be entered, if not preprinted.
- Block 3: **Recipient's Name** - Enter the last name and the first name of the patient as it appears on the recipient's eligibility card.
- Block 4: **Recipient Identification Number** - Record the 12-digit number as taken from the recipient's eligibility card.
- Block 5: **Patient Account Number** - If a numbering system is used by the provider for patient identification, enter the patient's number in this block. This number will appear on the Remittance Voucher preceding the name. If no such system is used, leave this block blank.
- Block 6: **Recipient HIB Number - (Medicare)** - Enter the recipient's Medicare number.
- Block 7: **Primary Carrier Information - Other than Medicare** - Check the appropriate block. (Medicare is not the primary carrier in this situation.)
Code 2 - No Other Coverage - If the recipient's medical resources code reflects no other coverage (other than Medicare), check Block 2. (example: JXX-MXX).
Code 3 - Billed and Paid - When a recipient has other coverage that makes payment which may only satisfy in part the Medicare deductible and coinsurance, check Block 3 and enter the payment received in Block 12. If the primary carrier pays as much as the combined totals of the deductible and coinsurance, do not bill Medicaid.
Code 5 - Billed and No Coverage - If the recipient has other sources of coverage of Medicare deductible and coinsurance which were billed and the service was not covered or the benefits had been exhausted, check this block. Explain in the "Remarks" section.
- Block 8: **Type Coverage (Medicare)** - Check the appropriate Block A or B corresponding to Title XVIII Part A (inpatient) or Part B (outpatient) for which the Program is being billed the deductible and/or coinsurance. NOTE: Always check A or B, not both.
- Block 9: **Place of Treatment** - Enter the appropriate code: 1 - Inpatient; 2 - Outpatient; 3 - Practitioner's Office; 4 - Patient's Home; 5 - Nursing Home; 9 - Ambulance.
- Block 10: **Accident Indicator** - Check the appropriate box which indicates the reason treatment was rendered. **Accident** - Possible Third Party recovery; **Emergency** - Not an accident; **Other** - If none of the above. Patient copy does not apply for treatment immediately following an accident or when treatment was for an emergency situation.
- Block 11: **Procedure Code** - Users of practitioner invoices and independent laboratories, enter the CPT procedure code for the primary procedure performed. Hospitals and nursing homes enter the ICD9-CM procedure code for the primary procedure performed.
- Block 12: **Date of Admission** - Hospitals and nursing homes only, enter the date of admission to the facility.
- Block 13: **Statement Covers Period** - Enter the beginning and ending dates of services taken from the Medicare Explanation of Benefits (EOB).
- Block 14: **Charges to Medicare** - Enter the total of charges submitted to Medicare.
- Block 15: **Allowed by Medicare** - Enter the amount of the charges allowed by Medicare.
- Block 16: **Paid by Medicare** - Enter the amount paid by Medicare (taken from the EOB).
- Block 17: **Deductible** - Enter the amount of the deductible (taken from the Medicare EOB).
- Block 18: **Coinsurance** - Enter the amount of the coinsurance (taken from the Medicare EOB).
- Block 19: **Paid by Carrier Other than Medicare** - Enter the payment received from the primary carrier (other than Medicare). If code 3 is checked in block 7, an amount must be entered in this block. (Do not include Medicare payments.)
- Block 20: **Patient Pay Amount, LTC Only** - Long-term care providers, enter the applicable patient pay amount taken from the DMAS - 122 form.
- Signature: Signature of the provider of agent and the date signed is required.

Proposed Regulations

**DENTAL INVOICE
VIRGINIA
DEPARTMENT OF MEDICAL ASSISTANCE SERVICES**

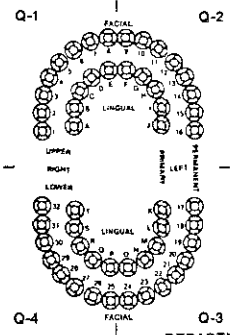
INSTRUCTIONS FOR COMPLETING DENTAL INVOICE (DMAS-701)

111 TRANSMISSION CODE IS TREATMENT DUE TO ACCIDENT?		PROVIDER I.D. NO. (7) PATIENT ACCOUNT NO. (10 MAX.)	RECIPIENT I.D. NO. (12)	RECIPIENT'S LAST NAME	FIRST NAME		
DATE OF SERVICE	AUTHORIZATION NUMBER	TOOTH	SURFACE CODE	QUADRANT	PROCEDURE CODE	CHARGE	PAYMENT FROM PRIMARY CARRIER
0		M O D F L 1 2 3 4					
1		M O D F L 1 2 3 4					
2		M O D F L 1 2 3 4					
3		M O D F L 1 2 3 4					
4		M O D F L 1 2 3 4					
5		M O D F L 1 2 3 4					
6		M O D F L 1 2 3 4					
7		M O D F L 1 2 3 4					
8		M O D F L 1 2 3 4					
9		M O D F L 1 2 3 4					
TOTAL							

TOOTH IDENTIFICATION NUMBER OR LETTER USE
CENTRAL TOOTH IDENTIFICATION SYSTEM. ENTER
ONLY ONE (1) TOOTH IDENTIFIER CHARACTER PER
LINE.

SURFACE FROM LETTERS
M - MESIAL
D - DISTAL
B - BUCCAL
F - FACIAL
L - LINGUAL

THIS IS TO CERTIFY THAT THE FOREGOING INFORMATION IS
TRUE, ACCURATE, AND COMPLETE. I UNDERSTAND THAT PAY-
MENT AND SATISFACTION OF THIS CLAIM WILL BE FROM
FEDERAL AND STATE FUNDS, AND THAT ANY FALSE CLAIMS,
STATEMENTS, OR DOCUMENTS OR CONCEALMENT OF
MATERIAL FACT, MAY BE PROSECUTED UNDER APPLICABLE
FEDERAL OR STATE LAWS.



SUBMITTED BY: _____ DATE: _____
SIGNATURE OF PROVIDER OR AGENT

REMARKS

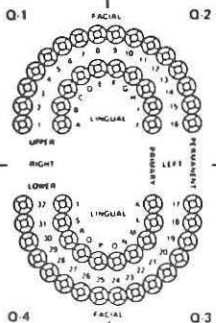
- Block 1: Preprinted.
- Block 2: **Provider I.D. No.** - If not preprinted, enter the seven-(7-) digit provider identification number assigned by Virginia Medicaid.
- Block 3: **Recipient Number** - Enter the twelve- (12-) digit Virginia Medicaid identification number for the recipient receiving the service.
- Block 4: **Recipient's Name** - Enter the name of the recipient receiving the service as it appears on the identification card.
- Block 5: Check only in case of accident.
- Block 6: **Patient Account Number** - Optional-Enter account number assigned by provider.
- Block 7: **Service Period** - Using six - (6-) digit dates, enter the exact date of this service, e.g., 07-09-77.
- Block 8: **Authorization number** (9 digits) for preauthorized service billed for on this line is to be placed here. If this is not a preauthorized service, leave the space blank.
- Block 9: Refer to Chapters 5 and 6 of the *Dental Manual*. In these chapters to the right of the procedure code used in filling out this line is a column titled "Tooth Code." If this column is blank, leave block 9 blank. If there is a P, D, or E, in that column, enter the number or letter of the tooth treated using tooth codes shown on invoice. The letters P, D, or E, are to remind you that this procedure can only be used with Permanent (P), Deciduous (D), or Either (E) permanent or deciduous teeth.
- Block 10: Refer to Chapters 5 and 6 of the *Dental Manual*. In these chapters to the right of the procedure code used in filling out this line, is a column titled "Surface Code." If this column is blank, leave block 10 blank. If there is a number in this column, that number of surfaces should be checked on the invoice. Note surface code legend at the bottom left of this invoice.
- Block 11: Refer to Chapters 5 and 6 of the *Dental Manual*. In these chapters to the right of the procedure code used in filling out this line, is a column titled "Quadrant Codes." If this column is blank, leave block 11 blank. If there is a number in this column, that number of quadrants treated should be checked. Note quadrant legend at lower left of invoice.
- Block 12: Refer to Chapters 5 and 6 of *Dental Manual* to find the appropriate procedure code for the service performed. Must be 5 digits. Each procedure must be listed separately.
- Block 13: Number of procedures always one except for instances stated in manual.
- Block 14: **Charge** - Enter usual and customary charge.
- Block 15: **Paid by Primary Carrier** - If the provider has received payment from the primary carrier(s), enter dollar amount received from primary carrier.
- Block 16: Check this block if you request individual consideration. Explain circumstances under remarks. This block should be checked if an emergency preauthorized service must be performed without prior preauthorization. If this service does not require individual consideration, do not check this block because payment will be delayed approximately 10 days.
- Block 17: Check the appropriate block if treatment is completed or not.

DENTAL PREAUTHORIZATION REQUEST
VIRGINIA
MEDICAL ASSISTANCE PROGRAM

1. TRANSMISSION CODE 791		2. PROVIDER I.D. NO. (7-)		3. RECIPIENT I.D. NO. (12-)		4. RECIPIENT'S LAST NAME		5. FIRST NAME	
6. TREATMENT DATE TO ACCIDENT		7. PATIENT ACCOUNT NO. (10 MAX)		8. AUTHORIZATION NUMBER		9. TOOTH CODE		10. SURFACE	
11. DATE OF REQUEST		12. AUTHORIZATION NUMBER		13. TOOTH CODE		14. SURFACE		15. QUADRANTS	
16. PROCEDURE CODE		17. NO. OF PROCEDURES		18. DO NOT USE FOR AUTHORIZATION OF SERVICE ONLY		19. M		20. O	
21. D		22. F		23. L		24. 1		25. 2	
26. 3		27. 4		28. 1		29. 2		30. 3	
31. 4		32. 1		33. 2		34. 3		35. 4	

CRITERIA

1. AGE OF PATIENT _____
2. ORAL HYGIENE HABITS OF PATIENT _____
3. WILL PATIENT KEEP HIS/HER MOUTH CLEAN AFTER TREATMENT? _____
4. PERTINENT PRESENT OR PAST DENTAL HISTORY _____
5. PATIENT'S ACCEPTANCE OF TREATMENT _____
6. CHANCES FOR JOB PLACEMENT _____
7. WILL TREATMENT PSYCHOLOGICALLY BENEFIT THE PATIENT? _____
8. ARE SUPPORTING TISSUES AND ABUTMENT TEETH SOUND? _____



SUPPORTING DOCUMENTS ATTACHED

- X-RAY(S) ENCLOSED FOR REQUEST EVALUATION (SPECIFY TYPE)
- WRITTEN INFORMATION, IF NEEDED, TO SUPPORT PREAUTHORIZATION REQUEST ATTACH LETTER IF NEEDED

THIS IS TO CERTIFY THAT THE FOREGOING INFORMATION IS TRUE, ACCURATE AND COMPLETE. I UNDERSTAND THAT PAYMENT AND SATISFACTION OF THIS CLAIM WILL BE FROM FEDERAL AND STATE FUNDS, AND THAT ANY FALSE CLAIMS, STATEMENTS, OR DOCUMENTS OR CONCEALMENT OF A MATERIAL FACT, MAY BE PROSECUTED UNDER APPLICABLE FEDERAL OR STATE LAWS.

SUBMITTED BY _____ DATE _____
SIGNATURE OF PROVIDER OR AGENT

INSTRUCTIONS FOR COMPLETING DENTAL PREAUTHORIZATION REQUEST (MAP-704)

NOTE: To be used only for dental procedures found in Chapter 6 of the Dental Manual.

- Block 1:** Preprinted.
- Block 2:** Provider I.D. No.-If not preprinted, enter the seven- (7-) digit provider identification number assigned by Virginia Medicaid.
- Block 3:** Recipient Number-Enter the twelve- (12-) digit Virginia Medicaid identification number for the recipient receiving the service.
- Block 4:** Recipient's Name-Enter the name of the recipient receiving the service as it appears on the identification card.
- Block 5:** Check only in case of accident.
- Block 6:** Patient Account Number-Optional-Enter account number assigned by provider.
- Block 7:** Service Period-Using six- (6-) digit dates, enter date service is requested, e.g., 07-09-77.
- Block 8:** Not applicable for provider.
- Block 9:** Refer to Chapter 6 of the Dental Manual. In this chapter, to the right of the procedure code used in filling out this line, is a column titled "Tooth Code." If this column is blank, leave block 9 blank. If there is a P, D, or E, in that column, enter the number or letter of the tooth treated using tooth codes shown on Preauthorization Request. The letters P, D, or E, are to remind you this procedure can only be used with Permanent (P), Deciduous (D), or Either (E) permanent or deciduous teeth.
- Block 10:** Refer to Chapter 6 of the Dental Manual. In this chapter, to the right of the procedure code used in filling out this line, is a column titled "Surface Code." If this column is blank, leave block 10 blank. If there is a number in this column, that number of surfaces should be checked on the request. Note surface code legend at the bottom left of Preauthorization Request.
- Block 11:** Refer to Chapter 6 of the Dental Manual. In this chapter, to the right of the procedure code used in filling out this line, is a column titled "Quadrant Codes." If this column is blank, leave block 11 blank. If there is a number in this column, that number of quadrants treated should be checked. Note quadrant legend at lower left of Preauthorization Request.
- Block 12:** Refer to Chapter 6 of the Dental Manual to find the appropriate procedure code for the service performed. Must be 5 digits. Each procedure must be listed separately.
- Block 13:** Number of procedures always one except for instances stated in manual.
- Block 14:** Not applicable for provider.

CRITERIA: Provide only the information that pertains to this particular case. For questions not applicable, leave blank.

SUPPORTING DOCUMENTS: Please submit the following listed documents for procedures indicated:

- * Bitewings and periapical radiographs - Temporary and stainless steel crowns
- * Bitewings and periapical radiographs - Endodontics
- * Periapical radiographs—note whether pain or infection is present - Tooth impactions
- Any necessary radiographs and/or written information to support request - All other covered services

*Panographic radiograph may be used.

If more information is needed, consult your Dental Manual or call Medicaid Dental at 804/786-3357.

SPRINGER® ROOM SERVICE FORM, INC. 1

**TRANSPORTATION SERVICES
Special Services Invoice
VIRGINIA
MEDICAL ASSISTANCE PROGRAM**

131 PROVIDER NAME											
1	2	3	4	5	6	7	8	9	10	11	12
TRANS. CODE	PROVIDER ID. NO. (7)	CITY	STATE	ZIP CODE	SERVICE AUTHORIZED BY LOCAL HEALTH DEPT.		DATE	LOCAL HEALTH SIGNATURE			
RECIPIENT ID. NO.		SERVICE PERIOD MO. DAY YR.		WAIT TIME	NO. PASSENGERS	MILES	SERVICE CODE	COVERED CHARGES	MED. RES. CODE		PAYED BY PRIMARY CARRIER
RECIPIENT NAME		PICK-UP POINT		DESTINATION			MED. RES. CODE		<input type="checkbox"/> 1-WAY <input type="checkbox"/> 2-TRIP		

INSTRUCTIONS FOR COMPLETING TRANSPORTATION INVOICE (MAP-7)
(DO NOT USE IF MEDICARE IS BILLED AS PRIMARY CARRIER)

- Block 1: Transmission Code - Preprinted.
- Block 2: Provider I.D. Number - If not preprinted, enter the seven- (7-) digit provider identification number assigned by Virginia Medicaid.
- Block 3: Provider Name - Enter the name of the provider that is providing the service.
- Block 4: Provider Address - Enter the address of the provider.
- Block 5: City/County Code - Enter the 3-digit City/County Code assigned by Virginia Medicaid identifying local health department authorizing service. (Providers submitting claims for emergency ambulance should enter code for local health department for city or county in which patient resides.)
Service Authorized by Local Health Department - Name of local health department authorizing service. (For emergency ambulance, enter EMERGENCY.)
Date - Date local health department authorized first service on the form. (Leave blank for emergency ambulance.)
- Block 6: Recipient I.D. Number - Enter the twelve- (12-) digit Virginia Medicaid identification number for the recipient receiving the service. When more than one passenger is authorized for a trip, enter number of one of the family members, or number of person transported the greatest distance.
- Block 7: Service Period - Enter date transportation was provided. Use six (6) digits, e.g., 01-01-77.
- Block 8: Wait Time - Enter number of hours (1 digit) waiting time when specifically authorized by local health department. Round off to nearest hour.
Number of Passengers - Number of passengers authorized for trip—two digits 01, 02, et cetera.
Miles - Number of miles traveled from pick up point of first passenger to first destination of last passenger. Use three (3) digits rounded off to nearest mile (example: 10.7 miles to be entered as 011).
- Block 9: Services Code - Enter two-digit service code which describes services:
Code 10 - Emergency ambulance
Code 11 - Non-emergency one-way trip
Code 12 - Non-emergency round trip
Codes for individual taxi, ambulet, and wheelchair van providers have been supplied to the local health department.
- Block 10: Charges - Total charges for the trip.
- Block 11: Paid by Primary Carrier - If COB (block 12 is coded 3, enter dollar amount received from primary carrier.
- Block 12: COB - Ambulance - Enter applicable code:
Code 2 - To be used when Medical Resource Code on Medicaid card is XXX
Code 3 - To be used when insurance carriers other than Medicare pay a portion of the covered charges
Code 5 - To be used when Medical Resource Code is other than XXX. When this code is used, a copy of denial from other insurance carriers, including Medicaid, must be attached to claim.
Code 5 to be used for all ambulet, wheelchair van, and taxi claims. No denial statement need be attached.
Recipient Name - Name of recipient transported.
Pick-Up Point - Name of facility (if applicable) and city or town from which patient was transported.
Destination - Place to which patient is being transported. (Name of facility, if applicable, and city and town.)
Medical Resource Code - Medical Resource Code as shown on Medicaid card.
Type of Trip - Check whether the recipient is to be transported one way or round trip.
- Block 13: Check this block when patients are transported for treatment (initial or follow-up) as the result of accidental injury, such as auto accident, fall, et cetera. Explain briefly type of injury in comments section.
Comments Section - These lines are numbered the same as the top portion of the form which relate to the patient shown on the same numbered line at the top. These lines are to be used to explain out of town trips, reasons for any additions to fares, accidental injuries, et cetera.

THIS IS TO CERTIFY THAT THE FOREGOING INFORMATION IS TRUE, ACCURATE AND COMPLETE. I UNDERSTAND THAT PAYMENT AND SATISFACTION OF THIS CLAIM WILL BE FROM FEDERAL AND STATE FUNDS, AND THAT ANY FALSE CLAIMS, STATEMENTS, OR DOCUMENTS OR CONCEALMENT OF A MATERIAL FACT, MAY BE PROSECUTED UNDER APPLICABLE FEDERAL OR STATE LAWS.

INTERMEDIARY COPY

DATE

MAP-7-87-77

Proposed Regulations

REAL ESTATE BOARD

Title of Regulation: VR 585-01-1. Virginia Real Estate Board Licensing Regulations.

Statutory Authority: §§ 54.1-201 of the Code of Virginia.

Public Hearing Date: June 5, 1989 - 2 p.m.
(See Calendar of Events section for additional information)

Summary:

This regulation applies directly to approximately 14,000 brokers, 60,000 salespersons, 3,150 firms, 100 rental location agents and 35 proprietary schools.

The proposed regulation has been substantially reformed for clarity, changes some conditions for licensure, creates new education requirements for renewal of a license and creates requirements for the disclosure of a licensee's relationship to the principals in a transaction. The new requirements for licensure expand the scope which allows the board to deny licensure for certain criminal offenses in order to further protect the public with whom the licensees come into contact. The new educational requirement is specifically to comply with the new statutory requirement that real estate licensees complete a course of not less than six hours on recent developments in federal, state and local laws, real estate regulations and laws and recent case decisions as a condition for renewal. Lastly, the other major change requires that a licensee disclose to those potential parties to a transaction for whom the licensee represents, buyer or seller. There are other changes that are clarifying in nature.

VR 585-01-1. Virginia Real Estate Board Licensing Regulations.

PART I. GENERAL.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

"Actively engaged" means employment by or association affiliation as an independent contractor with a broker licensed real estate firm or sole proprietorship in performing those activities as defined in § 54-731 §§ 54.1-2100 and 54.1-2101 of the Code of Virginia for an average of at least 20 hours per week.

"Associate broker" means any individual licensee of the board holding a broker's license other than a one who has been designated as the principal broker.

"Firm" means any partnership, association, or corporation, other than a sole proprietorship, which is required by § 1-6 § 2.1 B of these regulations to obtain a separate brokerage firm license.

"Inactive status" refers to any broker or salesperson who is not associated under the supervision of a principal broker or supervising broker, not affiliated with a firm or sole proprietorship and who is not performing any of the activities defined in §§ 54-730 and 54-731 §§ 54.1-2100 and 54.1-2101 of the Code of Virginia.

"Licensee" means any person, partnership, association, or corporation holding a license by the Real Estate Board to act as a real estate broker or real estate salesperson, as defined, respectively, in §§ 54.1-2100 and 54.1-2101 of the Code of Virginia.

"Principal" means a party who has engaged a real estate broker to perform real estate purchases, sales or rental services in a principal-agent relationship.

"Principal broker" means the individual broker who shall be designated by each firm to assure compliance with Title 54 54.1, Chapter 21 of the Code of Virginia, and these regulations, and to receive communications and notices from the board which may affect the firm or any licensee employed by or associated affiliated with the firm. In the case of a sole proprietorship, the licensed broker who is the sole proprietor shall have the responsibilities of the principal broker. The principal broker shall have responsibility for the activities of the firm and all its licensees.

"Principal to a transaction" means a party to a real estate transaction in the capacity of a seller, buyer, lessee or lessor, or having some other direct contractual connection to such transaction.

"Sole proprietor" means any individual broker, not a corporation, who is trading under the broker's own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Supervising broker" means the individual associate broker who shall be designated by the firm to supervise the activities of any one of its offices.

§ 1.2. Necessity for license or registration.

It shall be unlawful for any person, partnership, association or corporation, to act as a real estate broker, real estate salesperson, or rental location agent or to advertise or assume to act as such real estate broker, real estate salesperson, or rental location agent - without a salesperson or broker license or rental location agent registration issued by the Virginia Real Estate Board. No partnership, association or corporation shall be granted a license unless every member, director, and officer of such partnership, association or corporation, who actively

Proposed Regulations

participates in its brokerage business shall hold a license as a real estate broker, and unless every employee and every independent contractor who acts as a salesperson for such partnership, association or corporation shall hold a license as a real estate salesperson; provided, however, that a person who holds a license as a real estate broker may act as a salesperson for another real estate broker.

§ 1.3. License, registration, and renewal fees:

All application fees for licenses and registrations are nonrefundable.

A. Application fees for original licenses or registrations and biennial renewal fees are as follows:

1. Salesperson by education and examination	.....\$30
2. Salesperson by reciprocity	.....\$55
3. Renewal for salesperson	.....\$30
4. Broker by education and examination	.....\$50
5. Broker by reciprocity	.....\$75
6. Broker [concurrent] license	.....\$50
7. Renewal for broker	.....\$50
8. Rental location agents	.....\$30
9. Firm license	.....\$50
10. Branch office license	.....\$15

B. The application fee for original license for a proprietary school shall be \$100 and the annual renewal fee shall be \$50.

§ 1.4. Expiration, renewal, and reinstatement of license:

A. Licenses issued under these regulations for salespersons, brokers, and firms shall expire two years from the last day of the month in which they were issued, as indicated on the license. Proprietary school licenses shall expire annually on June 30. Registrations shall expire every two years on June 30.

B. The board will mail a renewal notice to the licensee or registrant at the last known home address. The board will mail a firm renewal notice to the business address of the firm. These notices shall outline the procedures for renewal. The board will notify the firm 90 days after the expiration of the licenses of salespersons and brokers associated with the firm and again at 180 days. Failure to receive these notices shall not relieve the licensee or the registrant of the obligation to renew.

C. Prior to the expiration date shown on the license or registration, each licensee or registrant desiring to renew

his license or registration shall return to the board the renewal application notice and the appropriate fee as outlined in § 1.3 of these regulations. Should the licensee or registrant fail to receive the renewal notice, a copy of the license or registration may be submitted with the required fee.

D. If the renewal fee is not received by the board within 30 days of the expiration date noted on the license or registration, a penalty fee shall be required, in addition to the renewal fee, as follows:

1. For firms and brokers, \$50;

2. For salespersons and rental location agents, \$30.

E. Any licensee failing to renew his license within 180 days of the expiration date noted on the license may renew during the next 180 days by paying a penalty fee, in addition to the renewal fee, as follows:

1. For firms and brokers, \$150;

2. For salespersons, \$90.

F. After 12 months, renewal is not possible under any circumstances and the applicant must meet all current educational and examination requirements and apply as a new applicant.

G. Any licensee who has not been actively licensed with a broker under the provisions of § 3.1, F.2 of these regulations for a period of greater than three years shall be required to meet the educational requirements for a salesperson or broker in effect at the time written request for issuance of such license is filed with the board.

§ 1.5. Individual license:

A real estate broker license shall not be issued to an individual trading under an assumed or fictitious name, that is, a name other than the individual's full name, until the individual signs and acknowledges a certificate provided by the board, setting forth the name under which the business is to be organized and conducted, the address of the individual's residence, and the address of the individual's place of business. Each certificate must be attested by the Clerk of Court of the county or jurisdiction wherein the business is to be conducted. The attention of all applicants and licensees is directed to §§ 50.1-60 through 50.1-76 of the Code of Virginia.

§ 1.6. Partnership, association, or corporation:

Every partnership, association, or corporation must secure a real estate license for its brokerage firm before transacting real estate business. Application for such license shall disclose, and the license shall be issued to, the name under which the applicant intends to do or does business and holds itself out of the public. This license is separate and distinct from the individual broker license

Proposed Regulations

required of each partner, associate, and officer or director of a corporation who is active in the brokerage business.

A. Partnership. Each partnership acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each person composing the partnership; the name and style of the firm; the address of the Virginia office of the firm; the length of time for which it is to continue; and the percentage or part of the partnership owned by each partner. Every change in the partnership must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

B. Association. Each association acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each person composing the association; the name and style of the firm; the length of time for which it is to continue; and the percentage or part of the association owned by each associate. Every change in the association must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

C. Corporation. Each corporation acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each officer of the corporation; the name and style of the corporation; the corporation's place of business; and the names and addresses of the members of the Board of Directors.

1. Every change of officers must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

2. The board will not consider the application of any Corporation or its officers, directors, employees, or associates until the corporation is authorized to do business in Virginia.

§ 1.7. Concurrent licenses. Concurrent licenses shall be issued by the board to brokers active in more than one separate legal entity upon receipt of a concurrent license form and written affidavits stating that written notice of the applicant's concurrent licensure status has been provided to the principal broker of each firm with which the applicant has been associated. Payment will be required for each license.

§ 1.8. The board shall have the authority to appoint such committees as necessary to advise it in carrying out its responsibilities.

PART II. ENTRY.

§ 2.1. Necessity for license or registration.

It shall be unlawful for any person, partnership, association or corporation, to act as a real estate broker, real estate salesperson, or rental location agent or to advertise or assume to act as such real estate broker, real estate salesperson, or rental location agent without a salesperson or broker license or rental location agent registration issued by the Real Estate Board. No partnership, association or corporation shall be granted a license unless every member, and officer of such partnership, association or corporation, who actively participates in its brokerage business shall hold a license as a real estate broker, and unless every employee and every independent contractor who acts as a salesperson for such partnership, association or corporation shall hold a license as a real estate salesperson; provided, however, that a person who holds a license as a real estate broker may act as a salesperson for another real estate broker.

A. Individual license.

A real estate broker's license shall not be issued to an individual trading under an assumed or fictitious name, that is, a name other than the individual's full name, until the individual signs and acknowledges a certificate provided by the board, setting forth the name under which the business is to be organized and conducted, the address of the individual's residence, and the address of the individual's place of business. Each certificate must be attested by the Clerk of Court of the county or jurisdiction wherein the business is to be conducted. The attention of all applicants and licensees is directed to §§ 59.1-69 through 59.1-76 of the Code of Virginia.

B. Partnership, association, or corporation.

Every partnership, association, or corporation must secure a real estate license for its brokerage firm before transacting real estate business. Application for such license shall disclose, and the license shall be issued to, the name under which the applicant intends to do or does business and holds itself out to the public. This license is separate and distinct from the individual broker license required of each partner, associate, and officer of a corporation who is active in the brokerage business.

1. Partnership. Each partnership acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each person composing the partnership; the name and style of the firm; the address of the Virginia office of the firm; the length of time for which it is to continue; and the percentage or part of the partnership owned by each partner. Every change in the partnership must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

2. Association. Each association acting as a real

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estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each person composing the association; the name and style of the firm; the length of time for which it is to continue; and the percentage of part of the association owned by each associate. Every change in the association must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

3. Corporation. Each corporation acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each officer of the corporation; the name and style of the corporation; the corporation's place of business, and the names and addresses of the members of the Board of Directors.

a. Every change of officers must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

b. The board will not consider the application of any corporation or its officers, employees, or associates until the corporation is authorized to do business in Virginia.

C. Branch office license.

If a real estate broker maintains more than one place of business within the state, a branch office license shall be issued for each branch office maintained. Application for the license shall be made on forms provided by the board and shall reveal the name of the firm, the location of the branch office, and the name of the supervising broker for that branch office. Only the branch office license shall be maintained at the branch office location.

§ 2-1. § 2.2. Qualifications for licensure.

Every applicant to the Virginia Real Estate Board for a sales or broker's license shall have the following qualifications:

1. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate broker or a real estate salesperson in such a manner as to safeguard the interests of the public.

2. The applicant shall meet the current educational requirements by achieving a passing grade in all required courses of § 54-740 § 54.1-2105 of the Code of Virginia prior to the time the applicant sits for the licensing examination or and applies for licensure. See § 4-8 7.6 of these regulations for educational requirements for salespersons.

3. The applicant shall be in good standing as a

licensed real estate broker or salesperson in every other jurisdiction where licensed and the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any other jurisdiction within five years prior to applying for licensure in Virginia.

4. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving moral turpitude, child abuse, drug distribution or physical injury, or of any felony. Neither shall the applicant have been found to have violated the fair housing laws of any jurisdiction. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

5. The applicant shall be at least 18 years old.

6. Within the twelve months prior to making application for a license, The applicant, within 12 months prior to making application for a license, shall have passed a written examination provided by the board or by a testing service selected by acting on behalf of the board. Complete applications must be received within the 12-month period.

7. Actively engaged salespersons and associate brokers must be supervised by a principal broker or designated supervising broker. The applicant shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board and the testing service with regard to conduct at the examination shall be grounds for denial of application.

§ 2-2. § 2.3 Additional qualifications for brokers.

An applicant for a license as a real estate broker shall meet the following requirements in addition to those set forth in § 2-1 § 2.2 of these regulations:

A. New broker applicants.

1. The applicant shall meet the current educational requirements of § 54-740(b) § 54.1-2105 of the Code of Virginia.

2. The applicant shall have been actively engaged as defined in § 1.1 of these regulations as a real estate salesperson for a period of 36 of the 48 months immediately preceding application.

B. Previous brokers.

Any person who has previously held an unrevoked a Virginia real estate ~~broker~~ broker's license which license was not revoked, suspended or surrendered in connection with a disciplinary action may be issued a ~~broker~~ broker's license without first having to meet the experience requirements of § 2.2, subsection A, paragraph 2 § 2.3 A 2 of these regulations by:

1. Completing the current educational requirements of § 54.740(b) 54.1-2105 of the Code of Virginia; and
2. Passing a written examination provided by the board or by a testing service selected by the board.

§ 2.4 Concurrent licenses.

Concurrent licenses shall be issued by the board to brokers active in more than one separate legal entity upon receipt of a concurrent license form and written affidavits stating that written notice of the applicant's concurrent licensure status has been provided to the principal broker of each firm with which the applicant has been associated. Payment will be required for each license.

§ 2.3. § 2.5 Qualifications for licensure by reciprocity.

Every applicant to the Virginia Real Estate Board for a license by reciprocity shall have the following qualifications, except that § 2.3 subsection A.5 below § 2.4 A 5 shall only be applicable for salesperson applicants:

A. An individual who is currently licensed as a real estate salesperson or broker in another jurisdiction may obtain a Virginia real estate license without taking the Virginia written licensing examination by meeting the following requirements:

1. *The applicant shall* be at least 18 years of age.
2. *The applicant shall* have received the salesperson or ~~broker~~ broker's license by virtue of having passed in the jurisdiction of original licensure a written examination deemed to be substantially equivalent to the Virginia examination.
3. *The applicant shall* sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia real estate license law and the regulations of the Virginia Real Estate Board.
4. *The applicant shall* be in good standing as a licensed real estate broker or salesperson in every other jurisdiction where licensed and the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended or , revoked , or surrendered in connection with a disciplinary action or which has been the subject of discipline in any other jurisdiction within five years

prior to applying for licensure in Virginia.

5. At the time of application for a salesperson's license, *the applicant* must have been actively engaged in real estate for 12 of the preceding 36 months or have met educational requirements that are substantially equivalent to those required in Virginia.

6. *The applicant shall* have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate salesperson or broker in such a manner as to safeguard the interests of the public.

7. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving moral turpitude , sexual abuse, child abuse, drug distribution or physical injury, or of any felony. Neither shall the applicant have been found to have violated the fair housing laws of any jurisdiction. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

B. Additional qualifications for reciprocal licensure as a broker.

An individual who is currently licensed as a real estate broker in another jurisdiction may obtain a Virginia real estate ~~broker~~ broker's license without taking a written examination by meeting the following requirements in addition to those set forth in § 2.3, subsection A, paragraphs 1-4, 6 and 7 § 2.5 A 1 through A 4, A 6 and A 7 .

1. *The applicant shall* have been licensed as a real estate broker and actively engaged as a real estate broker or salesperson in the current jurisdiction of licensure for at least 36 of the 48 months immediately prior to making application in Virginia. (See § 1.1 of these regulations for the definition of "actively engaged.")

2. *The applicant shall* have met *broker* educational requirements that are substantially equivalent to those required in Virginia.

§ 2.6. Activation of license.

Any inactive licensee may affiliate that license with a licensed real estate firm or sole proprietorship by completing an activate form prescribed by the board. Further, any licensee who has not been actively licensed with a licensed real estate firm or sole proprietorship for a period of greater than three years shall be required to meet the educational requirements for a salesperson or broker in effect at the time the license activate form for issuance of such license is filed with the board.

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§ 2.4. § 2.7. Rental location agent.

An applicant for registration as a rental location agent need not be employed by or associated with a real estate broker, but shall apply in writing upon forms provided by the board, and shall meet the following requirements:

1. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a rental location agent as defined in § 54.1-2102 of the Code of Virginia.
2. The applicant shall be at least 18 years old.
3. A person shall not be concurrently licensed as a real estate salesperson or broker and registered as a rental location agent. A rental location agent shall not be concurrently registered with more than one rental location agency.
4. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving moral turpitude, sexual abuse, child abuse, drug distribution or physical injury, or of any felony. Neither shall the applicant have been found to have violated the fair housing laws of any jurisdiction. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

§ 2.5. § 2.8. Rental location agency.

A. Each business operating as a rental location agency, whether in the form of a sole proprietorship, association, partnership, or corporation, shall obtain from the board a firm license registration as a rental location agency.

B. Every rental location agency shall be supervised by a supervising rental location agent designated by the agency and registered with the board. The supervising rental location agent shall have responsibility for supervising the activities of the agency and all its registrants.

C. Each rental location agent registration shall be issued only to the agency where the agent is associated or employed. The supervising rental location agent shall keep such registrations in his custody and control for the duration of the agent's employment or association with that agency.

D. When any rental location agent is discharged or in any way terminates his employment or association with an agency, it shall be the duty of the supervising rental location agent to notify the board of the termination by returning the registration by certified mail to the board within 10 calendar days. The supervising rental location agent shall indicate on the registration the date of

termination, and shall sign the registration before returning it.

§ 2.9. Application and registration fees.

All application fees for licenses and registrations are nonrefundable.

A. Application fees for original licenses or registrations are as follows:

Salesperson by education and examination	\$50
Salesperson by reciprocity	\$65
Broker by education and examination	\$60
Broker by reciprocity	\$85
Broker concurrent license	\$60
Rental location agent	\$30
Rental location agency	\$75
Firm license	\$75
Branch office license	\$25
Transfer application	\$20
Activate application	\$20
Certification of licensure	\$20

B. Examination fees are as follows:

Preregistration for sales and brokers	\$15
Late registration for sales and brokers	\$25
Walk-in registration for sales and brokers	\$27

PART III. RENEWAL OF LICENSE/REGISTRATION.

§ 3.1. Renewal required.

Licenses issued under these regulations for salespersons, brokers, and firms shall expire two years from the last day of the month in which they were issued, as indicated on the license. Registrations issued under these regulations for rental location agents and rental location agencies shall expire every two years on June 30.

§ 3.2. Qualification for renewal.

A. Continuing education requirements.

As a condition of renewal, and pursuant to § 54.1-2105 of the Code of Virginia, all brokers and salespersons either

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active or inactive, resident or nonresident, shall be required to satisfactorily complete a course of not less than six classroom hours during each licensing term.

1. Schools and instructors shall be those as required under § 54.1-2105 of the Code of Virginia, and § 7.2 of these regulations.

2. The specific course content and curriculum shall be prescribed and approved by the board. The course curriculum shall be provided to each school in final form prior to the course offering and updated periodically to reflect recent developments in federal, state, and local real estate law, regulations and case decisions.

a. Continuing education courses offered in other jurisdictions must meet Virginia's statutory requirements and must conform to the board's specifically prescribed course content and curriculum as described in § 54.1-2105 of the Code of Virginia. Such courses must be approved in advance of offering to be certified for course credit for licenses.

b. Correspondence courses will not be approved for credit for continuing education.

3. Attendance. Credit for continuing education course completion is to be given only for attendance in its entirety. It will be the instructor's responsibility to ensure compliance with this regulation.

4. Certification of course completion. It shall be the responsibility of the licensee to provide continuing education course completion certification. Proof of course completion shall be made on a form prescribed by the board. Failure to provide course completion certification will result in the license not being renewed and reinstatement will therefore be required.

5. Credit earned by instructors. Instructors who are also licensees of the board may earn continuing education credit for teaching continuing education courses. Verification of instructor compliance with the continuing education course required must be verified by the director or dean of the school at which the course was taught.

B. Applicants for renewal of a license shall meet the standards for entry as set forth in §§ 2.2 3 and 2.2 4 of these regulations.

§ 3.3. Procedures for renewal.

A. The board will mail a renewal application form to the licensee or registrant at the last known home address. The board will mail a firm renewal notice to the business address of the firm. These notices shall outline the procedures for renewal. The board will notify the firm 30 days after the expiration of the licenses of salespersons

and brokers associated with the firm. Failure to receive these notices shall not relieve the licensee or the registrant of the obligation to renew.

B. Prior to the expiration date shown on the license or registration, each licensee or registrant desiring to renew his license or registration shall return to the board the renewal application forms and the appropriate fee as outlined in § 3.4 of these regulations.

§ 3.4. Fees for renewal.

All fees for renewals are nonrefundable and are as follows:

Salesperson	\$35
Broker	\$50
Concurrent broker	\$50
Firm	\$75
Rental location agent	\$30
Rental location agency	\$75
Branch office	\$15

§ 3.5. Board discretion to deny renewal.

The board may deny renewal of a license for the same reasons as it may refuse initial licensure or discipline an extant license.

PART IV. REINSTATEMENT.

§ 4.1. Failure to renew - reinstatement required.

A. All applicants for reinstatement must meet all requirements set forth in §§ 3.2 A and 3.2 B of these regulations. Applicants for reinstatement must have completed the continuing education requirement prior to the license expiration date. If the continuing education requirement was not completed during that licensing term, then the individual is not eligible for reinstatement and must reapply as a new applicant.

B. Additional fees for reinstatement are required as follows:

1. If the renewal fee is not received by the board within 30 days of the expiration date noted on the license or registration, a reinstatement fee equal to twice the renewal fee is required.

2. If the reinstatement fee is not received by the board within 180 days of the expiration date noted on the license or registration during the next 180 days, a reinstatement fee equal to four times the

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renewal fee is required.

C. After 12 months, reinstatement is not possible under any circumstances and the applicant must meet all current educational and examination requirements and apply as a new applicant.

D. While a license may be reinstated with additional fee for up to one year following expiration, any real estate activity conducted subsequent to the expiration shall constitute unlicensed activity and may be subject to prosecution under Chapter 1 of Title 54.1 of the Code of Virginia.

§ 4.2. Board discretion to deny reinstatement.

The board may deny reinstatement of a license for the same reasons as it may refuse initial licensure or discipline an extant license.

PART III V. STANDARDS OF CONDUCT PRACTICE.

§ 3-1. § 5.1. Place of business.

A. Within the meaning and intent of § 54-733 § 54.1-2110 of the Code of Virginia, a place of business shall be an office where:

1. The principal broker, either through his own efforts or through the efforts of his employees or associates, regularly transacts the business of a real estate broker as defined in § 54-730 § 54.1-2100 of the Code of Virginia; and

2. The principal broker and his employees or associates can receive business calls and direct business calls to be made.

B. No place of business shall be in a residence unless it is separate and distinct from the living quarters of the residence and is accessible by the public.

C. The Virginia Real Estate Board or its authorized representative may inspect a place of business to ensure compliance with § 3-1, subsection A, and § 3-1, subsection B, of these regulations. Each place of business and each branch office shall be supervised and personally managed by an on-premises real estate broker who shall supervise only that office and shall be at the office or within easy access during regular business hours.

D. Every individual, partnership, association, or corporation acting as a real estate broker shall may display at all times, in a conspicuous place signage on the outside of each place of business maintained in the Commonwealth for the purpose of transacting business as a real estate broker . ; a sign stating If displayed, the sign shall state the name of such individual, partnership, association, or corporation, as set forth in the license issued by the board, and containing contain the words

"real estate," "broker," "real estate agent," "realty" or another word other words or phrases designating a member of a generally recognized association or organization of real estate brokers, whichever is applicable. This regulation shall not apply to any place of business maintained in any locality which has a local ordinance prohibiting signs.

E. Display of license. Every principal broker shall display in a conspicuous and public place have readily available in the firm's main place of business his license and the license of every salesperson and broker associated with or employed by the firm. The licenses shall be displayed together, not individually, in such a manner that the public can readily determine the names of the licensees.

F. Notice in writing, accompanied by all the current licenses, shall be given to the board in the event of any change of business name or location. Such notice shall be mailed to the board within 10 days of the change of name or location, whereupon the board shall reissue the license for the unexpired period.

F. § 5.2. Maintenance of licenses.

1. A. Salespersons and individual brokers shall at all times keep the board informed of their current home address. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board of any change of address.

2. B. Salespersons and brokers shall only be issued a license to the place of business of the sole proprietorship or firm where with which the salesperson or broker is associated affiliated or at which such licensee is employed. The license shall be issued after the sole proprietor or principal broker files a written request on a form supplied by the board.

3. C. Salespersons and brokers not associated with a sole proprietorship or firm that is, those on inactive ; status shall receive written acknowledgement of payment from the board at the time they renew their license, but no license shall be issued as since they are not associated affiliated with a sole proprietorship or firm.

4. D. When any salesperson or broker is discharged or in any way terminates his employment or association affiliation with a sole proprietorship or firm, it shall be the duty of the sole proprietor or principal broker to notify the board and the licensee of the termination and to return the license by certified mail to the board so that it is received within 10 calendar days of the date of termination. The sole proprietor or principal broker shall indicate on the license the date of termination, and shall sign the license before returning it.

E. The board, upon receipt of a transfer application or request for placement of a license on inactive status from

a salesperson or associate broker, will notify the former principle broker of the licensee's change of affiliation or status at the firm's address of record. If the license has not been received by the board by the date on which above notification is issued, then it shall be the duty of the former principal broker to return the license by certified mail to the board so that it is received within 10 calendar days of the date of the above notification.

F. All certificates of licensure in any form are the property of the Real Estate Board. Upon termination of a licensee, closing of a firm, death of a licensee, change of licensee name or address such licenses must be returned with proper instruction to the board within 10 days.

G. Each place of business and each branch office shall be supervised and personally managed by an on-premises real estate broker who shall supervise only that office and shall be at the office or within easy access during regular business hours.

§ 3.2. Branch office license.

If a real estate broker maintains more than one place of business within the Commonwealth, a branch office license shall be issued for each branch office maintained. Application for the license shall be made on forms provided by the board and shall reveal the name of the firm, the location of the branch office, and the name of the supervising broker for that branch office. Only the branch office license shall be maintained at the branch office location.

§ 3.3. Change of business locations.

Notice in writing, accompanied by all the current licenses shall be given to the board in the event of any change of business name or location. Such notice shall be received by the board within 10 days of the change of name or location, whereupon the board shall reissue the licenses for the unexpired period.

§ 3.4. Records and deposits of funds.

A complete record of transactions conducted under authority of the principal broker's Virginia license or the rental location agent's registration shall be maintained in the principal broker's place of business, or in a designated branch office, or in the office of the rental location agency. When the principal broker's office or the main office of the rental location agency is located outside of Virginia and the firm has a branch office in Virginia, these records shall be maintained in the Virginia office. These records shall show, in addition to any other requirements of the regulations, the following information: from whom money was received; the date of receipt; the place of deposit; the date of deposit; and, after the transaction has been completed, the final disposition of the funds.

§ 5.3. Maintenance and management of escrow accounts

and financial records.

A. Maintenance of escrow accounts.

A. 1. Each firm or sole proprietorship shall maintain in the name by which it is licensed one or more separate escrow or trust accounts in a federally insured depository in Virginia into which all down payments, earnest money deposits, money received upon final settlement, rental payments, rental security deposits, money advanced by a buyer or seller for the payment of expenses in connection with the closing of real estate transactions, money advanced by the broker's principal or expended on behalf of the principal, or other escrow funds received by him or his associates on behalf of his principal or any other person shall be deposited unless all parties to the transaction have agreed otherwise in writing. The principal broker shall and ~~for~~ the supervising broker may be held responsible for these accounts. All such accounts shall be labeled "escrow" and the account(s) shall be designated as "escrow" accounts with the financial institution where such accounts are established.

B. Unless otherwise agreed in writing by all parties to the transaction, expenses incidental to closing a transaction, e.g., fees for appraisal, insurance, credit report, etc., shall not be deducted from a deposit or down payment.

C. A licensee shall not disburse or cause to be disbursed monies from a property management account unless sufficient money is on deposit in that account to the credit of the individual client or property involved.

D. The principal or supervising broker shall maintain a bookkeeping system which shall accurately and clearly disclose full compliance with the requirements outlined in § 3.4 of these regulations.

E. Upon acceptance of a contract, earnest money deposits and down payments received by the principal or supervising broker or his associates shall be placed in an escrow account and shall remain in that account until the transaction has been consummated or terminated. In the event the transaction is not consummated, the principal or supervising broker shall hold such funds in escrow until (i) all parties to the transaction have agreed in writing as to their disposition, or (ii) a court of competent jurisdiction orders such disbursement of the funds, or (iii) the broker can pay the funds to the party who is entitled to receive them in accordance with the clear and explicit terms of the contract which established the deposit. In the latter event, prior to disbursement, the broker shall give written notice to each party not to be paid, by either (i) hand delivery receipted for by the addressee, or (ii) by regular and certified mail, that this payment will be made unless a written protest from that party is received by the broker within 30 days of the delivery or mailing, as appropriate, of that notice. A broker who has carried out

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the above procedure shall be construed to have fulfilled the requirements of this regulation.

F. Unless otherwise agreed in writing by all parties to the transaction, a licensee shall not be entitled to any part of the earnest money deposit or to any other money paid to the licensee in connection with any real estate transaction as part of the licensee's commission until the transaction has been consummated.

G. 2. Funds to be deposited in the escrow account will necessarily include moneys which shall ultimately belong to the licensee, but such moneys shall be separately identified in the escrow account records and shall be paid to the firm by a check drawn on the escrow account when the funds become due to the licensee. The fact that an escrow account contains money which may ultimately belong to the licensee does not constitute "commingling of funds" as set forth by § 3.5, paragraph 27, § 6.12 5 of these regulations, provided that there are periodic withdrawals of said funds at intervals of not more than six months, and that the licensee can at all times accurately identify the total funds in that account which belong to the licensee and the firm.

H. On funds placed in an account bearing interest, written disclosure shall be made to the principals involved in the transaction regarding the disbursement of the interest.

I. 3. If escrow funds are used to purchase a certificate of deposit, the pledging or hypothecation of such certificate, or the absence of the original certificate from the direct control of the principal or supervising broker, shall constitute commingling as prohibited by § 3.5, paragraph 27, § 6.12 5 of these regulations.

B. Disbursement of funds from escrow accounts.

1. Upon acceptance of a contract (ratification), earnest money deposits and down payments received by the principal or supervising broker or his associates shall be placed in an escrow account and shall remain in that account until the transaction has been consummated or terminated. In the event the transaction is not consummated, the principal or supervising broker shall hold such funds in escrow until (i) all parties to the transaction have agreed in writing as to their disposition, or (ii) a court of competent jurisdiction orders such disbursement of the funds, or (iii) the broker can pay the funds to the party who is entitled to receive them in accordance with the clear and explicit terms of the contract which established the deposit. In the latter event, prior to disbursement, the broker shall give written notice to each party by either (i) hand delivery receipted for by the addressee, or (ii) by regular and certified mail, that this payment will be made unless a written protest from that party is received by the

broker within 30 days of the delivery or mailing, as appropriate, of that notice. A broker who has carried out the above procedure shall be construed to have fulfilled the requirements of this regulation.

2. Unless otherwise agreed in writing by all parties to the transaction, a licensee shall not be entitled to any part of the earnest money deposit or to any other money paid to the licensee in connection with any real estate transaction as part of the licensee's commission until the transaction has been consummated.

3. On funds placed in an account bearing interest, written disclosure at contract writing shall be made to the principals involved in the transaction regarding the disbursement of interest.

4. A licensee shall not disburse or cause to be disbursed moneys from a property management account unless sufficient money is on deposit in that account to the credit of the individual client or property involved.

5. Unless otherwise agreed in writing by all parties to the transaction, expenses incidental to closing a transaction, e.g., fees for appraisal, insurance, credit report, etc., shall not be deducted from a deposit or down payment.

C. Maintenance of financial records.

1. A complete record of financial transactions conducted under authority of the principal broker's Virginia license or the rental location agent's registration shall be maintained in the principal broker's place of business, or in a designated branch office, or in the office of the rental location agency. When the principal broker's office or the main office of the rental location agency is located outside of Virginia and the firm has a branch office in Virginia, these records shall be maintained in the Virginia office. These records shall show, in addition to any other requirements of the regulations, the following information: from whom money was received; the date of receipt; the place of deposit; the date of deposit; and, after the transaction has been completed, the final disposition of the funds.

2. The principal broker shall maintain a bookkeeping system which shall accurately and clearly disclose full compliance with the requirements outlined in § 5.3 of these regulations. Accounting records which are in sufficient detail to provide necessary information to determine such compliance shall be maintained.

J. Licensees shall maintain accounting records which are in sufficient detail to provide necessary information to determine compliance with § 3.4 of these regulations.

§ 3.5: Grounds for disciplinary action.

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The board has the power to fine any licensee or registrant, or to suspend, revoke, or deny renewal of any license or registration issued under the provisions of Title 54, Chapter 18 of the Code of Virginia and the regulations of the board, at any time after a hearing conducted pursuant to the provisions of the Administrative Process Act, Title 9, Chapter 1-1-1 of the Code of Virginia where the licensee has been found to be guilty of:

1. Obtaining a license by false or fraudulent representation;
2. Paying a commission or other valuable consideration to any person for acts or services performed in violation of Title 54, Chapter 18 of the Code of Virginia or these regulations; provided, however, that referral fees and shared commissions may be paid to any real estate firm licensed in this or another jurisdiction, or to any referral firm in the United States, the members of which are brokers licensed in this or another jurisdiction and which only disburses commissions or referral fees to its licensed member brokers;
3. Notwithstanding the provisions of § 54-731.1 of the Code of Virginia, accepting a commission or other valuable consideration, as a real estate salesperson or associate broker, for the performance of any of the acts specified in Title 54, Chapter 18 of the Code of Virginia or the regulations of the board, from any person except the licensee's principal broker at the time of the transaction;
4. Violating or cooperating with others in violating any provision of Title 54, Chapter 18 of the Code of Virginia or any regulation of the board;
5. Representing or attempting to represent as a salesperson or associate broker a real estate broker other than the licensee's principal broker, without the written consent of the principal broker;
6. Acting for more than one party in a transaction without the written consent of all parties for whom the licensee acts;
7. Acting as an agent for any principal in a real estate transaction outside the licensee's brokerage firm(s) or sole proprietorship(s);
8. Making an exclusive agency contract or an exclusive right-to-sell contract which does not have a definite termination date;
9. Making a listing contract or lease which provides for a "net" return to the seller/lessor, leaving the licensee free to sell or lease the property at any price he can obtain in excess of the "net" price named by the seller/lessor;
10. Failing to make prompt delivery to each party to

a document, complete and legible copies of any written or printed listings, contracts, residential leases, or other agreements being negotiated by a salesperson or broker at the time such listings, contracts, residential leases, or other agreements signed by the parties are secured;

11. Offering real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent;
12. Placing a sign on any property without the consent of the owner of the property;
13. Causing any advertisement for sale, rent, or lease to appear in any newspaper, periodical, or sign without including in the advertisement the name of the firm or sole proprietorship;
14. Using "bait and switch" tactics by advertising or offering real property for sale or rent with the intent not to sell or rent at the price or terms advertised, unless the advertisement or offer clearly states that the property advertised is limited in specific quantity and the licensee or registrant did in fact have at least that quantity for sale or rent;
15. Failing to disclose in a timely manner to a prospective purchaser/lessee, or seller/lessor, any material information related to the property reasonably available to the licensee or registrant;
16. Failing as a licensee to promptly tender to the seller every written offer to purchase obtained on the property involved;
17. Failing to make prompt delivery of fully executed copies of the contract or lease, signed by the seller/lessor and purchaser/lessee, to both purchaser/lessee and seller/lessor after obtaining a proper acceptance of the offer to purchase or rent;
18. Failing to provide in a timely manner to all parties to the transaction written notice of any material changes to the transaction;
19. Failing to include the complete terms and conditions of the real estate transaction in such offer to purchase or rent, including identification of all those holding any deposits;
20. Acting in the capacity of a settlement agent in a real estate closing by a salesperson, except:
 - a. When the salesperson is under the direct supervision of the principal/supervising broker; or
 - b. When the salesperson is under the direct supervision of a licensed officer of the corporation

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or a licensed partner of the partnership under which the salesperson is licensed; or

e. When the settlement agent is a member of the Virginia State Bar or a law firm, the members of which are members of the Virginia State Bar.

d. When the settlement agent is a title insurance company or an agency thereof of a firm regularly engaged in the business of closing real estate transactions;

21. Failing to deliver to the seller and buyer, at the time a real estate transaction is completed, a complete and accurate statement of receipts and disbursements of monies received by the licensee, duly signed and certified by the principal or supervising broker or his authorized agent; provided, however, if the transaction is closed by a settlement agent other than the licensee or his broker, and if the disbursement of monies received by the licensee is disclosed on the applicable settlement statement, the licensee shall not be required to provide the separate statement of receipts and disbursements but shall be responsible for the delivery of the settlement statement;

22. Refusing or failing without just cause to surrender to the rightful owner, upon demand, any document or instrument which the licensee possesses;

23. Failing, as a principal or supervising broker, to retain for a period of three years from the date of the closing a complete and legible copy of each contract, agreement, notice and closing statement related to a real estate transaction; and all other documents material to that transaction;

24. Having received monies on behalf of others and failed to maintain a complete and accurate record of such receipts and their disbursements for a period of three years from the date of the closing;

25. Failing, within a reasonable time, to account for or to remit any monies coming into a licensee's possession which belong to others;

26. Accepting any note, nonnegotiable instrument, or anything of value not readily negotiable, as a deposit on a contract offer to purchase, or lease, without acknowledging its acceptance in the agreement;

27. Commingling the funds of any person by a principal or supervising broker or his employees or associates with his own funds; or those of his corporation, firm, or association; or failure to deposit such funds in an account or accounts designated to receive only such funds as required by § 2.4 subsection A of these regulations;

28. Offering or paying any money or other valuable consideration to any party other than a principal to a

transaction which resulted in a fee paid to the licensee;

29. Charging money or other valuable consideration to or accepting or receiving money or other valuable consideration from any person or entity other than the licensee's principal for expenditures made on behalf of that principal without the written consent of the principal;

30. Receiving, as a real estate firm or sole proprietorship, and monies or other valuable consideration from any party other than a principal to the transaction, a licensed real estate firm, sole proprietorship, or referral firm (see § 2.5, subsection (b) of these regulations);

31. Knowingly making any false statement or report, or willfully misstating the value of any land, property, or security for the purpose of influencing in any way the action of any lender upon:

a. Applications, advance discounts, purchase agreements, repurchase agreements, commitments or loans;

b. Changes in terms or extensions of time for any of the items listed in § 2.5, paragraph 31a, whether by renewal, deferment of action, or other means;

c. Acceptance, release, or substitution of security for any of the items listed in § 2.5, paragraph 31a.

32. Making any misrepresentation;

33. Making a false promise through agents, salespersons, advertising, or other means;

34. Holding more than one license as a real estate broker or salesperson in Virginia except as provided in § 1.7 of these regulations;

35. As a currently licensed real estate salesperson, sitting for the licensing examination for a salesperson's license;

36. As a currently licensed real estate broker, sitting for a real estate licensing examination;

37. Refusing or failing, upon request or demand, to produce to the board or any of its agents any document, book, record, or copy thereof in a licensee's possession concerning any real estate transaction in which the licensee was involved as a broker or salesperson, or for which the licensee is required to maintain records for inspection and copying by the board or its agents;

38. Having been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of any felony or a misdemeanor involving moral

turpitude there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of *nolo contendere* shall be considered a conviction for the purposes of this paragraph. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the laws of the jurisdiction where convicted shall be admissible as *prima facie* evidence of such guilt;

39. Having been found in a court or an administrative body of competent jurisdiction to have violated the Virginia Fair Housing Act, the fair housing laws of any jurisdiction of the United States, including without limitation Title VIII of the Civil Rights Act of 1968, or the Civil Rights Act of 1866, there being no appeal therefrom or the time for appeal having elapsed;

40. Being unworthy or incompetent to act as a real estate broker or salesperson in such a manner as to safeguard the interests of the public, or otherwise engaging in improper, fraudulent, or dishonest conduct;

41. Accepting or agreeing to accept any fee as a rental location agent without giving the person paying or agreeing to pay such fee a contract or receipt in which the agent sets forth a definite termination date for the services to be provided. The termination date shall not be later than one year from the date of the original agreement or acceptance of a fee. The rental location agent shall agree in the contract or receipt to repay, upon request, within 10 days of the expiration date, any amount of fee collected over and above the sum of \$10 service charge if no rental is obtained. The rental location agent shall further agree in the contract or receipt that if rental information provided by the agent is not current or accurate, the full fee shall be repaid upon request within 10 days of the delivery of the inaccurate rental information;

42. Referring, as a rental location agent, a prospective tenant to any property for which the agent has not verified the availability of the property within seven working days prior to the referral;

43. Failing, as a rental location agent, to maintain a written registry of all lists of rentals provided to customers and of all advertisements published or caused to be published by the agent, together with the address of the property listed or advertised, the date of verification of the availability, and the name, address, and telephone number, if any, of the party who offered the property for rent. This registry shall be kept for a period of three years from the date of the lists or the publication of any advertisement listed in it;

44. Failing to inform the board in writing within 30 days of pleading guilty or *nolo contendere* or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude.

§ 3-6. § 5.4 Advertising by licensees.

The name under which the broker does business and the manner in which the broker advertises shall not imply that the property listed or marketed by the broker for others is "for sale by owner." A broker shall not advertise in any newspaper, periodical, or sign to sell, buy, exchange, rent, or lease property in a manner indicating that the offer to sell, buy, exchange, rent, or lease such property is being made by a person not licensed as a real estate broker. No advertisement shall be inserted in any publication where only a post office box number, telephone number, or street address appears. Every broker, when advertising real estate in any newspaper or periodical, shall affirmatively and unmistakably indicate that the party advertising is a real estate broker.

A. Every salesperson or associate broker is prohibited from advertising and marketing under the licensee's own name in any manner offering on behalf of others to buy, sell, exchange, rent, or lease any real property. All advertising and marketing must be under the direct supervision of the principal broker or supervising broker and in the name of the firm. The name of the firm must be displayed on all display signs and other types of advertising and marketing and must be printed in a size equal to or greater than the size of the name of the salesperson or broker.

B. Notwithstanding the above restrictions, where a salesperson or associate broker is the owner of or has any ownership interest in the property being advertised, the licensee shall advertise with the notice that the owner is a real estate licensee, but such advertisement must not indicate or imply that the licensee is operating a real estate brokerage business.

§ 3-7. Service marks and institutional advertising.

As used in § 3-7, unless a different meaning is plainly required by the context:

A. Definitions.

The following definitions apply unless a different meaning is plainly required by the context:

"Advertising" means any communication, whether oral or written, between a licensee or an entity acting on behalf of one or more licensees and any other natural person or business entity. It shall include, but is not limited to, telephonic communications, insignias, business cards, advertisements, telephone directory listings, listing agreements, contracts of sale, billboards, signs, letterheads, as well as radio, television, magazine, and newspaper advertisements; and

"Institutional advertising" means advertising in which neither the registered licensee name nor any other identification of any licensed individual is disclosed, no real property is identified, and a service mark is

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identified.

"Licensee" means a sole proprietorship, partnership, corporation, association, or any other form of business entity licensed by the board as a real estate broker;

"Registered name" means the name in which the licensee's license to act as a real estate broker has been issued;

"Service mark" means the trade name, service mark, or logo, whether or not registered under any federal or state law, which is owned by an entity other than the licensee and which the licensee has obtained permission to use through agreement, license, franchise, or otherwise;

1. All institutional advertising shall state that the service being advertised is real estate brokerage, and shall state affirmatively that each licensed brokerage firm or sole proprietorship displaying or using the service mark is an independently owned and operated business.

2. Any service mark constituting a part of written noninstitutional advertising shall conspicuously disclose that the licensed brokerage firm or sole proprietorship is independently owned and operated. Disclosure that the licensed brokerage firm or sole proprietorship is independently owned and operated shall not be required in the following categories of written noninstitutional advertising:

a. "For sale" and "for lease" signs located on the premises of specific property for sale or lease.

b. Advertising by a licensed brokerage firm or sole proprietorship in newspapers, magazines, or other publications of a single specific property for sale or lease when the advertisement occupies no more than 28 of the standard classified advertising lines of the newspaper, magazine, or other publication in which the advertisement is published.

c. Telephone directory listings; however, disclosure that the licensed brokerage firm or sole proprietorship is independently owned and operated is required in "display" advertisements and "in column informational" or "business card" advertisements, or their equivalent, appearing in telephone directories.

3. In oral noninstitutional advertising, the speaker shall disclose affirmatively the licensee's registered name, and except in the case of telephone communication, shall disclose that the licensed brokerage firm or sole proprietorship is independently owned and operated.

B. Every salesperson or associate broker is prohibited from advertising and marketing under the licensee's own name in any manner offering on behalf of others to buy, sell, exchange, rent, or lease any real property. All

advertising and marketing must be under the direct supervision of the principal broker or supervising broker and in the name of the firm. The name of the firm must be displayed on all display signs and other types of advertising and marketing and must be printed in a size equal to or greater than the size of the name of the salesperson or broker.

C. Notwithstanding the above restrictions, where a salesperson or associate broker is the owner of or has any ownership interest in the property being advertised, the licensee shall advertise with the notice that the owner is a real estate licensee, but such advertisement must not indicate or imply that the licensee is operating a real estate brokerage business.

D. Service marks and institutional advertising.

1. All institutional advertising shall state that the service being advertised is real estate brokerage, and shall state, if applicable, that each licensed firm or sole proprietorship displaying or using the service mark is an independently owned and operated business.

2. Disclosure that the licensed firm or sole proprietorship is independently owned and operated shall not be required in the following categories of written noninstitutional advertising:

a. "For sale" and "for lease" signs located on the premises of specific property for sale or lease;

b. Advertising by a licensed firm or sole proprietorship in newspapers, magazines, or other publications of a single specific property for sale or lease when the advertisement occupies no more than 28 of the standard classified advertising lines of the newspaper, magazine, or other publications in which the advertisement is published;

c. Telephone directory advertisements disclosing that the licensed brokerage firm or sole proprietorship is independently owned and operated is required in "display" advertisements and in "in column informational" or "business card" advertisements, or their equivalent, appearing in telephone directories.

3. In oral, noninstitutional advertising, the speaker shall disclose affirmatively the licensee's name, and except in the case of telephone communication, shall disclose that the licensed firm or sole proprietorship is independently owned and operated.

§ 3.8. Disclosure of interest.

A licensee of the Virginia Real Estate Board shall not acquire any interest in real property for himself, or for any member of his immediate family, his firm, or any member of his firm, or for any entity in which he has

any ownership interest, without making his true position known to the owner in writing; in selling real property owned by a licensee or in which a licensee has any interest, those facts shall be revealed to the purchaser in writing.

§ 3.9. Licensees dealing on own account.

Any licensee failing to comply with the provisions of Title 54, Chapter 18 of the Code of Virginia, or the regulations of the Virginia Real Estate Board in performing any acts covered by §§ 54-730 and 54-731 of the Code of Virginia, may be charged with improper dealings, regardless of whether those acts are in the licensee's personal capacity or in his capacity as a real estate licensee.

§ 3.10. Investigation by board.

Upon the complaint of any person, the board may cause to be conducted an investigation of the actions of any licensee or registrant, or of any person who presumes to act in such capacity within the Commonwealth, provided such complaint together with any evidence presented with the complaint alleges a violation of Title 54, Chapter 18 of the Code of Virginia, or a violation of any of these regulations. The board may cause an investigation to be conducted upon its own motion.

§ 3.11. Principal broker's responsibility for acts of associates.

Any unlawful act or violation of any of the provisions of Title 54, Chapter 18 or of Title 36, Chapter 5 of the Code of Virginia, or of the regulations of the board by any real estate salesperson, employee, partner or associate of a principal broker, may not be cause for disciplinary action against the principal broker unless it appears to the satisfaction of the board that the principal broker knew or should have known of the unlawful act or violation.

§ 3.12. Effect of disciplinary action on subordinate licensees.

Action by the board resulting in the revocation, suspension, or denial of renewal of the license of any principal broker or sole proprietor shall automatically result in an order that the licenses of any and all individuals associated with or employed by the affected firm be returned to the board until such time as they are reissued upon the written request of a sole proprietor or principal broker pursuant to § 3.1 subsection F, paragraph 2 of these regulations.

PART VI. STANDARDS OF CONDUCT.

§ 6.1. Grounds for disciplinary action.

The board has the power to fine any licensee or registrant, to suspend, or revoke any license or

registration issued under the provisions of Title 54.1, Chapter 21 of the Code of Virginia, and the regulations of the board, at any time after a hearing conducted pursuant to the provisions of the Administrative Process Act, Title 9, Chapter 1.1:1 of the Code of Virginia where the licensee has been found to have violated or cooperated with others in violating any provision of Title 54.1, Chapter 21 of the Code of Virginia, or any regulation of the board.

§ 6.2. Disclosure of interest.

A. If a selling agent or listing agent knows or should have known that he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest, is acquiring or attempting to acquire real property, the agent must disclose that information to the owner in writing in the contract.

B. A licensee selling property in which he has any interest must disclose that he is a real estate licensee to any purchaser in writing in the contract.

§ 6.3. Disclosure of agency relationships.

All licensees shall make a prompt disclosure of their agency relationship to all prospective buyers and sellers, lessors, lessees, optionors or optionees.

A. Initial disclosure shall be made in writing when specific real estate assistance is provided and shall state the party whom the licensee represents.

B. Agency disclosure shall be in writing incorporated in or attached to any agreements for the optioning, leasing or purchase of real estate.

§ 6.4. Licensees dealing on own account.

Any licensee failing to comply with the provisions of Title 54.1, Chapter 21 of the Code of Virginia or the regulations of the Real Estate Board in performing any acts covered by §§ 54.1-2100 and 54.1-2101 of the Code of Virginia, may be charged with improper dealings, regardless of whether those acts are in the licensee's personal capacity or in his capacity as a real estate licensee.

§ 6.5. Provision of records to the board.

A licensee of the Real Estate Board shall upon request or demand, promptly produce to the board or any of its agents any document, book, or record in a licensee's possession concerning any real estate transaction in which the licensee was involved as a broker or salesperson, or for which the licensee is required to maintain records for inspection and copying by the board or its agents. These records shall be made available at the licensee's place of business during regular business hours.

§ 6.6. Unworthiness and incompetence.

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Actions constituting unworthy and incompetent conduct include:

1. Obtaining a license by false or fraudulent representation;
2. Holding more than one license as a real estate broker or salesperson in Virginia except as provided in these regulations;
3. As a currently licensed real estate salesperson, sitting for the licensing examination for a salesperson's license;
4. As a currently licensed real estate broker, sitting for a real estate licensing examination;
5. Having been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual abuse, child abuse, drug distribution or physical injury, or any felony there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this paragraph. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;
6. Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude;
7. Having been found in a court or an administrative body of competent jurisdiction to have violated the Virginia Fair Housing Act, the Fair Housing Laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968, or the Civil Rights Act of 1866, there being no appeal therefrom or the time for appeal having elapsed; and
8. Failing to act as a real estate broker or salesperson in such a manner as to safeguard the interests of the public, or otherwise engaging in improper, fraudulent, or dishonest conduct.

§ 6.7. Conflict of interest.

Actions constituting a conflict of interest include:

1. Being employed by, affiliated with or receiving compensation from a real estate broker other than the licensee's principal broker, without the written consent of the principal broker;
2. Acting for more than one party in a transaction without the written consent of all principals for whom the licensee acts;

3. Acting as an agent for any principal in a real estate transaction outside the licensee's brokerage firm(s) or sole proprietorship(s).

§ 6.8. Improper brokerage commission.

Actions resulting in an improper brokerage commission include:

1. Paying a commission or other valuable consideration to any person for acts or services performed in violation of Title 54.1, Chapter 21 of the Code of Virginia, or these regulations; provided, however, that referral fees and shared commissions may be paid to any real estate firm licensed in this or another jurisdiction, or to any referral firm in the United States, the members of which are brokers licensed in this or another jurisdiction and which only disburses commissions or referral fees to its licensed member brokers;
2. Notwithstanding the provisions of § 54.1-2102 of the Code of Virginia, accepting a commission or other valuable consideration, as a real estate salesperson or associate broker, for the performance of any of the acts specified in Title 54.1, Chapter 21 of the Code of Virginia or the regulations of the board, from any person except the licensee's principal broker at the time of the transaction;
3. Receiving a fee or portion thereof including a referral fee or a commission or other valuable consideration for services required by the terms of the real estate contract when such costs are to be paid by either one or both principals to the transaction unless such fact is revealed in writing to the principal(s) prior to the time of ordering or contracting for the services;
4. Offering or paying any money or other valuable consideration for services required by the terms of the real estate contract to any party other than the principals to a transaction which results in a fee being paid to the licensee; without such fact being revealed in writing to the principal(s) prior to the time of ordering or contracting for the services.
5. Making a listing contract or lease which provides for a "net" return to the seller/lessor, leaving the licensee free to sell or lease the property at any price he can obtain in excess of the "net" price named by the seller/lessor;
6. Charging money or other valuable consideration to or accepting or receiving money or other valuable consideration from any person or entity other than the licensee's principal for expenditures made on behalf of that principal without the written consent of the principal;

§ 6.9. Improper dealing.

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Actions constituting improper dealing include:

1. Making an exclusive agency contract or an exclusive right-to-sell contract which does not have a definite termination date;
2. Offering real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent;
3. Placing a sign on any property without the consent of the owner of the property or the owner's authorized agent;
4. Causing any advertisement for sale, rent, or lease to appear in any newspaper, periodical, or sign without including in the advertisement the name of the firm or sole proprietorship;
5. Acting in the capacity of settlement agent in a real estate closing by a salesperson, except:
 - a. When the salesperson is under the direct supervision of the principal/supervising broker;
 - b. When the salesperson is under the direct supervision of a licensed officer of the corporation or a licensed partner of the partnership under which the salesperson is licensed;
 - c. When the settlement agent is a member of the Virginia State Bar or a law firm, the members of which are members of the Virginia State Bar; or
 - d. When the settlement agent is a title insurance company or an agency thereof or a firm regularly engaged in the business or closing real estate transactions;

§ 6.10. Misrepresentation/omission.

Actions constituting misrepresentation or omission, or both, include:

1. Using "bait and switch" tactics by advertising or offering real property for sale or rent with the intent not to sell or rent at the price or terms advertised, unless the advertisement or offer clearly states that the property advertised is limited in specific quantity and the licensee or registrant did in fact have at least that quantity for sale or rent;
2. Failing to disclose in a timely manner to a prospective purchaser/licensee, or seller/lessor, any material information related to the property reasonably available to the licensee or registrant;
3. Failing as a licensee to promptly tender to the buyer and seller every written offer or counter-offer to

purchase obtained on the property involved;

4. Failing to include the complete terms and conditions of the real estate transaction in any offer to purchase or rent, including identification of all those holding any deposits;
5. Knowingly making any false statement or report, or willfully misstating the value of any land, property, or security for the purpose of influencing in any way the action of any lender upon: applications, advance discounts, purchase agreements, repurchase agreements, commitments or loans;
6. Changing the terms or extensions of time for any of the items listed in § 6.10 5, whether by renewal, deferment of action, or other means;
7. Accepting, releasing, or substituting of security for any of the times listed in § 6.10 5;
8. Making any misrepresentation; and
9. Making a false promise through agents, salespersons, advertising, or other means.

§ 6.11. Delivery of instruments.

Actions constituting improper delivery of instruments include:

1. Failing to make prompt delivery to each party to a document, complete and legible copies of any written or printed listings, contracts, residential leases, addenda or other agreements being negotiated by a salesperson or broker at the time such listings, contracts, residential leases, addenda or other agreements signed by the parties are secured;
2. Failing to make prompt delivery of fully executed copies of the contract or lease, and addenda signed by the seller/lessor and purchaser/lessee, to both purchaser/lessee and seller/lessor after obtaining a proper acceptance of the offer to purchase or rent;
3. Failing to provide in a timely manner to all parties to the transaction written notice of any material changes to the transaction;
4. Failing to deliver to the seller and buyer, at the time a real estate transaction is completed, a complete and accurate statement of receipts and disbursements of moneys received by the licensee, duly signed and certified by the principal or supervising broker or his authorized agent; provided, however, if the transaction is closed by a settlement agent other than the licensee or his broker, and if the disbursement of moneys received by the licensee is disclosed on the applicable settlement statement, the licensee shall not be required to provide the separate statement of receipts and disbursements; and

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5. Refusing or failing without just cause to surrender to the rightful owner, upon demand, any document or instrument which the licensee possesses.

§ 6.12. Record keeping and escrow funds.

Actions constituting improper record keeping and maintenance of escrow funds include:

1. Failing, as a principal or supervising broker, to retain for a period of three years from the date of the closing a complete and legible copy of each contract and agreement, notice and closing statement related to a real estate transaction, and all other documents material to that transaction available and accessible to the broker;

2. Having received moneys on behalf of others and failed to maintain a complete and accurate record of such receipts and their disbursements for a period of three years from the date of the closing;

3. Failing, within a reasonable time, to account for or to remit any moneys coming into a licensee's possession which belong to others;

4. Accepting any note, nonnegotiable instrument, or anything of value not readily negotiable, as a deposit on a contract, offer to purchase, or lease, without acknowledging its acceptance in the agreement; and

5. Commingling the funds of any person by a principal or supervising broker or his employees or associates with his own funds, or those of his corporation, firm, or association; or failure to deposit such funds in an account or accounts designated to receive only such funds as required by these regulations, see § 5.3 A 1.

§ 6.13. Rental location agents.

Actions constituting improper activities of a rental location agent include:

1. Accepting or agreeing to accept any fee as a rental location agent without giving the person paying or agreeing to pay such fee a contract or receipt in which the agent sets forth a definite termination date for the services to be provided. The termination date shall not be later than one year from the date of the original agreement or acceptance of a fee. The rental location agent shall agree in the contract or receipt to repay, upon request, within 10 days of the expiration date, any amount of fee collected over and above the sum of the service charge if no rental is obtained. The rental location agent shall further agree in the contract or receipt that if rental information provided by the agent is not current or accurate, the full fee shall be repaid upon request within 10 days of the delivery of the inaccurate rental information;

2. Referring, as a rental location agent, a prospective tenant to any property for which the agent has not verified the availability of the property within seven working days prior to the referral; and

3. Failing, as a rental location agent, to maintain a written registry of all lists of rentals provided to customers and of all advertisements published or caused to be published by the agent, together with the address of the property listed or advertised, the date of verification of the availability, and the name, address, and telephone number, if any, of the party who offered the property for rent. This registry shall be kept for a period of three years from the date of the lists or the publication of any advertisement listed in it.

§ 6.14. Principal broker's responsibility for acts of licensees.

Any unlawful act or violation of any of the provisions of Title 54.1, Chapter 21 or of Title 36, Chapter 5 of the Code of Virginia or of the regulations of the board by any real estate salesperson, employee, partner or affiliate of a principal broker, may not be cause for disciplinary action against the principal broker unless it appears to the satisfaction of the board that the principal broker knew or should have known of the unlawful act or violation.

§ 6.15. Effect of disciplinary action on subordinate licensees.

Action by the board resulting in the revocation, suspension, or denial of renewal of the license of any principal broker or sole proprietor shall automatically result in an order that the licenses of any and all individuals affiliated with or employed by the affected firm be returned to the board until such time as they are reissued upon the written request of a sole proprietor or principal broker pursuant to § 5.2 B.

PART IV VII . SCHOOLS.

§ 4.1. § 7.1. Definitions.

As used in these regulations, unless a different meaning is plainly required by the context:

"Accredited colleges, universities and community colleges," as used in § 54-740(a) § 54.1-2105 2 of the Code of Virginia, means those accredited institutions of higher learning approved by the Virginia Council of Higher Education or listed in the Transfer Credit Practices of Designated Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers.

"Equivalent course" means any course encompassing the principles and practices of real estate and approved by the board.

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"Proprietary school" means a privately owned school, not under the authority of the Department of Education, but approved by the Real Estate Board to teach real estate courses.

§ 4.2. Instructor qualifications:

Every applicant to the Virginia Real Estate Board for approval as an instructor shall have one of the following qualifications:

1. ~~Baccalaureate degree in real estate, or in business with a major in real estate or a closely related field; or~~
2. Baccalaureate degree, a real estate license, and two years of discipline-free active real estate experience within the past five years ("active experience" is defined in § 1.1, subsection A of these regulations); or
3. Seven years of discipline-free active experience acquired in the real estate field in the past ten years and an active broker's license.

§ 4.3. Course evaluation and grading.

A. All real estate courses acceptable to the board are required to have a monitored, final written examination.

B. Students must obtain a minimum course grade of "C," or a minimum score of 75%.

§ 4.4. Texts:

A school may use any textbook chosen from a list of approved texts maintained by the board.

§ 7.2. Proprietary school standards.

Every applicant to the Real Estate Board for a proprietary school certificate shall meet the following standards:

§ 4.5. A. Educational environment.

All schools must be in a building conducive to academic purposes, with library facilities readily accessible to students at times other than their regularly scheduled class hours. Classroom arrangement should allow for workshop-type instruction and small-group activity. A maximum of 50 students is encouraged. Facilities must meet necessary building code standards, fire safety standards, and sanitation standards.

B. Instructor qualifications.

Every applicant to the Real Estate Board for approval as an instructor shall have one of the following qualifications:

1. Baccalaureate degree in real estate, or in business

with a concentration in real estate or a closely related field; or

2. Baccalaureate degree, a real estate license, and two years of discipline-free active real estate experience within the past five years; or

3. Seven years of discipline-free active experience acquired in the real estate field in the past 10 years and an active broker's license.

C. Courses.

All real estate courses must be acceptable to the board and are required to have a monitored, final written examination.

D. All schools must establish and maintain a record for each student. The record shall include: the student's name and address; the course name and clock hours attended; and the date of successful completion. Records shall be available for inspection during normal business hours by authorized representatives of the board.

§ 7.3. Fees.

A. The application fee for original certificate for a proprietary school shall be \$100.

B. The renewal fee for proprietary school certificates expiring annually on June 30 shall be \$50.

C. The Board in its discretion may deny renewal of a certificate. Upon such denial, the certificate holder may request that a hearing be held.

§ 4.6. § 7.4. Posting school certificate of approval and license registration.

Certificate School certificates of approval and license registration, and instructor certificates must be displayed in each approved school facility in a conspicuous place readily accessible to the public.

§ 4.7. § 7.5. Withdrawal of approval.

The board may withdraw approval of any school for the following reasons:

1. The school, instructors, or courses no longer meet the standards established by the board.
2. The school solicits information from any person for the purpose of discovering past examination questions or questions which may be used in future examinations.
3. The school distributes to any person copies of examination questions, or otherwise communicates to any person examination questions, without receiving the prior written approval of the copyright owner to

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distribute or communicate those questions.

4. The school, through an agent or otherwise, advertises its services in a fraudulent, deceptive or misrepresentative manner.

5. Officials, instructors or designees of the school sit for a real estate licensing examination for any purpose other than to obtain a license as a broker or salesperson.

§ 4.8: § 7.6. Course content of real estate principles and practices.

The following shall be included in the three-semester-hour or six-quarter-hour course which shall not have less than 45 classroom hours:

1. Economy and social impact of real estate
2. Real estate market and analysis
3. Property rights
4. Contracts
5. Deeds
6. Mortgages and deeds of trust
7. Types of mortgages
8. Leases
9. Liens
10. Home ownership
11. Real property and title insurance
12. Investment
13. Taxes in real estate
14. Real estate financing
15. Brokerage and agency contract responsibilities
16. Real estate marketing
17. Real property management
18. Search, examination, and registration of title
19. Title closing
20. Appraisal of residential and income producing property
21. Planning subdivision developments and condominiums

22. Regulatory statutes

23. Housing legislation

24. Fair housing statutes

25. Virginia Real Estate Board regulations

NOTE: THE PROPOSED ADDITIONS, NUMBERS 24 AND 25, WILL ONLY BECOME EFFECTIVE UPON ENACTMENT OF APPROPRIATE LEGISLATIVE CHANGES BY THE GENERAL ASSEMBLY.

§ 4.9: § 7.7. Related subjects.

"Related subjects," as referred to in § 54-740(b) § 54.1-2105 of the Code of Virginia, shall be real estate related and shall include, but are not limited to, courses in property management, land planning and land use, business law, real estate economics, and real estate investments.

§ 4.10: § 7.8 Required specific courses.

Brokerage shall be a required specific course with three semester hours or six quarter hours constituting a complete course.

§ 4.11: § 7.9 Credit for broker-related courses.

No more than three semester hours or three quarter hours of broker-related courses shall be accepted in lieu of specific broker courses.

§ 4.12: § 7.10 Broker-related course approval procedure.

Schools intending to offer equivalent broker courses must submit to the board for approval a copy of the syllabus of the particular course and a copy of the textbook to be used with a cover letter requesting approval. In addition, the school must accompany these materials with a copy of a comparable course syllabus from an accredited university, college, or community college to establish equivalency.

All citations of the authority are pursuant to the Code of Virginia.

All previous regulations of the Real Estate Board are repealed with the exception of Section 12, Fair Housing Regulations, adopted May 22, 1980, and June 5, 1980, effective September 15, 1980; Condominium Regulations, adopted January 16, 1978, effective August 1, 1978; and Time-Share Regulations, adopted December 15, 1982, effective July 1, 1983.

CUT ALONG THIS LINE

REAL ESTATE SALESPERSON/ASSOCIATE BROKER LICENSE APPLICATION

KEEP THIS DOCUMENT UNTIL YOU RECEIVE YOUR EXAMINATION SCORE REPORT. Complete and return this application to the address below with appropriate fees and your passing score report from the licensure examination.

APPLICATION FOR REAL ESTATE LICENSE

Commonwealth of Virginia
 Department of Commerce
 P.O. Box 26792
 Richmond, VA 23261

Type of license for which applying (check one):

_____ Salesperson _____ Associate Broker

Applicant's name (PRINT): _____

Applicant's address: _____

PRINCIPAL BROKER'S STATEMENT: To be completed by the broker who employs or will employ the SALESPERSON/ ASSOCIATE BROKER applicant.

Firm name: _____

Trading-as-name: _____

Address 1—Suite: _____

Address 2—Street: _____

City: _____ State: _____ Zip Code: _____

Firm Telephone Number: _____

Firm Real Estate License Number: _____

I hereby authorize _____ to apply for a license as a real estate licensee to be supervised by me and do whatever is necessary to obtain such a license, and I hereby assume responsibility for the licensee pursuant to Regulation 1.11.

Principal broker's name (PLEASE TYPE OR PRINT) _____ Date _____

Principal broker's signature _____

For Board Use Only
 Bd. Review _____
 Rejected _____
 Lic. No. _____
 Date _____
 Code: A04

ASSOCIATE BROKER APPLICANTS: This section is to be completed by EACH previous broker for the time period the applicant was associated with that broker. If additional forms are needed, you may photocopy this page.

This is to certify that _____ has been employed by or associated with our firm and has been actively engaged (employed or associated with a broker in performing those activities defined in Virginia Code Section 54-731) as a real estate salesperson for an average of at least 20 hours per week for a period of _____ months during the past 48 months.

Firm name: _____

Principal broker's name (PLEASE TYPE OR PRINT) _____

I, the undersigned real estate broker, being sworn according to law, depose and say that the answers set forth are true to the best of my knowledge and belief.

Principal broker's signature _____

Notary: _____

State of _____ City/County _____

Sworn and subscribed to before me at _____ this _____ day of _____, 19 _____

 (Notary Public) My commission expires _____

(Seal)

TO BE COMPLETED BY ALL APPLICANTS

The above signed being duly sworn deposes and says that he/she is the person who executed application, that the statements herein contained are true, that he/she has not suppressed any information that might affect this application, that he/she has read and understands the Virginia Real Estate Board regulations and licensing law, and that he/she has read and understands this affidavit.

Signature of Applicant _____

Notary: _____
 State of _____

City/County _____

Sworn and subscribed to before me at _____ this _____ day of _____, 19 _____

SEAL _____
 Signature of Notary Public _____

My commission expires: _____

ATTACHMENT CHECKLIST

_____ Copy of examination results from ASI
 _____ Proper fees

THE VIRGINIA REAL ESTATE BOARD
 P. O. Box 11066
 Richmond, Virginia 23230-1066
 (804) 257-8526 or Toll Free 1-800-552-3016 (Virginia Only)

REAL ESTATE SALESPERSON APPLICATION INSTRUCTIONS

GENERAL INSTRUCTIONS

1. PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION.
2. Print in black ink or type.
3. All application and renewal fees are non-refundable. However, if you are ineligible for licensure, your payment to the Virginia Real Estate Transaction Recovery Fund will be refunded.
4. Acceptance by the Virginia Real Estate Board of an application fee does not indicate approval of your application nor connote eligibility for licensure. The applicant cannot do any of those acts associated with Section 54-731, Code of Virginia, until the principal broker receives and posts the license.
5. Please allow at least three weeks for processing. If a criminal offense is involved, processing may take eight weeks or longer.
6. All applicable items must be properly completed or attached or the application will be returned and processing will be delayed. This application and related papers will be held four weeks awaiting your educational transcripts. If transcripts are not received, all papers will be returned.
7. Nonresident notaries must use seal.
8. Please keep instructions for future reference, along with a copy of your application and related papers.
9. MAIL COMPLETED FORMS TO: COMMONWEALTH OF VIRGINIA, DEPARTMENT OF COMMERCE, P. O. BOX 11066, RICHMOND, VIRGINIA 23230-1066

INCLUDE THE FOLLOWING TO COMPLETE YOUR APPLICATION:

1. a check payable to "Treasurer of Virginia"; \$50 for licensure by examination; \$75 for licensure by reciprocity. This includes the non-refundable application fee plus \$20 assessment fee for the Virginia Real Estate Transaction Recovery Fund;
2. a "Consent to Suits and Service of Process" form if your residence is not in Virginia must be notarized, with seal;

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3. a copy of licensing examination pass notice from the Virginia Testing Service (for applicants by examination only);
4. a certification of licensure from each state in which you now hold or have ever held a real estate license must be dated no more than 30 days prior to submission of this application. This is not a copy of your license. This is an official history of licensure prepared by the licensing agency. (For reciprocity: The certification of licensure from the jurisdiction of original licensure must indicate that that license was issued by virtue of passing a written examination. This must be substantially equivalent to the Virginia examination);
5. Please request an original transcript with seal from the educational institution where "Principles of Real Estate" was taken. Please send fee to your college to have transcript sent directly to the Virginia Real Estate Board, 3600 West Broad Street, Richmond, Virginia 23230 or provide certificate from distributive education or proprietary school which must be an original or copy certified as a true copy by a notary public. (For reciprocity, a 45-hour classroom pre-licensing course equivalent to the Virginia course is required. See regulation 4.8 for course content.)

NOTE:
APPLICANTS FOR RECIPROCIITY MUST SUBMIT INFORMATION FOR EITHER ITEM 5 OR 6 (SEE REGULATION 2.3-A.5)

6. For reciprocity: submit affidavit(s) from principal broker(s) (or, if unavailable, two affidavits from individuals in each prior jurisdiction) certifying active engagement in real estate, as defined in Section 54-731, Code of Virginia, for 12 of the 36 months immediately preceding application. If statements are not on letterhead, name and address (either home or business) of affiant must be given. Signatures on these documents must be notarized and sealed by a notary public.

APPLICATION FORM INSTRUCTIONS

1. Check the appropriate space to indicate whether you are applying for licensure by examination in this state or by reciprocity from another state where you are currently licensed in real estate and provide the name of the firm with which you wish to be associated and the firm's real estate brokerage license number. NOTE: If no active license is hereby requested, put "not applicable" in space for firm information.
2. Disclosure of your Social Security Number is helpful to ensure identification and to aid processing of your application.
3. Complete your full legal name (do not use initials), generation (Jr., Sr., III, etc.), and title.
4. List other names you have used (include various spellings, maiden name, etc.).

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5. Complete your current residential address; a street address must be provided unless you have a rural route and box number. The Post Office will deliver your renewal application to address listed in Address 2 line if both a street and a P. O. Box number are given. If residence is outside Virginia, A "Consent to Suits and Service of Process" form must be completed and attached.
6. Provide complete residential addresses for previous five years.
7. Telephone numbers for residence and daytime are requested.
8. Provide date of birth; applicant must be at least 18 years of age.
9. Provide place of birth.
10. Provide name of school where "Principles of Real Estate" course was completed.
11. Provide name of your school instructor for "Principles of Real Estate" if course was completed in a Virginia proprietary school.
12. If you checked "yes" on item 12, you must submit with this application an original FBI record, an original state police criminal history record, and certified true copies of court papers for all pertinent convictions which provide information on original indictment and final conviction charges (jail term, monetary fine, probation terms, counseling, etc.) Also provide a written account of the part you played at time offense occurred and current status on resolution of final conviction charges relating to jail term, payment of fine, restitution, probation, etc.

To receive an original FBI record, obtain and complete a fingerprint card from your local police department. Attach a certified check for \$14 (fee as of 7/15/87) to "U.S. Department of Treasury" with a request for a copy of applicant's ID record from the FBI. Send to FBI, Identification Division, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20537-9700. Attn: Recording Section, FOIA.

To receive an original state police criminal history record, request and complete a criminal history record form from your state police department. Residents of Virginia should complete the Virginia State Police form in the presence of a notary public and mail to the Department of State Police, Central Criminal Records Exchange, PO Box 27472, Midlothian, VA 23261-7472.

When you receive the criminal history record, you must request certified copies of court documents for all pertinent convictions, i.e., all felony convictions and misdemeanors involving moral turpitude. To obtain copies of all pertinent court papers, write to the Clerk of the Court in that jurisdiction. Copies must be certified true copies with seal and provide information on original indictment and final conviction charges (jail term, monetary fine, probation terms, counseling, etc.).

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13. If "yes" was checked, provide a brief explanation and a certified true copy of the court documents or conciliation agreement.
14. Indicate date(s) and license number(s) if you have ever been issued a salesperson and/or broker license in Virginia.
15. List other jurisdictions in which you have ever had or now have licensure. You must provide certification of licensure for each.
16. If "yes" was checked, provide certified true copies from that jurisdiction that outline details of suspension, revocation, or disciplinary action.
17. Check "yes" for Item 17 if you are applying for licensure but will not be actively engaged in real estate nor associated with a broker as defined in Section 54-731, Code of Virginia. You will receive acknowledgement of your licensing status, but no license will be issued to a broker. If you checked "yes," do not complete item 18.
18. If you desire your license to be issued to a real estate firm or sole proprietorship at this time, the principal broker of the firm or sole proprietor must complete this item in the presence of a notary public.
19. All applicants must complete item 19 in the presence of a notary public.

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VIRGINIA REAL ESTATE BOARD
P.O. BOX 11066
Richmond, Virginia 23230-1066
(804) 257-8526 or Toll Free 1-800-552-3016 (Virginia Only)

REAL ESTATE SALESPERSON APPLICATION

PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION

- I hereby make application by _____ examination (fee \$50)/
_____ reciprocity (fee \$75) for a real estate salesperson license to
be issued to the firm _____.
The real estate license number of the firm is _____.
- Applicant's Social Security No.: _____
- Applicant's Name:
Last Name Only _____ Generation _____
First Name Only _____
Middle Name Only _____
Title: Mr. _____ Ms. _____ Mrs. _____ Miss _____
- Other names which you have used: _____
- Applicant's Legal Residence:
Address 1-- Apt. No. _____
Address 2-- Street _____
City _____
State and Zip Code _____
- Previous Residential Addresses:

- Telephone Numbers: Residence (_____) _____
Day (_____) _____
- Date of Birth: _____
- Place of Birth: City _____ State _____

Enf. Req. _____
Bd. Rev. _____
Rejected _____

Lic. No. _____
Date _____
Code _____

- Name of school where Principles of Real Estate course was completed: _____
- Name of instructor: _____
- Have you ever pleaded guilty or entered a plea of nolo contendere, or been convicted in any jurisdiction of a misdemeanor involving moral turpitude or any felony? If yes, provide information as outlined in instructions. YES ___ NO ___
- Have you been found to have violated the fair housing laws in any jurisdiction? If yes, provide information as outlined in instructions. YES ___ NO ___
- Have you ever been issued a real estate license in Virginia as a salesperson/broker? If yes, give date(s) and license number(s): YES ___ NO ___
- Have you ever been issued a real estate license in any other jurisdiction? Name of jurisdiction(s): YES ___ NO ___
- Have you had a real estate license which was suspended, revoked, or the subject of discipline in any other jurisdiction within the past five years? YES ___ NO ___
- Do you want to become licensed as a salesperson although you will not be actively engaged in real estate nor associated with a firm or sole proprietorship? YES ___ NO ___
- PRINCIPAL BROKER MUST COMPLETE IN THE PRESENCE OF A NOTARY PUBLIC IF A LICENSE IS TO BE ISSUED AT THIS TIME FOR ACTIVE ASSOCIATION WITH THE FIRM OR SOLE PROPRIETORSHIP:

I, _____, the undersigned, a
{Principal Broker's Name, Printed or Typed}
licensed real estate broker in the Commonwealth of Virginia, being duly sworn, depose and say that the statements made and the answers to questions set forth below are true to the best of my knowledge.

I hereby authorize _____ to apply for a license as a real estate licensee to be supervised by me and do whatever is necessary to obtain such a license, and I hereby assume responsibility for the licensee pursuant to Regulation 3.11.

In my opinion the applicant has a good reputation for honesty, truthfulness, and fair dealing, and is competent to transact the business of a real estate salesperson in such a manner as to safeguard the interests of the public.

This license is to be issued to the applicant at the firm or sole proprietorship listed below:

Firm Name: _____
Trading-As-Name: _____
Firm Address: _____
Address 1--Suite _____
Address 2--Street _____
City _____
State and Zip Code _____
Firm Telephone No. _____
Firm Real Estate License No.: _____

Typewritten Name and Signature of Principal Broker

Notary:

State of _____, City/County _____
Sworn and subscribed to before me at _____ this
_____ day of _____, 19 ____.

(Notary Public) My commission expires _____.

(Seal)

19. ALL APPLICANTS MUST COMPLETE THIS SECTION IN THE PRESENCE OF A NOTARY PUBLIC:

The undersigned being duly sworn, deposes and says that he is the person who executed application, that the statements herein contained are true, that he has not suppressed any information that might affect this application, that he has read and understands the Virginia Real Estate Board regulations and license law, and that he has read and understands this affidavit.

Signature of Applicant

Notary:

City/County _____ State of _____
Sworn and subscribed to before me at _____ this
_____ day of _____, 19 ____.

(Notary Public) My Commission expires _____.

(Seal)

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VIRGINIA REAL ESTATE BOARD
 P.O. Box 11066
 Richmond, Virginia 23230-1066
 (804) 257-8526 or Toll Free 1-800-552-3016 (Virginia Only)

REAL ESTATE BROKER APPLICATION INSTRUCTIONS

GENERAL INSTRUCTIONS:

1. PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION.
2. Print in black ink or type.
3. All application and renewal fees are non-refundable. However, if you are ineligible for licensure by reciprocity, your payment to the Virginia Real Estate Transaction Recovery Fund will be refunded.
4. Acceptance by the Virginia Real Estate Board of an application fee does not indicate approval of your application nor connote eligibility for licensure. The applicant cannot do any of those acts associated with Section 54-730, Code of Virginia, until the principal broker receives and posts the license.
5. Allow up to three weeks for processing the application. Where there is a conviction, processing may take eight weeks or longer.
6. All applicable items must be properly completed or attached or application will be returned and processing will be delayed. This application and related papers will be held four weeks awaiting your educational transcripts. If transcripts are not received, all papers will be returned.
7. This application relates to original broker licensure only. If you are already a licensed Virginia broker with a firm and wish another license to associate with another firm, request a Real Estate Concurrent Broker Application (see regulation 1.7).
8. Non-resident notaries must use seal.
9. It is mandatory that all persons applying for a broker license submit affidavits signed by their broker(s) verifying that they have been actively engaged as a real estate salesperson for a period of 36 of the 48 months immediately preceding application. "Actively engaged" means employment by, or association with, a broker in performing those activities defined in Virginia Code Section 54-731 for an average of at least twenty (20) hours per week.
10. Please note that the principal broker must sign, date and return to the Board by certified mail your Virginia salesperson license before your original broker license can be issued.
11. Please keep instructions for future reference, along with a copy of your application and related papers.
12. MAIL COMPLETED FORMS TO: COMMONWEALTH OF VIRGINIA, DEPARTMENT OF COMMERCE, P. O. BOX 11066, RICHMOND, VIRGINIA 23230-1066, ATTENTION: CC 490.

APPLICATION FORM INSTRUCTIONS:

1. Check the appropriate space to indicate whether you are applying for licensure by examination in Virginia or by reciprocity from another jurisdiction and whether you are applying as a principal broker, associate broker, or sole proprietor of a firm. There can be only one principal broker in a firm; all others must be associate brokers.
2. Disclosure of your Social Security number is helpful to ensure identification and to aid processing of your application.
3. Complete your full legal name (do not use initials), generation (Jr., Sr., III), and title.
4. List other names which you have used (include various spellings, maiden name, etc.).
5. Complete your current residential address; a street address must be provided unless you have a rural route and box number. The Post Office will deliver your renewal application to address listed in Address 2 line if both a street and a P. O. Box number are given. Your zip code must correspond to the address listed in Address 2. If residence is outside Virginia, a "Consent to Suits and Service of Process" form must be completed and attached.
6. Telephone numbers: residence and daytime telephone numbers.
7. Provide date of birth; applicant must be at least 18 years of age.
8. Provide place of birth.
9. If you checked "yes" on item 9, you must submit with this application an original FBI record, an original state police criminal history record, and certified true copies of court papers for all pertinent convictions which provide information on original indictment and final conviction charges (jail term, monetary fine, probation terms, counseling, etc.) Provide a written account of the part you played at time offense occurred and current status on resolution of final conviction charges relating to jail term, payment of fine, restitution, probation, etc.

To receive an original FBI record, obtain and complete a fingerprint card from your local police department. Attach a certified check for \$14 to "U.S. Department of Treasury" with a request for a copy of applicant's ID record from the FBI. Send to FBI, Identification Division, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20537-9700. Attn: Recording Section, FOIA.

To receive an original state police criminal history record, request and complete a criminal history record form from your state police department. (Residents of Virginia should complete the Virginia State Police form in the presence of a notary public and mail to the Department of State Police, Central Criminal Records Exchange, PO Box 27472, Midlothian, VA 23261-7472.) When you receive the criminal history record, you must request certified copies of court documents for all pertinent convictions.

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To obtain certified true copies of all pertinent court papers, i.e., all felony convictions and misdemeanors involving moral turpitude, write to the Clerk of the Court in that jurisdiction. Copies must be certified true copies with seal and provide information on original indictment and final conviction charges (jail term, monetary fine, probation terms, counseling, etc.).

10. If "yes," please provide a brief explanation and a certified true copy of the court documents or conciliation agreement.
11. Indicate date(s) and license number(s) if you have been issued a salesperson and/or broker license in Virginia.
12. List other jurisdictions in which you have ever had or now have licensure. You must submit a certification of licensure for each jurisdiction. (See specific instructions for certifications.)
13. If "yes" was checked, provide certified true copies from that jurisdiction that outline details of suspension, revocation, or disciplinary action.
14. Check "yes" for Item 14 if you are applying for licensure but will not be actively engaged in real estate nor associated with a broker as defined in Sec. 54-730, Code of Virginia. If you checked "yes," do not complete items 15 or 16. You will receive acknowledgement of your licensing status, but no license will be issued.
15. If you desire your license as an active associate broker to be issued to a real estate firm or sole proprietorship at this time, the principal broker of the firm or the sole proprietor must complete this item in the presence of a notary public. Any real estate broker affixing his signature to this certification and knowing such certification to be false, will be liable for disciplinary action by the Virginia Real Estate Board.
16. If you wish to become actively licensed as a sole proprietor trading under an assumed or fictitious name, i.e., a name other than the individual's full name, a Statement of Principal Broker must be completed and attested by the Clerk of the Court in the city or county in which the business is located and a Certificate of Ownership must be completed in the presence of a notary public. (If sole proprietor trading under his full name, applicant must complete item 17 instead of 16.)
17. If applicant will be a sole proprietor trading under his full name, not an assumed or fictitious name, provide information for sole proprietorship.
18. If applicant will be principal broker, provide information for firm. If firm is not yet licensed as a brokerage firm, complete and submit a Real Estate Business Application.

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19. All applicants must have the principal broker of the firm or the sole proprietor complete this certification in the presence of a notary public.

If this certification does not cover 36 of the previous 48 months, have your previous brokers submit affidavits with notarized signatures until your certifications cover 36 of the 48 months preceding submission of application.

If your previous brokers are unwilling to supply this information, submit affidavits signed by at least two duly licensed real estate brokers certifying that you "have been actively engaged (employed by, or associated with a broker in performing those activities defined in Virginia Code Section 54-731) for an average of at least 20 hours per week for 36 of the 48 months preceding submission of application.

20. All applicants must complete item 20 in the presence of a notary public.

LICENSURE BY EXAMINATION:

Include the following to complete your application:

1. A copy of pass notice from the Virginia testing service;
2. A check in the amount of \$50 made payable to the "Treasurer of Virginia" which is the non-refundable application fee;
3. A certification of licensure from each jurisdiction in which you now hold or have ever held a real estate license dated no more than 30 days prior to submission of this application. This is not a copy of your license. This is an official history of licensure prepared by the licensing agency;
4. A "Consent to Suits and Service of Process" form if your residence is not in Virginia must be notarized, with seal;
5. Please request original transcript(s) with seal from the educational institution(s) where broker educational courses were taken. Please send fee to your college to have transcript(s) sent directly to the Virginia Real Estate Board, 3600 West Broad Street, Richmond, Virginia 23230. Certificates from distributive education classes or proprietary schools must be originals or copies certified as true copies by a notary public. If transcripts are not received within four weeks, this application and all related papers will be returned.
6. Please note that your principal broker must sign, date, and return to the Board by certified mail your Virginia salesperson license before your broker license can be issued.

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LICENSURE BY RECIPROCITY:

Include the following to complete your application:

1. A check in the amount of \$95 made payable to "Treasurer of Virginia." This includes the non-refundable \$75 application fee plus \$20 assessment fee for the Virginia Real Estate Transaction Recovery Fund;
2. A certification of licensure from each jurisdiction in which you now hold or have ever held a real estate license must be dated no more than 30 days prior to submission of application. This is not a copy of your license. It is an official history of licensure prepared by the licensing agency. The certification of licensure from the jurisdiction of original licensure must indicate that the license was issued by virtue of passing a written examination. This examination must be substantially equivalent to the Virginia examination;
3. A "Consent to Suits and Service of Process" form if your residence is not in Virginia must be notarized, with seal;
4. The applicant must submit at least two affidavits from individuals in each prior jurisdiction certifying that the broker applicant has been actively engaged an average of 20 hours per week or more in the brokerage business for 36 of the 48 months immediately prior to applying for the Virginia license. If statements are not on letterhead, name and address (either home or business) of affiant must be given. Signatures on these documents must be notarized and sealed by a notary public;
5. Original transcript(s) with seal from the educational institution(s) where broker educational courses were taken must be requested that indicate completion of 12 semester hours of educational courses that are substantially equivalent to those required in Virginia. (See enclosed broker educational requirements document.) Please send fee to your college(s) to have transcript(s) sent directly to the Virginia Real Estate Board, 3600 West Broad Street, Richmond, Virginia 23230. Certificates from distributive education classes or proprietary schools must be originals or copies certified as true copies by a notary public. If transcripts are not received within four weeks, this application and all related papers will be returned to you.

VIRGINIA REAL ESTATE BOARD
 P.O. Box 11066
 Richmond, Virginia 23230-1066
 (804) 257-8526 or Toll Free 1-800-552-3016 (Virginia Only)

REAL ESTATE BROKER APPLICATION

PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION

1. I hereby make application by _____ examination (fee \$50)/
 _____ reciprocity (fee \$95) for a real estate broker license as
 _____ Principal Broker/ _____ Associate Broker/ _____ Sole Proprietor with
 the firm _____ The firm
 license number is _____.
2. Applicant's Social Security No.: _____
3. Applicant's Name:
 Last Name Only _____ Generation _____
 First Name Only _____
 Middle Name Only _____
 Title _____ Mr. _____ Ms. _____ Mrs. _____ Miss _____
4. Other names which you have used: _____
5. Applicant's Legal Residence:
 Address 1-- Apt No. _____
 Address 2-- Street _____
 City, State and Zip Code _____
6. Telephone Numbers: Residence () _____
 Daytime () _____
7. Date of Birth: _____
8. Place of Birth: City _____ State _____
9. Have you ever entered a plea of nolo contendere _____ YES _____ NO
 or been convicted in any jurisdiction of any felony
 or of a misdemeanor involving moral turpitude? If yes,
 please attach all information listed in item 9 of the
 Application Form Instructions.
10. Have you ever been found to have violated the fair _____ YES _____ NO
 housing laws of any jurisdiction? If yes, please
 provide information listed in item 10 of the Application
 Form Instructions.

Enf Req. _____
 Bd. Rev. _____
 Rejected _____
 Lic. No. _____
 Date _____
 Code _____

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11. Have you ever been issued a real estate license in _____ YES _____ NO
 Virginia as a _____ salesperson/ _____ broker?
 If yes, give date(s) and license number(s): _____
12. Have you ever been issued a real estate license in _____ YES _____ NO
 any other jurisdiction? Name of jurisdiction(s): _____
13. Have you had a real estate license which was _____ YES _____ NO
 suspended, revoked, or the subject of discipline
 in any other jurisdiction within the past five years? _____
14. Do you want to become licensed as an associate _____ YES _____ NO
 broker although you will not be actively engaged
 in real estate nor associated with a firm or
 sole proprietorship? _____
15. TO BE COMPLETED BY FIRM'S PRINCIPAL BROKER ONLY IF A LICENSE AS AN
 ACTIVE ASSOCIATE BROKER IS TO BE ISSUED AT THIS TIME:

I, _____, the undersigned, a
 licensed real estate broker in the Commonwealth of Virginia and
 principal broker of the firm, _____,
 being duly sworn, depose and say that the statements made and the
 answers to questions set forth below are true to the best of my
 knowledge.

I hereby authorize _____ to apply for a
 license as a real estate licensee to be supervised by me and do
 whatever is necessary to obtain such a license, and I hereby assume
 responsibility for the licensee pursuant to Regulation 3.11.

In my opinion, the applicant has a good reputation for honesty,
 truthfulness, and fair dealing, and is competent to transact the
 business of a real estate broker in such a manner as to safeguard the
 interests of the public.

Firm License No.: _____

Signature of Principal Broker: _____

Notary:

State of _____, City/County _____
 Sworn and subscribed to before me at _____ this
 day of _____, 19 _____.

My commission expires _____.

(Notary Public)

(Seal)

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16. PLEASE COMPLETE ONLY IF A LICENSE AS AN ACTIVE SOLE PROPRIETOR TRADING UNDER AN ASSUMED OR FICTITIOUS NAME IS TO BE ISSUED AT THIS TIME:

Firm Trading-As-Name: _____
Firm Address: _____
Address 1--Suite _____
Address 2--Street _____
City, State and Zip Code _____
Firm Telephone No. _____

STATEMENT OF PRINCIPAL BROKER: I hereby certify that, pursuant to Regulation 1.5 of the Virginia Real Estate Board, I am the individual principal broker of the above described real estate brokerage firm, I have complied with the provisions of Section 59.1-69 et seq., Code of Virginia, and have filed this certificate with the Clerk of the Court in the city or county in which my place of business is located.

Typewritten Name and Signature of Principal Broker

Attest: _____

Clerk of Court

Date _____

CERTIFICATE OF OWNERSHIP: I hereby certify that I am the sole owner of the above described real estate brokerage firm. I am/ am not a real estate licensee in Virginia and am licensed as a(n) _____ salesperson/ _____ associate broker/ _____ principal broker.

Typewritten Name of Owner Signature of Owner

Residential Address of Owner

Social Security No. Day Telephone No.

Notary:

State of _____, City/County _____
Sworn and subscribed to before me at _____ this
day of _____, 19 ____.

(Notary Public) My commission expires _____

(Seal)

(3)

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17. PLEASE COMPLETE ONLY IF A LICENSE AS AN ACTIVE SOLE PROPRIETOR TRADING UNDER HIS FULL NAME (NOT AN ASSUMED OR FICTITIOUS NAME) IS TO BE ISSUED AT THIS TIME:

Full Name of Sole Proprietor: _____
Business Address: _____
Address 1--Suite _____
Address 2--Street _____
City, State and Zip Code _____
Business Telephone: _____

18. PLEASE COMPLETE ONLY IF A LICENSE AS AN ACTIVE PRINCIPAL BROKER IS TO BE ISSUED AT THIS TIME:

Firm Name: _____
Firm Trading-As-Name: _____
Firm Address: _____
Address 1--Suite _____
Address 2--Street _____
City, State and Zip Code _____
Firm Telephone No. _____
Firm Real Estate License No. _____

19. PRINCIPAL BROKER MUST COMPLETE THIS CERTIFICATION FOR ALL APPLICANTS BY EDUCATION AND EXAMINATION:

I, the undersigned real estate broker, being sworn according to law, depose and say that the answers set forth are true to the best of my knowledge and belief, and that the information is given for the purpose of recommending to the Virginia Real Estate Board that the applicant be permitted to receive the real estate broker license in accordance with its regulations.

This is to certify that _____ has been employed by or associated with our firm, _____ and has been actively engaged (employed by or associated with a broker in performing those activities defined in Virginia Code Section 54-731) as a real estate salesperson for an average of at least 20 hours per week for a period of _____ months during the past 48 months.

Typewritten Name and Signature of Principal Broker

Notary:

State of _____, City/County _____
Sworn and subscribed to before me at _____ this
day of _____, 19 ____.

(Notary Public) My commission expires _____

(Seal)

(4)

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20. ALL APPLICANTS MUST COMPLETE THIS SECTION IN THE PRESENCE OF A NOTARY PUBLIC:

The undersigned being duly sworn, deposes and says that he is the person who executed application, that the statements herein contained are true, that he has not suppressed any information that might affect this application, that he has read and understands the Virginia Real Estate Board regulations and licensing law, and that he has read and understands this affidavit.

Signature of Applicant

Notary:

State of _____, City/County _____
Sworn and subscribed to before me at _____ this
day of _____, 19____.

(Notary Public) My commission expires _____.

(Seal)

ENCLOSURES:

BY EXAMINATION

- Pass Notice
- Check (\$50)
- Certification(s) of Licensure, if applicable
- "Consent to Suits and Service of Process" form for nonresidents
- Real Estate Business Application, if applicable
- Additional broker affidavits, if applicable

BY RECIPROCITY

- Check (\$95)
- Certification(s) of Licensure, if applicable
- "Consent to Suits and Service of Process" form for nonresidents
- Real Estate Business Application, if applicable
- Additional broker affidavits, if applicable

NOTE: Request original transcript(s) from educational institution(s).

NOTE: Principal broker must sign, date and return to the Board by certified mail your Virginia salesperson license before your broker license can be issued.

VIRGINIA REAL ESTATE BOARD
 P.O. Box 11066
 Richmond, Virginia 23230-1066
 (804) 257-8526 or Toll Free 1-800-552-3016 (Virginia Only)

REAL ESTATE CONCURRENT BROKER APPLICATION INSTRUCTIONS

GENERAL INSTRUCTIONS

1. PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION:
2. Print in black ink or type.
3. All application and renewal fees are non-refundable.
4. Each non-refundable concurrent license application fee is \$50; make check payable to the "Treasurer of Virginia." No additional payment is required for the Virginia Real Estate Transaction Recovery Fund.
5. All applicable items must be properly completed or attached or application will be returned and processing will be delayed.
6. Indicate firm name with which you wish to be associated and check the appropriate block to indicate whether you are applying for licensure as a principal broker, associate broker, or sole proprietor of a firm. (See regulations for description of terms.)
7. Nonresident notaries must use seal.
8. Please keep these instructions and a copy of your application for future reference.
9. MAIL COMPLETED FORMS AND FEE TO: COMMONWEALTH OF VIRGINIA, DEPARTMENT OF COMMERCE, P. O. BOX 11066, RICHMOND, VIRGINIA 23230-1066, ATTENTION: CC 490.

APPLICATION FORM INSTRUCTIONS

1. Indicate whether you want a license as a principal broker, associate broker, or sole proprietor and give the name of the firm with which you are to be associated.

 A firm may only have one principal broker. If the firm already has and will retain a principal broker, you must request an associate broker license.

 If you are to become the principal broker for an existing licensed firm, you must also submit a C-3 form requesting a change of principal broker.

 If you are to become the principal broker for a new firm, submit a Real Estate Business Application for a brokerage firm license.
2. Disclosure of your Social Security Number is helpful to ensure identification and to aid processing of your application.

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3. Complete your full legal name (do not use initials), generation (Jr., Sr., III), and title.
4. List other names which you have used (include various spellings, maiden name, etc).
5. Complete your current residential address; a street address is mandatory. The Post Office will deliver your renewal application to address listed in Address 2 line if both a street and a P. O. Box number are given. Your zip code must be appropriate for information in Address 2 line. If residence is outside Virginia, a "Consent to Suits and Service of Process" form must be completed and attached.
6. Telephone numbers: residence and daytime telephone numbers.
7. Provide all firm or sole proprietorship data.
8. List all your present Virginia broker license numbers, note the corresponding firm name, and indicate "A" if the license is for an associate broker or "P" if for a principal broker.
9. If you checked "yes" on item 9, you must submit with this application an original FBI record, an original state police criminal history record, and certified true copies of court papers for all pertinent convictions which provide information on original indictment and final conviction charges (jail term, monetary fine, probation terms, counseling, etc.) Provide a written account of the part you played at time offense occurred and current status on resolution of final conviction charges relating to jail term, payment of fine, restitution, probation, etc.

To receive an original FBI record, obtain and complete a fingerprint card from your local police department. Attach a certified check for \$14 (fee as of 7/15/87) to "U.S. Department of Treasury" with a request for a copy of applicant's ID record from the FBI and send to FBI, Identification Division, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20537-9700. Attn: Recording Section, FOIA.

To receive an original state police criminal history record, request and complete a criminal history record form from your state police department. (Residents of Virginia should complete the Virginia State Police form in the presence of a notary public and mail to the Department of State Police, Central Criminal Records Exchange, PO Box 27472, Midlothian, VA 23261-7472)

When you receive the criminal history record, you must request certified copies of court documents for all pertinent convictions, i.e., all felony convictions and misdemeanors involving moral turpitude. To obtain certified true copies of all pertinent court papers, write to the Clerk of the Court in that jurisdiction. Get address from your local police department. Copies must be certified true copies with seal and provide information on original indictment and final conviction charges (jail term, monetary fine, probation terms, counseling, etc.).

(2)

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10. If "yes," please provide a brief explanation and a certified true copy of the court documents or conciliation agreement.
11. If you wish to become actively licensed as a sole proprietor trading under an assumed or fictitious name, i.e., a name other than the individual's full name, a Statement of Principal Broker must be completed and attested by the Clerk of the Court in the city or county in which the business is located and a Certificate of Ownership must be completed in the presence of a notary public. There can be only one principal broker in a firm; all other brokers must be associate brokers.
12. If applicant wishes a concurrent real estate license as an associate broker, the principal broker is to complete this section in the presence of a notary public. Attach affidavits from each principal broker with whose firm you will be associated that written notice of your concurrent licensure status has been provided to the principal broker.
13. All applicants must complete this section in the presence of a notary public. Submit a certified true copy of each written affidavit from the principal broker of each firm stating that written notice of concurrent licensure status has been provided to that principal broker.

VIRGINIA REAL ESTATE BOARD
P.O. Box 11066
Richmond, Virginia 23230-1066
(804) 257-8526 or Toll Free 1-800-552-3016 (Virginia Only)

REAL ESTATE CONCURRENT BROKER APPLICATION

PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION

- I hereby make application and enclose a \$50 fee for a concurrent broker license as a(n) Principal Broker/ Associate Broker/ Sole Proprietor with the firm _____.
- Applicant's Social Security Number: _____
- Applicant's Name: _____ Generation _____
Last Name Only _____
First Name Only _____
Middle Name Only _____
Title Mr. Ms. Mrs. Miss
- Other names which you have used: _____
- Applicant's Legal Residence:
Address 1-- Apt No. _____
Address 2-- Street _____
City, State and Zip Code _____
- Telephone Numbers: Residence () _____
Day () _____
- Firm Name: _____
Firm or Sole Proprietorship Address:
Address 1--Suite _____
Address 2--Street _____
City, State and Zip Code _____
Firm Telephone No. _____
- List all present Virginia broker license numbers, the corresponding firm name, and indicate whether an associate broker (A) or principal broker (P) license is with that firm:

License Number	Firm	Associate/Principal Broker

Enf. Req. _____ Lic. No. _____
Bd. Rev. _____ Date _____
Rejected _____ Code _____

9. Regulation 3.5.44 requires a licensee to inform the Board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude. Does this require your compliance? If yes, please submit with this application the required documents as listed in item 9 of the Application Form Instructions. YES NO

10. Have you ever been found to have violated the fair housing laws of any jurisdiction? If yes, please provide information listed in item 10 of the Application Form Instructions. YES NO

11. PLEASE COMPLETE IF A LICENSE AS AN ACTIVE SOLE PROPRIETOR TRADING UNDER AN ASSUMED OR FICTITIOUS NAME IS TO BE ISSUED AT THIS TIME:

STATEMENT OF PRINCIPAL BROKER: I hereby certify that, pursuant to Regulation 1.5 of the Virginia Real Estate Board, I am the individual principal broker of the above described real estate brokerage firm, I have complied with the provisions of Section 59.1-69 et seq., Code of Virginia, and have filed this certificate with the Clerk of the Court in the city or county in which my place of business is located.

Typewritten Name and Signature of Principal Broker _____
Attest: _____
Clerk of Court _____
Date _____

CERTIFICATE OF OWNERSHIP: I hereby certify that I am the sole owner of the above described real estate brokerage firm. I am/ am not a real estate licensee in Virginia and am licensed as a(n) salesperson/ associate broker/ principal broker.

Typewritten Name of Owner _____ Signature of Owner _____
Residential Address of Owner _____
Social Security No. _____ Day Telephone No. _____

Notary:
State of _____, City/County _____
Sworn and subscribed to before me at _____ this day of _____, 19 ____.

(Notary Public)
(Seal) My commission expires _____

12. PRINCIPAL BROKER MUST COMPLETE ONLY IF A CONCURRENT ASSOCIATE BROKER LICENSE IS TO BE ISSUED TO APPLICANT:

As a licensed real estate broker in the Commonwealth of Virginia and principal broker of the firm, _____, I, _____, being duly sworn, depose and say that the statements set forth below are true to the best of my knowledge.

I hereby authorize _____ to apply for a concurrent broker license to be supervised by me and I hereby assume responsibility for the licensee pursuant to regulation 3.11.

The applicant has submitted to me a certified true copy of each written affidavit from the principal broker of each firm stating that written notice of the applicant's concurrent licensure status has been provided to that principal broker.

(Signature of Principal Broker) (Broker's License Number)

Notary:

City/County _____ State of _____ Sworn and subscribed to before me at _____ this day of _____, 19 ____.

My Commission expires _____. (Notary Public) (Seal)

13. ALL APPLICANTS MUST COMPLETE THIS SECTION IN THE PRESENCE OF A NOTARY PUBLIC:

The undersigned being duly sworn, deposes and says that he is the person who executed application, that the statements herein contained are true, that he has not suppressed any information that might affect this application, that he hereby submits a certified true copy of each written affidavit from the principal broker of each firm stating that written notice of concurrent licensure status has been provided to that principal broker, that he has read and understands the Virginia Real Estate Board regulations and license law, and that he has read and understands this affidavit.

Signature of Applicant

Notary:

State of _____, City/County _____ Sworn and subscribed to before me at _____ this day of _____, 19 ____.

My commission expires _____. (Notary Public) (Seal)

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THE VIRGINIA REAL ESTATE BOARD
 3600 West Broad Street
 Richmond, Virginia 23230
 (804) 257-8526 or Toll Free 1-800-552-3016 (Virginia only)

REAL ESTATE TRANSFER APPLICATION

GENERAL INSTRUCTIONS

1. PLEASE READ THESE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION.
2. Print in black ink or type.
3. All applicable items must be properly completed or the application will be returned for completion and resubmittal, thus delaying processing.
4. Include with your application a "CONSENT TO SUITS AND SERVICE OF PROCESS" form if your residence is not in Virginia. It must be notarized, with seal.
5. Nonresident notaries must use seal.
6. Please keep these instructions and a copy of your application for future reference.
7. MAIL COMPLETED FORMS TO: DEPARTMENT OF COMMERCE, VIRGINIA REAL ESTATE BOARD, 3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230

APPLICATION FORM INSTRUCTIONS

1. Indicate the type of license which you presently have and the type of license you are requesting. A firm may have only one principal broker. All other brokers must be associate brokers.

 If you will become the principal broker of an existing firm, complete and attach a C-3 application.

 If you will become a sole proprietor trading under an assumed or fictitious name, a name other than the individual's full name, complete and attach a C-2 Application.

 If you will become a sole proprietor trading under your full name, no other application is necessary.

 If you will be associated with a new firm, partnership, or association for which licensure is required, a Real Estate Business Application must be completed and submitted.
2. Disclosure of your Social Security Number is helpful to ensure identification and will aid in processing your application.
3. Complete your full legal name (do not use initials), generation (Jr., Sr., III, etc.).

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4. List other names you have used, i.e., various spellings, maiden name, previous married name, etc.
5. Complete your current residential address; a street address is mandatory unless you provide a rural route and box number. The Post Office will deliver your renewal application to address listed in Address 2 line and a P. O. Box number may be given for this purpose. Your zip code must correspond to the mailing address listed in Address 2.
6. Provide residential and current office or daytime telephone numbers.
7. Provide information on firm with which you are presently associated.
8. Provide information on firm with which you are requesting association. Indicate the firm's legal or registered name and the trading-as-name (the name in which the firm transacts business).
9. If you checked "yes" on Item 9, you must submit with this application an original FBI record, an original state police criminal history record, and certified true copies of court papers for all pertinent convictions which provide information on original indictment and final conviction charges (jail term, monetary fine, probation terms, counseling, etc.) Provide a written account of the part you played at time offense occurred and current status on resolution of final conviction charges relating to jail term, payment of fine, restitution, probation, etc.

To receive an FBI record, obtain and complete a fingerprint card from your local police department. Attach a certified check for \$14 (fee as of 7/15/87) to "U.S. Department of Treasury" with a request for a copy of applicant's ID record. Sent to FBI, Identification Division, 9th and Pennsylvania Avenue, N.W., Washington, DC 20537-9700. ATTN: Recording Section, FOIA.

To receive an original state police criminal history record, request and complete a criminal history record form from your state police department. (Residents of Virginia should complete the Virginia State Police form in the presence of a notary public and mail to the Department of State Police, Central Criminal Records Exchange, PO Box 27472, Midlothian, VA 23261-7472.)

When you receive the criminal history record, you must request certified copies of court documents for all pertinent convictions, i.e., all felony convictions and misdemeanors involving moral turpitude. To obtain certified true copies of all pertinent court papers, write to the Clerk of the Court in that jurisdiction. Copies must be certified true copies with seal and provide information on original indictment and final conviction charges (jail term, monetary fine, probation terms, counseling, etc.).

10. If salesperson or associate broker license is to be issued to applicant, the principal broker or sole proprietor with whom you will be associated must complete item 10 in the presence of a notary public.
11. All applicants must complete item 11 in the presence of a notary public.

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VIRGINIA REAL ESTATE BOARD
3600 West Broad Street
Richmond, Virginia 23230
(804) 257-8526 or Toll Free 1-800-552-3016 (Virginia only)

REAL ESTATE TRANSFER APPLICATION

PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSE LAWS AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION.

1. I hereby make application to transfer my present real estate _____ salesperson/ _____ associate broker/ _____ principal broker/ _____ sole proprietor license, and I am requesting that a new license be issued as a _____ salesperson/ _____ associate broker/ _____ principal broker/ _____ sole proprietor.
2. Social Security Number: _____
3. Applicant's Name: _____
Last Name Only _____ Generation _____
First Name Only _____
Middle Name Only _____
4. Other names which you have used: _____
5. Applicant's Legal Residence:
Address 1 -- Apt No. _____
Address 2 - Street _____
City, State and Zip Code _____
State and Zip Code _____
6. Telephone Numbers: (Residence) () _____
(Day) () _____
7. My license is presently issued to the firm/sole proprietorship listed below:
Firm Name: _____
Trading-As-Name: _____
Firm Address: _____
Firm Telephone No.: _____
8. My license is to be transferred for association with the firm or sole proprietorship listed below:
Firm Name: _____
Trading-As-Name: _____
Firm Address: _____
Firm Telephone No.: _____

Enf. Req. _____	Lic. No. _____
Bd. Rev. _____	Date _____
Rejected _____	Code _____

7/87

9. Regulation 3.5.44 requires a licensee to inform the Board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude. Does this require your compliance? If yes, please submit with this application the required documents as listed in item 9 of the Application Form Instructions. YES _____ NO _____
10. PRINCIPAL BROKER MUST COMPLETE IF A SALESPERSON OR ASSOCIATE BROKER LICENSE IS TO BE ISSUED AT THIS TIME TO APPLICANT:

I, the undersigned, a licensed real estate broker in the Commonwealth of Virginia, being duly sworn, depose and say that I hereby authorize _____ to transfer to my firm as a real estate licensee to be supervised by me and do whatever is necessary to obtain such a license and I hereby assume responsibility for the licensee pursuant to Regulation 3.11.

In my opinion the applicant has a good reputation for honesty, truthfulness, and fair dealing, and is competent to transact the business of a real estate salesperson in such a manner as to safeguard the interests of the public.

Typewritten Name and Signature of Principal Broker

Notary:

State of _____, City/County _____
Sworn and subscribed to before me at _____ this _____ day of _____, 19____.
My commission expires _____.
(Notary Public)
(Seal)

11. ALL APPLICANTS MUST COMPLETE THIS SECTION IN THE PRESENCE OF A NOTARY PUBLIC:

The undersigned, being duly sworn, deposes and says that he is the person who executed application, that the statements herein contained are true, that he has requested his present principal broker to return his license in compliance with regulation 3.1.F.2, and that he has read and understands the Virginia Real Estate Board regulations, licensing laws, and this affidavit.

(Signature of Applicant)

Notary:

State of _____, City/County _____
Sworn and subscribed to before me at _____ this _____ day of _____, 19____.
My commission expires _____.
(Notary Public)
(Seal)

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VIRGINIA REAL ESTATE BOARD
 P. O. BOX 11066
 RICHMOND, VIRGINIA 23230-1066
 (804) 257-8526 or Toll Free 1-800-552-3016 (Virginia only)

REAL ESTATE BUSINESS APPLICATION INSTRUCTIONS

GENERAL INSTRUCTIONS:

1. PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION.
2. Print in black ink or type.
3. All application fees are non-refundable.
4. All applicable items must be properly completed or application will be returned.
5. Nonresident notaries must use seal.
6. Please keep these instructions and a copy of your application for future reference.
7. MAIL COMPLETED FORMS TO: COMMONWEALTH OF VIRGINIA, DEPARTMENT OF COMMERCE, P.O. BOX 11066, RICHMOND, VIRGINIA 23230-1066.

REAL ESTATE BUSINESS APPLICATION FORM INSTRUCTIONS:

1. Check the appropriate space to indicate if you are forming a corporation, partnership, or association and enclose a \$70 application fee, made payable to the "Treasurer of Virginia."
2. Indicate the firm's legal or registered name and the trading-as name (the name in which the firm transacts business.) If the firm is a foreign corporation, i.e., not registered with the State Corporation Commission, a Certificate of Authority from the State Corporation Commission must be submitted; or if the firm is registered as a corporation in Virginia and has been granted a charter by the State Corporation Commission, submit a copy of charter which has been certified as a true copy by a notary public.
3. Provide the main office address. A street address is mandatory unless a rural route and box number are provided. The Post Office will deliver your renewal application to address listed in Address 2 line if both a street and a P.O. Box number are given. Your zip code must correspond appropriately for information in Address 2 line.
4. Provide telephone number of main office.
5. Provide name, title and legal residence of the officers, directors, associates, or partners. Use an "A" if the officer is active and an "I" if the officer is inactive in the real estate brokerage business. All active partners, associates, officers and directors must be licensed as brokers.

6. Provide the principal broker's name. If the broker is already licensed and transferring to this firm, he must submit a REAL ESTATE BROKER TRANSFER APPLICATION. If the broker is already licensed with another firm and wishes to retain that association, he must submit a REAL ESTATE CONCURRENT BROKER LICENSING APPLICATION in order to associate with this firm. If the broker-to-be is not presently licensed as a broker, he must attach a REAL ESTATE BROKER APPLICATION. There can be only one principal broker of a firm. All other active brokers must be associate brokers and on file as such with the Virginia Real Estate Board.
7. Provide the signature and typed name of president of corporation, general partnership, association, or sole proprietor; title; and date of application with attestation of either the Secretary of the Corporation or a notary public.

VIRGINIA REAL ESTATE BOARD
P. O. BOX 11066
RICHMOND, VIRGINIA 23230-1066
(804) 257-8526 or Toll Free 1-800-552-3016 (Virginia only)

\$70 REAL ESTATE BUSINESS APPLICATION \$70

PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION.

1. I hereby make application for a brokerage license for a new corporation/ partnership/ association and enclose a \$70 check payable to the "Treasurer of Virginia."
2. Name of Firm: _____
Firm Trading-As Name: _____
3. Firm Address:
Address 1 -- Suite _____
Address 2 -- Street _____
City, State and Zip Code _____
4. Firm telephone number: () _____
5. Principals of the Firm (Officers, Directors, Partners, or Associates):

Name/Title	Legal Residence (street, city, state, zip)	Status in Brokerage	
		Active	% Ownership
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

6. Name of New Principal Broker : _____

Lic. No. _____
Date _____
Code _____

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7. THIS ITEM MUST BE COMPLETED BY APPLICANT:

I hereby certify that the above information is correct to the best of my knowledge and belief and that no information has been suppressed that might affect this application.

Typewritten Name and Signature of President of Corporation, General Partner, Associate, or Sole Proprietor

Title _____ Date _____

ATTEST: _____
Secretary of Corporation or Notary Public

Date _____

My commission expires _____.

(Seal)

(2)

VIRGINIA REAL ESTATE BOARD
P. O. BOX 11066
RICHMOND, VIRGINIA 23230-1066
(804) 257-8526 or Toll Free 1-800-552-3016 (Virginia only)

VIRGINIA REAL ESTATE BOARD
3600 West Broad Street
RICHMOND, VIRGINIA 23230-4917

BRANCH OFFICE APPLICATION

(804) 257-8526 or Toll Free 1-800-552-3016 (Virginia only)

PLEASE READ THE REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION.

APPLICATION FOR FIRM CHANGE OF NAME OR ADDRESS INSTRUCTIONS

1. I, _____, principal broker of the firm named below, hereby make application for a license for a new branch office and enclose a \$15 check payable to the "Treasurer of Virginia."

2. Name of Firm for which a Branch Office License is Requested:

Firm Trading-As-Name: _____

3. Branch Office Supervising Broker: _____

4. Branch Office Address:
Address 1--Suite _____
Address 2--Street _____
City, State and Zip Code _____
Telephone Number: _____

5. Main Office Address:
Address 1--Suite _____
Address 2--Street _____
City, State and Zip Code _____

6. Main Office Telephone Number: () _____

7. Statement of Principal Broker:

I hereby certify that the above information is correct to the best of my knowledge and belief, that no information has been suppressed that might affect this application, and that I have read and am in compliance with regulations 3.1 and 3.2 which became effective July 15, 1987.

Typewritten Name and Signature of Principal Broker

Notary:

State of _____, City/County _____
Sworn and subscribed to before me at _____ this
day of _____, 19 _____.

My commission expires _____.
(Notary Public)
(Seal)

Lic. No. _____
Date _____

1. PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION.

2. Complete only one form for a firm change of name and/or address; enclose all sales and broker licenses, in alphabetic order, by surname, as well as the firm license to facilitate issuance of new licenses. NOTE: If you anticipate any individual changes of status (change in home address or transfer to or from this firm during this transition), please submit changes on the appropriate individual forms and include a separate list of those names noting the type of change by each name.

3. Print in black ink or type.

4. If the corporation's legal or registered name and the trading-as name (the name in which the firm transacts business) are to be changed, please submit the following: (1) a Certificate of Authority from the State Corporation Commission if the firm is a foreign corporation, i.e., not registered with the State Corporation Commission; or (2) a copy of charter which has been certified as a true copy by a notary public if the firm is registered as a corporation in Virginia and has been granted a charter by the State Corporation Commission; and, if applicable, (3) a certified true copy of registration of fictitious name with the State Corporation Commission.

5. If there will be a change of principal broker or change of principals (officers, directors, partners, or associates), please request, complete, and attach a Real Estate C-3 Application.

6. Provide the main office address. A street address is mandatory unless a rural route and box number are provided. The Post Office will deliver your renewal application to address listed in Address 2 line if both a street and a P.O. Box number are given. Your zip code must correspond appropriately for information you provide in Address 2 line.

7. All applicable items must be properly completed or application will be returned.

8. Please keep a copy of the instructions and your application for future reference.

VIRGINIA REAL ESTATE BOARD
3600 West Broad Street
RICHMOND, VIRGINIA 23230-4917

(804) 257-8526 or Toll Free 1-800-552-3016 (Virginia only)

NO FEE APPLICATION FOR FIRM CHANGE OF NAME OR ADDRESS NO FEE

- I am hereby requesting: _____ change of firm name
_____ change of firm address
- Present Firm License Information:
Firm Name _____
Firm Trading-As Name _____
Address 1 -- Suite _____
Address 2 -- Street _____
City, State and Zip Code _____
- New Firm License Information:
Firm Name _____
Firm Trading-As Name _____
Address 1 -- Suite _____
Address 2 -- Street _____
City, State and Zip Code _____
Firm Telephone Number () _____
- I hereby certify that the above information is correct to the best of my knowledge and belief and that no information has been suppressed that might affect this application.

Typewritten Name and Signature of Principal Broker

Date

Lic. No. _____
Date _____
Code _____

10/87

VIRGINIA REAL ESTATE BOARD
3600 West Broad Street
Richmond, Virginia 23230

(804) 257-8526 or Toll Free 1-800-552-3016 (Virginia only)

REAL ESTATE C-3 APPLICATION INSTRUCTIONS
CHANGE OF PRINCIPALS/CHANGE OF PRINCIPAL BROKER

PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION.

- Indicate the firm's legal or registered name and the trading-as-name (the name by which the firm transacts business).
- Provide the main office address. A street address is mandatory unless you provide a rural route and box number. The Post Office will deliver your renewal application to address listed in Address 2 line if both a street and a P.O. Box number are given. Your zip code must correspond appropriately to information in Address 2 line.
- Provide telephone number of main office.
- Complete Item 4 if you are changing, for an existing firm, any of the officers, directors, associates, or partners. Use an "A" if the officer is active and an "I" if the officer is inactive in the real estate brokerage business. All active partners, associates, officers and directors must be licensed as brokers.
- Provide the new principal broker's name. If the broker is already licensed and transferring to this firm, he must submit a REAL ESTATE TRANSFER APPLICATION. If the broker is already licensed with another firm and wishes to retain that association, he must submit a REAL ESTATE CONCURRENT BROKER LICENSING APPLICATION in order to associate with this firm. If the principal broker designee is not presently licensed as a broker, he must attach a REAL ESTATE BROKER APPLICATION.
- For an existing firm, provide the current principal broker's name. Current principal broker's license must be returned to the Virginia Real Estate Board with this application so that an associate broker's license may be issued. There can only be one principal broker in a firm.
- Provide the signature and typed name of president of corporation, general partnership, association, or sole proprietor; title; and date of application with attestation of either the Secretary of the corporation or a notary public.

VIRGINIA REAL ESTATE BOARD
3600 West Broad Street
Richmond, Virginia 23230
(804) 257-8526 or Toll Free 1-800-552-3016 (Virginia only)

REAL ESTATE C-3 APPLICATION
NO FEE CHANGE OF PRINCIPALS/CHANGE OF PRINCIPAL BROKER NO FEE

PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION.

1. Name of Firm: _____
Firm Trading-As Name: _____

2. Firm Address:
Address 1 -- Suite _____
Address 2 -- Street _____
City, State and Zip Code _____

3. Firm telephone number: () _____

4. Principals of the Firm (Officers, Directors, Partners, or Associates):

Name/Title	Legal Residence (street, city, state, zip)	Status in Brokerage	
		Active	% Ownership Inactive if applicable
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. Name of New Principal Broker : _____

6. Name of Current Principal Broker: _____

(continued on reverse)

7. THIS ITEM MUST BE COMPLETED BY APPLICANT:

I hereby certify that the above information is correct to the best of my knowledge and belief and that no information has been suppressed that might affect this application.

Typewritten Name and Signature of President of Corporation, General Partner, Associate, or Sole Proprietor

Title

Date

ATTEST: _____
Secretary of Corporation or Notary Public

Date

My commission expires _____

(Seal)

THE VIRGINIA REAL ESTATE BOARD
 3600 West Broad Street
 Richmond, Virginia 23230
 (804) 257-8526 or Toll Free 1-800-552-3016 (Virginia Only)

C-2 APPLICATION
 CERTIFICATE OF OWNERSHIP
 INDIVIDUAL TRADING UNDER AN ASSUMED OR FICTITIOUS NAME

Name of Sole Proprietorship: _____
 Sole Proprietorship Address:
 Address 1--Suite _____
 Address 2--Street _____
 City, State and Zip Code _____
 Telephone No. _____

PLEASE COMPLETE IF A LICENSE AS AN ACTIVE SOLE PROPRIETOR TRADING UNDER AN ASSUMED OR FICTITIOUS NAME IS TO BE ISSUED AT THIS TIME:

STATEMENT OF PRINCIPAL BROKER: (to be signed in the presence of the Clerk of the Court)

I hereby certify that, pursuant to Regulation 1.5 of the Virginia Real Estate Board, I am the individual principal broker of the above described real estate brokerage firm. I have complied with the provisions of Section 59.1-69 et seq., Code of Virginia, and have filed this certificate with the Clerk of the Court in the city or county in which my place of business is located.

 Typewritten Name and Signature of Principal Broker
 _____ () _____
 Social Security Number Day Telephone Number
 Attest: _____
 Clerk of Court _____
 Date _____

(continued on reverse)

Lic. No. _____
 Date _____
 Code _____

CERTIFICATE OF OWNERSHIP: (to be completed in the presence of a notary public)

I hereby certify that I am the sole owner of the above described real estate brokerage firm. I ___ am/___ am not a real estate licensee in Virginia and an licensed as a(n) ___ salesperson/___ associate broker/___ principal broker.

 Typewritten Name and Signature of Owner

 Residential Address of Owner

_____ () _____
 Social Security No. Day Telephone No.

Notary:

State of _____, City/County _____
 Sworn and subscribed to before me at _____ this
 _____ day of _____, 19 ____.

_____ My commission expires _____.

(Notary Public)

(Seal)

VIRGINIA REAL ESTATE BOARD
P.O. BOX 11066
RICHMOND, VIRGINIA 23230-1066
(804) 367-8526 or Toll Free 1-800-552-3016 (Virginia only)

\$50.00 RENTAL LOCATION AGENCY REGISTRATION \$50.00

PLEASE READ THE INSTRUCTIONS, REGULATIONS, LICENSING LAWS, AND APPLICATION CAREFULLY BEFORE COMPLETING THE APPLICATION.

1. I hereby make application for Rental Location Registration and enclose a \$50.00 check made payable to the "Treasurer of Virginia."
2. Name of Rental Location Agency:

Rental Location Agency Trading-As Name:

3. Rental Location Agency Address:
Address 1 — Suite _____
Address 2 — Street _____
City, State and Zip Code _____
4. Rental Location Agency Telephone Number: () _____
5. Name of Supervising Rental Location Agent:

R L Agency No: _____
Date Issued: _____

6.) THIS ITEM MUST BE COMPLETED BY APPLICANT:

I hereby certify that the above information is correct to the best of my knowledge and belief and that no information has been suppressed that might affect this application.

Typewritten Name and Signature of Owner of Rental Location Agency

Signature of Supervising Rental Location Agent Date

ATTEST: _____
Notary Public

Date

My Commission expires _____

(Seal)

INSTRUCTIONS
RENTAL LOCATION AGENT

I. GENERAL INSTRUCTIONS:

- Please read the instructions and application carefully before completing.
- Print or type.
- All application fees are non-refundable.
- All applicable items must be properly completed or application will be returned.
- Non-resident notaries must use seal.
- Make check payable to "Treasurer of Virginia."
- Mail check (with application) to COMMONWEALTH OF VIRGINIA, DEPARTMENT OF COMMERCE, P. O. BOX 11066, RICHMOND, VIRGINIA 23230-1106.

II. APPLICATION FORM INSTRUCTIONS:

1. Complete your full legal name (do not use initials) and generation (i.e., Jr., Sr., III, etc.).
2. List other names you have used , i.e., various spellings, maiden name, etc.
3. Complete your current residential address. The Post Office will deliver your renewal application to address listed in "ADDRESS 2" line, if both a street and a P. O. Box number are given.
4. Home telephone number and office telephone number.
5. Disclosure of your Social Security Number is helpful to ensure identification and will aid in processing your application.
6. Date of birth; applicant must be at least 18 years of age.
7. Complete your place of birth.
8. Indicate male (M) or female (F).

9. Give full explanation if you checked "yes" (to include date and place of offense, date and place of conviction, name of court, the part you played at the time the offense occurred, and charge and final disposition - jail term, fine, amount, probation terms, etc.) on a separate sheet of paper and submit with certified documents.
10. Please provide past licensing status information.
11. Please provide present licensing status information.
12. Provide information on firm you are registering with.
13. Affidavit must be signed and notarized by applicant.

VIRGINIA REAL ESTATE BOARD
RENTAL LOCATION AGENT REGISTRATION

Fee: \$30

PLEASE READ THE INSTRUCTIONS AND APPLICATION CAREFULLY BEFORE COMPLETING

1. Registrant Name:
Last Name Only _____ Generation: _____
First Name Only _____
Middle Name Only _____
2. Other names which you have used: _____
3. Registrant's Legal Residence:
Street Address 1 _____
Street Address 2 _____
City _____
State and Zip Code _____
4. Telephone Number: (____) _____
5. Social Security Number: _____
6. Date of Birth: _____
7. Place of Birth: City _____ State _____

Computer Record: _____

Initials: _____

8. Sex: ___ M ___ F
9. Have you been convicted of any offense other than a minor traffic violation, or is there any such charge pending against you? ___ YES ___ NO
10. Have you ever been issued a real estate license in Virginia? Salesperson ___ Broker ___
___ YES ___ NO
11. Are you currently licensed in Virginia? Salesperson ___ Broker ___
___ YES ___ NO
12. Name, address, and telephone of firm, partnership, association, or corporation you are registering with as a rental location agent:
Name: _____
Address: _____
City, State and Zip: _____
Telephone Number: (____) _____
13. The undersigned being duly sworn, deposes and says that he/she is the person who executed application, and that the statements herein contained are true, that he/she has not suppressed any information that might affect this application, and that he/she has read and understands this affidavit.

Signature of Applicant

Sworn and subscribed to before me this ____ day of _____, 19__.

(Notary Public) My commission expires _____

VIRGINIA REAL ESTATE BOARD
3600 West Broad Street
Richmond, Virginia 23230
Toll Free (VA only) 1-800-552-3016

APPLICATION FOR AN ORIGINAL CERTIFICATE OF APPROVAL
TO OFFER SALESPERSON AND/OR BROKER COURSES

- 1. Name of School _____
- 2. Address of School _____
- 3. Telephone Number () _____
- 4. Ownership of School (Check one):
Sole Proprietorship () _____
Partnership () _____
Corporation () _____
Other () _____

5. If the school is individually owned or owned by a partnership, list the name(s) and home address(es) of the owner(s). If the school is owned by a corporation or association, list the name and address of the corporation or association and list the names and home addresses of the president, secretary, and treasurer.

No firm engaged in the practice of real estate shall be approved by the Virginia Real Estate Board to offer the courses required for examination.

Approval of a school extends only to the institution at the location named in the application.

Name of Corporation or Association: _____

Address of the Corporation: _____

Name	Address	Title
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Name of Director: _____
(Attach Personnel Qualification Form)

- 7. What is your projected enrollment for the coming year? _____
- 8. What is your ratio of students to instructors? _____
- 9. Submit (a) a course syllabus which includes a breakdown of class hours; (b) a sample examination; and (c) a list of required text(s) showing title, author and publisher. These must cover the approved outline. See instructions.
- 10. Name Instructional Staff. (Personnel Qualification Forms must be attached for each person listed and official transcripts submitted.)

- 11. Submit material describing physical facilities (Scale floor plans, pictures, parking, etc.).
- 12. This application shall be verified and accompanied by the following:
 - A. Check or money order in the amount of \$100 made payable to the "Treasurer of Virginia." Fee is nonrefundable.
 - B. A copy of the school's catalogue or bulletin.
 - C. A report of financial resources available to equip, maintain, and operate the school.
 - D. The current forms and contents of the student enrollment agreement, a current schedule of tuition and other fees, copies of forms used to keep student records, and the procedure for collecting and refunding tuition.
 - E. A report from the appropriate government agency indicating that the location or locations meet fire safety standards.
 - F. A report from the appropriate government agency indicating that the facilities meet the building code standards or submission of occupancy permit.
 - G. A copy of the deed or lease or other legal instruments authorizing the school to occupy such locations.
 - H. Copies of all advertising that have been or will be used by the school.

CERTIFICATE OF COMPLIANCE

I, _____, the authorized official of _____ (Name of School) certify that I have presented statements throughout this application form and attachments to the best of my knowledge and belief. I also agree:

- (1) To conduct the school in accordance with the rules and regulations which may from time to time be established by the Virginia Real Estate Board;
(2) To permit agents of the Board to inspect the school or classes being conducted therein at any time, and to make available to the Board, when requested to do so, all information pertaining to the real estate activities of the school required for the administration of Section 54-740, Code of Virginia, including its financial condition;
(3) To advertise the school at all times in a form and manner that will be free from misrepresentation, deception, or fraud;
(4) To reasonably see that all representations made by anyone authorized by the school to act as an agent or solicitor for prospective students shall be free from misrepresentation, deception, or fraud;
(5) To prominently display the current Certificate of Approval where it may be inspected by students, visitors and the Board or its authorized representatives;
(6) To maintain all premises, equipment, and facilities of the school in an adequate, safe, and sanitary condition;
(7) To maintain current, complete, and accurate student records which shall be accessible at all times to the Board or its authorized representatives. These records shall include, in addition to other information, a record of payments made, a record of attendance, and a record of units of work completed and skills developed;
(8) To conduct all courses in accordance with outlines submitted to and approved by the Board; and
(9) To conduct the school in an ethical manner at all times.

Date _____ Signature of Authorized Official _____
Typewritten Name of Authorized Official _____
Title _____

Sworn to and subscribed before me this ____ day of _____, 19 ____.

My commission expires:

Notary Public

INSTRUCTIONS FOR EXECUTING APPLICATION TO OFFER SALESPERSON COURSE(S)

Before executing this application, read the following guidelines carefully. No approval to offer the real estate salesperson course will be granted by the Virginia Real Estate Board until the application is complete.

LEGISLATIVE MANDATE

The 1974 General Assembly passed legislation for mandatory educational requirements as of July 1, 1975. Each applicant for an initial salesperson license prior to examination shall have completed a course in Principles of Real Estate approved by the Virginia Real Estate Board.

I. COURSE CONTENT

The approved course in Principles of Real Estate which shall be 45 classroom hours shall include:

Economy and Social Impact of Real Estate
 Real Estate Market and Analysis
 Property Rights
 Contracts
 Deeds
 Mortgages and Deed of Trust
 Types of Mortgages
 Leases
 Liens
 Home Ownership
 Real Property and Title Insurance
 Investment
 Taxes in Real Estate
 Real Estate Financing
 Brokerage and Agency Contract Responsibilities
 Real Estate Marketing
 Real Estate Management
 Search Examination and Registration of Title
 Title Closing
 Appraisal of Residential and Income-Producing Property
 Planning Subdivision Developments and Condominiums
 Regulatory Statutes
 Housing Legislation
 Fair Housing Regulations
 Regulations of the Virginia Real Estate Board

II. APPROVED TEXTS: (Any one of the following)

Modern Real Estate Practice (by Kyle & Galaty, 9th edition, Real Estate Education Co.)

Real Estate Principles and Practices (by Ring & Dasso, 10th edition, Prentice-Hall Publishing Co.)

Real Estate Principles (by Harwood, 4th edition, Prentice-Hall, Inc.)

Real Estate Resource Book (by Harwood, 3rd edition, Prentice-Hall, Inc.)

Real Estate: An Introduction to the Profession (by Harwood, 4th edition, Prentice-Hall Publishing Co.)

Guide to Real Estate Licensing (by John T. Ellis, 3rd edition, Prentice-Hall Publishing Co.)

Effective Real Estate Sales and Marketing (by Johnnie L. Rosenauer, Real Estate Education Co.)

Real Estate Principles and Practices (by Unger & Karvel, South Western)

Real Estate Fundamentals (by Wade Gaddey, Jr., Robert Hart)

III. INSTRUCTOR QUALIFICATIONS

- A. Baccalaureate degree in Real Estate, or in Business with a major in Real Estate, or a closely related field; or
- B. Baccalaureate degree, a real estate license, and two years of active real estate experience within the past five years; or
- C. Associate degree, or its equivalent, as indicated through continuing course work plus five years of experience acquired in the real estate field in the past ten years. In any equivalent course under Section 54-740(a), the continuing course work must be acceptable to the Virginia Real Estate Board.

IV. COURSE EVALUATION AND GRADING

- A. A final written examination is required by the Virginia Real Estate Board.
- B. Students must obtain a minimum course grade of "C" or a score in the 75th percentile for acceptance by the Board.
- C. All real estate courses must carry a certificate of completion acceptable to the Virginia Real Estate Board.

V. PHYSICAL FACILITIES

All schools must be located in a building specifically designated for academic purposes. Inspection and approval of facilities by the Virginia Real Estate Board is required prior to initiation of classes.

INSTRUCTIONS FOR EXECUTING APPLICATION TO OFFER BROKER COURSE(S)

I. COURSE CONTENT

Schools intending to offer equivalent broker courses must submit to the Board for approval a copy of the syllabus of the particular course and a copy of the textbook to be used with a cover letter requesting approval. In addition, the school must accompany the preceding materials with a copy of a comparable course syllabus from an accredited university, college, or community college to establish equivalency. (Regulation 4.12)

II. TEXTS

Schools may use, but are not limited to, approved texts listed below:

Appraisal:

Fundamentals of Real Estate Appraisal (by William R. Ventolo, Jr., Martha R. Williams, 3rd edition, Real Estate Education Co.)

Modern Real Estate Appraisal (by Shenkel, 1978 edition, McGraw-Hill Book Company, Inc.)

Residential Real Estate Appraisal (by Miller & Gilbeau, Prentice-Hall Publishing Co.)

The Appraisal of Real Estate (8th edition, American Institute of Real Estate Appraisers)

Real Estate Appraisal (Hines, McMillan Publishing Co.)

The Valuation of Real Estate (by Ring, Boykin, 3rd edition, Prentice-Hall Publishing Co.)

Brokerage:

Real Estate Brokerage Management (by Lindeman, 1981 edition, Prentice-Hall, Inc.)

Real Estate Brokerage - A Success Guide (by John Cyr, Real Estate Education Co.)

Modern Real Estate Practice: An Introduction to a Career in Real Estate Brokerage (by Atkinson & Wagner)

Real Estate Office Management People, Functions and Systems (Realtors National Marketing Institute of the National Association of Realtors, Chicago)

Principles of Real Estate Management (by James Downs, Jr., Institute of Real Estate Management)

Marketing Real Estate (by Shenkel, 1980 edition, Prentice-Hall)

Finance:

Real Estate Finance (by Beaton, 2nd edition, Real Estate Education Co.)

Real Estate Finance (by Wiedemer, 4th edition, Prentice-Hall, Inc.)

Real Estate Finance (by Richard D. Irwin, 7th edition)

Real Estate Finance (by Hoaglund & Stone, Irwin Publishers)

Essentials of Real Estate Finance (by Sirota, 3rd edition, Real Estate Education Co.)

Law:

Real Estate Law (by Kratovil, 8th edition, Prentice-Hall, Inc.)

Real Estate Law (by Gibson, Karp & Klayman, 1983 edition, Real Estate Education Co.)

Real Estate Law (by Coit, 2nd edition)

Real Estate Law (by Wiedemer, 4th edition)

Law of the Real Estate Business (by Richard D. Irwin, 4th edition)

Property Management:

Property Management (West Publishing Co.)

Principles of Real Estate Management (by Downs, 12th edition, Institute of Real Estate Management)

Property Management (by Kyle, Real Estate Education Co.)

Real Estate Investments:

Real Estate Investment and Taxation (by Allen, 1984 edition, South-Western Publishing Co.)

Real Estate Investment (by Wiedemer, Prentice-Hall Publishing Co.)

Acquiring and Developing Income Producing Real Estate (by Swesnick, Prentice-Hall Publishing Co.)

Real Estate Math:

Mastering Real Estate Math (by Ventolo, Irby & Alloway, Longman Financial Services Publishers)

Applied Real Estate Math (by Joseph H. Polley, 2nd edition, Reston Publishing Co., Prentice-Hall)

Marketing:

Marketing (by Evans & Berman)

Investments:

Real Estate Investment and Strategy (by Seldin & Swesnik; John Wiky & Sons, 2nd edition)

Real Estate Investment (by John P. Weidemer, 2nd edition, Reston Publishing Co.)

Land Planning and Use:

Urban Land Use Planning (by Chapman & Kaiser, 3rd edition, University of Illinois Press)

Real Estate Economics:

The Essentials of Real Estate Economics (by McKenzie & Betts, 3rd edition, John C. Wiley & Sons, Inc.)

Commercial Real Estate Sales:

Commercial-Investment Real Estate: Marketing and Management (by Lee E. Arnold, Jr., Realtors National Marketing Institute)

Land Development Manual (The National Association of Home Builders)

Capitalization Theory and Techniques Study Guide (by Akerson, Gateway Dist.)

III. INSTRUCTOR QUALIFICATIONS

See "Principles of Real Estate" instructions.

IV. COURSE EVALUATION AND GRADING

See "Principles of Real Estate" instructions.

V. PHYSICAL FACILITIES

See "Principles of Real Estate" instructions.

VIRGINIA REAL ESTATE BOARD
 Department of Commerce
 3600 West Broad Street
 Richmond, Virginia 23230

PROPRIETARY SCHOOL PERSONNEL QUALIFICATIONS RECORD

1. Applicant's Name:

Last Name Only _____ Generation _____
 First Name Only _____
 Middle Name Only _____
 Title Mr. ___ Ms. ___ Mrs. ___ Miss ___

Other names which you have used: _____
2. Home Address:

Address 1--Apt. No. _____
 Address 2--Street _____
 City _____
 State and Zip Code _____
3. Social Security Number: _____
4. Date of Birth: _____
5. I hereby make application as Director _____ Instructor _____
6. Name and Address of Real Estate School Where You Will Be Employed:

7. Virginia Real Estate Designation (Type of License, License No.): _____
8. Other Licenses Held (Jurisdiction, Type of License, License No.):

9. Name and Location of College(s) Attended: Course Completed or Degree Earned (Specify major and minor fields and designations such as GRI, ASA, MAI, CPM, etc.): Attendance Dates (Month/Year) From: To:

10. Name and Address of Employer(s) for Past Ten Years: Date of Employment From: To: Specific Nature of Work:

11. The applicant must submit an affidavit from the current and/or previous broker(s) certifying that the applicant is or was actively engaged an average of 20 hours per week or more in the brokerage business for the minimum required experience outlined in regulation 4.2. Affidavits are required from two duly licensed brokers if this information cannot be provided by your current or previous broker.
12. Please send fee to your educational institution where you have received your baccalaureate degree to have original transcript(s) with seal sent directly to the Virginia Real Estate Board. Course certificates from distributive education classes or proprietary schools must be originals or copies certified as true copies by a Notary Public.

VIRGINIA REAL ESTATE BOARD
3600 West Broad Street
Richmond, Virginia 23230

CONSENT TO SUITS AND SERVICE OF PROCESS

CONSENT TO SUITS AND SERVICE OF PROCESS

TO BE EXECUTED BY NONRESIDENT REAL ESTATE SALESPERSON OR BROKER
READ CAREFULLY BEFORE ANSWERING QUESTIONS AND EXECUTING AFFIDAVIT.
ALL ANSWERS MUST BE COMPLETE AND TYPEWRITTEN/PRINTED.

Name of Applicant: _____

Legal Residence: _____
Number/Street City/State/Zip

WHEREAS, I, the above-named applicant for license privilege as a salesperson (), associate broker (), or broker () trading and/or operating individually or for or under the firm name of _____ have made application for a license to act as a real estate salesperson () associate broker () or broker () nonresident, within the State of Virginia, in accordance with the provisions of Chapter 18, Title 54, Section 54-773, Code of Virginia, 1950.

WHEREAS, under the provisions of said Chapter, it is necessary to file in the Executive Office, Richmond, Virginia, of the Virginia Real Estate Board, with its secretary, a consent that suits and actions may be commenced and prosecuted against the subscriber(s) hereto in any of the courts of record of the State of Virginia, by the service of any process or pleading authorized by the laws of said State of Virginia, on the secretary of the Virginia Real Estate Board, the service of such process and pleading on such secretary to be taken and held in all courts legal and valid as if made on the subscriber(s) hereto within said State, and that such consent shall be irrevocable;

NOW, THEREFORE, I _____ the above-named applicant for license privilege as salesperson (), associate broker (), or broker () as aforesaid, hereby execute and file with the secretary of the Virginia Real Estate Board my/our irrevocable consent that suits and actions may be commenced against the subscriber(s) either individually, or as co-partners or members of said firm or partnership in any of the courts of record of the said State of Virginia, by the service of any process or pleading authorized by the laws of the said State of Virginia, on the secretary of the Virginia Real Estate Board, and it is hereby stipulated and agreed that such service of such process or pleading on said secretary shall be taken and held in all courts to be as valid and binding as if due service

had been made upon the subscriber(s) hereto personally within the State of Virginia.

Signature of Applicant: _____

BE IT REMEMBERED, that on this _____ day of _____, 19 __, before me the subscriber, personally appeared _____ who is known to me to be the person named in and who signed the foregoing instrument, and who acknowledged that he/she signed the same as his/her voluntary act and deed for the uses and purposes therein expressed.

STATE OF: _____
Notary Public

CITY/COUNTY OF: _____
My Commission Expires

(Seal)

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.

CHILD DAY-CARE COUNCIL

Title of Regulation: VR 175-02-01. Minimum Standards for Licensed Child Care Centers.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Effective Date: July 1, 1989

Summary:

The regulation lists the standards that child care centers licensed by the Department of Social Services must meet. The following issues are addressed in the regulation:

Administration, personnel, staffing/supervision, physical environment, admission policies and procedures, special care provisions, emergencies, and program and services which include: management of behavior, nutrition and food service, daily schedule, and activities.

The council revised the regulation taking into consideration the public comments received. Many suggestions for clarifying the standards were incorporated into the regulation. Substantial changes, made in response to public comment, included the infant and toddler definition, program director qualifications, aide qualifications, back-up for program director, inspection of swimming pools, furnishing of bathroom areas, and immunizations for children. Two new requirements about smoking and emergency supplies were added in response to public comment. The requirement for assistant program director was deleted.

VR 175-02-01. Minimum Standards for Licensed Child Care Centers.

PART I. INTRODUCTION.

Article 1. Definitions.

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

"Administrator" means the staff person designated to be responsible for the day-to-day operation and management of a child care center.

"Adult" means any individual 18 years of age or over.

"Age groups"

"Infant" means children from birth to [~~15 months.~~ *EXCEPTION: Children over the age of 12 months who are walking independently.* 16 months.]

"Toddler" means children [~~over the age of 12 months who are walking independently to two years or children over the age of 15 months to two years.~~ from 16 months up to two years.]

"Preschool" means children from two years up to the age of eligibility to attend public school.

"School age" means children from the age of eligibility to attend public school and older.

"Age of eligibility to attend public school" means five years old by September 30.

"Aide" means the individual responsible for assisting the child care supervisor in program implementation and supervision of children.

Note: Position titles used in these standards are descriptors only and do not preclude the use of other titles by centers.

"Character and reputation" means that findings have established that knowledgeable and objective people agree that the subject maintains business/professional, family, and community relationships which are characterized by honesty, fairness, truthfulness, and a - concern for the well-being of others to the extent that the subject is considered suitable to be entrusted with the care, guidance, and protection of children. [Relatives by blood or marriage, and people who are not knowledgeable of the individual such as recent acquaintances shall not be considered objective references.]

"Child" means any individual under 18 years of age.

"Child care supervisor" means the individual responsible for assisting in program implementation and supervision of children.

"Commissioner" means the Commissioner of Social Services, also known as the Director of the Virginia Department of Social Services.

"Department" means the Virginia Department of Social Services.

Final Regulations

"Department's representative" means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the commissioner in carrying out the responsibilities and duties specified in Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia.

"Evening care" means care provided in a center between the hours of 7 p.m. and 1 a.m., inclusively.

"Licensee" means any individual, partnership, association, or corporation to whom the license is issued.

"Overnight care" means care provided in a center between the hours of 1 a.m. and 6 a.m., inclusively.

"Parent" means the biological or adoptive parent(s) or legal guardians(s) of a child enrolled or in the process of being enrolled in a child care center.

"Physician" means an individual licensed to practice medicine in any of the 50 states or the District of Columbia.

"Program director" means the person responsible for programmatic functions and supervision of all staff who work directly with children.

"Sponsor" means an individual, partnership, association, or corporation responsible for the operation of a child care center subject to licensure.

"Staff or center staff" means administrative, program, service, and volunteer personnel including the licensee when the licensee is an individual.

"Volunteer personnel" means persons who work at the center once a week or more often or who are counted in the required ratio of staff to children.

Article 2. Legal Base.

§ 1.2. Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia describes the responsibility of the Department of Social Services for the regulation of residential and day care programs for children, including child care centers.

§ 1.3. Section 63.1-202 of the Code of Virginia requires the Child Day-Care Council to prescribe standards for certain activities, services, and facilities for [~~children, including~~] child care centers.

Article 3. Purpose.

§ 1.4. The purpose of these Minimum Standards for Licensed Child Care Centers is to protect children who are separated from their parents or guardians during a part of the day by:

1. Ensuring that the activities, services, and facilities of child care centers are conducive to the well-being of children, and
2. Reducing risks in the caregiving environment.

Article 4. Applicability.

§ 1.5. Facilities subject to these Minimum Standards for Licensed Child Care Centers apply (i) to a private home wherein group care is provided to 10 or more children separated from their parents or guardian or (ii) to any place other than a private family home wherein group care is provided to two or more children separated from their parents or guardian.

EXCEPTION: A private home accepting no more than 10 children unrelated to the caregiver by blood or marriage, at least five of whom are of school age and are not in the home for longer than three hours immediately before and three hours immediately after school hours each day is not subject to licensure. This exception is based on § 63.1-195 of the Code of Virginia.

[NOTE: Family Day Care Homes must be licensed under different regulations when more than five children, except children related by blood or marriage to the person who maintains the home, are received for care, protection and guidance during only a part of the 24-hour day. Certain exceptions exist.]

§ 1.6. Section 63.1-195 of the Code of Virginia defines a child care center subject to licensure as "any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardian during a part of the day only."

EXCEPTIONS: (as set forth under the definition of "child care center" in § 63.1-195 of the Code of Virginia.)

1. "A facility required to be licensed by the Health Department as a summer camp";
2. "A public or private school unless the Commissioner determines that such private school is operating a child care center outside the scope of regular classes";
3. "A school operated primarily for the educational instruction of children from two to five years of age at which children two through four years of age do not attend in excess of four hours per day, and children five years of age do not attend in excess of six and one-half hours per day";
4. "A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital's employees, while such employees are engaged in performing work for the hospital";
5. "A Sunday school conducted by a religious

institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services”;

6. Exception as set out in § 63.1-196 of the Code of Virginia: A facility operated by an agent of the Commonwealth, county, town, or city, acting within the scope of his authority as such; and

7. Exception as set out in § 63.1-196.3 of the Code of Virginia: A child care center operated or conducted under the auspices of a religious institution may be exempted from licensure by filing specified information with the department. (Such a child care center is not statutorily prohibited from applying for a license from the department.)

PART II. ADMINISTRATION.

Article 1. Sponsorship.

§ 2.1. Each center shall have a clearly identified sponsor.

§ 2.2. Sponsorship.

A. When the center is sponsored by an individual proprietorship, the individual shall be the licensee.

B. When the center is sponsored by a partnership, the partnership shall serve as the licensee and develop a written partnership agreement which allows operation and maintenance of a child care center.

C. When the center is sponsored by an unincorporated association, it shall serve as the licensee and shall have a governing board and a written set of bylaws or a written constitution, or both, which allows the operation and maintenance of a child care center.

D. When the center is sponsored by a corporation, the corporation shall serve as the licensee and shall have a governing board and a charter or certificate of authority to transact business in the Commonwealth of Virginia, which allows operation and maintenance of a child care center.

§ 2.3. The sponsor, represented by the individual proprietor or by the partners, officers, and managers delegated authority to act for a sponsor shall be of good character and reputation; and shall not have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.

Article 2. Operational Responsibilities.

§ 2.4. Operational responsibilities.

A. During the center's hours of operation, one adult on the premises shall be in charge of the administration of the center. This person shall be either the administrator or an adult appointed by the licensee or designated by the administrator.

B. The operational responsibilities of the licensee shall include, but not be limited to, the following:

1. To develop prior to acceptance of children a written statement of the purpose and scope of the services to be provided by the center and written policies under which the center will operate (Note: This requirement applies only to initial applications for licensure unless there is a significant change);

2. To ensure that the center's activities, services, and facilities are maintained in compliance with the Minimum Standards for Licensed Child Care Centers; with the terms of the current license issued by the department; with other relevant federal, state, or local laws and regulations; and with the center's own policies which are required by these standards; and

3. To appoint and identify in writing an administrator to be responsible for the day-to-day operation and management of the center, except when the sponsor is an individual who serves as the administrator or a partnership in which a partner serves as the administrator.

C. Posting of the license.

The license shall be posted in a place conspicuous to the public, near the main entrance of the building(s), or the main office.

D. Deceptive representation or advertisement.

No child care center “shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made...an advertisement of any sort regarding services or anything so offered to the public, which...contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading.”

Article 3. Financial Responsibilities.

§ 2.5. Pursuant to § 63.1-198 of the Code of Virginia: With an initial application for licensure, the applicant shall provide the department with the following evidence of financial responsibility:

1. A projected budget detailing expected income and expenses of the proposed center for the first year of operation, and

2. A complete balance sheet showing separately the current assets committed to, and current liabilities

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charged against, the proposed center.

§ 2.6. Pursuant to § 63.1-210 of the Code of Virginia, the commissioner or his agents shall have the right at all reasonable times to request and inspect all of the financial books and records of the applicant or licensee.

§ 2.7. Insurance.

A. The center shall maintain public liability insurance for bodily injury with a minimum limit of at least \$500,000 each occurrence/\$500,000 aggregate. Evidence of insurance coverage shall be made available to the department's representative upon request.

B. A plan of accident or school insurance, or both, shall be available to the parent. The center may designate whether the parent's participation in the plan is optional or mandatory.

Article 4. Record Keeping Responsibilities.

§ 2.8. General record keeping responsibilities.

A. The licensee shall ensure that the center maintains a system of record keeping which complies with these standards.

B. All children's records shall be treated confidentially.

EXCEPTION: Records shall be made available to the custodial parent or legal guardian upon request.

C. Records shall be kept current.

D. All records on children required by these standards shall be retained and made accessible as appropriate for two years after termination of enrollment unless specified otherwise.

E. All records on personnel required by these standards shall be retained and made accessible as appropriate for two years after termination of employment unless specified otherwise.

§ 2.9. Personnel records.

A. Personnel records shall be kept for paid staff, and for volunteer personnel who began work subsequent to April 1, 1986.

B. Personnel records shall include the following:

1. The original application for employment or other written material providing:

a. Identifying information including name of staff person, beginning date of employment/volunteering, and job title, and

b. Information needed to demonstrate that the individual possesses the qualifications contained in §§ 3.1 through 3.10 such as, but not limited to, interviews; observations; references; experience; [and] education [, training, and credentials] related to the position; [description and descriptions] of previous employment;

2. Written documentation that [two or more] references as to character and reputation as well as competency were checked with previous employers, if any, or other knowledgeable and objective sources prior to employment or volunteering (e.g., letters of reference; notations of telephone reference checks including the name of the person(s) contacted, the date(s) of contact, the firm(s) contacted, and the results);

3. Documentation of dates and participation in orientation [; and] training [; required by §§ 3.16 and 3.17] and staff development activities [required by § 3.18 A];

Note: [Training documentation Documentation of staff development] is [only] required [only] for paid staff. (See § 3.18 A.) [Orientation and training documentation is for all staff.]

4. Date of termination, when applicable; and

5. Health information as required by §§ 3.13 through 3.15.

§ 2.10. Children's records.

A. Each center shall maintain and keep at the center a separate record for each child.

B. Each child's record shall contain the following information:

1. Name, nickname (if any), sex, and birthdate of the child;

2. Name, home address, and home telephone number of each parent who has custody;

3. Work telephone number and place of employment of each parent who has custody;

4. Name and telephone number of child's physician;

5. Name, address, and telephone number of two designated people to call in an emergency if a parent cannot be reached;

6. Names of persons authorized to pick up the child as well as those not permitted to pick up the child;

7. The child's grade level and the name of his school, where applicable;

8. Allergies or intolerance to food, medication, or any other substances;

9. Admission date; and

10. Enrollment termination date.

C. Each child's record shall contain health information as required by §§ 6.4 through [~~6.6~~ 6.5.]

D. The record of each child on formula shall contain:

1. The brand of formula, and

2. The child's feeding schedule.

E. A written record of children in attendance each day shall be maintained at the center.

F. Agreements/authorizations.

1. A written agreement between the parent and the center shall be in each child's record at the time of the child's admission. The agreement shall include:

a. An authorization for emergency medical care should an emergency occur when the parent cannot be located immediately;

b. A statement that the center will notify the parent when the child becomes ill and that the parent will arrange to have the child picked up as soon as possible; and

c. Appropriate custodial paperwork such as the divorce decree shall be obtained when a parent requests the center not to release the child to the other parent.

2. Written permission from the parent authorizing the child's participation in center field trips shall be in the child's record.

3. One of the following two methods of obtaining permission for field trip participation shall be used:

a. Separate written permission shall be secured for each field trip,

or

b. Written permission for all center field trips that occur while the child is enrolled in the center shall be secured. In addition, the parent shall be informed in advance of each planned field trip and be given the opportunity to withdraw his child(ren) from a field trip.

4. If a parent wishes a child to leave the center unaccompanied, written permission from the parent authorizing the child to leave the center shall be

secured.

5. The center shall not release a child to any person without the parent's consent.

PART III. PERSONNEL.

Article I. General Qualifications.

§ 3.1. No staff shall have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.

§ 3.2. All staff shall understand and be sensitive to the varying capabilities, interests, needs, and problems of children in care.

§ 3.3. All staff shall be:

1. Of good character and reputation;

2. Capable of carrying out assigned responsibilities;

3. Willing and able to accept training and supervision;

4. Able to communicate effectively both orally and in writing as applicable to the job responsibility; and

5. Able to understand and apply those standards in the Minimum Standards for Licensed Child Care Centers which relate to their respective responsibilities.

§ 3.4. All staff who work directly with children shall have the abilities to:

[1. Communicate with emergency personnel and understand instructions on a prescription bottle;]

[~~1~~ 2.] Communicate effectively and appropriately with the age group to whom the staff person is assigned;

[~~2~~ 3.] Provide a stimulating and safe environment for the age group to whom the staff person is assigned; and

[~~3~~ 4.] Use materials, activities, and experiences to encourage exploring, experimenting, and questioning.

§ 3.5. All staff who work directly with children shall be 18 years of age or over.

EXCEPTION: Aides may be under 18 but [~~must~~ shall] be at least [~~14~~ 16] years of age.

§ 3.6. Each person serving in the positions of program director, assistant program director, or child care supervisor shall not be responsible for the individual supervision of more than two aides.

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Article 2.

Program Director, [~~Assistant Program Director,~~]
Child Care Supervisors, and Aides.

§ 3.7. All staff who work in multiple positions within the center shall meet the qualifications [~~of for~~] each position.

NOTE: Personnel titles used in the standards are descriptors only. Centers are not required to use the same titles.

§ 3.8. Program director [~~and assistant program director~~].

A. Responsibilities.

There shall be one person responsible for the center's program which shall include, but not be limited to, the following areas:

1. The content of the program offered to the children in care;
2. Programmatic functions, including orientation, training, and scheduling of all staff who directly supervise children, whether or not the program director personally performs these functions; and
3. Management of the supervision provided to all staff who directly supervise children, whether or not the program director individually supervises such staff.

B. Qualifications.

[~~±~~ All program Program] directors [hired or promoted after April 1, 1986,] shall be [at least] 21 years of age and meet one of the following sets of qualifications:

[a. 1.] Bachelor's Degree or Endorsement in Early Childhood Education, Child Development, Elementary Education, Psychology, or child related field from an accredited college or university; [and one year of programmatic experience in a child care setting, nursery school, or elementary school;] OR

[b. 2.] Forty-eight semester hours or 72 quarter hours of college credit from an accredited college or university of which 12 semester hours or 18 quarter hours are in Early Childhood Education, Child Development, or other subjects relating to group care of children; and one year programmatic experience in a child care setting, nursery school, or elementary school; OR

[3. Forty-eight semester hours or 72 quarter hours of college credit and two years of programmatic experience in a child care setting, nursery school, or elementary school. One year of this experience shall be in a staff supervisory capacity; OR]

[e. 4.] One year early childhood certificate from an

accredited college or university plus two years programmatic experience in a child care setting, nursery school, or elementary school. One year of this experience must be in a staff supervisory capacity.

[2. All assistant program directors shall meet the program director qualifications or the following sets of qualifications:

a. Associate Degree in Early Childhood Education, Child Development, Elementary Education, Psychology, or other child related field from an accredited college or university; OR

b. The following three requirements:

(1) High school diploma or G.E.D.; AND

(2) Three years programmatic experience in a child care setting, nursery school, or elementary school; AND

(3) Child care program training offered or approved by the Department of Social Services or equivalent training provided by a college or accredited vocational program.]

[C. Back-up for program director.]

[3. 1.] [If For programs operating eight hours or more per day, if] the program director is regularly present in the center [less fewer] than four hours per day, there shall be an officially designated [assistant program director person] who shall assume responsibility in the absence of the program director and meet the qualifications of [§ 3.8 B ± a-e above. § 3.8 B.]

[2. For programs operating eight hours or less per day, if the program director is regularly present in the center less than 50% of the hours of operation, there shall be an officially designated person who shall assume responsibility in the absence of the program director and meet the qualifications of § 3.8 B.

EXCEPTION: A staff member who was hired or promoted prior to April 1, 1986, to back up the program director and who meets the 1976 program director qualifications may serve as the designated person described in § 3.8 C 1 or § 3.8 C 2 until July 1, 1990.]

[4. Verification of qualifications shall be available to the commissioner's representative upon request.]

§ 3.9. Child care supervisor.

Individuals working in this capacity are responsible for program implementation and direct supervision of children. All child care supervisors shall meet the qualifications for

a program director [or assistant program director] or [one of] the following sets of qualifications:

1. High school diploma or G.E.D. and one year of programmatic experience in a child care setting, nursery school, or elementary school; OR
2. C.D.A. (Child Development Associate Credential).

§ 3.10. Aides.

A. Aides [may be under 18 but must shall] be at least [14 16] years of age.

B. Individuals working in this capacity are assigned to assist the child care supervisor in program implementation and supervision of children.

[C. An aide who is under the age of 16 years may work with a group of children only under the direct individual supervision and in the presence of a staff member who meets the qualifications of the program director or child care supervisor. An aide under the age of 16 shall not be left in charge of a group of children.]

Article 3.

Volunteers and Volunteer Personnel.

NOTE: Volunteers are persons who come to the center less than once a week and are not counted toward the required number of staff. Volunteer personnel are persons who come to the center once a week or more often or who are counted toward the required number of staff in § 4.1, § 4.2, or § 4.6. Volunteer personnel shall meet the personnel and health requirements for the applicable position.

§ 3.11. All volunteers and volunteer personnel shall be under the individual supervision of a person who meets the qualifications of a program director, or child care supervisor.

§ 3.12. The duties of volunteers shall be clearly defined.

Article 4.

Health Requirements for Staff.

§ 3.13. Health information required by these standards shall be maintained for all staff (including the licensee, the administrator, and volunteer personnel) who come in contact with children or who handle food.

A. Initial tuberculosis examination and report.

Within 30 days before or three working days after employment, each staff person shall submit a statement that he is free of tuberculosis in a communicable form. This statement shall include the following:

1. The types(s) of test(s) used and the test result(s);

2. The date of the statement; and

3. The signature of the physician, the physician's designee, or an official of a local health department.

EXCEPTION: When a staff person terminates work at one licensed facility and begins work at another licensed facility with a gap in service of six months or less, the previous statement of tuberculosis screening may be transferred to the second facility.

B. Subsequent evaluations.

Any staff person who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms shall within one month after exposure/development receive an evaluation in accordance with § 3.13 A.

§ 3.14. At the request of the licensee/administrator of the facility or the Department of Social Services, [a the following shall apply:]

[1. A] report of examination by a physician shall be obtained when there are indications that the safety of children in care may be jeopardized by the physical [or mental] health of a specific staff person [: ; and]

[2. A report of examination by a physician or clinical psychologist skilled in the diagnosis and treatment of mental illness shall be obtained when there are indications that the safety of children in care may be jeopardized by the mental health of a specific staff person.]

§ 3.15. Any staff person who, upon examination or as a result of tests, shows indication of a physical or mental condition which may jeopardize the safety of children in care or which would prevent performance of duties:

1. Shall be removed immediately from contact with children or food served to children, and

2. Shall not be allowed contact with children or food served to children until the condition is cleared to the satisfaction of the examining physician [or clinical psychologist] as evidenced by a signed, dated statement from the physician [or clinical psychologist].

Article 5.

Staff Training/Development/Orientation.

§ 3.16. Prior to assuming job responsibility all staff shall receive training in:

1. Their individual responsibilities in the event of fire, including the location and operation of any fire extinguishers and fire alarm boxes, and

2. Their individual responsibilities in the event of a

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child's illness or injury, including the location and use of the first aid kit.

§ 3.17. Staff orientation.

Staff who work with children shall receive training in the following topics no later than one week after starting employment or volunteer work:

1. The purpose and services provided by the center;
2. The policies and procedures of the center as these relate to the staff person's responsibilities;
3. Procedures for reporting suspected child abuse or neglect to the appropriate local department of social services (Note: § 63.1-248.3 of the Code of Virginia requires any person providing full or part-time child care for pay on a regularly planned basis to report suspected child abuse or neglect.);
4. Confidential treatment of personal information about children in care and their families; and
5. The Minimum Standards for Licensed Child Care Centers as related to the staff person's responsibilities.

§ 3.18. Staff development.

A. On an annual basis employed staff who work directly with children shall attend at least eight hours of staff development activities which shall consist of in-service training programs, workshops, or conferences closely related to group care of children.

B. There shall be at least one staff person on duty at all times who has obtained instruction in performing the daily health observation of children from a physician, registered nurse, or health department medical personnel. This instruction shall be obtained at three year intervals.

EXCEPTION: At least one staff person must receive this instruction prior to the initial opening of a center. Within six months of initial licensure, the new center shall comply fully with § 3.18 B.

PART IV. STAFFING/SUPERVISION.

Article 1. General Supervision.

§ 4.1. There shall be at least two staff at the center and on field trips at all times when one or more children are present. One of these shall meet the qualifications of the program director or child care supervisor.

§ 4.2. When the outdoor activity area is not adjacent to the center, there shall be at least two staff on the outdoor activity area whenever one or more children are present.

§ 4.3. A child shall be greeted upon arrival at the center each day by a staff person. If possible, the same staff person shall greet the child each day.

§ 4.4. Children shall be supervised (i.e., within sight and sound) at all times, except that staff need only be able to hear a child who is using the bathroom. Staff shall check on a child who has not returned from the bathroom after five minutes.

Article 2. Staff to Children Ratio Requirements.

§ 4.5. Staff shall be counted in the required staff to children ratios only for periods of time when they are directly supervising children.

[EXCEPTION: Aides who are under the age of 16 years shall not be counted in determining the required ratios of staff to children.]

§ 4.6. The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:

1. [For infants (See § 1-1): For children from birth to the age of 16 months:] one staff person for every four children;
2. [For toddlers (See § 1-1): For children 16 months old to two years:] one staff person for every five children;
3. For children from two years to four years: one staff person for every 10 children;
4. For children from four years to the age of eligibility to attend public school: one staff person for every 12 children; and
5. For children from the age of eligibility to attend public school and older: one staff person for every 20 children.

[§ 4.7.] [NOTE: A With a parent's written permission, a center may choose to assign a child [who is developmentally disabled as determined by a recognized agency or professional,] to a different age group if such age group is more appropriate for the child's developmental level [as determined by a third party agency or professional]. If such developmental placement is made, [written] assessment [by that recognized agency or professional] shall be required at least [every six months annually].

[§ 4.7. § 4.8.] When the children are regularly in ongoing mixed age groups, the staff to children ratio applicable to the youngest child in the group shall apply to the entire group.

NOTE: For children over the age of two, the transition period up to one hour after opening and one hour before closing is not considered a regular and ongoing mixed age group period. A ratio of one staff person to every 24 children with each preschool age child counting as two children shall apply during the transition period.

Article 3. Ratio During Rest Periods.

[~~§ 4.8.~~ ~~§ 4.9.~~] During designated rest or sleeping periods for preschool age children, the ratio of staff to children is permitted to be double the number of children to each staff required in § 4.6 3-4 provided that:

1. A staff person is within sight and sound of the resting/sleeping children;
2. All staff counted in the overall naptime ratio shall be within the center and available to assure safe evacuation in an emergency; and
3. An additional person is present at the center to assist, if necessary.

EXCEPTION: In a mixed age group of preschoolers, double the number of children to each staff applicable to the youngest child shall apply.

Article 4. Supervision of Children During Swimming and Wading Activities.

[~~§ 4.9.~~ ~~§ 4.10.~~] If the center uses swimming and wading facilities, the following shall apply:

1. The staff ratios required by Article 2 of Part IV shall be maintained while children are using the swimming and wading pools.
2. If a pool exceeds two feet of water in depth, a Water Safety Instructor or Senior Life Saver holding a current certificate by an organization such as, but not limited to, the Red Cross shall be on duty supervising the children at the pool at all times when one or more children are in the pool;
3. A minimum of two people employed by the center must be on duty supervising the children at the pool at all times when one or more children are in the pool.

PART V. PHYSICAL PLANT.

Article 1. [~~Building and Fire Code Requirements: Approval From Other Agencies/Departments.~~]

[~~§ 5.1.~~ Facilities not previously licensed as a child care center shall be classified by and comply with the Virginia

Uniform Statewide Building Code as evidenced by the occupancy permit issued by the building official of the jurisdiction in which the center is located. The licensing agent shall be provided with a copy of the certificate of occupancy prior to license issuance.

~~§ 5.2.~~ Facilities not previously licensed as a child care center shall not be licensed prior to compliance with requirements in Part V. The center's plan for compliance with these requirements shall be approved by the Department of Social Services prior to issuance of a Certificate of Occupancy by the local building official. (See ~~§ 2.3~~ of General Procedures)

NOTE: This will include previously licensed child care centers which are altering their services in a way that brings some portion of the center into a different use group.

~~§ 5.3.~~ Sixty days prior to the expiration date of the license for an existing licensed center, the department shall request an inspection for compliance with the Virginia Uniform Statewide Fire Prevention Code by the official delegated enforcement authority of the jurisdiction in which the center is located. A copy of the letter or report of compliance shall be submitted with the request for license renewal.

~~§ 5.4.~~ Prior to renovation, remodeling, or alteration of a child care facility, the center shall:

1. Submit the plan to the Department of Social Services for review prior to the expected change, and
2. Obtain a permit from the local building official.]

[~~§ 5.1.~~ Prior to beginning operation and prior to use of newly constructed, renovated, remodeled, or altered buildings or sections of buildings, written documentation of the following shall be provided:

1. Inspection and approval of the building(s) from the local building official or approval of a plan of correction; and
2. Inspection and approval from the local health department, or approval of a plan of correction, for meeting:
 - a. Water supply;
 - b. Sewerage system; and
 - c. Food service.

~~§ 5.2.~~ At the time of license renewal, written documentation of the following shall be provided:

1. Inspection and approval from the local health department, or approval of a plan of correction, for meeting:

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- a. Water supply;
- b. Sewerage system; and
- c. Food service.

2. Inspection and approval from the appropriate fire prevention official that the center complies with the Statewide Fire Prevention Code or approval of a plan of correction.

NOTE: Procedures for approval from local building officials, appropriate fire and health officials, and local ordinances are described in General Procedures and Information for Licensure.]

Article 2. General Requirements.

[§ 5.3. Prior to issuance of a license, a child care center located in a building constructed or under construction prior to 1978 shall have an inspection for the presence of asbestos demonstrating that either (i) no asbestos was detected or (ii) asbestos was detected and response action to abate any risk to human health have been completed or (iii) asbestos was detected and response actions to abate any risk to human health have been or will be initiated in accordance with a specified schedule and plan approved by the commissioner.]

[§ 5.5. § 5.4.] No child care center shall be located where conditions exist that would be hazardous to the health and safety of children.

[§ 5.6. § 5.5.] All equipment, furnishings, and areas inside and outside the center including the grounds shall be maintained in safe and sanitary condition.

[§ 5.7. § 5.6.] Cleanliness of the facility and all of its furnishings and equipment shall be maintained.

[§ 5.8. § 5.7.] Outside lighting shall be provided at entrances and exits used by children to protect against injuries when the center operates before sunrise or after sundown.

[§ 5.9. § 5.8.] Stairs.

Steps used by the children consisting of three or more risers shall be equipped with handrails within the normal handgrasp of the children or a banister with vertical posts, between the handrail and each step, which can be safely grasped by the children. Where vertical posts are used, the distance between posts shall be no greater than three inches.

[§ 5.10. § 5.9.] Water fountains/drinking water.

Drinking water fountains or individual disposable cups, or both, shall be provided. Drinking water shall be accessible at all times.

[~~§ 5.11.~~ § 5.10.] Electrical outlets.

All electrical outlets in areas used by children shall have protective caps or other equivalent, protective devices approved by an electrical safety authority recognized by the department.

Article 3. Outdoor Activity Area.

[§ 5.12. § 5.11.] Centers shall use a clean, safe outdoor activity area, either adjoining or accessible to the center, which shall provide a minimum of 75 square feet of space per child on the outdoor area at any one time.

[§ 5.12. § 5.12.] Centers licensed for the care of infants and toddlers shall provide at least 25 square feet of unpaved surface per infant/toddler on the outdoor area at any one time. This unpaved surface shall be suitable for crawling infants and for toddlers learning to walk. This space may be counted as part of the 75 square feet required in [§ 5.12 § 5.11].

NOTE: Space covered by sand in sand boxes or play areas may be counted toward the 25 square feet of unpaved surface.

[§ 5.14. § 5.13.] [The outdoor activity area shall include a variety of surfaces, either natural or manmade. Asphalt, concrete, or similar hard surface shall not be the only outdoor surface.]

[§ 5.15. § 5.14.] Where natural shade is not available, the center shall make provision for creating a shaded area or areas.

[§ 5.16. § 5.15.] Resilient surfaces shall be placed under slides and climbing equipment more than four feet high and all swing sets to help absorb the shock if a child falls off the equipment. Resilient surfaces include, but are not limited to, sand, mulch, pea gravel, shredded tires, and rubberized surfaces.

[§ 5.17. § 5.16.] Where [swing sets swings] are provided, they shall have soft [or flexible] seats [such as, but not limited to, nylon or rubber belting] rather than hard wooden, metal, or fiberglass seats.

[§ 5.18. § 5.17.] [When concrete Ground] supports [are used] for slides, swing sets, and climbing equipment [the tops of the supports] shall be [maintained not less than four inches below the ground: covered with material(s) which would protect children from injury.]

[§ 5.19. § 5.18.] Where slides are provided, the lower ends shall be no more than 15 inches above the ground.

[§ 5.20. § 5.19.] For outdoor activity areas used by toddlers and preschool children, [the climbing portion of] slides and climbing equipment shall not be more than seven feet high.

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[~~§ 5.21.~~ § 5.20.] Outside sand in self-contained boxes with bottoms which prevent drainage shall be covered when not in use.

Article 4.

[~~Outdoor~~] Swimming and Wading Pools.

[~~§ 5.22.~~ § 5.21.] When permanent swimming or wading pools are located on the premises of the center the following standards shall apply:

1. All pools [~~constructed, renovated, or remodeled after July, 1976 shall have a statement of their inspection and approval from the State Health Department and the local administrator. shall be maintained according to health department guidelines or local ordinances where applicable.]~~

2. All pools constructed, renovated, or remodeled after April 1, 1986, shall have a statement in writing of their inspection and approval from the local building official.

3. Outdoor swimming pools shall be enclosed by safety fences and gates which shall be kept locked when the pool is not in use.

4. Entrances to swimming pools shall be locked when the pool is not in use.

5. Written safety rules shall be posted at the pool.

Article 5.

Indoor Physical Plant.

[~~§ 5.23.~~ § 5.22.] Heating and cooling systems.

A. A heating system approved by the Building Official shall be provided.

B. Freestanding gas stoves, coal stoves, wood stoves, oil stoves, heaters, and portable heating units of a similar nature shall not be used as regular sources of heating in the center.

C. Portable electric or kerosene heaters may be used in an emergency provided they have been previously inspected and approved by the appropriate fire safety official.

D. Children shall be protected from any heating equipment used so as to prevent contact burns, shock, or other types of injury.

E. Fans, when used, shall be placed at a height out of the reach of children or shall be placed in a room to which children do not have access.

F. Temperature.

In areas used by children, temperature shall be

maintained no lower than 68°F.

[~~§ 5.24.~~ § 5.23.] Lighting.

All activities shall be provided with adequate lighting.

NOTE: Natural lighting is preferred.

[Article 6: Indoor Swimming Pools.

§ 5.25. Entrances to indoor swimming pools shall be locked when not in use.

§ 5.26. Written safety rules shall be posted at the pool.]

Article [~~7.~~ 6.] Indoor Areas.

[~~§ 5.27.~~ § 5.24.] Activity areas.

A. For children, other than infants, centers shall have a minimum of 25 square feet of available activity space per child.

B. Areas not routinely used for children's activities shall not be calculated as available activity space. Space not calculated shall include, but not be limited to, offices; hallways; bathrooms; kitchens; storage rooms/closets; and space occupied by equipment which is not used in or does not contribute to the children's activities.

C. Space in areas used by infants shall be calculated separately from space for older children.

D. A center licensed for the care of infants shall choose one of the following methods to calculate available activity space:

1. Centers shall have a minimum of 25 square feet of available activity space per infant when space occupied by crib and changing tables is deducted from the calculation of available activity space.

OR

2. Centers shall have a minimum of 35 square feet of available activity space per infant when space occupied by cribs and changing tables is included in the calculation of available activity space.

E. Activity space shall be arranged so that when playing on the floor, children at each developmental stage shall be protected from children at more advanced developmental stages.

[~~§ 5.28.~~ § 5.25.] Additional areas.

A. A separate area for children who are ill, injured, or emotionally upset shall be provided.

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B. An activity area shall be available for school age children which is separate from space available for the use of younger children.

C. Tables and chairs in a quiet area shall be available for school age children who wish to study.

D. Individualized space such as, but not limited to, lockers or cubbies for each child's clothing and personal items shall be provided.

E. Shelf or cupboard space accessible to the children for equipment and materials used by them shall be provided.

F. Areas shall be provided where equipment and materials can be readily and freely chosen during active play periods.

[G. Tables used for children's activities or meals shall not be used for changing diapers.]

[~~§ 5.29.~~ § 5.26.] Bathroom areas and furnishings.

A. [~~Bathrooms~~ Bathroom areas] shall contain at least one toilet and one sink for every 15 preschool children and one toilet and one sink for every 30 school age children.

B. In any bathroom used for school age children which contains more than one toilet, at least one toilet [~~must~~ shall] be enclosed for privacy.

C. Separate bathrooms shall be provided for each sex in centers licensed for more than 30 school age children.

D. One bathroom may be used for centers licensed for 30 or fewer school age children provided that only children of the same sex occupy the bathroom at the same time.

E. Urinals may be substituted for not more than one-half the required number of toilets, provided the center has at least two toilets.

F. An adult size toilet with privacy shall be provided for staff use. Staff toilets may be counted in the number of required toilets for children only if children are permitted unrestricted access to them on a routine basis.

G. All toilets provided for children shall be the flush type, accessible, and within the same building as the children.

H. Sinks shall be equipped with running water.

I. The water temperature at taps accessible to children shall not exceed 120°F.

J. When child size toilets, urinals, and low sinks are not available in bathrooms used by preschool children, at least

one platform or set of steps shall be available so that preschool children may use adult size toilets and sinks without assistance or undue delay.

K. In centers providing overnight care, an operational tub or shower shall be provided for children over 24 months to bathe.

L. Bathroom areas shall be equipped with soap [~~or other germicidal cleansing agent~~], [toilet paper,] and disposable [~~or individually assigned~~] towels.

[~~§ 5.29.~~ § 5.27.] Diapering and toilet training areas.

[(See §§ 7.16 through 7.21 for staff procedures for diapering and toileting.)]

A. Centers [~~licensed to that~~] serve children who are not toilet trained shall provide a diapering area located in the area for children or in a room which opens directly into the area for children. The diapering area shall be equipped with at least the following:

1. A sink with heated and cold running water;

2. [~~A table or other nonabsorbent surface for changing diapers;~~ A changing table or counter equipped with a nonabsorbent surface for changing infants' diapers;]

[3. A nonabsorbent surface for changing diapers of children, other than infants, who are not toilet trained;]

[~~3.~~ 4.] A step-on diaper pail with leakproof disposable liners or equivalent equipment which does not require the top of the pail to be touched by hand when discarding diapers. If both cloth and disposable diapers are used, there shall be one such pail for each type; and

[4. 5.] A covered receptacle for soiled bed linens and nondisposable wash cloths.

B. For every 10 children in the process of being toilet trained there shall be one toilet chair, or one child-sized toilet, or one adult sized toilet with a platform or steps and an available adapter seat. These items shall either be located in the area used for the majority of the day by the children being toilet trained or the immediately accessible area. To be considered immediately accessible, the diapering center must be located in a room which opens directly into the area for children.

C. When only toilet chairs are used, there shall be a toilet located in an area or room in which the door is not more than 10 feet from the area used for the majority of the day by the children being toilet trained.

[~~§ 5.31.~~ § 5.28.] Areas for sleep and rest and furnishings.

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A. Children under the age of 24 months shall be provided separate sleeping areas from those children 24 months and over.

B. For evening and overnight care, separate sleeping areas shall be provided for children of the opposite sex 10 years of age and older.

C. Furnishings.

1. No more than one child at a time shall use a crib, cot, mat, or bed.

2. A separate crib, cot, [~~bed, or mat,~~ mat, or bed,] according to the age of the child, shall be assigned to each child who is regularly in attendance at naptime or bedtime.

3. Cribs, cots, mats, and beds shall be marked or identified in some way for use by a specific child.

4. Double decker cribs, cots, or beds shall not be used.

5. Cribs shall be used for children under 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot.

6. Crib sides shall always be up and the fastenings secured when a child is in the crib, except when staff is giving the child immediate attention.

7. When cribs with slats are used by the center, there shall be no more than six centimeters or 2-3/8 inches of space between slats.

8. Mats may be used by school age children only.

a. Mats shall be at least 22 inches wide and 39 inches long and shall be covered with a waterproof material that is readily cleanable, such as vinyl.

b. Mats shall be at least one inch thick.

9. For evening care, beds with mattresses or cots with at least a one-inch foam rubber pad shall be provided for children not required to sleep in cribs.

10. For overnight care, beds with mattresses or cots with at least a two-inch foam rubber pad shall be required for children not required to sleep in cribs.

11. For overnight care which occurs for a child on a weekly or more frequent basis, beds with mattresses shall be required.

12. Required bed linens.

a. Required bed linens for cribs, cots, mats, or beds shall consist of a top cover and a bottom cover or a one-piece covering which is open on three edges.

b. Mattresses when used shall be covered with a waterproof material which can be easily sanitized such as, but not limited to, vinyl or a nonfilm type polyethylene material.

c. Linens shall be maintained in clean and sanitary condition.

d. Pillows.

(1) When used, pillows shall be assigned for individual use and covered with pillow cases.

(2) Pillows shall not be used by children under two years of age.

D. Arrangement of cribs, cots, mats, and beds.

1. When one or more children are scheduled to enter or leave the center while other children are resting or sleeping, the cribs, cots, mats, or beds shall be placed so that the resting or sleeping children are not disturbed by the arriving or departing children.

2. Occupied cribs, cots, mats, and beds shall be at least 2-1/2 feet from radiators in use.

3. There shall be at least 30 inches of space between service sides of occupied cribs and other furniture when that space is the walkway for staff to gain access to any child in any crib.

4. There shall be at least 12 inches of space between the sides and ends of occupied cribs except where they touch the wall.

5. Cots, beds, or mats shall be placed so that children can get on and off their cots, beds, or mats without being hampered in their movement.

6. There shall be at least 15 inches of space between sides and ends of occupied cots, beds, and mats.

7. Fifteen inches of space are not required where cots, beds, or mats touch the wall or where screens are placed between cots or beds as long as one side is open at all times to allow for passage.

[~~§ 5.22:~~ § 5.29.] Food service areas.

A. Eating utensils and dishes shall be appropriate to the sizes, developmental stages, and physical dexterity of the children served.

B. High chairs, infant carrier seats, or feeding tables shall be used for children under 12 months who are not held while being fed.

C. Sturdy chairs and tables appropriate to the sizes of the children shall be used at mealtime.

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[~~§ 5.33.~~ § 5.30.] Areas for cleaning fluids and other harmful household agents.

A. These substances shall be kept in a locked place using a safe locking method that cannot be unlocked by children. If a key is used, the key shall be placed out of the reach of children.

B. These substances shall be stored in containers that clearly indicate their contents.

C. If these substances are kept in original containers, the substitute containers shall not resemble food or beverage containers.

Article [~~8.~~ 7.] Equipment.

[~~§ 5.34.~~ § 5.31.] Centers shall have equipment and materials which are:

1. Suitable and appropriate to the developmental stages of the children;
2. In sufficient supply; and
3. Accessible to children for activities required by these standards.

[~~§ 5.35.~~ § 5.32.] Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children such as, but not limited to, sharp, rough edges; toxic paint; and objects small enough to be swallowed.

[~~§ 5.36.~~ § 5.33.] Disposable items.

A. All disposable products shall be used once and discarded.

B. Disposable dishes and utensils shall be sturdy enough to contain food without leakage and to prevent harm and injury to children.

[~~§ 5.37.~~ § 5.34.] Personal items.

A. When sleeping garments are used, they shall be clean, comfortable, and plainly marked for individual use.

B. If combs, toothbrushes, wash cloths, cloth towels, or other personal articles are used, they shall be individually assigned.

[~~§ 5.38.~~ § 5.35.] First aid kit and [emergency] supplies.

Each floor of each building of the center shall have a first aid kit which shall include at a minimum:

1. Scissors;
2. Tweezers;

3. Gauze pads;

4. Adhesive tape;

5. Band-aids, assorted sizes;

6. An antiseptic cleansing solution;

7. An antibacterial ointment;

8. Syrup of ipecac [or activated charcoal preparation] (to be used only upon the advice of the physician or the Poison Control Center);

9. Insect bite/sting preparation;

10. Thermometer; and

11. Triangular bandages.

B. Each first aid kit shall be stored so that it is not accessible to children but is easily accessible to staff.

C. In addition, zip-lock bags, sponges or chemical cooling agents shall be readily available in the center for icing down contusions, sprains, and breaks.

D. A first aid instructional manual shall be kept with each first aid kit at all times.

[E. Each floor of each building shall have a working, battery-operated flashlight.

F. There shall be at least one working, battery-operated radio for emergencies.]

PART VI. ADMISSION POLICIES AND PROCEDURES.

Article 1. Orientation.

§ 6.1. Prior to the child's admission there shall be a personal interview at the center with a staff person, the parent, and the child unless there are unusual circumstances which preclude having the child present for the initial interview.

NOTE: The purpose of the interview is to provide the opportunity for the parent and staff to exchange information and arrive at a joint decision about the admission of the child.

§ 6.2. Prior to the child's admission, the center shall inform the parent of:

1. Fees and tuition, and
2. The program and activities provided.

§ 6.3. Prior to the child's admission, the center shall

provide written information to the parent regarding the following:

1. Admission and enrollment termination policies including the amount of notice required from the parent and the center prior to termination of enrollment;
2. Hours and days of operation, including holidays and other closures;
3. The center's definition of acceptable and unacceptable discipline measures.
4. Transportation safety policies, when transportation is provided;
5. Procedures for protecting children from traffic and other hazards during arrival and departure; and
6. Food policies.

Article 2.

Health Requirements for Children.

§ 6.4. Timing and frequency of medical reports.

A. Immunizations.

[Section 22.1-271.2 of the Code of Virginia requires that documentation 1. Regulations by the State Board of Health for the immunization of school children require documentation] of all [age appropriate] immunizations [received be obtained prescribed in the regulations] prior to each child's admission to a child care center [required to be] licensed by this Commonwealth.

[~~EXCEPTION:~~ EXEMPTIONS:] (Subsection C of § 22.1-271.2 of the Code of Virginia [and § 3.03 of the Regulations for the Immunizations of School Children]): Documentation of immunization is not required for any child whose [(i)] parent submits an affidavit to the center, on the form entitled "Certificate of Religious Exemption," stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices [; , or (ii)] physician or a local health department states on a MCH 213B Form that one or more of the required immunizations may be detrimental to the child's health.]

[2. Updated information on immunizations received shall be obtained once every six months for children under the age of two years.

3. Updated information on immunizations received shall be obtained once between each child's fourth and sixth birthdays.]

B. Physical examination.

Each child shall have a physical examination by or under the direction of a physician, prior to admission or within one month after admission. The schedules for examinations prior to admission for different age groups are listed below:

1. Within two months prior to admission for children six months of age and younger;
2. Within three months prior to admission for children aged seven months through 18 months;
3. Within six months prior to admission for children aged 19 months through 24 months;
4. Within 12 months prior to admission for children two years of age through five years of age;
5. Within two years prior to admission for children six years of age or above.

EXCEPTIONS:

a. Children transferring from a facility licensed by the Virginia Department of Social Services, certified by a local department of public welfare/social services, or approved by a licensed family day care system:

If the initial report or a copy of the initial report of immunizations is available to the admitting facility, no additional examination is required. If the initial report or a copy of the initial report is not available, a report of physical examination and immunization is required in accordance with § 6.4 A-B.

b. (Subsection D of § 22.1-270 of the Code of Virginia): Physical examinations are not required for any child whose parent objects on religious grounds. The parent must submit a signed statement noting that the parent objects on religious grounds and certifying that to the best of the parent's knowledge the child is in good health and free from communicable or contagious disease.

§ 6.5. Form and content of [medical immunizations and physical examination] reports.

A. The current form required by the Virginia Department of Health shall be used to report immunizations received and the results of the required physical examination. [See Appendix I for a copy of this form.]

EXCEPTION: When the current Health Department form has not been used such as, but not limited to, when a child transfers from another state, other documentary proof of the child having received the required examination and immunizations shall be accepted. Documentary proof may include, but not be limited to, an

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International Certificate of Immunization, another state's immunization form, or a physician's letterhead.

B. Each reporter shall include the date of the physical examination and dates immunizations were received.

C. Each report shall be signed by a physician, his designee, or an official of a local health department.

D. Each report shall be filed at the center during the child's enrollment.

[§ 6.6. Medical reports after admission:

A. Updated information on immunization received shall be obtained once every six months for children under the age of two years.

B. Updated information on immunization received shall be obtained once between each child's fourth and fifth birthdays.

C. These medical reports shall meet the form and content requirements under § 6.4 B.]

Article 3. Communications with Parents.

[§ 6.7. § 6.6.] There shall be [~~regular and planned~~ regular, verbal] communication between the center and the parent about the progress, adjustment, and needs of the child.

[§ 6.8. § 6.7.] When a center decides to terminate the enrollment of a child, the center shall inform the parent of the reason(s) for termination.

[§ 6.9. § 6.8.] The center shall encourage parental involvement on a volunteer basis in any appropriate center activities.

[§ 6.10. § 6.9.] The center shall be open for parents to visit and observe their children at any time.

[§ 6.11. § 6.10.] Daily communication with parents.

A. For each infant, the center shall post a daily report which can be easily seen by both the parent and by the staff working with the children. The record shall include the following information:

1. The amount of time the [~~child~~ infant] slept;
2. The amount of food consumed and the time;
3. A description and the time of [~~irregular~~] bowel movements; and
4. Developmental milestones.

B. For toddlers, there shall be daily verbal

communication about:

1. Daily activities;
2. Physical well-being; and
3. Developmental milestones.

PART VII. SPECIAL CARE PROVISIONS.

Article 1. Special Care Provisions To Prevent the Spread of Disease.

§ 7.1. The current edition of the Communicable Disease Chart, available from the State Department of Health or Department of Social Services, shall be posted in the center.

§ 7.2. The current Communicable Disease Chart recommendations for the exclusion of sick children from the center shall be followed. (Refer to Communicable Disease Chart in Appendix [~~I~~ II.])

§ 7.3. Staff with training as required in § 3.18 B shall observe each child daily for signs and symptoms of illness.

[§ 7.4. If a child arrives at the center with obvious signs or symptoms of a communicable disease, the child shall not be allowed to attend for that day.]

[§ 7.4. § 7.5.] If a child has signs or symptoms of a communicable disease as referenced in the Health Department's Communicable Disease Chart (See Appendix [~~I~~ II.]) or has a diagnosed communicable disease, arrangements shall be made for the child to leave the center as soon as possible after the signs or symptoms are noticed.

[§ 7.5. § 7.6.] A child showing signs or symptoms of a communicable disease shall remain in the designated quiet, private area until leaving the center.

[§ 7.6. § 7.7.] When a child has been exposed to a communicable disease while attending the center, the parent shall be notified at the end of the day unless otherwise instructed by the health department.

[§ 7.7. § 7.8.] If a child's clothing becomes wet or soiled, it shall be changed immediately.

[§ 7.8. § 7.9.] Children's hands shall be washed with soap [~~or germicidal cleansing agent~~] and water prior to eating meals or snacks and after toileting.

Article 2. Medication.

[§ 7.9. § 7.10.] Prescription and nonprescription medication shall be given to a child only with written

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authorization from the parent.

[§ 7.10. § 7.11.] The authorization for administering any medication shall be effective for a limited time period not to exceed 10 work days, unless otherwise prescribed by a physician, and shall be retained on file at the center during the effective period.

[§ 7.11. § 7.12.] All medication shall be labeled with the child's name, the name of the medication, the dosage amount, and the time(s) to be administered.

[§ 7.12. § 7.13.] Prescription medication shall be in the original container with the prescription label affixed.

[§ 7.13. § 7.14.] All medication shall be kept in a [designated] locked place [or a refrigerator inaccessible to children].

[§ 7.14. § 7.15.] Prescription and nonprescription medication shall be returned to the parent as soon as the medication is no longer being administered.

Article 3.

Staff Procedures for Diapering and Toileting.

[§ 7.15. § 7.16.] [~~Diapers~~ Infants' diapers] shall be changed on a [~~nonabsorbent changing surface~~ changing table or counter equipped with a nonabsorbent surface] which shall be washed with soap and warm water or a germicidal cleansing agent after each use. A disposable paper sheet which is discarded after each diapering may be used in lieu of washing the nonabsorbent changing surface after each use.

[§ 7.16. § 7.17.] [A child's ~~diapers~~ shall not be changed in a ~~crib~~. Changing tables shall be used only for changing diapers or cleansing children.]

[§ 7.17. § 7.18.] The child's genital area shall be thoroughly cleaned during each diapering.

[§ 7.18. § 7.19.] Staff shall wash their hands with soap or germicidal cleansing agent and water after each diaper change and after helping a child with toileting.

[§ 7.19. § 7.20.] Cloth wash cloths used in diaper changes shall be used once and laundered before being used again.

[§ 7.20. § 7.21.] Toilet chairs shall be emptied promptly after each use.

Article 4.

Laundering of Bed Linens and Towels.

[§ 7.21. § 7.22.] Crib sheets for children shall be changed and cleaned daily and whenever soiled.

[§ 7.22. § 7.23.] Towels and bed linens, other than crib sheets, shall be changed and cleaned at least weekly or more often as necessary.

[§ 7.23. § 7.24.] Bed linens and towels shall be assigned for individual use.

[Article 5.
General.

§ 7.25. There shall be no smoking in areas where children are present.]

PART VIII. PROGRAM AND SERVICES.

Article 1. Management of Behavior.

§ 8.1. The goal of discipline is to help the child learn self-control and build good habits. [Adults Staff] shall help children learn self-control by treating them in ways that promote their self-esteem and self-image and use discipline techniques such as:

1. Using limits that are clear, fair, consistently applied, and appropriate and understandable to the children to whom they apply;
2. Providing children with reasons for limits and patiently enforcing them;
3. Accepting age appropriate behavior and expecting behavior that is on the child's developmental level;
4. Redirecting children to acceptable or appropriate activities and behavior;
5. Helping children to use words to express their feelings and frustrations and to resolve conflicts; and
6. Arranging equipment in a way that promotes desirable behavior.

§ 8.2. Behavior problems shall be dealt with promptly.

§ 8.3. There shall be no physical punishment or disciplinary action administered to the body such as, but not limited to, spanking; forcing a child to assume an uncomfortable position (e.g., standing on one foot, keeping arms raised above or horizontal to the body); restraining to restrict movement through binding or tying; enclosing in a confined space, box, or similar cubicle; or using exercise as punishment.

§ 8.4. Children shall not be shaken at any time.

§ 8.5. The center shall neither force nor withhold meals or snacks, neither force nor withhold naps, nor punish toileting accidents in disciplining the child.

§ 8.6. Staff shall not be verbally abusive which would include, but not be limited to, threats or belittling remarks about any child or the family.

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§ 8.7. Acceptable and unacceptable methods of discipline shall be defined in written policy.

§ 8.8. Staff shall know and adhere to the center's policy on acceptable and unacceptable discipline methods.

Article 2. Nutrition and Food Services.

§ 8.9. Meals and snacks.

A. Meals and snacks shall be provided by the center or catered for all children according to the following requirements:

1. All meals and snacks shall meet the nutritional needs of children as established by a recognized authority such as the Child Care Food Program of the U.S. Department of Agriculture as listed in the charts found in Appendix [H- III.]

2. Meals and snacks shall provide opportunities for children to learn to eat and enjoy a variety of nutritious foods. When both meals and snacks are part of the meal service three sources of Vitamin A and at least three sources of Vitamin C shall be served each week as listed in the chart found in Appendix [H- IV.]

3. Menus.

a. A menu listing all meals and snacks to be served by the center during the current one-week period shall be dated and posted in a location conspicuous to parents or distributed to parents.

b. Posted menus shall indicate substitutions.

c. Menus shall be retained at the center for one month.

4. Children shall be permitted to have additional servings.

B. The center may choose to permit parents to provide any of the following categories of food:

1. Special diets for religious or health reasons;

2. Infant formulas;

3. Baby food;

4. Breakfasts;

5. Snacks;

6. Beverages and foods for celebrations and field trips; and

7. Midday meals for school age children only.

C. If the center permits parents to bring food from home, all unused portions shall be discarded or returned to parents at the end of each day.

§ 8.10. Infant and toddler food service needs.

A. Infants shall be fed on demand unless parents provide other written instruction.

B. Prepared infant formula shall be refrigerated and clearly labeled in a way that identifies the child.

C. Bottle fed infants who cannot hold their own bottles shall be picked up and held when fed. Bottles shall not be propped.

D. No child shall be allowed to drink from a bottle while walking around.

E. Formula, bottled breast milk, and [prepared] baby food not consumed by an infant may be used later in the same day, if dated and stored in the refrigerator; otherwise, it shall be discarded or returned to the parent at the end of the day.

F. A one-day's emergency supply of disposable bottles, nipples, and commercial formulas appropriate for the children in care shall be maintained at the center.

G. Upon request, mothers shall be allowed to breastfeed their infants at the center.

H. Staff shall feed semisolid food with a spoon.

EXCEPTION: Infant feeders such as, but not limited to, the plunger type feeding device shall not be used except with written authorization and instructions from the child's physician.

I. Children shall be encouraged to feed themselves according to their developmental readiness.

J. Drinking water shall be offered at regular intervals to infants and toddlers.

K. Children using infant seats or high chairs shall be carefully supervised during snacks or meals. When a child is placed in an infant seat, the protective belt shall be fastened securely.

§ 8.11. Contract food services.

A. If a catering service is used, it shall be approved by the local health department.

B. A copy of the current contract shall be made available to the department's representative upon request.

Article 3. Daily Schedule.

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[§ 8.12. There shall be a flexible schedule for infants based on their individual needs.]

[~~§ 8.12.~~ § 8.13.] There shall be a [~~routine yet flexible schedule so that children have the security of knowing the sequence of daily activities.~~ predictable sequence to the day for children 16 months or older, but the schedule shall be flexible, based on children's needs.]

[~~§ 8.13.~~ § 8.14.] The daily schedule which describes the typical sequence of daily activities [~~shall be posted~~] for toddlers, preschoolers, and school age children [~~shall be posted~~].

[§ 8.14. § 8.15.] A mix of materials and activities both group and individual, active and quiet shall be provided.

[§ 8.15. § 8.16.] Outdoor activity shall be provided daily, weather permitting.

A. Centers operating five hours or more per day shall have at least one hour of outdoor activity per day which shall be divided between morning and afternoon.

B. Centers operating less than five hours per day shall have a brief outdoor recess in the morning or afternoon.

EXCEPTION: Outdoor activity may be omitted on days when an all day field trip will take place indoors, as in a visit to a museum.

[§ 8.16. § 8.17.] Meals and snacks.

A. Centers open morning through afternoon shall serve a morning snack, a midday meal, and an afternoon snack.

B. Centers open part of the day shall serve appropriate snacks or meals, or both, based on their hours of operation; e.g., a center open only for after school care shall serve an afternoon snack; a center open from 7 a.m. to 1 p.m. shall serve a morning snack and midday meal.

C. Evening and overnight care shall provide an evening meal and snack. The center shall designate the time for dinner.

D. There shall be a period of at least 1-1/2 hours between each meal or snack service.

[§ 8.17. § 8.18.] Resting.

A. Children of all ages shall be allowed to rest or sleep as needed on cribs, cots, [~~beds, or~~] mats, [or beds,] as appropriate.

B. Centers operating five or more hours per day shall have a designated rest period for preschool children in attendance at the time of the rest period.

1. The designated rest period shall be at least one hour but no longer than two hours unless children are

actually sleeping.

2. Cots or beds shall be used during the designated rest period.

3. After the first [45 30] minutes of the rest period, nonsleeping children shall be allowed to participate in quiet activities, which may include but not be limited to books, records, puzzles, coloring, or manipulatives.

C. Resting or sleeping infants and toddlers shall be individually checked at least every 30 minutes.

Article 4. Swimming and Wading.

[§ 8.18. § 8.19.] When swimming or wading is provided as a part of the center program in either on-site or off-site pools, the following standards apply:

1. The center shall maintain written, signed permission from the parent of each child who participates in swimming or wading.

2. The center shall distribute written safety rules to center staff and to parents of participating children.

3. If portable wading pools are used, they shall be emptied of dirty water and filled with clean water for each day's use, and more frequently as necessary.

Article 5. Activities.

[§ 8.19. § 8.20.] The daily program for children shall provide developmentally appropriate experiences which promote growth, well-being, and the development of gross and fine motor skills; language skills; cognitive skills; social and emotional skills; positive self-concept, curiosity, interest, and exploration.

[§ 8.20. § 8.21.] Infant activities.

A. For infants, the center shall provide daily equipment and opportunities for sensory and perceptual experiences, gross and fine motor development, as well as social, emotional, and language development.

B. Such equipment and play materials shall include, but not be limited to balls, busy boards, books, rattles, mobiles, dolls, play mats, soft blocks, nesting and stacking toys, squeeze toys, music boxes, and mirrors placed where children can see themselves.

C. Caregivers shall consistently respond to infants' needs for food and comfort.

D. Awake infants shall have the opportunity to play with a variety of play spaces, such as, but not limited to [,] crib, infant seat, infant swing, floor, [and] high chair.

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E. There shall be periods of time each day when infants shall be free to creep, crawl, toddle, and walk.

F. Stimulation shall be regularly provided for infants in a variety of ways including being held, cuddled, talked to, and played with by staff.

G. For awake infants or toddlers or other children who cannot move about unassisted, staff shall change the places and position of the child and the selection of toys or objects available to the child at least every 30 minutes.

[H. There shall be a flexible schedule for infants based on their individual needs.]

[~~§ 8.21.~~ § 8.22.] Toddler activities.

A. For toddlers, the center shall provide daily equipment and opportunities for sensory and perceptual experiences, and gross and fine motor development, as well as social, emotional, and language development.

B. The following activities and experiences for toddlers, which are explained in Appendix [~~IV~~, V,] shall include, but not be limited to:

1. Art activities;
2. Rhythm and music;
3. Language and communication experiences;
4. Sensory experiences and exploration of the environment;
5. Construction;
6. Social living;
7. Water and sand play;
8. Fine motor activities; and
9. Gross motor activities.

NOTE: Many activities provide the opportunity to combine several of the interest areas above. For example, a center may make a collage of fall leaves combining 1 and 4. Many of the manipulative and fine motor activities could also be combined, etc.

C. [Adults Staff] shall encourage language development by one-to-one face-to-face conversations giving toddlers time to initiate and respond; labeling and describing objects and events; helping children put feelings into words; and expanding on toddler language.

D. [Adults Staff] shall express affection, support toddler's growing independence such as dressing and eating, and making choices in activities and routines.

E. [Adults Staff] shall support toddler's developing self-control by expressing feelings with words, giving positively worded directions, and modeling and redirecting behavior.

[F. There shall be a predictable sequence to the day but schedules are flexible based on children's needs.]

[~~§ 8.22.~~ § 8.23.] Preschool activities.

A. For preschoolers, the center shall provide daily experiences that meet children's need for active exploration and interaction with adults, other children and materials that stimulate learning in all developmental areas – physical, social, emotional and intellectual.

B. The following activities and experiences for preschool children, which are explained in Appendix [~~V~~, VI,] shall include, but not be limited to:

1. Art activities;
2. Rhythm and music;
3. Language and communication experiences;
4. Sensory experiences and exploration of the environment;
5. Construction;
6. Social living;
7. Water and sand play;
8. Fine motor activities; and
9. Gross motor activities.

C. [Adults Staff] shall provide affection and be supportive of preschooler's independence, but shall be available to comfort and help when needed.

D. [Adults Staff] shall encourage preschoolers to help with daily routines of the classroom and practice self-help skills but shall be patient with occasional accidents.

E. [Adults Staff] shall be supportive of children's beginning friendships and shall allow preschoolers to play individually or in small, informal groups.

F. [Adults Staff] shall provide large amounts of uninterrupted time for children to persist at self-chosen tasks and activities and shall allow children to learn from self-directed problem-solving and experimentation.

[~~§ 8.23.~~ § 8.24.] School age activities.

A. For school age children, the center shall provide daily experiences that promote children's sense of industry and independence, social competence, and physical

development by providing activities that contain the following three elements:

1. ~~Adults Staff~~ to whom children can talk and who express affection and respect for the child;
2. Stimulating and interesting activities; and
3. Space and materials which can be used ~~with~~ ~~without~~ ~~undue~~ ~~adult staff~~ restrictions.

~~B. The following activities and experiences for school age children, which are explained in Appendix [VI, VII,] shall include, but not be limited to, the following activities:~~

1. Arts and craft activities;
2. Assistance with homework;
3. Rhythm, music, and drama;
4. Fine and gross motor activities; and
5. Special projects and hobbies.

[§ 8.24. § 8.25.] Evening and overnight care activities.

A. Activities for children in evening or overnight care shall include (as time allows) age-appropriate activities described in [§§ 8.20 through 8.23. §§ 8.21 through 8.24.]

B. Quiet activities and experiences shall be available immediately prior to bedtime.

PART IX. EMERGENCIES.

Article 1. Specialized Staff Training.

§ 9.1. [First aid training.]

[A.] There shall be at least one staff person on the premises during all hours of operation and also a person on all field trips who have [received an unexpired basic certificate in standard successfully completed within the past three years a] first aid ~~(Multi-Media, Personal Safety, or Standard First Aid Modular)~~ from a] course approved by the American Red Cross or [the Division of Emergency Medical Services, Virginia Department of Health. equivalent to the curriculum approved by the State Board of Health.]

NOTE: If no children remain on the premises during a field trip, it is not necessary for a person certified in first aid to remain at the center.

[B. If one or more employees with first aid training separate(s) from the center, the center shall meet the requirements of § 9.1 A within 45 calendar days.)

C. A newly licensed center shall have 30 calendar days to comply with the requirements of § 9.1 A.]

§ 9.2. [~~The A~~] first aid kit shall be available wherever children are in care, including field trips.

Article 2. Procedures for Emergencies.

§ 9.3. The center, in consultation with the appropriate local authorities, shall develop a written plan to be implemented in the event of fire or other emergencies requiring evacuation. Each emergency plan shall, at minimum, address staff responsibility with respect to:

1. Sounding of fire alarms and notification of local authorities;
2. Evacuation procedures including assembly points, head counts, primary and secondary means of egress, and checking to ensure complete evacuation of the building(s);
3. Fire containment procedures, e.g., closing of fire doors or other barriers; and
4. Other special procedures developed with the local authorities.

§ 9.4. Emergency evacuation procedures shall be posted in a location conspicuous to staff and children in each building of the center.

§ 9.5. The center shall implement these [emergency evacuation] procedures through monthly practice drills and shall maintain a record of the dates of the monthly [emergency evacuation] drills for one year.

§ 9.6. The following telephone numbers shall be posted in a conspicuous place near each telephone:

1. A physician or hospital;
 2. An ambulance or rescue squad service;
 3. The local fire department;
 4. The local police department;
- NOTE: If there is a generic emergency number such as, but not limited to, 911 operable in the locality, that number may be posted in lieu of the above numbers.
5. A regional poison control center.

§ 9.7. Notification of [missing child,] injury [,] or death of a child.

A. The center shall notify the parent immediately in the event of a serious accident or injury and shall notify the

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parents of a minor accident or injury at the end of the day. Written documentation of the type of injury, date, and method of notifying parents shall be kept on file at the center for two years after the injury or accident.

NOTE: Examples of a serious accident or injury might include unconsciousness; broken bones; deep cut requiring stitches; concussion; foreign object lodged in eye, nose, or ear or other body orifice [; or being lost].

Examples of a minor accident or injury might include a small scratch, cut, or scrape; minor bruise or discoloration of the skin.

B. In the event of the death of a child, the [center appropriate professional] shall notify the parent immediately and, [~~within 24 hours~~, by the next working day, the worker shall] inform the commissioner's representative of the circumstances surrounding the death.

APPENDIX II

SCHOOL ENTRANCE PHYSICAL EXAMINATION
AND
IMMUNIZATION CERTIFICATION

SCHOOL ENTRANCE PHYSICAL EXAMINATION AND IMMUNIZATION CERTIFICATION
COMMONWEALTH OF VIRGINIA

PART I

PERSONAL DATA

NAME: _____ BIRTH DATE: _____
 SEX: MALE FEMALE RACE: _____ CHILD'S SOCIAL SECURITY #: _____
 PARENT OR GUARDIAN: _____ WORK PHONE: _____
 HOME ADDRESS: _____ HOME PHONE: _____
 ZIP: _____

SCHOOL DATA

SCHOOL: _____ SCHOOL DIVISION: _____ STUDENT I.D. NUMBER: _____ SCHOOL YEAR/GRADE: _____

HEALTH HISTORY

LIST ANY SERIOUS ILLNESSES, ACCIDENTS, OPERATIONS, NUTRITIONAL, DENTAL, MENTAL OR EMOTIONAL PROBLEMS OR HANDICAPPING CONDITIONS:
 1. _____ IS CHILD RECEIVING CONTINUING MEDICAL CARE: YES NO
 2. _____ IS CHILD TAKING ANY MEDICATION REGULARLY: YES NO
 3. _____ IS CHILD USING ANY MEDICAL DEVICE: YES NO

SIGNED: PARENT OR GUARDIAN DATE: _____

PHYSICAL EXAMINATION

HT: _____ WT: _____ B/P: _____ URINALYSIS: _____
 HEARING: _____ R _____ L _____ HEMOGLOBIN: _____
 VISION: W/O GLASSES: R 20' _____ L 20' _____ TUBERCULIN _____
 W/ GLASSES: R 20' _____ L 20' _____ (PP. GIVEN): _____
 COLOR DISCRIMINATION: _____ OTHER: _____

NORMAL EVALUATION
 IF NOT, DESCRIBE ABNORMAL OR HANDICAPPING CONDITIONS: _____ RECOMMENDATIONS:
 1. _____
 2. _____
 3. _____

SIGNED: PHYSICIAN _____ DATE: _____

PART II CERTIFICATION OF IMMUNIZATION*

IMMUNIZATIONS	VACCINE DOSES ADMINISTERED					RELIGIOUS EXEMPTION
Diphtheria TETANUS PERTUSSIS (DTP)	1) / / Mo Day Yr	2) / / Mo Day Yr	3) / / Mo Day Yr	4) / / Mo Day Yr	5) / / Mo Day Yr	§ 22-1271.2 C (1) of the Code allows a child an exemption in receiving immunizations required for school attendance if his parent or guardian submits an affidavit to the school advising official that the administration of immunization conflicts with the student's religious beliefs or practices. Any student entering school for the first time after July 1, 1983 must submit this affidavit on a Certificate of Religious Exemption Form (CRE-1) which must be approved by the local health department, school division superintendent or state health department or school division superintendent's office local department of social services.
Diphtheria TETANUS (Td)	1) / / Mo Day Yr	2) / / Mo Day Yr	3) / / Mo Day Yr	4) / / Mo Day Yr	5) / / Mo Day Yr	
POLIO/TET/DT (P/D/T)	1) / / Mo Day Yr	2) / / Mo Day Yr	3) / / Mo Day Yr	4) / / Mo Day Yr	5) / / Mo Day Yr	
MEASLES	Mo Day Yr	Serological Confirmation of Immunity / / Mo Day Yr		MEDICAL EXEMPTION <input type="checkbox"/> DTP <input type="checkbox"/> Td <input type="checkbox"/> D/P <input type="checkbox"/> Mumps <input type="checkbox"/> Polio <input type="checkbox"/> Rubella As specified in § 22-1271.2 C (1) of the Code, I certify that administration of the vaccine(s) designated above would be detrimental to the student's health. The vaccine(s) is (are) specifically contraindicated because: _____		
RUBELLA	Mo Day Yr	Serological Confirmation of Immunity / / Mo Day Yr		This contraindication is <input type="checkbox"/> permanent (or) <input type="checkbox"/> temporary and expected to prevent immunization until _____ Signature of Physician or Health Department Official _____ Date _____		
MUMPS	Mo Day Yr	Child entered school before August 1, 1981 <input type="checkbox"/> YES		Signature of Physician or Health Department Official _____ Date _____		
MEASLES, MUMPS, RUBELLA (MMR)	Mo Day Yr	I certify that the student has received at least one dose of each of the vaccines required by the State Board of Health for attending school and that student has a plan for the completion of his immunization requirements.				

*Please see instructions on the back of this form.

Form MCH 2130
7/83

I certify that this student is adequately immunized as accordance with the minimum requirements for attending school prescribed by the State Board of Health as shown on the reverse of this form.

Signature of Physician or Health Department Official _____ Date _____

SCHOOL COPY

A. INFORMATION AND INSTRUCTIONS FOR COMPLETING CERTIFICATION OF IMMUNIZATION (PART II)

INSTRUCTIONS TO PHYSICIANS:

Please provide complete information in Part II, if the exact dates are not known, please record the approximate dates of administration. The exact dates of administration should be recorded unless it is clear that this student was immunized at 12 months of age or older in which case only the month and year should be recorded. If the student was immunized at 12 months of age or older in which case only the month and year should be recorded. If the student was immunized at 12 months of age or older in which case only the month and year should be recorded.

INSTRUCTIONS TO PHYSICIANS:

Please provide complete information in Part II, if the exact dates are not known, please record the approximate dates of administration. The exact dates of administration should be recorded unless it is clear that this student was immunized at 12 months of age or older in which case only the month and year should be recorded. If the student was immunized at 12 months of age or older in which case only the month and year should be recorded. If the student was immunized at 12 months of age or older in which case only the month and year should be recorded.

MINIMUM IMMUNIZATIONS REQUIRED OF NEW STUDENTS BY THE STATE BOARD OF HEALTH AS A PREREQUISITE FOR SCHOOL ATTENDANCE

1. Doses of DTP, with one dose received after the fourth birthday, if any of the following conditions exist:
 - a. The student has not received one or more doses of DTP.
 - b. The student has received one or more doses of DTP, but the last dose was received after the seventh birthday.
2. Doses of live virus measles (mumps) vaccine received after 12 months of age or older.
3. Doses of rubella vaccine received at 12 months of age or older.
4. Doses of mumps vaccine received at 12 months of age or older for students entering school on or after August 1, 1981.

*DTP means diphtheria and tetanus toxoids and pertussis vaccine.
 *Td means tetanus and diphtheria toxoids.
 *OPV means oral polio vaccine.

Age	Recommended Schedule				Other
	1st Dose	2nd Dose	3rd Dose	4th Dose	
1-2 yrs	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	MMR (when 15 mos)
3-4 yrs	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	MMR (when 15 mos)
5-6 yrs	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	MMR (when 15 mos)
7-12 yrs	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	MMR (when 15 mos)
13-18 yrs	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	OPV 1, OPV 2, OPV 3	MMR (when 15 mos)

COMMUNICABLE DISEASE CHART

[(A larger copy of this chart can be obtained from your local Health Department.)]

Communicable Disease Reference Chart For School Personnel

Disease	Incubation Period	Common Signs and Symptoms	Recommendations For Exclusion From School
Chickpox (Varicella)	From 2 to 3 weeks, usually 13 to 17 days.	Sudden onset with slight fever and itchy eruptions which become vesicular (small blisters) within a few hours. Lesions commonly occur in successive crops, with several stages of maturity present at the same time.	Communicable for as long as 3 days before eruption of, and for not more than 6 days after the appearance of the lesions. Case: Exclude from school for 7 days after eruption, exposure to women in early pregnancy. Contact: On appearance of first sign or symptom, exclude school for 7 days.
Fifth Disease (Erythema Infectiosum)	From 6-14 days.	Mild illness without fever. Rash characterized by a vivid reddening of the skin especially of the face which fades and recurs; classically, described as a "slapped cheek appearance."	Case: Exclusion from school not required. Contact: School exclusion not indicated.
German Measles (Rubella)	From 14 to 21 days, usually 16 to 18 days.	Mild symptoms; slight fever, rash of variable character lasting about 3 days; enlarged head and neck lymph glands common. Joint pain may occur especially in older children and adults.	Communicable for 7 days before onset of rash and at least thereafter. Case: Exclude from school for 7 days after onset of symptoms. Avoid exposure to women in early pregnancy. Check immunization records. Contact: Those who are pregnant and not immunized should be urged to seek medical advice.
Hepatitis A (Infectious Hepatitis)	From 15 to 50 days, usually 28-30 days.	Fever, loss of appetite, nausea, abdominal discomfort and weakness followed by jaundice. Many unrecognised mild cases without jaundice occur, especially in children.	Communicability greatest from 7 days before to several days after onset of jaundice. Case: Exclude from school until physician advises return. Incubation may be prolonged. Contact: School exclusion not indicated.
Impetigo Contagiosa	Unknown.	Multiple skin lesions usually on exposed areas (e.g., elbows, legs and knees), but may involve any area. Lesions vary in size and shape, and begin as blisters which rapidly mature into brown crusts on a reddened base. Healing from center outwards produces circular areas which may resemble ringworm.	Case: Exclude from school until physician advises return (3-5 days). Contact: Exclusion from school not indicated. Observe for symptoms.
Meningitis, Haemophilus	Usually 2-4 days.	Sudden onset of fever, vomiting, lethargy and stiff neck. Progressive stupor or coma are common.	Case: Exclude from school until physician advises return. Contact: School exclusion not indicated. Observe carefully for symptoms, especially fever. Parents of day care center school contacts should be advised to check with their child's physician concerning prophylactic treatment with rifampin.
Meningitis, Meningococcal	From 2 to 10 days, usually 3 to 4 days.	Sudden onset of fever and intense headache. Delirium and coma often appear early; a characteristic (measles like) rash usually follows. Often fatal despite prompt diagnosis and treatment.	Case: Exclude from school during acute illness. (Non-communicable after 24 hours of appropriate drug therapy.) Contact: School exclusion not indicated. Intimate household contacts should be urged to seek their physician's advice concerning prophylactic treatment with rifampin.
Infectious Mononucleosis (Glandular Fever)	Usually 4 to 6 weeks.	Fever, sore throat and enlarged lymph glands of the back of the neck. Generally mild illness and difficult to recognize in children.	Case: Exclude from school until physician advises return. Contact: School exclusion not indicated.
Mumps (Infectious Parotitis)	From 2 to 3 weeks, usually 18 days.	Fever with swelling and tenderness of the parotid glands located below and in front of one or both ears. Unrecognised mild cases without swelling may occur.	Communicable from 6 days before swelling until 9 days after onset of illness. Case: Exclude from school until swelling disappears (10 days). Contact: School exclusion not indicated.
Pediculosis (Lice)	Under optimum conditions, eggs hatch in 7 days and reach maturity at about 14 days.	Severe itching and scratching, often with secondary infection. Scalp, and hairy portions of body may be affected. Eggs of head lice (nits) attach to hairs as small, round, gray lumps.	Case: Exclude from school until treated by a physician. Contact: Direct inspection of head, body, and clothing needed. School exclusion not indicated in absence of urine.
Measles (Rubella, Red Measles)	From 8-13 days, usually 10 days.	Prodrome characterized by fever followed by red, red eyes, runny nose, and cough. Dusky-red blotchy rash appears on day 3 or 4 and lasts 4 to 7 days.	Communicable from beginning of prodromal period until after appearance of the rash. Case: Exclude from school until at least 4 days after appearance of the rash. Contact: Check immunization records. Exclude from immediately on signs of prodrome.
Salmonellosis	From 6 to 72 hours, usually 12 to 36 hours.	Sudden onset of fever, abdominal pain, diarrhea, nausea, and frequent vomiting. Dangerous dehydration may occur in younger children.	Stools usually positive for Salmonella for several days to weeks; occasional patients positive for several months. Case: Exclude from school during acute illness (usually 5 days). Contact: School exclusion and stool cultures not indicate absence of symptoms.
Scabies	From 2 to 6 weeks.	Begins as itchy raised areas or burrows around finger webs, wrists, elbows, armpits, belt-line, and/or genitals. Extensive scratching often results in secondary infection.	Case: Exclude from school until physician advises return. Contact: Direct inspection of body. School exclusion not indicated in absence of infection.
Scarlet Fever	Usually 1 to 3 days, rarely longer.	Fever, sore throat, exudative tonsillitis or pharyngitis. Rash appears most often on neck, chest, and skin folds of arms, elbows, groin and inner aspect of thighs.	Case: Exclude from school during acute illness (usually 5 days). Non-communicable after 24 hours of appropriate therapy. Contact: Exclude from school on appearance of signs or symptoms. Culturing of school contacts and treatment of cases usually indicated.
Shigellosis (Bacillary Dysentery)	From 1 to 7 days, usually 3 days.	Diarrhea, fever and often vomiting and cramps. In severe cases the stools may contain blood.	Infected cases contagious as long as stools are positive. Case: Exclude from school during acute illness and until 24 hours after last stool is negative. (Other children in the family if cultured. Children who have positive cultures should be excluded until their cultures are negative). Contact: School exclusion not indicated. Stool cultures in only in suspected school outbreaks.
Whooping Cough (Pertussis)	Usually 7 days, almost uniformly within 10 days, and not exceeding 21 days.	Catarrhal stage begins with upper respiratory symptoms and increasingly irritating cough. The paroxysmal stage usually follows within 1 to 2 weeks, and lasts 1 to 2 months. Paroxysmal stage is characterized by repeated episodes of violent cough broken by a high-pitched expiratory whoop. Older school children may not have whoop. Convalescence may require many weeks.	Case: Exclude from school while contagious (usually 2 to 3 weeks with antibiotic therapy) and until a physician advises return. Contact: Search for masked or atypical cases. Exclude until no symptoms.

Division of Epidemiology, 109 Governor Street, Raleigh, North Carolina 27601. NOTE: A more complete discussion of these conditions and other communicable diseases may be found in the Manual for the Control of Communicable Diseases in Man (1980) published by the American Public Health Association.

APPENDIX III

MEAL PATTERNS FOR CHILDREN IN CHILD CARE PROGRAMS

[MEAL PATTERNS FOR CHILDREN IN CHILD CARE PROGRAMS]

	Children 1 up to 3 years	Children 3 up to 6 years	Children 6 up to 12 years
[FOOD COMPONENTS]			
[BREAKFAST]			
Milk, fluid ¹	1/2 cup	3/4 cup	1 cup
Juice or fruit or vegetable	1/4 cup	1/2 cup	1/2 cup
Bread and/or cereal, enriched or whole grain, ²			
Bread	1/2 slice	1/2 slice	1 slice
Cereal:			
Cold dry	1/4 cup ³	1/3 cup ⁴	3/4 cup ⁵
Hot cooked	1/4 cup	1/4 cup	1/2 cup
[MID-MORNING OR MID-AFTERNOON]			
[SUPPLEMENT (Snack)]			
[(Select 2 of these 4 components)]			
Milk, fluid ¹	1/2 cup	1/2 cup	1 cup
Meat or meat alternate	1/2 ounce	1/2 ounce	1 ounce
Juice or fruit or vegetable	1/2 cup	1/2 cup	3/4 cup
Bread and/or cereal, enriched or whole grain, ²			
Bread	1/2 slice	1/2 slice	1 slice
Cereal:			
Cold dry	1/4 cup ³	1/3 cup ⁴	3/4 cup ⁵
Hot cooked	1/4 cup	1/4 cup	1/2 cup
[LUNCH OR SUPPER]			
Milk, fluid ¹	1/2 cup	3/4 cup	1 cup
Meat or meat alternate			
Meat, poultry, or fish, cooked ⁷	1 ounce	1 1/2 ounces	2 ounces
Cheese	1 ounce	1 1/2 ounces	2 ounces
Eggs	1	1	1
Cooked dry beans or peas	1/4 cup	3/8 cup	1/2 cup
Peanut butter	2 tablespoons	3 tablespoons	4 tablespoons
Vegetable and/or fruit	1/4 cup	1/2 cup	3/4 cup
Bread, enriched or whole grain	1/2 slice	1/2 slice	1 slice

[MEAL PATTERNS FOR CHILDREN IN CHILD CARE PROGRAMS (Continued)]

1. Includes whole milk, lowfat milk, skim milk, cultured buttermilk, or flavored milk made from these types of fluid milk which meet State and local standards.
2. Or an equivalent serving of an acceptable bread product made of enriched or whole grain meal or flour, or enriched or whole grain rice or pasta.
3. 1/4 cup (volume) or 1/3 ounce (weight), whichever is less.
4. 1/3 cup (volume) or 1/2 ounce (weight), whichever is less.
5. 3/4 cup (volume) or 1 ounce (weight), whichever is less.
6. Or an equivalent quantity of any combination of foods listed under Meat or Meat Alternatives.
7. Cooked lean meat without bone.
8. Must include at least two kinds.

[CHILD CARE FOOD PROGRAM MEAL PATTERNS

This chart lists the amounts and types of food to be served to children 1 year old and older.

MEAL COMPONENTS	AGES 1 - 2	AGES 3 - 5	AGES 6 - 12
BREAKFAST			
Milk	1/2 cup	3/4 cup	1 cup
Juice or Fruit or Vegetable	1/4 cup	1/2 cup	1/2 cup
Bread or Bread Alternate	1/2 slice	1/2 slice	1 slice
including cereal, cold dry	1/4 cup or	1/3 cup or	3/4 cup or
	1/3 ounce	1/2 ounce	1 ounce
or cereal, hot cooked	1/4 cup	1/4 cup	1/2 cup
SNACK (SUPPLEMENT)			
Select 2 out of 4 components			
Milk	1/2 cup	1/2 cup	1 cup
Juice or Fruit or Vegetable	1/2 cup	1/2 cup	3/4 cup
Meat or Meat Alternate	1/2 ounce	1/2 ounce	1 ounce
Bread or Bread Alternate	1/2 slice	1/2 slice	1 slice
including cereal, cold dry	1/4 cup or	1/3 cup or	3/4 cup or
	1/3 ounce	1/2 ounce	1 ounce
or cereal, hot cooked	1/4 cup	1/4 cup	1/2 cup
LUNCH OR SUPPER			
Milk	1/2 cup	3/4 cup	1 cup
Meat or Poultry or Fish	1 ounce	1 1/2 ounces	2 ounces
or egg	1	1	1
or cheese	1 ounce	1 1/2 ounce	2 ounces
or cooked dry beans or peas	1/4 cup	3/8 cup	1/2 cup
or peanut butter and other "butters"	2 Tbsp.	3 Tbsp.	4 Tbsp.
nuts and seeds	1/2 ounce*	3/4 ounce*	1 ounce*
Vegetable and/or Fruits (2 or more total)	1/4 cup	1/2 cup	3/4 cup
Bread or Bread Alternate	1/2 slice	1/2 slice	1 slice

Milk includes whole milk, lowfat milk, skim milk, cultured buttermilk, or flavored milk made from these types of fluid milk which meet State or local standards.

Bread Alternate may also include an equivalent serving of items such as a roll, biscuit, muffin, cooked enriched or whole-grain rice, macaroni, noodles, or other pasta products.

*Nuts and seeds may be credited towards meeting only 50% of the meat/meat alternate requirement.

APPENDIX [IIIIV]

VITAMIN A AND C FOOD SOURCES

DIVISION OF LICENSING PROGRAMS
 VIRGINIA DEPARTMENT OF SOCIAL SERVICES
 INITIAL APPLICATION FOR A LICENSE TO OPERATE A CHILD CARE CENTER

This application shall be signed by the individual responsible for operation of the child care center or, if the program is to be operated by a board, by an officer of the board, preferably the chairperson. It [should shall] be filed [two months in advance of the planned 60 days prior to] opening date. The licensing study will begin when a completed application is received.

Application is hereby made for license to operate a child care center pursuant to Section 63.1-195, Code of Virginia.

Name of Facility: _____

Facility {Address: Location:} _____
 Street or Route No. City State Zip

{Mailing Address: _____}
 {Street or Route No.} {City} {State} {Zip}

In making this application, [I state that: the applicant:]

- [I am is] in receipt of and [have has] read a copy of the licensing statute and the minimum standards applicable to child care centers.
- [I certify Certifies] that it is [my his] intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if [I am he is] so licensed.
- [I grant Grants] permission to the Department of Social Services and/or its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including financial status, inspection of the facility and review of records. [I understand The applicant understands] that, following licensure, authorized agents of the department will make announced and unannounced visits to the facility to determine its [compliance compliance] with standards and to investigate any complaints received.
- [I understand Understands] that the Department of Social Services shall request, as needed, reports from the local health department[; State Fire Marshal or local fire department- and appropriate fire prevention or local building officials.]
- [I understand Understands] that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that [I have the applicant has] the right to request an administrative hearing.
- [I am is] aware that it is a misdemeanor for any person to operate a child care center defined in Section 63.1-195, Code of Virginia, without a license.
- [Has] to the best of [my his] knowledge and belief, [all information I have] given to the Department of Social Services and/or its authorized agents on this form and during any pre-application conference [information which] is true and correct. [I will The applicant agrees to] supply true and correct information requested during all subsequent investigations.

(Date)

 {Signature} {Position}

 {Street Address} {City, State, Zip Code}

 {Name of Corporation, if any}

SOME FOODS WITH VITAMIN A AND VITAMIN C

Vitamin A *Excellent Sources

Vegetables	Fruits	Meats
Asparagus	*Apricots	Liver
*Broccoli	*Cantaloupe	
*Carrots	Cherries, red sour	
Chili peppers (red)	Papaya	
Kale	Peaches, (not canned)	
*Mixed vegetables	Plums, purple (canned)	
*Peas & carrots	Prunes	
Pumpkin	Pumpkin	
	Watermelon	

Vitamin C

Vegetables	Fruits
Asparagus	Cantaloupe
Broccoli	Potatoes, white
Brussels sprouts	Grapefruit juice
Cabbage	Oranges
Cauliflower	Orange juice
Chili peppers	Raspberries
Collards	Strawberries
Kale	Tangerines
Okra	Turnips

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 (Name of Applicant (Individual or Organization))

by: _____
 (Signature)

 (Name and Title)

 (Applicant's Mailing Address
 if different from facility)

 (City, State, Zip Code)

 (Business Telephone)

DIVISION OF LICENSING PROGRAMS
 DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
 CHILD CARE CENTER

I. IDENTIFYING DATA

A. Name of Child Care Center		B. Telephone Number (Area Code)	
[G: Location of Center]		()	
[B: Mailing Address (if different from location address)]		[D: Zip Code]	
[E: Name of Administrator]		[F: Name of Program Director]	
[I: Directions to the Center:			

II. ASBESTOS

[In response to Senate Bill #594 concerning asbestos abatement; it is necessary for the Virginia Department of Social Services to obtain information regarding Section 63.1-198.01, Code of Virginia, requires asbestos inspections in child care centers based on] the date of construction of the building housing your child care center.

When was your child care center built? Before 1978
 In 1978 or after
 [Please provide this information for each separate building of your child care center.]

III. ADMINISTRATION

A. Proposed Operating Hours (Below)		B. Requested Licensed Capacity	
Opening	Closing	1. Requested Capacity: _____	
Time:	Time:	2. Age Range:	
		From _____ years _____ months	
		Through _____ years	

C. Proposed Enrollment by Age Groups and Type of Care Offered

Infants and Toddlers (birth to [15 16] mos.) [*]	Infants and Toddlers [15 16] mos to 2 yrs.) [2]	Preschool (2 and 3 yr. olds)	Preschool (4 to age of eligibility to attend school)	School Age

[*Excludes children over the age of 12 months who are walking independently.]
[@ Includes children over the age of 12 months who are walking independently.]

D. Center is to be operated by _____ Individual _____ Corporation
 _____ Partnership _____ Association

E. Name of [Sponsor; Sponsor if not an individual proprietorship] _____
 Address: _____
 Telephone: () _____
 Name and title of contact person (If applicable): _____

F. For centers sponsored by either corporations or unincorporated associations:

1. List all officers and members of the Board

President or Chairperson: _____ Telephone Number: () _____

Address: _____
 (City) (State) (Zip Code)

Office	Name	Address

IV. FINANCIAL INFORMATION

A. Start Up Costs

Renovation of Property	\$ _____
Furniture	_____
Equipment	_____
Supplies (Initial Stock)	_____
Children's Supplies	_____
Cleaning and Maintenance	_____
Office	_____
Food	_____
Business and Legal Costs	_____
(EXAMPLES: Legal Fees, Business License, Fee for Use Permit or Occupancy Permit)	_____
Other Costs	_____
(EXAMPLES: Insurance, Utility Deposit, First Month's Rent or Mortgage Payment)	_____
Specify:	_____
_____	_____
_____	_____
_____	_____
_____	_____
Total Costs	\$ _____

Please indicate plan of financing these initial cash requirements:

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

B. BALANCE SHEET

The purpose of the Balance Sheet is to show the financial condition of a business at a particular date. A Balance Sheet consists of a listing of the assets and liabilities of a business and the owner's equity. Assets are further classified as current assets and plant and equipment. Liabilities are further classified as current and long term liabilities. This form is of prime importance in providing selected information which is necessary to aid in determining financial responsibility as required by the Code of Virginia. [The financial information is related only to the applicant.]

INSTRUCTIONS

ASSETS

CURRENT ASSETS: These are assets which can be converted to cash quickly and are therefore reserved as ready sources of cash to meet immediate requirements in operating the facility.

Cash: Enter the total of all forms of cash you have available which will be used to support operation of the facility. Items to be used to compute this value include current cash in checking accounts and cash in pass book savings accounts. The amount shown must be available now and available to support operation of the facility.

Monetary Investments: Monetary investments include primarily three items: Certificates of Deposit, Savings Bonds and Treasury Bills or Bonds owned. They must be currently owned by the applicant and identified for immediate use in operating the facility.

Negotiable Securities: These include stocks, corporate bonds, etc., which are owned by the applicant and are identified for use, if necessary, in operating the facility.

Accounts Receivable: Any monies owed to the applicant which are due within one year and would be used as they materialize, if necessary, in support of facility operations.

Notes Receivable: Any promissory notes held by the applicant which fall due within one year of the date of application and whose proceeds would be used as necessary to operate the facility.

Other: Any other assets which could be converted into cash within the operating year and used for operation of the facility.

PLANT & EQUIPMENT: These are long-lived or long term assets acquired for use in operating the business. Unlike current assets, these type assets are not viewed as being readily and quickly convertible to cash.

Notes Receivable: Any promissory notes held by the applicant which fall due more than one year from the date of the Balance Sheet and whose proceeds, when received, would be used as required for operation of the facility.

Land: The value of all land owned by the facility to include the value of the land on which the buildings which comprise the facility are located. The value of the land entered here should be the price at which the land was purchased rather than current appraised value.

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

Buildings: The total value of the buildings which comprise the facility. The value listed should be the price at which the buildings were purchased rather than the current appraised value.

Accumulated Depreciation Buildings: The total value of all depreciation claimed on all buildings as of the date of the Balance Sheet.

Current Value: The difference between the total value of the buildings and the accumulated depreciation buildings.

Office Equipment: The total value of all office equipment owned and used in the operation of the facility. The value listed should be the purchase cost of the machinery.

Accumulated Depreciation Office Equipment: The total value of all depreciation claimed on all office equipment as of the date of this Balance Sheet.

Current Value: The difference between the total value of office equipment and the accumulated depreciation office equipment.

Furniture & Fixtures: The total value of all furniture and fixtures owned and used in the operation of the facility. The value listed should be the purchase cost of the furniture and fixtures.

Accumulated Depreciation Furniture and Fixtures: The total value of all depreciation claimed on all furniture and fixtures as of the date of this Balance Sheet.

Current Value: The difference between the total value of all furniture and fixtures and the accumulated depreciation furniture and fixtures.

Vehicles: The total value of all vehicles owned and used in the operation of the facility. The value listed should be the purchase cost of the vehicles.

Accumulated Depreciation Vehicles: The total value of all depreciation claimed on all vehicles as of the date of this Balance Sheet.

Current Value: The difference between the total value of all vehicles and the accumulated depreciation vehicles.

Other Assets: Any other long term or plant and equipment assets owned by and used in support of the facility. Each item must be listed separately. Items of capital equipment which are listed here must also be accompanied by a value of accumulated depreciation and current value.

LIABILITIES

CURRENT LIABILITIES: These are existing liabilities which must be paid within the next 12 months.

Accounts Payable: The amount entered here should include the sum of the total unpaid salaries and payments of all unpaid bills and financial obligations which fall due within the next 12 months with the exception of mortgage payments and installment loans. Examples include utility bills, unpaid wages to current employees, if any, charge accounts and credit cards such as VISA, Master Charge, American Express, etc.

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

Notes Payable: This amount should include all payments which must be made within the next 12 months on existing contracts, mortgages and installment loans.

Other: This amount includes any other existing obligation which is due during the next 12 months. It would include payments of obligations which are in arrears such as income taxes, property taxes, insurance, interest payable, etc. Each item must be itemized separately under the heading "Other".

LONG TERM LIABILITIES: These are liabilities which are considered long term in nature in that they fall due more than one year from the date of the Balance Sheet.

Mortgage Payable: This is the total value necessary to liquidate any mortgage on the facility, less the amount reflected as part of notes payable under current liabilities.

Notes Payable: This is the total value necessary to liquidate all outstanding contracts, installment loans or promissory notes, less the amount due within the next twelve months reflected as part of the notes payable value listed as a current liability.

Other: Any other long term liabilities which are owed and were incurred to support facility operations. Each item must be listed separately.

OWNER'S EQUITY

OWNER'S CAPITAL: The value entered here reflects the total of investments made by the owner(s) in the facility. If all entries have been properly made regarding assets and liabilities, and accounting records are properly maintained, this value should equal the difference between Total Assets and Total Liabilities.

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

BALANCE SHEET (cont.)

ASSETS

CURRENT ASSETS:

Cash	\$ _____
Monetary Investments	_____
Negotiable Securities	_____
Accounts Receivable	_____
Notes Receivable	_____
Other (Specify)	_____

TOTAL CURRENT ASSETS	\$ _____

PLANT & EQUIPMENT:

Notes Receivable	\$ _____
Land	_____
Buildings	\$ _____
Less: Accumulated Depreciation	_____
Current Value	_____
Office Equipment	_____
Less: Accumulated Depreciation	_____
Current Value	_____
Furniture & Fixtures	_____
Less: Accumulated Depreciation	_____
Current Value	_____
Vehicles	_____
Less: Accumulated Depreciation	_____
Current Value	_____
Other (Specify)	_____

TOTAL PLANT & EQUIPMENT	_____

TOTAL ASSETS

\$ _____

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

BALANCE SHEET (cont.)

LIABILITIES

CURRENT LIABILITIES:

Accounts Payable	\$ _____	
Notes Payable	_____	
Other (Specify)	_____	

TOTAL CURRENT LIABILITIES		\$ _____

LONG TERM LIABILITIES:

Mortgage Payable	\$ _____	
Notes Payable	_____	
Other (Specify)	_____	

TOTAL LONG TERM LIABILITIES		\$ _____

TOTAL LIABILITIES \$ _____

OWNER'S EQUITY

Owner's Capital	\$ _____	
TOTAL LIABILITIES AND OWNERS EQUITY		\$ _____

DIVISION OF LICENSING PROGRAMS
DEPARTMENT OF SOCIAL SERVICES

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INITIAL APPLICATION
CHILD CARE CENTER

C. PROJECTED BUDGET FOR FIRST YEAR OF OPERATION

<u>INCOME</u>	<u>Monthly</u>	<u>Annual</u>
Estimated fee (_____ children @ _____/week)	_____	_____
Estimated fee (_____ children @ _____/week)	_____	_____
Estimated fee (_____ children @ _____/week)	_____	_____
Other Income:	_____	_____
	_____	_____
TOTAL INCOME	_____	_____
Less Allowance for Vacancy and Collection Losses		_____
Estimated Income		_____
<u>EXPENSES</u>		
Fixed Expenses:		
Rent or Mortgage	_____	_____
Utilities (heat, electricity, water etc.)	_____	_____
Insurance (including Workmen's Compensation)	_____	_____
Taxes (Property, Business Property, Business Income, etc.)	_____	_____
Other Expenses: (including loan & debt payments)	_____	_____
	_____	_____
TOTAL FIXED EXPENSES	_____	_____
Variable Expenses:		
Salaries and Wages:	_____	_____
	_____	_____
	_____	_____
	_____	_____
Employee Benefits (Health Insurance, Pension Plan, etc.)	_____	_____
Payroll Taxes:		
Social Security (FICA)	_____	_____
Unemployment Tax (FUTA)	_____	_____
Food:		
Staff	_____	_____
Children	_____	_____
Supplies and Equipment	_____	_____
Repairs and Maintenance	_____	_____
Office Expenses (Advertising, phone, postage, paper, etc.)	_____	_____
Professional Services (Bookkeeper, Lawyer, etc.)	_____	_____
Staff Development (Workshops, Publications, etc.)	_____	_____
Others	_____	_____
TOTAL VARIABLE EXPENSES	_____	_____
TOTAL EXPENSES	_____	_____
NET INCOME	_____	_____

VII. REQUIRED ATTACHMENTS

1. Attach the appropriate fee for application processing.
2. Floor plans indicating exact dimensions of rooms to be used, including:
 - a) room length, width and ceiling heights;
 - b) designating the functions of each room;
 - c) showing toilet facilities, including number of basins and toilets; and
 - d) showing isolation arrangements and position of any fixed equipment and furniture.
3. A sketch of available outdoor play area including exact dimensions and the location of any fixed play equipment.
4. A) For centers operated by an association:

	<u>Attached</u>	<u>Not Applicable</u>
(1) Copy of Constitution, or	<input type="checkbox"/>	<input type="checkbox"/>
(2) Copy of By-Laws	<input type="checkbox"/>	<input type="checkbox"/>
- B) For centers operated by a partnership:

Articles of Partnership	<input type="checkbox"/>	<input type="checkbox"/>
-------------------------	--------------------------	--------------------------

VIII. OTHER INFORMATION

Information requested in this section may be provided now or during a future on-site visit. It is your option when to provide the information.

- A. State the purpose and scope of the center's services (EXAMPLES: What will be the major goal of your center? What will be the emphasis and philosophy of your program to carry out this goal? What are the specific services to be provided as part of your program and how do these services vary according to the age group in care?):

[B- Describe proposed staff training for the orientation of your employees:

G- Describe how staff development opportunities will be provided annually:

[B- B.] ATTACHMENTS

Attachments requested in this section may be provided now or during a future on-site visit. It is your option when to provide the information.

1. A written statement regarding the sponsorship and organization of the child care center, with information showing who is responsible for policy making, operation and management decisions.
2. Samples of all forms developed, such as application form, agreement form, etc., if different from the model forms provided by the Department of Social Services.
3. Sample menu for one month.
4. A list of indoor and outdoor play equipment, material and/or supplies available to children.
5. A copy of the daily activity schedule(s) for the center program(s).
6. A copy of all brochures.
7. Evidence of insurance coverage.

[8. Certificate of Occupancy (if available at the time of application).]

DIVISION OF LICENSING PROGRAMS
VIRGINIA DEPARTMENT OF SOCIAL SERVICES
RENEWAL APPLICATION FOR A LICENSE TO OPERATE A CHILD CARE CENTER

This application shall be signed by the individual responsible for operation of the child care center or, if the program is to be operated by a board, by an officer of the board, preferably the chairperson. It ~~should~~ shall be filed ~~two months in advance of the planned 60 days prior to~~ the expiration of the current license. The licensing study will begin when a completed application is received.

Application is hereby made for license to operate a child care center pursuant to Section 63.1-195, Code of Virginia.

Name of Facility: _____

Facility [Address- Location:] _____
Street or Route No. City State Zip

[Mailing Address: _____]
{Street or Route No.} {City} {State} {Zip}

In making this application, [I state that: the applicant:]

- [I am is] in receipt of and [have has] read a copy of the licensing statute and the minimum standards applicable to child care centers.
- [I certify Certifies] that it is [my his] intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if [I am he is] so licensed.
- [I grant Grants] permission to the Department of Social Services and/or its authorized agents to make all necessary investigation of the circumstances surrounding this applicant and any statement made herein, including financial status, inspection of the facility and review of records. [I understand The applicant understands] that, following licensure, authorized agents of the department will make announced and unannounced visits to the facility to determine its [compliance compliance] with standards and to investigate any complaints received.
- [I understand Understands] that the Department of Social Services shall request, as needed, reports from the local health department[; State Fire Marshal or local fire department- and appropriate fire prevention officials.]
- [I understand Understands] that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that [I have the applicant has] the right to request an administrative hearing.
- [I am is] aware that it is a misdemeanor for any person to operate a child care center defined in Section 63.1-195, Code of Virginia, without a license.
- [Has] to the best of [my his] knowledge and belief, [all information I have] given to the Department of Social Services and/or its authorized agents on this form and during any pre-application conference [information which] is true and correct. [I will The applicant agrees to] supply true and correct information requested during all subsequent investigations.

(Date)

(Signature)

(Position)

(Street Address)

(City, State, Zip Code)

(Name of Applicant (Individual or Organization))

by: _____

(Signature)

(Applicant's Mailing Address
if different from facility)

(Name and Title)

(City, State, Zip Code)

(Business Telephone)

APPENDIX [IV. V.]

TODDLER ACTIVITIES.

The following activities and experiences for toddlers shall include but not be limited to:

1. Art Activities – For example: painting and drawing; use of large crayons, paint brushes and paper; use of paste, play dough; fingerpaints; use of collage materials.
2. Rhythm and Music – For example: listening to, dancing to, singing along with records/tapes; use of instruments such as rattles, bells, shakers, sandpaper blocks, triangles, drums, horns; singing and reciting simple songs, rhymes, finger plays.
3. Language and Communication Experiences – For example: book and story reading; story-telling; listening to recorded stories; use of flannel boards; use of pictures such as children, families, or familiar objects.
4. Sensory Experiences and Exploration of the Environment – For example: observation of and caring for animal and marine life; nature walks; use of toys that stimulate the sense of touch, sight, taste, hearing, and smell such as small jars, sound shakers, feely boards; use and observation of wood, soil, sand.
5. Construction – For example: building with small unit blocks, lightweight blocks, large interlocking blocks.
6. Social Living – For example: use of dolls and play animals; play with dress up clothes, child size household items, puppets, mirrors, phones; play with block people, wooden zoo and farm animals.
7. Water and Sand Play – For example: play with water, sand, and other nonfood material with equipment for scooping and digging such as pails, shovels, cups, spoons, and funnels; availability of hose for siphoning; sponges.
8. Fine Motor Activities – For example: use of large peg boards, balls, stacking toys, shape sorter, stacking cubes, nesting/stacking toys, huge pegboards, simple puzzles.
9. Gross Motor Activities – For example: climbing, pushing and pulling toys; play on low climbing structures; play with simple riding toys, wagons, balls, bean bags.

NOTE: Many activities provide the opportunity to combine several of the interest areas above. For example, a center may make a collage of fall leaves combining 1 and 4. Many of the manipulative and fine motor activities could be the same, etc.

APPENDIX [V. VI.]

PRESCHOOL ACTIVITIES.

The following activities and experiences for preschool children shall include but not be limited to:

1. Art Activities – For example: painting and drawing; use of scissors and paper; use of paste, clay, fingerpaints; use of collage materials.
2. Rhythm and Music – For example: listening to, dancing to, singing along with records/tapes; use of instruments such as rattles, bells, shakers, sandpaper blocks, triangles, drums, horns; singing and reciting songs, rhymes, finger plays.
3. Language and Communication Experiences – For example: book and story reading; story-telling; viewing film strips; listening to recorded stories; group discussion; show and tell; use of flannel boards; interaction with peers and adults.
4. Sensory Experiences and Exploration of the Environment – For example: discussion and observation of plants, leaves, weather; observation of and caring for animal and marine life; water play; nature walks; use of toys that stimulate the sense of touch, sight, taste, hearing, and smell; use and observation of wood, soil, sand; field trips into the community; visitors to the classroom.
5. Construction – For example: building with blocks, interlocking logs, wooden dowels, wheels with multiple holes; play with nesting and stacking toys, pyramid rings/squares; woodworking.
6. Social Living – For example: play with child-size household items; imaginative play through the use of dress-up clothes; play with dolls and doll houses, block people, wooden zoo and farm animals; use of puppets and play store items.
7. Water and Sand Play – For example: play with water, sawdust, rice, beans, pebbles, soil; use of pails and shovels, measuring cups and spoons, funnels, pouring devices; availability of hose for siphoning; sponges.
8. Fine Motor Activities – For example: use of puzzles, manipulatives, beads, peg boards, mosaics, parquet boards, spools; play with small balls, lacing boards, sorting toys; building with dominoes; modeling with clay; use of an abacus, use of interlocking blocks, cubes, geometric shapes, rings.
9. Gross Motor Activities – For example: climbing; balancing on steps, balance board; playing hopscotch; jumping rope; riding on or rolling transportation toys; throwing bean bags, rubber and nontoxic balls; play with punching bags; digging; reaching.

NOTE: Many activities provide the opportunity to combine several of the interest areas above. For

Final Regulations

example, a center may make a collage of fall leaves combining 1 and 4. Many of the manipulative and fine motor activities could be the same, etc.

APPENDIX [VI. VII.]

SCHOOL AGE ACTIVITIES.

School age children will be interested in many of the same activities as those listed in the Preschool Activities Appendix. Additional activities for this age child shall include but not be limited to:

- 1. Arts and Craft Activities – For example: printing, paper mache, weaving, sewing, oil and water paint, pottery, woodworking, carving, ceramics, batik, tie dying.*
- 2. Rhythm, Music and Drama – For example: puppetry, marionettes, producing plays, dancing, singing, playing instruments and instruction in those areas; attending cultural events.*
- 3. Small and Large Motor Activities – For example: woodworking, construction, hopscotch, jumprope, gymnastics, team sports, writing and drawing.*
- 4. Homework Assistance – For example: tutors if needed or just a quiet place to do homework, reinforcement of school activities through application of skills - keeping a diary, grocery shopping, money making projects.*
- 5. Group Activities – For example: board and card games, team sports, interest clubs, much time to talk and interact, helping younger children, community and cultural awareness.*
- 6. Special Projects and Hobbies – For example: gardening, science projects, computers, trips.*

SURVEY RESULTS OF
PROPOSED CHILD CARE CENTER REGULATIONS
FALL 1988

The survey design for the proposed child care center regulations requested specific evaluation of 37 standards, narrative comments about any of the standards, and suggestions for new standards. Respondents were asked to specify whether each of these 37 standards provided insufficient, sufficient or too much protection; whether the cost of compliance with the standard was justified or unjustified; and whether the meaning of the standard was clear or unclear. For all of the 37 standards, a majority of the respondents indicated that the standards provided sufficient protection, their cost of compliance was justified, and their meaning was clear.

Attached is the questionnaire sent to child care center licensees, applicants, and interested persons with the statistical results incorporated into the document. Results concerning respondent identification are located to the left of the questions while results concerning evaluation of standards are found below each question.

I. RESPONDENT IDENTIFICATION

In order to count your comments with the appropriate group, you will need to complete the following items. No answer or more than one answer will result in your comments being placed in the group "unidentified", which is counted separately. Please put the number of the appropriate response in the blank beside the question.

206 1. Person completing survey?

- | | |
|-----------|--|
| 157 - 77% | (1) Operator, director, manager, administrator, sponsor, licensee of a child care center |
| 8 - 4% | (2) Staff member (other than operator) of a child care center |
| 15 - 7% | (3) Employee, Virginia Department of Social Services |
| 2 - 1% | (4) Employee, local department of public welfare/social services |
| 11 - 5% | (5) Parent/guardian of a child enrolled in a child care center |
| 9 - 4% | (6) An interested party other than those listed above |
| 4 - 2% | (7) Unidentified |

____ 2. Type of facility?

- | | |
|----------|------------------------------------|
| 4 - 2% | (0) Not identified |
| 81 - 39% | (1) Private for profit |
| 84 - 41% | (2) Private not for profit |
| 14 - 7% | (3) Public |
| 22 - 11% | (4) No association with a facility |

____ 3. Licensed Capacity?

- | | |
|----------|------------------------------------|
| 5 - 2% | (0) Not identified |
| 0 - 0% | (1) Fewer than 10 |
| 6 - 3% | (2) 10 through 25 |
| 46 - 22% | (3) 26 through 50 |
| 73 - 36% | (4) 51 through 100 |
| 53 - 26% | (5) more than 100 |
| 22 - 11% | (6) No association with a facility |

Final Regulations

4. §3.8 B. Qualifications.

1. All program directors shall be 21 years of age and meet one of the following sets of qualifications:
 - a. Bachelor's Degree or Endorsement in Early Childhood Education, Child Development, Elementary Education, Psychology, or child related field from an accredited college or university; OR
 - b. Forty-eight semester hours or 72 quarter hours of college credit from an accredited college or university of which 12 semester hours or 18 quarter hours are in Early Childhood Education, Child Development, or other subjects relating to group care of children; and one year programmatic experience in a child care setting, nursery school, or elementary school; OR
 - c. One year early childhood certificate from an accredited college or university plus two years programmatic experience in a child care setting, nursery school, or elementary school. One year of this experience must be in a staff supervisory capacity.
- ___Protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___Cost 1:justified cost 2:unjustified cost 3:not applicable
 ___Clarity 1:clear meaning 2:unclear meaning
- Protection - 0: not identified 2 (1X) 1: 25 (12X) 2: 143 (70X) 3: 35 (17X)
 Cost - 0: not identified 5 (2X) 1: 138 (68X) 2: 38 (18X) 3: 24 (12X)
 Clarity - 0: not identified 4 (2X) 1: 190 (93X) 2: 11 (5X)

5. §3.8 B. Qualifications.

2. All assistant program directors shall meet the program director qualifications OR the following qualifications:
 - a. Associate Degree in Early Childhood Education, Child Development, Elementary Education, Psychology or other child related field from an accredited college or university; OR
 - b. The following three requirements:
 - (1) High school diploma or G.E.D.; AND
 - (2) Three years programmatic experience in a child care setting, nursery school, or elementary school; AND
 - (3) Child care program training offered or approved by the Department of Social Services or equivalent training provided by a college or accredited vocational program.

II. STANDARDS EVALUATION

The proposed standards which have generated the most discussion are included here. These standards have been selected for review independently of other standards about the same topical area. To appreciate the full context of the topical area, it may be helpful to review the complete set of standards, if you have not already done so, prior to completing this section.

Instructions: Please evaluate each standard on the specific items described below:

- Protection** Does the standard provide sufficient protection to the well-being of children in the child care environment?
- Cost** Is the cost required to comply with the standard justified to protect children in the child care environment? (Cost includes both financial aspects of a center's operation and the time of center staff.)
- Clarity** Is the meaning of the standard clear and understandable to you as it is written? (This question asks only whether the standard is written in an understandable manner; it does not ask whether you agree or disagree with the standard.)

IN THE SPACES PROVIDED TO THE LEFT OF EACH STANDARD, PLEASE WRITE THE CODE NUMBERS WHICH REFLECT YOUR OPINION ABOUT THE STANDARD.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 4 (2%) 1: 23 (11%) 2: 137 (67%) 3: 41 (20%)
 Cost
 - 0: not identified 7 (3%) 1: 133 (65%) 2: 41 (20%) 3: 24 (12%)
 Clarity
 - 0: not identified 4 (2%) 1: 182 (89%) 2: 19 (9%)

6. §3.8 B. Qualifications.

3. If the program director is regularly present in the center less than four hours per day, there shall be an officially designated assistant program director who shall assume responsibility in the absence of the program director and meet the qualifications of §3.8.B.1.a-c above.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 3 (1%) 1: 11 (5%) 2: 148 (73%) 3: 43 (21%)
 Cost
 - 0: not identified 4 (2%) 1: 136 (67%) 2: 44 (21%) 3: 21 (10%)
 Clarity
 - 0: not identified 5 (2%) 1: 196 (96%) 2: 4 (2%)

7. §3.9 Child care supervisor.

Individuals working in this capacity are responsible for program implementation and direct supervision of children. All child care supervisors shall meet the qualifications for a program director OR assistant program director OR one of the following sets of qualifications:

1. High school diploma or G.E.D. and one year of programmatic experience in a child care setting, nursery school, or elementary school; OR
2. C.D.A. (Child Development Associate Credential).

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 5 (2%) 1: 35 (17%) 2: 134 (66%) 3: 31 (15%)
 Cost
 - 0: not identified 7 (3%) 1: 147 (72%) 2: 24 (12%) 3: 27 (13%)
 Clarity
 - 0: not identified 4 (2%) 1: 192 (94%) 2: 9 (4%)

8. §4.6 The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:

1. For infants (See §1.1): one staff person for every four children;

NOTE: "Infant" means children from birth to 15 months.

EXCEPTION: Children over the age of 12 months who are walking independently.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 13 (6%) 1: 46 (22%) 2: 138 (68%) 3: 8 (4%)
 Cost
 - 0: not identified 13 (6%) 1: 156 (77%) 2: 11 (5%) 3: 25 (12%)
 Clarity
 - 0: not identified 13 (6%) 1: 177 (87%) 2: 15 (7%)

9. §4.6 The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:

2. For toddlers (See §1.1): one staff person for every five children;

NOTE: "Toddler" means children over the age of 12 months who are walking independently to two years or children over the age of 15 months to two years.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 12 (6%) 1: 38 (18%) 2: 144 (71%) 3: 11 (5%)
 Cost
 - 0: not identified 12 (6%) 1: 155 (76%) 2: 15 (7%) 3: 23 (11%)
 Clarity
 - 0: not identified 12 (6%) 1: 183 (89%) 2: 10 (5%)

10. §4.6 The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:

3. For children from two years to four years: one staff person for every ten children;

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

- Protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning
- Protection - 0: not identified 9 (4%) 1: 52 (23%) 2: 130 (64%) 3: 14 (7%)
 Cost - 0: not identified 13 (6%) 1: 157 (77%) 2: 18 (9%) 3: 17 (8%)
 Clarity - 0: not identified 5 (2%) 1: 189 (93%) 2: 10 (5%)
11. §4.6 The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:
4. For children from four years to the age of eligibility to attend public school: one staff person for every 12 children; and
- ___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning
- Protection - 0: not identified 9 (4%) 1: 38 (18%) 2: 140 (69%) 3: 18 (9%)
 Cost - 0: not identified 13 (6%) 1: 159 (78%) 2: 20 (10%) 3: 13 (6%)
 Clarity - 0: not identified 5 (2%) 1: 190 (93%) 2: 10 (5%)
12. §4.6 The following ratios of staff to children are required whenever children are on the premises of the center, or on the outdoor activity area, and during all field trips provided by the center:
5. For children from the age of eligibility to attend public school and older: one staff person for every 20 children.
- ___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning
- Protection - 0: not identified 10 (5%) 1: 57 (28%) 2: 132 (64%) 3: 6 (3%)
 Cost - 0: not identified 15 (7%) 1: 168 (83%) 2: 5 (2%) 3: 17 (8%)
 Clarity - 0: not identified 5 (2%) 1: 192 (94%) 2: 8 (4%)
13. §5.13 Centers licensed for the care of infants and toddlers shall provide at least 25 square feet of unpaved surface per infant/toddler on the outdoor area at any one time. This unpaved surface shall be suitable for crawling infants and for toddlers learning to walk. This space may be counted as part of the 75 square feet required in §5.12.
- NOTE: Space covered by sand in sand boxes or play areas may be counted toward the 25 square feet of unpaved surface.
- ___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning
- Protection - 0: not identified 6 (3%) 1: 7 (3%) 2: 170 (83%) 3: 22 (11%)
 Cost - 0: not identified 9 (4%) 1: 163 (83%) 2: 28 (14%) 3: 5 (2%)
 Clarity - 0: not identified 8 (4%) 1: 177 (86%) 2: 20 (10%)
- ___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning
- Protection - 0: not identified 16 (8%) 1: 8 (4%) 2: 165 (80%) 3: 16 (8%)
 Cost - 0: not identified 16 (8%) 1: 153 (75%) 2: 17 (8%) 3: 19 (9%)
 Clarity - 0: not identified 14 (7%) 1: 182 (89%) 2: 9 (4%)
14. §5.14 The outdoor activity area shall include a variety of surfaces, either natural or man-made.
- ___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning
- Protection - 0: not identified 11 (5%) 1: 17 (8%) 2: 151 (74%) 3: 26 (13%)
 Cost - 0: not identified 19 (9%) 1: 140 (68%) 2: 34 (17%) 3: 12 (6%)
 Clarity - 0: not identified 6 (3%) 1: 157 (77%) 2: 42 (20%)
15. §5.15 Where natural shade is not available, the center shall make provision for creating a shaded area or areas.
- ___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning
- Protection - 0: not identified 3 (1%) 1: 5 (2%) 2: 172 (84%) 3: 25 (13%)
 Cost - 0: not identified 7 (3%) 1: 157 (77%) 2: 33 (16%) 3: 8 (4%)
 Clarity - 0: not identified 6 (3%) 1: 181 (88%) 2: 18 (9%)
16. §5.16 Resilient surfaces shall be placed under slides and climbing equipment more than four feet high and all swing sets to help absorb the shock if a child falls off the equipment. Resilient surfaces include but are not limited to, sand, mulch, pea gravel, shredded tires, and rubberized surfaces.
- ___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

17. \$5.17 Where swing sets are provided, they shall have soft seats rather than hard wooden, metal, or fiberglass seats.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

Protection
- 0: not identified 5 (2%) 1: 5 (2%) 2: 163 (80%) 3: 32 (16%)

Cost
- 0: not identified 9 (4%) 1: 151 (74%) 2: 32 (16%) 3: 13 (6%)

Clarity
- 0: not identified 8 (4%) 1: 184 (90%) 2: 13 (6%)

18. \$5.18 When concrete supports are used for slides, swing sets, and climbing equipment the tops of the supports shall be maintained not less than four inches below the ground.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

Protection
- 0: not identified 12 (6%) 1: 6 (3%) 2: 172 (84%) 3: 15 (7%)

Cost
- 0: not identified 12 (6%) 1: 169 (82%) 2: 16 (8%) 3: 8 (4%)

Clarity
- 0: not identified 5 (2%) 1: 175 (86%) 2: 25 (12%)

19. \$5.19 Where slides are provided, the lower ends shall be no more than 15 inches above the ground.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

Protection
- 0: not identified 3 (1%) 1: 15 (8%) 2: 182 (89%) 3: 5 (2%)

Cost
- 0: not identified 5 (2%) 1: 180 (88%) 2: 4 (2%) 3: 16 (8%)

Clarity
- 0: not identified 3 (2%) 1: 199 (97%) 2: 3 (1%)

20. \$5.20 For outdoor activity areas used by toddlers and preschool children, slides and climbing equipment shall not be more than seven feet high.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

Protection
- 0: not identified 9 (4%) 1: 22 (11%) 2: 159 (78%) 3: 15 (7%)

Cost
- 0: not identified 13 (6%) 1: 165 (81%) 2: 8 (4%) 3: 19 (9%)

Clarity
- 0: not identified 5 (2%) 1: 185 (91%) 2: 15 (7%)

21. \$5.27 Activity areas (Indoor).

A. For children, other than infants, centers shall have a minimum of 25 square feet of available activity space per child.

B. Areas not routinely used for children's activities shall not be calculated as available activity space. Space not calculated shall include, but not be limited to, offices; hallways; bathrooms; kitchens; storage rooms/closets; and space occupied by equipment which is not used in or does not contribute to the children's activities.

___protection	1:insufficient protection	2:sufficient protection	3:overly protective
___cost	1:justified cost	2:unjustified cost	3:not applicable
___clarity	1:clear meaning	2:unclear meaning	

Protection
- 0: not identified 4 (2%) 1: 23 (11%) 2: 160 (78%) 3: 18 (9%)

Cost
- 0: not identified 5 (2%) 1: 169 (82%) 2: 22 (11%) 3: 9 (4%)

Clarity
- 0: not identified 7 (3%) 1: 184 (90%) 2: 14 (7%)

22. \$5.27 Activity areas.

D. A center licensed for the care of infants shall choose one of the following methods to calculate available activity space:

1. Centers shall have a minimum of 25 square feet of available activity space per infant when space occupied by cribs and changing tables is deducted from the calculation of available activity space.

OR

2. Centers shall have a minimum of 35 square feet of available activity space per infant when space occupied by cribs and changing tables is included in the calculation of available activity space.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 23 (11%) 1: 16 (8%) 2: 137 (67%) 3: 29 (14%)
 Cost
 - 0: not identified 20 (10%) 1: 136 (66%) 2: 30 (15%) 3: 19 (9%)
 Clarity
 - 0: not identified 23 (11%) 1: 174 (85%) 2: 9 (4%)

23. \$5.29 Bathroom areas and furnishings.

A. Bathrooms shall contain at least one toilet and one sink for every 15 pre-school children and one toilet and one sink for every 30 school age children.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 3 (1%) 1: 19 (9%) 2: 174 (85%) 3: 10 (5%)
 Cost
 - 0: not identified 5 (2%) 1: 179 (87%) 2: 12 (6%) 3: 10 (5%)
 Clarity
 - 0: not identified 2 (1%) 1: 187 (91%) 2: 17 (8%)

24. \$5.29 Bathroom areas and furnishings.

I. The water temperature at taps accessible to children shall not exceed 120° Fahrenheit.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 1 (.4%) 1: 8 (4%) 2: 181 (87.6%) 3: 16 (8%)
 Cost
 - 0: not identified 4 (2%) 1: 169 (82%) 2: 21 (10%) 3: 12 (6%)
 Clarity
 - 0: not identified 2 (1%) 1: 201 (98%) 2: 3 (1%)

25. \$5.30 Diapering and toilet training areas.

A. Centers licensed to serve children who are not toilet trained shall provide a diapering area located in the area for children or in a room which opens directly into the area for children. The diapering area shall be equipped with at least the following:

1. A sink with heated and cold running water;
2. A table or other non-absorbent surface for changing diapers;

3. A step-on diaper pail with leakproof disposable liners or equivalent equipment which does not require the top of the pail to be touched by hand when discarding diapers. If both cloth and disposable diapers are used, there shall be one such pail for each type; and

4. A covered receptacle for soiled bed linens and nondisposable wash cloths.

___Protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3: not Applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 13 (6%) 1: 6 (3%) 2: 175 (85%) 3: 12 (6%)
 Cost
 - 0: not identified 13 (6%) 1: 169 (82%) 2: 12 (6%) 3: 12 (6%)
 Clarity
 - 0: not identified 12 (6%) 1: 189 (92%) 2: 5 (2%)

26. \$5.30 Diapering and toilet training areas.

B. For every 10 children in the process of being toilet trained there shall be one toilet chair, OR one child-sized toilet, OR one adult sized toilet with a platform or steps and an available adapter seat. These items shall either be located in the area used for the majority of the day by the children being toilet trained OR the immediately accessible area. To be considered immediately accessible, the diapering center must be located in a room which opens directly into the area for children.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 15 (7%) 1: 17 (8%) 2: 158 (77%) 3: 16 (8%)
 Cost
 - 0: not identified 16 (8%) 1: 157 (76%) 2: 17 (8%) 3: 16 (8%)
 Clarity
 - 0: not identified 13 (6%) 1: 181 (88%) 2: 12 (6%)

27. \$5.30 Diapering and toilet training areas.

C. When only toilet chairs are used, there shall be a toilet located in an area or room in which the door is not more than 10 feet from the area used for the majority of the day by the children being toilet trained.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 17 (8%) 1: 7 (3%) 2: 161 (79%) 3: 21 (10%)
 Cost
 - 0: not identified 17 (8%) 1: 152 (74%) 2: 21 (10%) 3: 16 (8%)
 Clarity
 - 0: not identified 15 (7%) 1: 183 (90%) 2: 7 (3%)

28. §7.15 Diapers shall be changed on a nonabsorbent changing surface which shall be washed with soap and warm water OR a germicidal cleansing agent after each use. A disposable paper sheet which is discarded after each diapering may be used in lieu of washing the nonabsorbent changing surface after each use.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 13 (6%) 1: 19 (9%) 2: 172 (84%) 3: 2 (1%)
 Cost
 - 0: not identified 13 (6%) 1: 176 (86%) 2: 5 (2%) 3: 12 (6%)
 Clarity
 - 0: not identified 12 (6%) 1: 193 (93.6%) 2: 1 (.4%)

29. §8.1 The goal of discipline is to help the child learn self-control and build good habits. Adults shall help children learn self-control by treating them in ways that promote their self-esteem and self-image and use discipline techniques such as:

1. Using limits that are clear, fair, consistently applied, and appropriate and understandable to the children to whom they apply;
2. Providing children with reasons for limits and patiently enforcing them;
3. Accepting age appropriate behavior and expecting behavior that is on the child's developmental level;
4. Redirecting children to acceptable or appropriate activities and behavior;
5. Helping children to use words to express their feelings and frustrations and to resolve conflicts; and
6. Arranging equipment in a way that promotes desirable behavior.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 3 (1%) 1: 11 (5%) 2: 189 (93%) 3: 3 (1%)
 Cost
 - 0: not identified 7 (3%) 1: 156 (76.6%) 2: 1 (.4%) 3: 42 (20%)
 Clarity
 - 0: not identified 4 (2%) 1: 186 (90%) 2: 16 (8%)

30. §8.17 B. Centers operating five or more hours per day shall have a designated rest period for preschool children in attendance at the time of the rest period.

3. After the first 45 minutes of the rest period, non-sleeping children shall be allowed to participate in quiet activities, which may include but not be limited to books, records, puzzles, coloring, or manipulatives.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 4 (2%) 1: 17 (8%) 2: 146 (71%) 3: 39 (19%)
 Cost
 - 0: not identified 8 (4%) 1: 129 (63%) 2: 23 (11%) 3: 46 (22%)
 Clarity
 - 0: not identified 5 (2%) 1: 187 (91%) 2: 14 (7%)

31. §8.20 Infant activities.

- B. Such equipment and play materials shall include, but not be limited to balls, busy boards, books, rattles, mobiles, dolls, play mats, soft blocks, nesting and stacking toys, squeeze toys, music boxes, and mirrors placed where children can see themselves.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 19 (9%) 1: 6 (3%) 2: 169 (82%) 3: 12 (6%)
 Cost
 - 0: not identified 19 (9%) 1: 164 (80%) 2: 6 (3%) 3: 17 (8%)
 Clarity
 - 0: not identified 22 (11%) 1: 183 (88.6%) 2: 1 (.4%)

32. §8.20 Infant Activities

- C. Caregivers shall consistently respond to infants' needs for food and comfort.
- H. There shall be a flexible schedule for infants based on their individual needs.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 19 (9%) 1: 6 (3%) 2: 175 (85%) 3: 6 (3%)
 Cost
 - 0: not identified 11 (5%) 1: 168 (82%) 2: 5 (2%) 3: 22 (11%)
 Clarity
 - 0: not identified 11 (5%) 1: 191 (93%) 2: 4 (2%)

33. §8.21 Toddler activities.

- B. The following activities and experiences for toddlers shall include but not be limited to:

1. Art activities;
2. Rhythms and music;
3. Language and communication experiences;
4. Sensory experiences and exploration of the environment;
5. Construction;
6. Social living;
7. Water and sand play;
8. Fine motor activities; and
9. Gross motor activities.

NOTE: Many activities provide the opportunity to combine several of the interest areas above. For example, a center may make a collage of fall leaves combining 1 and 4. Many of the manipulative and fine motor activities could also be combined, etc.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 9 (4%) 1: 6 (3%) 2: 181 (88%) 3: 10 (5%)
 Cost
 - 0: not identified 17 (8%) 1: 159 (77%) 2: 2 (1%) 3: 28 (14%)
 Clarity
 - 0: not identified 20 (10%) 1: 174 (84%) 2: 12 (6%)

34. §8.21 Toddler activities.

- C. Adults shall encourage language development by one-to-one face-to-face conversations giving toddlers time to initiate and respond; labeling and describing objects and events; helping children put feelings into words; and expanding on toddler language.
- D. Adults shall express affection, support toddler's growing independence such as dressing and eating, and making choices in activities and routines.
- E. Adults shall support toddler's developing self-control by expressing feelings with words, giving positively worded directions, and modeling and redirecting behavior.
- F. There shall be a predictable sequence to the day but schedules are flexible based on children's needs.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 9 (4%) 1: 2 (1%) 2: 191 (93%) 3: 4 (2%)
 Cost
 - 0: not identified 10 (5%) 1: 162 (78.6%) 2: 1 (.4%) 3: 33 (16%)
 Clarity
 - 0: not identified 10 (5%) 1: 194 (94.9%) 2: 2 (.1%)

35. §8.22 Preschool activities.

- A. For preschoolers, the center shall provide daily experiences that meet children's needs for active exploration and interaction with adults, other children and materials that stimulate learning in all developmental areas -- physical, social, emotional and intellectual.
- C. Adults shall provide affection and be supportive of preschooler's independence, but shall be available to comfort and help when needed.
- D. Adults shall encourage preschoolers to help with daily routines of the classroom and practice self-help skills but shall be patient with occasional accidents.
- E. Adults shall be supportive of children's beginning friendships and shall allow preschoolers to play individually or in small, informal groups.
- F. Adults shall provide large amounts of uninterrupted time for children to persist at self-chosen tasks and activities and shall allow children to learn from self-directed problem-solving and experimentation.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 5 (2%) 1: 6 (3%) 2: 183 (89%) 3: 12 (6%)
 Cost
 - 0: not identified 10 (5%) 1: 162 (79%) 2: 3 (1%) 3: 31 (15%)
 Clarity
 - 0: not identified 5 (2%) 1: 186 (91%) 2: 15 (7%)

36. §8.23 School age activities.

A. For school age children, the center shall provide daily experiences that promote children's sense of industry and independence, social competence, and physical development by providing activities that contain the following three elements:

1. Adults to whom children can talk and who express affection and respect for the child;
2. Stimulating and interesting activities; and
3. Space and materials which can be used with undue adult restrictions.

B. The following activities and experiences for school age children, which are explained in Appendix VI, shall include, but not be limited to, the following activities:

1. Arts and craft activities;
2. Assistance with homework;
3. Rhythm, music, and drama;
4. Fine and gross motor activities; and
5. Special projects and hobbies.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 8 (4%) 1: 2 (1%) 2: 184 (89%) 3: 12 (6%)
 Cost
 - 0: not identified 9 (4%) 1: 171 (83%) 2: 5 (2%) 3: 21 (10%)
 Clarity
 - 0: not identified 8 (4%) 1: 184 (89%) 2: 14 (7%)

37. §9.1 There shall be at least one staff person on the premises during all hours of operation and also a person on all field trips who have received an unexpired basic certificate in standard first aid (Multi-Media, Personal Safety, or Standard First Aid Modular) from a course approved by the American Red Cross or the Division of Emergency Medical Services, Virginia Department of Health.

NOTE: If no children remain on the premises during a field trip, it is not necessary for a person certified in first aid to remain at the center.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 5 (2%) 1: 8 (4%) 2: 173 (84%) 3: 20 (10%)
 Cost
 - 0: not identified 7 (3%) 1: 166 (81%) 2: 28 (14%) 3: 5 (2%)
 Clarity
 - 0: not identified 5 (2%) 1: 196 (96%) 2: 5 (2%)

38. §9.2 The first aid kit shall be available whenever children are in care, including field trip.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
 ___cost 1:justified cost 2:unjustified cost 3:not applicable
 ___clarity 1:clear meaning 2:unclear meaning

Protection
 - 0: not identified 2 (1%) 1: 2 (1%) 2: 198 (96%) 3: 4 (2%)
 Cost
 - 0: not identified 5 (2%) 1: 182 (89%) 2: 9 (4%) 3: 10 (5%)
 Clarity
 - 0: not identified 3 (2%) 1: 198 (96%) 2: 5 (2%)

39. §9.3 The center, in consultation with the appropriate local authorities, shall develop a written plan to be implemented in the event of fire or other emergencies requiring evacuation. Each emergency plan shall, at minimum, address staff responsibility with respect to:

1. Sounding of fire alarms and notification of local authorities;
2. Evacuation procedures including assembly points, head counts, primary and secondary means of egress, and checking to ensure complete evacuation of the building(s);
3. Fire containment procedures, e.g., closing of fire doors or other barriers; and
4. Other special procedures developed with the local authorities.

COMMENT SHEET
GENERAL PROCEDURES AND INFORMATION FOR LICENSURE

This form may be used for making comments about any of the proposed standards or for suggesting new standards that do not currently exist. Please feel free to copy this form as necessary if additional space is needed.

Standard #	Problem	Suggested Solution
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___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

Protection
- 0: not identified 3 (2%) 1: 6 (3%) 2: 185 (89%) 3: 12 (6%)
Cost
- 0: not identified 8 (4%) 1: 169 (82%) 2: 7 (3%) 3: 22 (11%)
Clarity
- 0: not identified 5 (2%) 1: 197 (96%) 2: 4 (2%)

40. §9.7 Notification of injury or death of a child.

B. In the event of the death of a child, the center shall notify the parent immediately and, within 24 hours, inform the Commissioner's representative of the circumstances surrounding the death.

___protection 1:insufficient protection 2:sufficient protection 3:overly protective
___cost 1:justified cost 2:unjustified cost 3:not applicable
___clarity 1:clear meaning 2:unclear meaning

Protection
- 0: not identified 8 (4%) 1: 10 (5%) 2: 182 (88%) 3: 6 (3%)
Cost
- 0: not identified 11 (5%) 1: 149 (72%) 2: 3 (2%) 3: 43 (21%)
Clarity
- 0: not identified 7 (3%) 1: 187 (91%) 2: 12 (6%)

DEPARTMENT OF HEALTH (STATE BOARD OF)

REGISTRAR'S NOTICE: The following three regulations are 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.

Warehouse Creek and its tributaries lying upstream of a line drawn from Marine Resources Commission survey marker "B" approximately 940 feet due northwest to the opposite shore.

Title of Regulation: VR 355-19-02.48. Notice and Description of Shellfish Area Condemnation Number 48, Warehouse Creek.

Statutory Authority: §§ 28.1-77 and 32.1-20 of the Code of Virginia.

Effective Date: May 25, 1989

Summary:

This notice defines the portion of Warehouse Creek, a tributary of Nassawadox Creek located in Northhampton County, which does 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 a portion of Warehouse Creek exceeds the NSSP bacteriological standards. Therefore an additional 92 acres are hereby reclassified as condemned for the direct marketing of shellfish.

VR 355-19-02.48. Notice and Description of Shellfish Area Condemnation Number 48, Warehouse Creek.

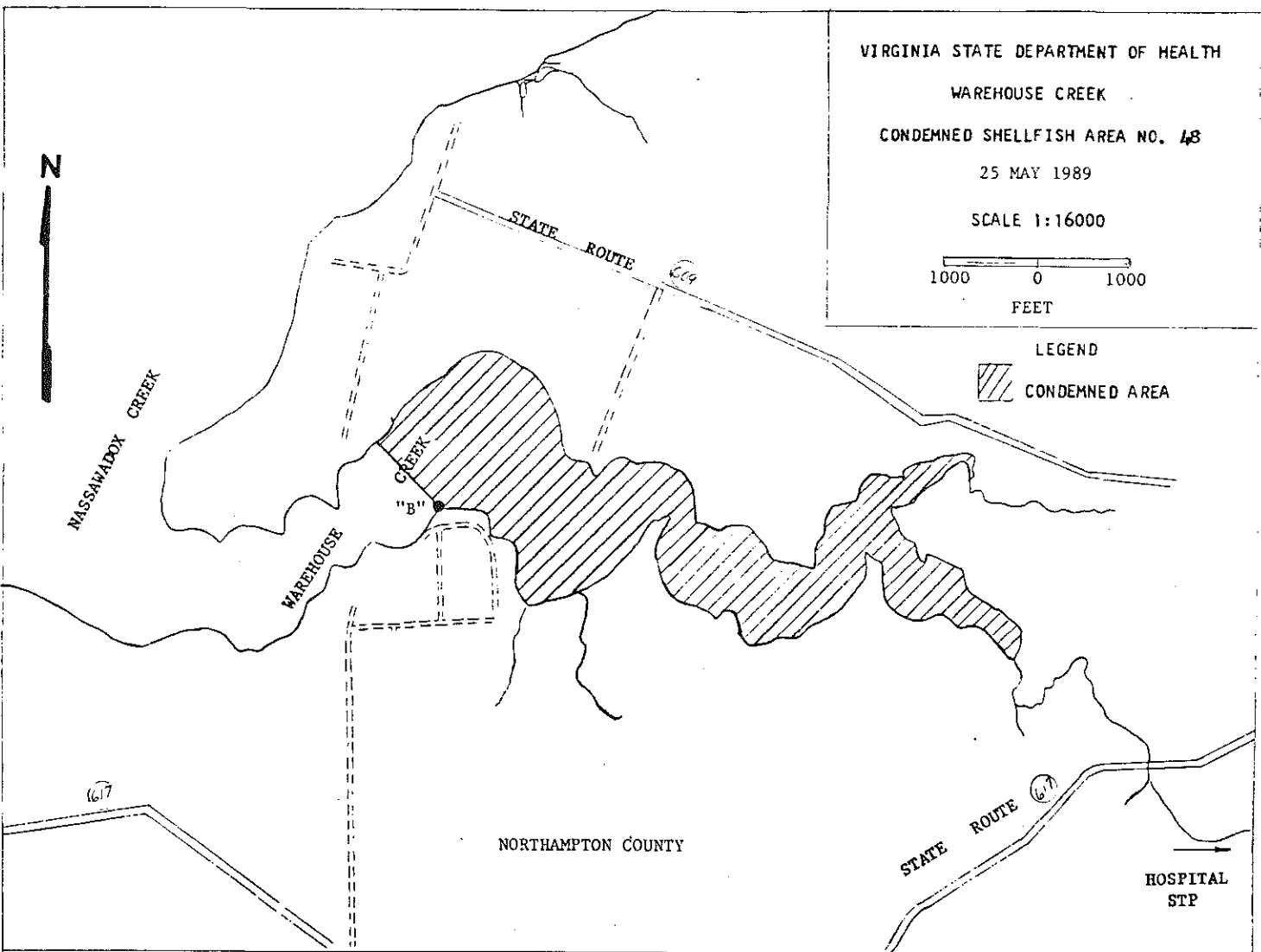
§ 1. The "Notice and Description of Shellfish Area Condemnation Number 48, Warehouse Creek," effective April 27, 1989, is cancelled effective May 25, 1989.

§ 2. Condemned Shellfish Area Number 48, Warehouse Creek, is established, effective May 25, 1989. It shall be unlawful for any person, firm, or corporation to take shellfish from area #48 for any purpose, except by permit granted by the Marine Resources Commission, as provided in § 28.1-179 of the Code of Virginia. The boundaries of the area are shown on map titled "Warehouse Creek, Condemned Shellfish Area No. 48, 25 May 1989" which is part of this notice.

§ 3. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

§ 4. Boundaries of condemned area number 48.

The condemned area includes all of that portion of



* * * * *

Title of Regulation: VR 355-19-02.121. Notice and Description of Shellfish Area Condemnation Number 121, Rappahannock River: Deep Creek.

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

Effective Date: May 25, 1989

Summary:

This notice defines the portion of Deep Creek located in Lancaster County which does 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 a portion of Deep Creek exceeds the NSSP bacteriological standards. Therefore 96 acres are hereby reclassified as condemned for the direct marketing of shellfish.

VR 355-19-02.121. Notice and Description of Shellfish Area Condemnation Number 121, Rappahannock River: Deep Creek.

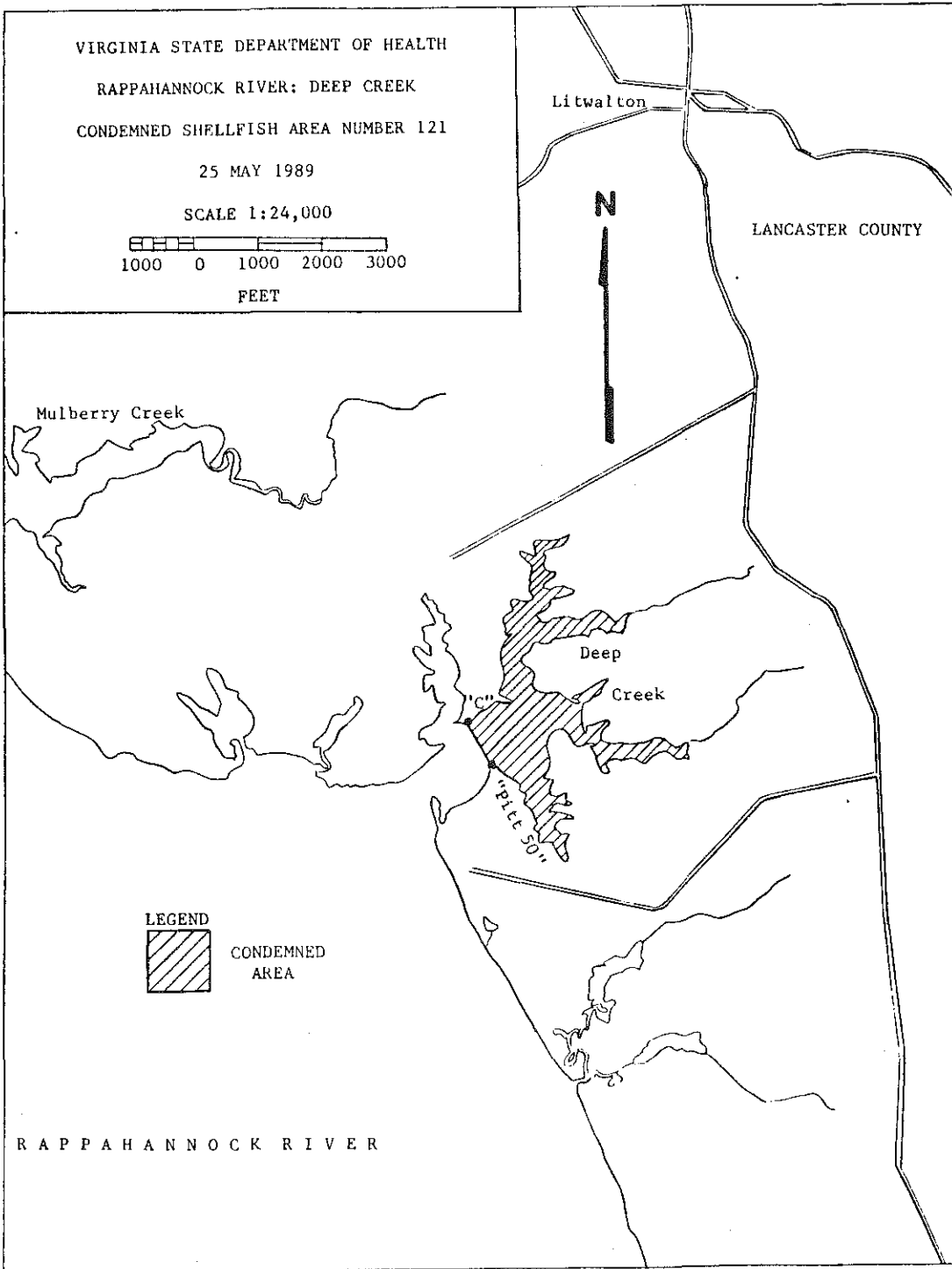
§ 1. Condemned Shellfish Area Number 121, Rappahannock River: Deep Creek, is established, effective May 25, 1989. It shall be unlawful for any person, firm, or corporation to take shellfish from area #121 for any purpose, except by permit granted by the Marine Resources Commission, as provided in § 28.1-179 of the Code of Virginia. The boundaries of the area are shown on map titled "Rappahannock River: Deep Creek, Condemned Shellfish Area Number 121, May 25, 1989" which is part of this notice.

§ 2. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

§ 3. Boundaries of condemned area number 121.

The condemned area includes all of that portion of Deep Creek and its tributaries lying upstream of a line drawn from Marine Resources Commission survey marker "C" on the north shore to survey marker "Pitt 50" on the south shore.

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Title of Regulation: VR 355-19-02.138. Notice and Description of Shellfish Area Condemnation Number 138, Hunting and Deep Creeks.

of Bagwell Creek and its tributaries lying upstream of a line extending from the northernmost projection of Dix Hammock due north for a distance of approximately 500 feet to the opposite shore.

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

Effective Date: May 25, 1989

Summary:

This notice defines the portion of Hunting Creek located in Accomack County which does 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 a portion of Hunting Creek exceeds the NSSP bacteriological standards. Therefore an additional 78 acres are hereby reclassified as condemned for the direct marketing of shellfish.

VR 355-19-02.138. Notice and Description of Shellfish Area Condemnation Number 138, Hunting and Deep Creeks.

§ 1. The "Notice and Description of Shellfish Area Condemnation Number 138, Hunting and Deep Creeks," effective April 27, 1989, is cancelled effective May 25, 1989.

§ 2. Condemned Shellfish Area Number 138, Hunting and Deep Creeks, is established, effective May 25, 1989. It shall be unlawful for any person, firm or corporation to take shellfish from area #138 for any purpose, except by permit granted by the Marine Resources Commission, as provided in § 28.1-179 of the Code of Virginia. The boundaries of the area are shown on map titled "Hunting and Deep Creeks, Condemned Shellfish Area Number 138, May 25, 1989" which is part of this notice.

§ 3. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

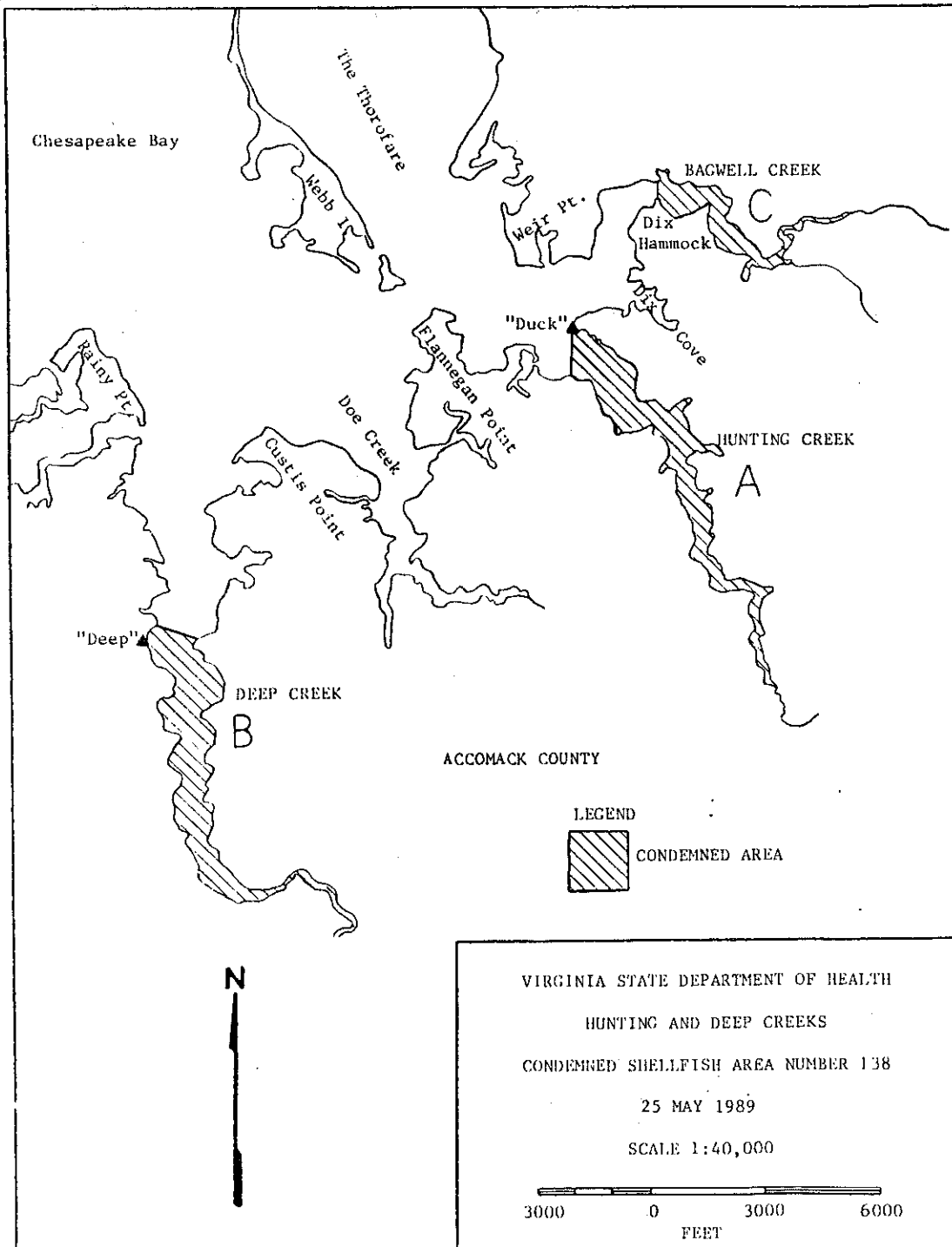
§ 4. Boundaries of condemned area number 138.

A. The condemned area shall include all of that portion of Hunting Creek and its tributaries lying upstream of a line drawn from Marine Resources Commission survey marker "Duck" due south to the opposite shore.

B. The condemned area shall include all of that portion of Deep Creek and its tributaries lying upstream of a line extending from the point on the west shore 600 feet downstream of the Corps of Engineers survey marker "Deep" S73° 17'E for a distance of approximately 1150 feet to the opposite shore.

C. The condemned area shall include all of that portion

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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

REGISTRAR'S NOTICE: The following regulation is exempted from the Administrative Process Act under the provisions of § 9-6.14:4.1 B 4 of the Code of Virginia, which excludes agency action relating to grants of state or federal funds or property.

Title of Regulation: VR 394-01-105. SHARE-Expansion Loan and SHARE-Expansion Grant Programs.

Statutory Authority: Chapter 9 (§ 36-141 et seq.) of Title 36 of the Code of Virginia.

Effective Date: May 24, 1989

Summary:

These regulations establish the administrative framework for project sponsor eligibility, distribution of funds by the Department of Housing and Community Development, and loan and grant terms and conditions.

VR 394-01-105. SHARE-Expansion Loan and SHARE-Expansion Grant Programs.

PART I. GENERAL.

§ 1.1. Definitions.

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

"Acquisition" means the purchase of real property (building, structures, land).

"Application" is the request, on behalf of the applicant to the State, for a loan or grant fund reservation under the SHARE-Expansion Loan and Grant Programs.

"Appraised value" is the value of the building and land as determined by a certified appraiser for marketing purposes.

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

"DHCD" means the Department of Housing and Community Development.

"Emergency shelter" means a building or facility operated on a nonprofit and nondiscriminatory basis, which provides free temporary accommodations and related human services for homeless persons, wherein the

typical stay is less than 30 days.

"Energy grant" means a grant which may be awarded to finance certain energy-related improvements within the SHARE-Expansion Loan Program.

"Energy-related improvements" means physical improvements to structures which are being rehabilitated which contribute to fuel cost savings and overall less energy consumption, and which have been so designated by the department. They may include installation or replacement of storm doors and windows; caulking and weatherstripping; roof, floor and wall repair as associated with insulation improvements; and furnace repair.

"Expansion" means increasing the number of beds provided by the sponsor through rehabilitation, addition of new space to an existing building, through the acquisition of an existing building, or through construction. The addition or rehabilitation of nonresidential space which is essential to the operation of the facility is also premitted, but only in conjunction with an increase in beds.

"Facility" means either an emergency shelter, transitional shelter, or single room occupancy housing.

"Fund" means the Virginia Housing Partnership Fund.

"Grant" means a grant made under SHARE-Expansion Grant Program.

"Grant agreement" means the agreement between DHCD and the project sponsor pertaining to the terms and conditions provided within the SHARE-Expansion Grant Program.

"Grantee" means a grant recipient under the SHARE-Expansion Program.

"Homeless" means persons or families who are without housing or who are in imminent danger of being without housing.

"Loan" means a loan made under SHARE-Expansion Loan Program.

"Loan agreement" means the agreement between DHCD and the project sponsor pertaining to the terms and conditions provided in the SHARE-Expansion Loan Program.

"Locality" means a city or county.

"Project sponsor" is a nonprofit, incorporated organization or governmental entity. Examples of project sponsors include, but are not limited to, cities, counties, towns, redevelopment and housing authorities, area agencies on aging, independent nonprofit housing organizations and others.

"Program" means the SHARE-Expansion Loan and

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SHARE-Expansion Grant Programs.

“Rehabilitation” means substantial physical improvements/repairs to a facility which will secure it structurally, correct building, health or fire safety code related defects, increase energy efficiency and assure safe and sanitary operation.

“State” means the Department of Housing and Community Development or such other entity as DHCD shall designate to act on its behalf.

“Single room occupancy housing” means permanent residential facilities for the homeless, consisting of a single room housing unit with either private or shared bath facilities with the optional provision of kitchen facilities, and in which rents may be charged to occupants.

“Transitional housing” means residential facilities for the homeless designed to meet their longer-term housing and human services needs, wherein the typical stay is over 30 days and less than two years, and in which rents may be charged to occupants.

“VHDA” means Virginia Housing Development Authority.

PART II. ELIGIBILITY.

§ 2.1. Eligible applicants.

To be eligible applicants must be:

1. Nonprofit organizations incorporated under the laws of the Commonwealth of Virginia; or
2. Governmental entities, including redevelopment and housing authorities.

§ 2.2. Eligibility requirements.

To be eligible applicants:

1. Must be providing for expansion of number of beds, not just rehabilitation;
2. Must match SHARE funds for non-Virginia Housing Partnership Funds on a one-for-one basis. The department reserves the right to reduce the match for SRO's in order to meet the goals and objectives of the program; and
3. Must operate on year-round basis.

§ 2.3. Eligible activities.

To be eligible activities must be related to:

1. Acquisition, new construction, rehabilitation, and furnishings which will result in an increase in the number of beds provided.

2. Energy-related improvements are encouraged.

NOTE: Luxury improvements are prohibited.

§ 2.4. Operational requirements.

To be eligible applicants:

1. Must operate facility for the homeless.
2. Must practice nondiscrimination in all programs and services including, but not limited to the delivery of services, opportunities or benefits based on race, national origin, color, or religion;
3. Must not require participation in a religious, sectarian, or philosophical service, rite, meeting or ritual as a condition for receiving shelter or related services;
4. Must not require a fee or donation as a condition for receiving emergency shelter or related services (transitional and SRO housing are excluded);
5. Must operate a facility that is in compliance with applicable state and local health, building and fire safety codes, or agree to make necessary improvements/repairs for such code compliance on such schedule as the department shall determine.

PART III. DISTRIBUTION OF FUNDS.

§ 3.1. Distribution of funds.

A. Funding priority.

There are no set asides although the department shall endeavor to fund at least one emergency shelter, one transitional facility, and one single room occupancy facility.

B. Competitive ranking.

All applications will be ranked competitively by the department within the areas of cost effectiveness, administrative capacity, leveraging, project readiness, unmet needs, and the provision of support services. There are no geographic set asides of funds; however, the department shall seek to achieve an equitable geographic distribution of funds.

Further explanation of selection criteria is as follows:

Cost effectiveness. The number of additional persons sheltered or housed versus dollars expended.

Administrative capacity. The ability of the applicant to carry out the proposed activities.

Leveraging. Preference is given to projects with local

match over 50%.

Project readiness. Firmness of the match funds, the availability or readiness of the site, application for use permits, and other appropriate factors which indicate that the project will move forward in a timely fashion if funded.

Unmet need. Needs assessment of area based on what is or is not currently available in the geographic area the project will serve.

Provision of support services. For emergency shelters and transitional housing, the degree to which local human services are or will be provided to assist homeless persons in making a transition to permanent accommodations. For SRO projects, the amount and type, if any, of support services that will be provided.

In addition, bonus points will be given to all projects that include a SHARE-Expansion Loan request as part or all of the project.

C. Maximum amount for each application.

The maximum amount available for each loan or grant application, or both, is as follows:

1. Loan or grant, or both, to shelter or transitional facility - \$125,000.
2. Loan or grant, or both, to SRO - \$500,000.

PART IV.

LOAN AND GRANT TERMS AND CONDITIONS.

§ 4.1. Loan and grant terms and conditions.

A. Loans will have a 0% interest rate for a term of up to 15 years. Energy-related improvements may be eligible for an energy grant. Loan recipients will sign a loan agreement, note, and deed of trust with the state.

B. Grants must be repaid to the state, if during the first five years after the closing of the grant(s), the facility is used for some purpose other than that stated in the grant or loan agreement, unless approved by the state.

C. All loans and grants exceeding \$10,000 total will be secured by a lien on the property. This lien may be subordinate to any primary financing on the project. Title insurance will be required unless waived by the department for loans or grants, or both, over \$10,000.

D. Loan and grant applications will be analyzed by DHCD staff on two financial criteria:

1. The project sponsor's track record and potential for raising the funds needed for loan amortization will be analyzed.

2. The loan or grant amount plus any existing debt may not exceed 100% of the after-rehab property value. After-rehab property value may be estimated by the local tax assessor based on the current tax assessed value and the work write-up, cost estimates, and design plans for the rehabilitation, or it may be estimated by an appraiser using the current market appraisal and the related plans for rehabilitation.

E. The Virginia Housing Development Authority will disburse funds and collect payments for loans.

F. The project sponsor must own the property or have a lease for use of the building. If the project sponsor is leasing the property, that lease must be for a period of not less than 10 years, unless otherwise approved by the state.

G. A loan or grant may be assumed provided the new borrower continues to comply with the requirements of the loan or grant agreement, and approval is given by DHCD.

H. SHARE-Expansion Loans may not be prepaid unless authorized by the state.

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

REGISTRAR'S NOTICE: The following two sets of regulations of the Department of Labor and Industry are excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(c) of the Code of Virginia, which excludes from Article 2 regulations which are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Labor and Industry will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of these regulations.

Title of Regulation: VR 425-02-01. Hazard Communication Standard for General Industry (1910.1200).
VR 425-02-03. Hazard Communication Standard for Marine Terminals (1917.28).
VR 425-02-31. Hazard Communication Standard for the Construction Industry (1926.59).

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

Effective Date: May 30, 1989

Summary:

The amendment makes technical changes to the standard by deleting from "notes following the headings of the standard, and from parentheticals following the text of the standard, statements that any

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provisions of the HCS are disapproved by OMB." (54 Fed. Reg. 6886.) The amendment means that the following information collection requirements are now in effect:

1. The requirement that material safety data sheets (MSDS) be provided on multi-employer worksites;
2. Coverage of any consumer product excluded from the definition of "hazardous chemical" under Section 311(e)(3) of the Superfund Amendments and Reauthorization Act of 1986; and
3. Coverage of drugs regulated by the U.S. Food and Drug Administration (FDA) in the nonmanufacturing sector.

Accompanying the amendment was a notice published by federal OSHA stating that the Federal Court Stay on the application of the Hazard Communication Standard had been lifted by the Third Circuit Court of Appeals, and that the standard would become effective in the construction industry. No board action on the state is necessary (see below). The proposed enforcement date in Virginia is May 30, 1989, to allow the agency time to formulate an enforcement policy and provide employers time to come into compliance with the new requirements.

On February 15, 1989, Federal OSHA published in the Federal Register an amendment to the Hazard Communication Standard, 29 CFR 1910.1200, 1926.59 and 1917.28; concerning certain requirements dealing with material safety data sheets on multi-employer worksites, coverage of consumer products and coverage of drugs in the nonmanufacturing sector.

In addition, Federal OSHA published a notification that the Federal Court Stay on the Construction Industry Standard, 1926.59, has been lifted by the Third Circuit Court of Appeals effective January 30, 1989. The notification stated that federal enforcement of the standard in the construction industry would begin on March 17, 1989.

1. OMB Disapproval of Information Collection Requirements.

On April 27, 1988, Federal OSHA published in the Federal Register an amendment to the Hazard Communication Standard, 29 CFR 1910.1200, 1926.59 and 1917.28 (53 Fed. Reg. 15033), which changed the standard by adding the OMB control number for the approved information collection requirements and noted that three other information collection requirements (MSDS, consumer products and coverage of drugs regulated by the FDA) were not approved. The Safety and Health Codes Board adopted an identical version of the amendment on July 11, 1988.

OMB's disapproval of the three provisions was

challenged in the U.S. Court of Appeals for the Third Circuit and was invalidated by the Court on August 19, 1988. Attempts have been made by the U.S. Department of Justice to have the Court's ruling overturned, resulting in a delay in the adoption of the amendment.

2. Hazard Communication in the Construction Industry.

The original Hazard Communication Standard, which covered only the Manufacturing Sector, was adopted by Federal OSHA on November 25, 1983, and by the Safety and Health Codes Board on August 17, 1984 (Virginia expanded it to cover all Public Sector employers). On August 24, 1987, Federal OSHA expanded the standard to cover all employers in nonmanufacturing and the construction industry. The Safety and Health Codes Board adopted the amendment on November 18, 1987.

The new standard was challenged by the construction industry in several different suits which were transferred from the District of Columbia Circuit Court of Appeals and consolidated in the Third Circuit Court of Appeals. The standard was stayed for the Construction Industry on May 20, 1988, but was lifted by Court Order which became fully effective on January 30, 1989.

Because of the Federal Court Stay, the standard has not been enforced in the construction industry at either the federal or state levels (the VOSH Administrative Regulations Manual (ARM) requires in § 5 B that "Any Federal Standard or portion thereof adopted by the Board and subsequently stayed by an order of any Federal Court will not be enforced by the Commissioner until the stay has been lifted...").

No board action is necessary on the issue of the lifting of the stay and the application of the Hazard Communication Standard to the construction industry because of the above-referenced section in the VOSH ARM. The enforcement date in Virginia for the construction industry is May 30, 1989, to allow time for VOSH to formulate an enforcement policy and for employers to come into compliance with the new standard.

Impact and Cost to Employers.

No additional cost to Virginia employers is anticipated in adopting the amendment. The costs of the amendment were included in the cost estimates for the standard when it was expanded to cover all employers. The amendment will have an impact on employers through the extension of the coverage of the standard to include consumer products and drugs in the nonmanufacturing sector. In addition, the provision on MSDS sheets on multi-employer worksites will require employers to make MSDS sheets more readily available than they presently are.

Impact on Employees.

No additional impact on employees is anticipated in adopting the amendment. The amendment will make it easier for employees on multiemployer worksites to obtain copies of MSDS sheets.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Hazard Communication Standard for General Industry (1910.1200), the Hazard Communication Standard for Marine Terminals (1917.28) and the Hazard Communication Standard for the Construction Industry (1926.59) are declared documents generally available to the public and appropriate for incorporation by reference. For this reason, the entire document will not be printed in The Virginia Register of Regulations. Listed below are the standards contained in Parts 1910, 1917 and 1926 which are being amended. Copies of these documents are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the Office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

- VR 425-02-01. Hazard Communication Standard for General Industry (1910.1200).
VR 425-02-03. Hazard Communication Standard for Marine Terminals (1917.28).
VR 425-02-31. Hazard Communication Standard for the Construction Industry (1926.59).

On March 13, 1989, the Virginia Safety and Health Codes Board adopted an identical version of the Federal OSHA amendment to the Hazard Communication Standard as codified in 29 CFR 1910.1200, 1917.28 and 1926.59 as published in the Federal Register, Vol. 54, No. 30, p. 6888, Wednesday, February 15, 1989. When the regulations as set forth in the amendments to this standard are applied to the Commissioner of the Department of Labor and Industry, Virginia employers, or both, the following terms shall be considered to read as below:

FEDERAL TERMS VOSH EQUIVALENT

All terms in the amendment shall be read as given.

The amendments as adopted are not set out.

Official letter from the Commonwealth of Virginia, Virginia Code Commission, Registrar of Regulations, dated April 7, 1989, addressed to Mr. Louis J. Cernak, Jr., Vice Chairman of the Virginia Safety and Health Codes Board. The letter acknowledges receipt of regulations VR 425-02-01, VR 425-02-31, and VR 425-02-03, and is signed by Joan W. Smith, Registrar of Regulations.

Title of Regulation: VR 425-02-36. Air Contaminants Standard. (1910.1000).

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

Effective Date: May 30, 1989

Summary:

The amendment revises 212 Permissible Exposure Limits (PEL) listed in tables Z-1, Z-2, and Z-3 to section 1910.100 and adds 164 substances not currently regulated by Federal OSHA. Changes include revision of the PEL; inclusion of Short Term Exposure Limits (STEL) to complement 8 hour time weighted average (TWA) limits; establishment of skin designation; and addition of ceiling limits as appropriate. (54 Fed. Reg. 2332.)

All of the revised PELs are included in a single new Table Z-1-A which also includes the existing OSHA PELs under the Transitional Limits Columns. This regulation permits the use of any compliance

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methodology until Dec. 31, 1992, to achieve the revised PEL. However, during this time period the established OSHA hierarchy of controls with preference for engineering controls will be applied to achieve the level of the transitional PELs. Tables Z-2 and Z-3 are temporarily maintained since they contain limits which cannot conveniently be included in the format used in Table Z-1-A." (54 Fed. Reg. 2332.)

On January 19, 1989, Federal OSHA published in the Federal Register an amendment to the Air Contaminants Standard, Permissible Exposure Limits, 29 CFR 1910.1000, revising 212 PEL's and setting 164 new PEL's not presently regulated.

"Most of the PELs contained in the Z-Tables of 29 CFR 1910.1000 were adopted from the Walsh-Healey Public Contracts Act as existing Federal Standards. These in turn had been adopted from the 1968 Threshold Limit Values of the American Conference of Industrial Hygienists (ACGIH). Some consensus standards from the American Standards Association were also adopted at that time." (54 Fed. Reg. 2333.)

"OSHA has focused its past priorities on the development of detailed and broad regulations for some high priority substances. This has resulted in major reductions in deleterious health effects for those 24 substances for which regulations have been adopted. However, OSHA has not been able to consider the need for regulating the thousands of substances commonly found in the workplace, or to review the scientific information to determine if different limits are required for the more than 400 substances now regulated under the provisions of the Z-tables.

OSHA determined that it was necessary to modify this approach through the use of generic rulemaking which would simultaneously cover many substances. The Hazard Communication Standard is an example of a regulation using such an approach....OSHA concludes that it is of first priority to modify existing PELs, and to establish PELs for substances for which no exposure limits exist." (54 Fed. Reg. 2333.)

OSHA utilized the "already published and widely accepted 1987-88 Threshold Values (TLVs) published by the American Conference of Industrial Hygienists (ACGIH) and the Recommended Exposure Limits (RELs) developed by the National Institute for Occupational Safety and Health (NIOSH) as the starting points for its analysis." (54 Fed. Reg. 2333.)

"Benefits will accrue to approximately 4.5 million workers who are currently exposed in excess of the PEL and are expected to include the reduction of over 55,000 occupational illness cases, including almost 24,000 lost workday illness cases and approximately 520,000 lost workdays annually. (54 Fed. Reg. 2335.)

"OSHA's estimate is that industry compliance with the final rule's exposure limits will result in a reduction of an average of 683 fatalities annually that are caused by exposure to substances that cause cancer, respiratory disease, cardiovascular disease, or liver or kidney damage." (54 Fed. Reg. 2725.)

Impact and Cost to Employers.

"The average annualized cost, per establishment affected by this rule, is estimated to range from \$77,000 for petroleum refining (SIC 29) down to \$400 per year for auto dealers (SIC 55). The annual cost is approximately \$150 per worker protected, and is never more than a fraction of 1% of sales and less than 2% of profits (usually substantially less) except for very few segments." (54 Fed. Reg. 2335.)

OSHA estimates that the amendment will impact on 131,005 employers who will incur costs of \$787,982,900 annually for an average annual cost per affected establishment of \$6,000. (54 Fed. Reg. 2727-29.)

OSHA has reviewed health, risk and feasibility evidence for all 428 substances for which changes to the PEL were considered. In each instance where a revised or new PEL is adopted, OSHA has determined that the new limits substantially reduce a significant risk of material impairment of health or functional capacity among American workers, and that the new limits are technologically and economically feasible." (54 Fed. Reg. 2334.)

"OSHA has also determined that it is appropriate to limit this rulemaking to the General Industry sector. Application to the Construction, Maritime and Agricultural Segments may require some modifications to this proposed rule because of differences in exposures and work situations in the established PELs for these segments, and differences regarding feasibility for these sectors. OSHA will pursue this as part of second stage rulemaking and has informally notified the Construction Advisory Committee of its plan." (54 Fed. Reg. 2335.)

Impact on Employees

Adoption of the amendment will have a significant impact on employees including additional training on the proper methods for installing engineering controls (if done in-house) and using respiratory protection. In addition, exposure monitoring will have to be conducted to determine compliance with the applicable PEL.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Air Contaminants Standard (1910.1000) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the entire document will not be printed in The Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in

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the Office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-36. Air Contaminants Standard (1910.1000)

On March 13, 1989, the Virginia Safety and Health Codes Board adopted an identical version of the Federal OSHA amendment to the Air Contaminant Standard as codified in 29 CFR 1910.1000 as published in the Federal Register, Vol. 54, No. 12, p. 2920-2983, Thursday, January 19, 1989. When the regulations as set forth in the amendment to the Air Contaminants Standard, Permissible Exposure Limits, 1910.1000, are applied to the Commissioner of the Department of Labor and Industry or Virginia employers, or both, the following terms shall be considered to read as below:

FEDERAL TERMS VOSH EQUIVALENT

All terms in the amendment shall be read as given.

The amendments as adopted are not set out.

Process Act for the purposes of promulgating regulations. However, they are required to publish the full text of final regulations.

Title of Regulation: VR 450-01-0055. Pertaining to the Use of Trawls in the Territorial Sea.

Statutory Authority: §§ 28.1-23 and 28.1-69.1 of the Code of Virginia.

Effective Date: July 1, 1989

Preamble:

This regulation establishes a prohibition on the use of trawls in Virginia's Territorial Sea.

§ 1. Authority, repeal of prior regulation, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23 and 28.1-69.1 of the Code of Virginia.

B. VMRC Order 83-6, effective October 1, 1983, establishes a 4-1/2 inch mesh size for trawl nets used in Virginia's tidal waters and is hereby repealed.

C. The effective date of this regulation is July 1, 1989.

§ 2. Purpose.

The purpose of this regulation is to provide for the conservation of Virginia's summer flounder stocks and stocks of other species utilizing the Territorial Sea as a migratory pathway to spawning grounds and nursery areas.


§ 3. Prohibition.

It shall be unlawful for any person, firm, or corporation to operate any trawl net or to take or catch fish, crabs or shellfish by use of trawl net within the Territorial Sea. Territorial Sea shall consist of that area within the three-mile limit of the Virginia Atlantic shoreline.

§ 4. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt
Commissioner
March 7, 1989


COMMONWEALTH of VIRGINIA
VIRGINIA CODE COMMISSION
General Assembly Building

JOAN M SMITH
REGISTRAR OF REGULATIONS

POST OFFICE BOX 340
RICHMOND, VIRGINIA 23208
804 784 2541

April 7, 1989

Mr. Louis J. Cernak, Jr., Vice Chairman
Virginia Safety and Health Codes Board
Department of Labor and Industry
205 North Fourth Street
Richmond, Virginia 23241

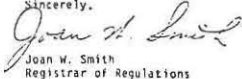
Attention: Margaret T. Gravett, Administrative Staff Specialist

Re: VR 425-02-36. Air Contaminants Standard, Permissible Exposure

Dear Mr. Cernak:

This will acknowledge receipt of the above-referenced regulation from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that this regulation is exempt from the operation of Article 2 of the Administrative Process Act since it does not differ materially from those required by federal law.

Sincerely,

Joan M. Smith
Registrar of Regulations

JMS:s11

MARINE RESOURCES COMMISSION

NOTE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative

VIRGINIA TAX BULLETIN

DEPARTMENT OF TAXATION

Tax Bulletin 89-4

DATE: March 7, 1989

SUBJECT: Interest Rates

7/1/85 - 12/31/85	11%	11%
1/1/86 - 6/30/86	10%	10%
7/1/86 - 12/31/86	9%	9%
1/1/87 - 9/30/87	9%	8%
10/1/87 - 12/31/87	10%	9%
1/1/88 - 3/31/88	11%	10%
4/1/88 - 9/30/88	10%	9%
10/1/88 - 3/31/89	11%	10%

State and certain local interest rates are subject to change every quarter. The rates for the second quarter of 1989 will be 11% for tax overpayments and 12% for tax underpayments. This is an increase from the first quarter of 1989 when the rates were 10% for tax overpayments and 11% for tax underpayments.

Questions about interest rates may be directed to the Taxpayer Assistance Section, Office Services Division, Virginia Department of Taxation, P.O. Box 6-L, Richmond, Virginia 23282, or (804) 257-8031 (Individual) or (804) 257-8036 (Corporation).

Rate for Addition to Tax for Underpayments of Estimated Tax

Individuals: Tax returns for the calendar year 1988 are due on May 1, 1989. For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts) or Form 760F (for farmers and fishermen), the first quarter 11% underpayment rate will apply through the due date of the return, May 1, 1989.

Corporations: Tax returns for the calendar year 1988 are due on April 5, 1989. For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 500C, the first quarter 11% underpayment rate will apply through the due date of the return, April 15, 1989.

Taxpayers whose taxable year ends March 31, 1989: For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts), Form 760F (for farmers and fishermen) or Form 500C (for corporations), the second quarter 12% underpayment rate will apply through the due date of the return, July 15, 1989.

Local Tax

Localities assessing interest on delinquent taxes pursuant to Va. Code § 58.1-3916 may impose interest at a rate not to exceed the underpayment rates which are in effect for the applicable quarters of the second and subsequent years of delinquency. For the second quarter of 1989, the underpayment rate is 12%. Localities which have provided for refund of erroneously assessed taxes may provide by ordinance that such refund be repaid with interest at a rate which does not exceed the rate imposed by the locality for delinquent taxes.

Recent Interest Rates

Period	Rates Underpayment (Assessments)	Rates Underpayment (Refund)
7/1/83 - 12/31/84	11%	11%
1/1/85 - 6/30/85	13%	13%

GOVERNOR

OFFICE OF GOVERNOR

EXECUTIVE ORDER NUMBER SIXTY-SEVEN (89)

JOB TRAINING PARTNERSHIP ACT

By virtue of the authority vested in me as Governor by Sections 2.1-704, 2.1-707 and 2.1-710 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby assign authority for carrying out the State's responsibilities under the federal Job Training Partnership Act, PL 97-300 as amended by PL 100-418 (hereafter referred to as the Act), for the transitional period necessitated by the amendments to the Act.

The purpose of programs funded under the Act is to prepare youths and unskilled adults for entry into the labor force and to afford job training to economically disadvantaged individuals and others who face serious barriers to employment and who are in special need of such training to obtain productive employment.

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

The Governor's Job Training Coordinating Council is hereby continued as an advisory body in accordance with Section 2.1-704 of the Code of Virginia and the provisions of the Act, as hereinafter provided. The Secretary of Health and Human Resources will provide policy guidance and direction for the Council.

The Council's primary duty shall be to recommend a coordinated state policy for all job training programs that results in better job opportunities, improved program coordination and reduced duplication of services and activities. The Council shall have the following specific advisory responsibilities:

1. To identify, in concert with appropriate state agencies, the Commonwealth's employment and training and vocational education needs, and to assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other federal, state and local programs and services represent a consistent, integrated, and coordinated approach to meeting those needs;
2. To recommend to the Governor a coordination and special services plan, as required by the Act;
3. To recommend to the Governor substate service delivery areas, to plan resource allocations not subject to Section 202(a) of the Act, to provide management guidance and review for all programs in the state funded by the Act, to develop appropriate linkages with other employment and training programs, to coordinate activities with private industry councils established under the Act, to develop the Governor's Coordination and Special Services Plan, and to

recommend variations in performance standards;

4. To advise the Governor and local entities on job training and substate plans and to certify the consistency of such plans with criteria set forth in the Governor's Coordination and Special Services Plan for coordinating activities under the Act with other federal, state and local employment-related programs, including programs operated in urban enterprise zones designated in accordance with Section 59.1-274 of the Code of Virginia;

5. To review the operation of programs conducted in each service delivery area, including the availability, responsiveness and adequacy of state services;

6. To recommend to the Governor, state agencies, appropriate chief elected officials, private industry councils, service providers, the General Assembly, and the general public ways to improve the effectiveness of programs or services provided under the Act;

7. To make an annual report to the Governor, which shall be a public document, and to issue such other studies, reports, or documents as it deems advisable to assist service delivery areas in carrying out the purposes of the Act;

8. To review plans of all state agencies that provide employment and training, and related services, including the state plan developed pursuant to Section 8(a) of the federal Wagner-Peyser Act and the plan required pursuant to Section 114 of the federal Carl D. Perkins Vocational Education Act; and to provide comments and recommendations to the Governor, the General Assembly and the appropriate state and federal agencies on the appropriateness and effectiveness of employment and training and related services delivery systems in the Commonwealth; and

9. To provide advice to the Governor regarding the use of funds under Title III, including advice on the designation of substate areas and substate grantees, and the procedures for the selection of representatives within such areas under Section 312 and the methods for allocation and reallocation of funds including the method for distribution of funds reserved under Section 302(c)(2) and funds subject to reallocation under Section 303(d).

All reports, recommendations, reviews, and plans prepared by the Council shall be transmitted to the Secretary of Health and Human Resources and the Secretary of Economic Development, who jointly will advise the Governor on appropriate actions to be taken with respect to such submissions.

All state agencies, boards, and institutions are instructed to cooperate with and assist the Council in the performance of its duties when requested to do so. The Council may seek advice and assistance from any

Governor

available source. The Council may establish such ad hoc advisory committees as it deems necessary and appropriate for the performance of its duties. Local government officials and community leaders throughout the Commonwealth are requested and urged to advise and assist the Council in the performance of its duties.

The Council shall be comprised of forty members appointed by the Governor and serving at his pleasure. The Governor shall appoint the chairman of the Council, who shall be a nongovernmental member. The Council members shall be comprised of representatives of the groups listed below.

1. Twelve members shall be private sector representatives of business and industry, including individuals who are representatives of business and industry on private industry councils within the state. At least one member of this group shall represent agricultural interests.

2. Eight state officials, or their designees, shall be appointed as follows:

One member of the Senate of Virginia,

One member of the House of Delegates of Virginia,

The Commissioner of the Virginia Employment Commission,

The Commissioner of the Department of Rehabilitative Services,

The Commissioner of the Department of Social Services,

A community college president, appointed from nominations of the Advisory Council of Community College Presidents,

The Director of Industrial Training of the Department of Economic Development, and

The Administrative Director of Vocational and Adult Education of the Department of Education.

3. Three members shall be representatives of units of general local government or consortia thereof. Members of this group, one of whom shall represent administrative entities or grantees under the Act, shall be appointed from nominations of the chief elected officials of such units or consortia.

4. One member shall be a representative of local educational agencies and shall be appointed from nominations by the Virginia Association of School Administrators.

5. Twelve members shall be representatives of organized labor and community-based organizations.

6. Four members shall be appointed from the general public.

Members of the Council will be eligible for reimbursement for their travel expenses in accordance with state travel regulations.

GOVERNOR'S EMPLOYMENT AND TRAINING DEPARTMENT

In accordance with Section 2.1-708 of the Code of Virginia, the Governor's Employment and Training Department receives all federal funds allocated under Titles II and III of the Act and is responsible for implementing Titles I and II of the Act.

In accordance with Section 2.1-707 of the Code of Virginia, the Department, under the direction of its Executive Director, shall provide assistance to the Council. Such staff support as is deemed necessary by the Executive Director for the conduct of the Council's business is to be furnished by the Governor's Employment and Training Department. Such funding as is deemed necessary by the Executive Director for the Council's operation is to be provided from funds appropriated to the Department.

The Governor's Employment and Training Department and each other state agency that administers employment and training programs shall coordinate their planning and develop means to assure that programs for which each agency is responsible are delivered in ways that assure the best quality job training and placement programs for participants in programs funded under the Act.

VIRGINIA EMPLOYMENT COMMISSION

In accordance with Section 2.1-710 of the Code of Virginia, the Virginia Employment Commission is designated as the agency responsible for administering or managing state participation in the following programs authorized by the Act:

Employment and Training Assistance for Dislocated Workers (Title III) and

Labor Market Information (Title IV, Part E).

The Commission will receive Title III funds for these programs granted under the Act through the Governor's Employment and Training Department. The Commission will manage and coordinate matching funds as required by the Act for the statewide Title III program operated by the Commission.

DEPARTMENT OF EDUCATION

In accordance with Section 2.1-710 of the Code of Virginia, the Virginia Department of Education is designated as the agency responsible for administering the State Education Grants authorized by Section 123 of the

Act. The Department of Education will receive appropriate funds granted under the Act through the Governor's Employment and Training Department. The Department of Education will provide matching funds required by the Act to deliver training programs for eligible participants through agreements with service delivery areas in Virginia and, where appropriate, through agreements with local education agencies. Funds available for program coordination will be used in conformity with the adopted Governor's Coordination and Services Plan.

DEPARTMENT FOR THE AGING

In accordance with Section 2.1-710 of the Code of Virginia, the Virginia Department for the Aging is designated as the agency responsible for administering training programs for older individuals authorized by Section 124 of the Act. The Department for the Aging will receive appropriate funds granted under the Act through the Governor's Employment and Training Department. Programs for eligible individuals shall be developed in conjunction with service delivery areas in Virginia and shall be consistent with the plan for each service delivery area prepared and submitted in accordance with the provisions of the Act.

These programs shall be designed to assure the training and placement of older individuals in employment opportunities with private business concerns. Wherever possible, these programs shall train participants for jobs in growth industries and jobs that reflect the use of new technological skills. Funds available for program coordination will be allocated in conformity with the adopted Governor's Coordination and Special Services Plan.

This Executive Order supersedes and rescinds Executive Order Number 34 (86), issued on December 24, 1986, by Governor Gerald L. Baliles.

This Executive Order will become effective upon its signing and will remain in full force and effect until June 30, 1990, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 21st day of March, 1989.

/s/ Gerald L. Baliles
Governor

* * * * *

EXECUTIVE ORDER NUMBER SIXTY-EIGHT (89)

DECLARATION OF STATE OF EMERGENCY DUE TO EXCESSIVE SNOWFALL ON THE EASTERN SHORE OF VIRGINIA

On February 23 and 24, 1989, a massive snowstorm deposited in excess of one foot of snow on the Eastern Shore of the Commonwealth. The near blizzard conditions

caused snowdrifts of several feet and blocked primary and secondary roads. The local governments were paralyzed in their efforts to provide essential public services, citizens were marooned in cold homes, sick persons were unable to get to hospitals, and there was some damage to public and personal property. In order to rectify these situations, assistance by units of the Virginia National Guard was requested by the jurisdictions within the affected areas.

The health and general welfare of the citizens of the affected areas required that state action be taken to alleviate the conditions brought about by this situation, which constituted an emergency as contemplated under the provisions of Section 44-146.16 of the Code of Virginia.

By virtue of the authority vested in me by Sections 44-75.1 and 44-146.17 of the Code of Virginia as Governor, Commander in Chief of the armed forces of the Commonwealth, the Director of Emergency Services, and subject to my continuing and ultimate authority and responsibility to act in such matters, I do hereby proclaim that on February 23, 1989, I determined that a state of emergency existed in the affected areas of the Commonwealth and directed that appropriate assistance be rendered by agencies of state and local government to alleviate those conditions. I further directed that the Adjutant General of Virginia make available, on state active duty service, such members of the Virginia National Guard and such equipment as might be necessary to effect rescue operations on the Eastern Shore.

Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following benefits will be provided to the member and his/her dependents or survivors:

- (a) Worker's Compensation benefits provided to members of the National Guard by the Virginia Worker's Compensation Act; and, in addition,
- (b) The same benefit for injury, disability and/or death, or their equivalent, as would be provided by the federal government if the member were serving on federal active duty at the time of injury or death. Any such federal-type benefits due to a member and his/her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Worker's Compensation Act during the same month. If and when the time period for payment of Worker's Compensation benefits has elapsed, the member and his/her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on the federal active duty at the time of the injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of the injury or death, whichever produces the greater benefit amount. Pursuant to Section 14-4 of the Code of Virginia and subject to the concurrence of the Board of Military

Governor

Affairs, I now approve the future expenditures out of the appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

This Executive Order will terminate on June 30, 1989, unless amended or rescinded by further executive order.

Given under my hand and the Seal of the Commonwealth of Virginia the 9th day of March, 1989.

/s/ Gerald L. Baliles
Governor

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

ALCOHOLIC BEVERAGE CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Board intends to consider promulgating, amending or repealing regulations entitled: **VR 125-01-1 through VR 125-01-7. Regulations of the Virginia Alcoholic Beverage Control Board.** The purpose of the proposed action is to receive information from industry, the general public and licensees of the board concerning adopting, amending or repealing the board's regulations.

Notice to the Public

Pursuant to its Public Participation Guidelines contained in § 5.1 of VR 125-01-1, the board intends to consider proposals to amend, repeal or develop regulations as set forth below and will conduct a public meeting on such proposals as indicated below:

1. § 1.3 of VR 125-01-1 - Hearings Before Hearing Officers/Attorneys.

a. **Subject of Proposal** - To eliminate the requirement that a corporation must be represented by an attorney at an initial hearing with respect to matters involving legal conclusions, examination of witnesses, preparation of briefs or pleadings.

b. **Entities Affected** - Manufacturers, bottlers, importers, wholesalers and retail licensees.

c. **Purpose of Proposal** - To comply with HB1203 which will become law on July 1, 1989.

d. **Issues Involved** - The amendment ensures that the regulation does not conflict with statutory law.

e. **Applicable Laws or Regulations** - §§ 4-7(l), 4-11(a), 4-98.14, 4-103(b) and Chapter 1.1:1 (§§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

2. § 2.2 of VR 125-01-1 - Hearings Before the Board/Attorneys.

a. **Subject of Proposal** - To eliminate the requirement that a corporation must be represented by an attorney at an appeal hearing with respect to matters involving legal conclusions, examination of witnesses or preparation of briefs or pleadings.

b. **Entities Affected** - Manufacturers, bottlers, importers, wholesalers and retail licensees.

c. **Purpose of Proposal** - To comply with HB1203 which will become law on July 1, 1989.

d. **Issues Involved** - The amendment ensures that the regulation does not conflict with statutory law.

e. **Applicable Laws or Regulations** - §§ 4-7(l), 4-11(a), 4-98.14, 4-103(b) and Chapter 1.1:1 (§§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

3. § 3.1 of VR 125-01-1 - Wine and Beer Franchise Act/Complaint.

a. **Subject of Proposal** - To provide correct statutory citations.

b. **Entities Affected** - Manufacturers, importers and wholesalers of wine.

c. **Purpose of Proposal** - To change references from Chapter 2.2 (which was repealed February 18, 1989) of Title 4 of the Code to Chapter 2.3.

d. **Issues Involved** - To comply with Chapter 2.3 of Title 4.

e. **Applicable Laws or Regulations** - §§ 4-7(j), (k) and (l), 4-10, 4-11(a), Chapter 2.1 (§§ 4-118.3 et seq.), Chapter 2.3 (§§ 4-118.42 et seq.) of Title 4 and Chapter 1.1:1 (§§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

4. § 2 of VR 125-01-2 - Advertising; Interior; Retail Licensees; Show Windows.

a. **Subject of Proposal** - To permit the interior advertisement of alcoholic beverages by the retail licensee through the use of printed paper and cardboard matter which is obtained from sources other than manufacturers, bottlers or wholesalers; to provide the correct regulation citation.

b. **Entities Affected** - Retail licensees; all licensees of the board.

c. **Purpose of Proposal** - To allow more interior advertising; to change § 9 F of VR 125-01-3 to § 8 F of VR 125-01-3.

d. **Issues Involved** - The amount of interior advertising to be permitted in retail establishments;

General Notices/Errata

this amendment ensures that the correct regulation subsection is cited.

e. **Applicable Laws or Regulations** - §§ 4-7(l), 4-11(a), 4-60(i), 4-69, 4-69.2, 4-98.10(w) and 4-98.14 of the Code of Virginia.

5. **§ 6 of VR 125-01-2** - Advertising; Novelties and Specialties.

a. **Subject of Proposal** - To cite the correct regulation subsection.

b. **Entities Affected** - All licensees of the board.

c. **Purpose of Proposal** - To change § 9 F of VR 125-01-3 to § 8 F of VR 125-01-3.

d. **Issues Involved** - This amendment ensures that the correct regulation subsection is cited.

e. **Applicable Laws or Regulations** - §§ 4-7(l), 4-11(a), 4-69, 4-98.10(w) and 4-98.14 of the Code of Virginia.

6. **§ 8 of VR 125-01-3** - Inducement to Retailers; Tapping Equipment, Bottle or Can Openers; Banquet Licensees; Cut Case Cards; Clip-Ons and Table Tents.

a. **Subject of Proposal** - To allow the sale of ice and the cleaning and servicing of equipment as currently specified in § 4-79 (c) and (e) of the Code of Virginia.

b. **Entities Affected** - Manufacturers, bottlers, importers, wholesalers and retail licensees.

c. **Purpose of Proposal** - To include all exceptions to §§ 4-79 and 4-79.1 in the regulations.

d. **Issues Involved** - This amendment ensures that the regulations cover all exceptions to §§ 4-79 and 4-79.1 of the Code of Virginia.

e. **Applicable Laws or Regulations** - §§ 4-7(l), 4-11(a), 4-69.2, 4-79(f) and (h), 4-79.1 and 4-98.14 of the Code of Virginia.

7. **§ 16 of VR 125-01-5** - Happy Hour and Related Promotions; Definitions; Exceptions.

a. **Subject of Proposal** - To limit the amount of alcoholic beverages (1 1/2 oz. of distilled spirits, 5 oz. of wine, or 12 oz. of beer) that may be served in a drink during happy hour.

b. **Entities Affected** - Retail licensees and the general public.

c. **Purpose of Proposal** - To treat all alcoholic beverages the same. Presently there are greater

restrictions on distilled spirits than on wine and beer. The misconception has been, and continues, that wine and beer are safer products than distilled spirits. A 12 ounce serving of beer has the same alcohol content as 1 1/2 ounces of 80 proof liquor or a 5 ounce glass of wine.

Some establishments are presently circumventing the intent of the A.B.C. regulations to limit drinks to two per customer at any one time. These establishments are serving beer in 32 ounce glasses.

d. **Issues Involved** - Establishing specified serving sizes for alcoholic beverage drinks during Happy Hour.

e. **Applicable Laws or Regulations** - §§ 4-7(l), 4-11(a), 4-69, 4-69.2, 4-98.10, 4-98.14 and 4-103(b) of the Code of Virginia.

f. Submitted by the Tidewater Council on Alcoholism.

8. **§ 9 of VR 125-01-7** - Records to be kept by Licensees Generally, Additional Requirements for Certain Retailers; "Sale" and "Sell" Defined; Gross Receipts; Reports.

a. **Subject of Proposal** - To change licensee record keeping requirements for beer and 3.2 beverages to two years.

b. **Entities Affected** - Manufacturers, bottlers, importers, wholesalers and retailers of beer and 3.2 beverages.

c. **Purpose of Proposal** - To comply with § 4-136 of the Code of Virginia.

d. **Issues Involved** - The amendment ensures that the regulation is not in conflict with statutory law.

e. **Applicable Laws or Regulations** - §§ 4-7(l), 4-11(a), 4-44, 4-98.6, 4-98.7, 4-98.14 and 4-103(b) of the Code of Virginia.

9. **§ 13 of VR 125-01-7** - Special Mixed Beverage Licensees; Locations; Special Privileges; Taxes on Licenses.

a. **Subject of Proposal** - To permit the 45% sales figure for special mixed beverage licensees to be determined by reference to the combined sales of all places primarily engaged in the sale of meals within the same structure.

b. **Entities Affected** - All special mixed beverage licensees with retail establishments located on United States owned property which is used as a part of entry or egress to and from the United States.

c. **Purpose of Proposal** - To accommodate the Metropolitan Washington Airports Authority.

d. **Issues Involved** - How the 45% sales figure should be determined.

e. **Applicable Laws or Regulations** - §§ 4-98.2, 4-98.14 and 7.1-21.1 of the Code of Virginia.

10. Regulations are adopted by the board pursuant to authority contained in §§ 4-7(l), 4-11(a), 4-98.14, 4-103(b), 4-6.14 and 9-6.4:1 et seq. of Title 9 of the Code of Virginia.

11. The board requests that all persons interested in the above described subjects please submit comments in writing by 10 a.m. May 25, 1989, to the undersigned, P.O. Box 27491, Richmond, Virginia 23216 or attend the public meeting scheduled below.

12. The board will hold a public meeting and receive the comments or suggestions of the public on the above subjects. The board may also consider any other proposals that may be presented at the public meeting. The meeting will be in the First Floor Hearing Room at 2901 Hermitage Road, Richmond, Virginia, at 10 a.m. on May 25, 1989.

13. Regarding the proposals as set forth above, all references to existing regulations that may be the subject of amendment or repeal, all references to proposed numbers for new regulations or to applicable laws or regulations are for purposes of information and guidance only, and are not to be considered as the only regulations or laws that may be involved or affected when developing draft language to carry-out the purposes of any proposal. This notice is designed, primarily, to set forth the subject matter and objectives of each proposal. In developing draft language, it may be necessary to amend or repeal a number or existing regulations and/or adopt new regulations as may be deemed necessary by the board, and the references set forth above are not intended to be all inclusive.

Statutory Authority: §§ 4-7(l), 4-11, 4-36, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103(b) and 9-6.14:1 et seq. of the Code of Virginia.

Written comments may be submitted until 10 a.m., May 25, 1989.

Contact: Robert N. Swinson, Secretary to the Board, Alcoholic Beverage Control Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616 or SCATS 367-0616

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 amending regulations entitled: **VR 190-03-01. Polygraph Examiners**. The purpose of the proposed action is to solicit public comment on all existing regulations as to the effectiveness, efficiency, necessity and clarity in accordance with the Public Participation Guidelines.

Statutory Authority: § 54.1-1802 of the Code of Virginia.

Written comments may be submitted until May 10, 1989.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534, SCATS 367-8534 or 1-800-552-3016 (toll-free)

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider promulgating regulations entitled: **VR 245-01-01. Public Participation Guidelines**. The purpose of the proposed regulation is to seek public participation from interested parties prior to formation and during the drafting, promulgating and final adoption process of regulations.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until May 26, 1989.

Contact: Kathy E. Vesley, Deputy Director, Department for the Deaf and Hard-of-Hearing, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-2570, SCATS 225-2570 or 1-800-553-7917 (toll-free)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider promulgating regulations entitled: **VR 245-01-02. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Telecommunications Equipment**. The purpose of the proposed regulation is to screen eligible hearing-impaired and speech-impaired residents of Virginia for the Telecommunications Assistance Program (TAP) and to determine the approved applicant's contribution toward the purchase of telecommunications equipment.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until May 26, 1989.

General Notices/Errata

Contact: Kathy E. Vesley, Deputy Director, Department for the Deaf and Hard-of-Hearing, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-2570, SCATS 225-2570 or 1-800-552-7917 (toll-free)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider promulgating regulations entitled: **VR 245-03-01. Regulations Governing Interpreter Services for the Hearing Impaired.** The purpose of the proposed regulation is to regulate the administration of interpreter services and the administration of quality assurance screenings.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until May 26, 1989.

Contact: Kathy E. Vesley, Deputy Director, Department for the Deaf and Hard-of-Hearing, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-2570, SCATS 225-2570 or 1-800-552-7917 (toll-free)

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Funeral Directors and Embalmers intends to consider promulgating regulations entitled: **Regulations Governing Funeral Industry Practice.** The purpose of the proposed regulations is to govern preneed planning; reevaluate the qualifications of managers of establishments; and to reevaluate the qualifications of establishments.

Statutory Authority: §§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Written comments may be submitted until May 1, 1989.

Contact: Mark L. Forberg, Executive Director, Department of Health Professions, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **Nursing Home Rent/Leases.** The purpose of the proposed action is to promulgate existing policies as regulation.

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

Written comments may be submitted until 4:30 p.m., May 12, 1989, to Norma Pappas, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, 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 Board of Medical Assistance Services intends to consider promulgating regulations entitled: **Client Confidentiality.** The purpose of the proposed action is to promulgate regulations to safeguard against the use and disclosure of information concerning applicants for and recipients of medical assistance.

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

Written comments may be submitted until 4:30 p.m. on April 24, 1989.

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 Board of Medical Assistance Services intends to consider promulgating regulations entitled: **Community Spouse's Retention of Income and Resources.** The purpose of the proposed action is to promulgate regulations governing the income and resources to be retained by the community spouse when the institutionalized spouse applies for Medicaid.

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

Written comments maybe submitted until 4:30 p.m. on April 24, 1989, to Ann E. Cook, Director, Division of Medical Social Services, Department of Medical Assistance Services, 600 East Broad Street, 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 Board of Medical Assistance Services intends to consider promulgating

regulations entitled: **Review Program of New Drugs**. The purpose of the proposed regulation is to review new drugs approved by the Food and Drug Administration to assure cost effective coverage and utilization of drugs in Medicaid.

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

Written comments may be submitted until 4:30 p.m. on April 24, 1989, to Mary Ann Johnson, Program Pharmacist, Health Services Review, Department of Medical Assistance Services, 600 East Broad Street, 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

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-02-01. Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture**. The purpose of the proposed action is to (i) develop regulations regarding misleading and deceptive advertising when using the term "board certified;" and (ii) amend Part VII to establish a fee for withdrawing an application for licensure by endorsement, establish a fee to take the SPEX Exam, establish a fee to take one component of the FLEX exam for out-of-state candidates, and to clarify eligibility to sit for the FLEX exam.

Statutory Authority: § 54.1-2400(6) of the Code of Virginia.

Written comments may be submitted until Monday, May 10, 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 Board of Medicine intends to consider promulgating regulations entitled: **VR 465-02-01. Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture**. The purpose of the proposed action is to consider a petition for rulemaking; to amend Part II of Licensure and General Requirements, and § 2.2 A, Prerequisites to examination. The board will determine whether they should approve the addition of Straight Chiropractic Academic Standards Association, Inc., as an accredited agent for the selection of approved chiropractic colleges whose graduates would be eligible for licensure in Virginia.

Statutory Authority: § 54.1-2400(6) of the Code of Virginia.

Written comments may be submitted until Monday, June 12, 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

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider promulgating regulations entitled: **VR 464-04-01. Regulations Governing the Practice of Respiratory Therapy Practitioner**. The purpose of the proposed regulations is to promulgate the regulations for the certification of respiratory therapy practitioners issued on December 2, 1985, as emergency regulations.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until 2 p.m., May 24, 1989.

Contact: Eugenia K. Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925

DEPARTMENT OF MOTOR VEHICLES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Motor Vehicles intends to consider promulgating regulations entitled: **Virginia Commercial Driver Regulations**. The purpose of the proposed action is to establish licensing requirements and standards for commercial drivers, as permitted or required by the Virginia Commercial Driver's License Act, Article 4.1 (§ 46.1-372.1 et seq.) of Chapter 5 of Title 46.1 and the Federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of the Public Law 99-570).

Statutory Authority: §§ 46.1-26 and 46.1-370.2 of the Code of Virginia.

Written comments may be submitted until May 5, 1989.

Contact: Rudolph C. McCollum, Jr., Commercial Driver's License Program Manager, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-6633 or SCATS 367-6633

BOARD OF NURSING

† Notice of Intended Regulatory Action

General Notices/Errata

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Nursing intends to consider amending regulations entitled: **VR 495-01-1. Board of Nursing Regulations.** The purpose of the proposed action is to prescribe minimum standards for programs that entitle professional nurses to be registered as clinical nurse specialist and amend regulations to provide for other aspects of a registry of clinical nurse specialists as provided in the 1989 amendment to § 54.1-3005 of the Code of Virginia.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Written comments may be submitted until May 24, 1989.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909

BOARD OF NURSING HOME ADMINISTRATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Nursing Home Administrators intends to consider amending regulations entitled: **VR 500-01-2. Regulations of the Board of Nursing Home Administrators.** The purpose of the proposed action is to establish requirements and standards for continuing education and competency for nursing home administrators.

Statutory Authority: § 54.1-103 of the Code of Virginia.

Written comments may be submitted until May 1, 1989.

Contact: Mark L. Forberg, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9111

DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Rehabilitative Services intends to consider amending regulations entitled: **Provision of Vocational Rehabilitation Services.** The purpose of the proposed action is to amend certain portions of the regulations to comply with new federal regulations and broaden the service capabilities of the department.

Statutory Authority: § 51.5-5 of the Code of Virginia.

Written comments may be submitted until April 28, 1989, to Charles H. Merritt, Assistant Commissioner, P.O. Box

11045, Richmond, VA 23230.

Contact: James L. Hunter, Board Administrator, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-6446, SCATS 367-6446, 1-800-552-5019 TDD/Voice or (804) 367-0280 TDD/Voice

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Rehabilitative Services intends to consider promulgating regulations entitled: **State Plan Preprint for the State Vocational Rehabilitation Service Program and the State Supported Employment Services Program.** The purpose of the proposed regulation is to update state activities under the State Vocational Rehabilitation Services Program authorized under Title I of the Rehabilitation Act of 1973, as amended, and the State Supported Employment Services Program authorized under Title VI, Part C of the Act covering Fiscal Years 1989, 1990 and 1991.

Statutory Authority: § 51.5-14 of the Code of Virginia.

Written comments may be submitted until July 8, 1989.

Contact: Robert J. Johnson, State Plan Coordinator, Department of Rehabilitative Services, 4901 Fitzhugh Ave., P.O. Box 11045, Richmond, VA 23230, telephone (804) 367-6379, SCATS 367-6379 or 1-800-552-5019 (toll-free)

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **Parental Placement Adoptions.** The purpose of the proposed action is to develop procedures for implementing legislative changes to §§ 63.1-220 through 63.1-238 of the Code of Virginia.

Statutory Authority: § 63.1-25 and Chapter 11 (§§ 63.1-220 et seq.) of the Title 63.1 of the Code of Virginia.

Written comments may be submitted until May 5, 1989.

Contact: Brenda Kerr, Child Welfare Supervisor, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9081

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to promulgate regulations entitled: **Sharing of Child Protective Services Information With Military**

Family Advocacy Representatives. The purpose of the proposed action is to establish the mechanism for sharing information regarding child protective services reports involving active duty military personnel or members of their household with family advocacy representatives of the United States Armed Forces.

Statutory Authority: §§ 2.1-386, 63.1-25 and 63.1-248.6 of the Code of Virginia.

Written comments may be submitted until May 5, 1989, to Janine Tondrowski, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Margaret Friendenberg, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-7091, or 1-800-552-7091 (toll-free)

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation that the State Water Control Board intends to consider promulgating or amending regulations entitled: **Groundwater Management Area**. The purpose of the proposed action is to consider declaring a groundwater management area or expanding an existing area to potentially encompass the following localities: Charles City, James City, King William, New Kent, and York Counties; the area east of Interstate 95 in Chesterfield, Henrico, and Hanover Counties; and the Cities of Hampton, Newport News, Poquoson, and Williamsburg. Declaration of a groundwater management area imposes controls on groundwater use within the area in order to protect the groundwater resources.

The Groundwater Act of 1973 authorizes the board to initiate a groundwater management area proceeding whenever in its judgment there may be reason to believe that there is (i) excessive groundwater level decline, or (ii) substantial well interference, or (iii) potential for overdrawing the groundwater supply, or (iv) potential for regional groundwater pollution. Further, the Act authorizes the board to declare a groundwater management area if it finds that the circumstances set forth in § 62.1-44.95(a) are true and the public welfare, health and safety require that any one or more corrective controls be adopted. If a groundwater management area is declared, all nonagricultural groundwater users in excess of 300,000 gallons per month will be required to obtain a groundwater withdrawal permit.

Issues under consideration include whether any action is necessary to protect the groundwater resource in the above-named localities; which, if any, of the above localities should be included in an area; and whether a new area should be declared or the existing area in Southeastern Virginia expanded. Applicable laws and

regulations include The Groundwater Act of 1973, Rules of the Board and Standards for Water Wells, and the Administrative Process Act. These documents can be reviewed by contacting the receptionist at the Tidewater Regional Office, State Water Control Board, 287 Pembroke Office Park, Pembroke 2, Suite 310, Virginia Beach, Virginia 23462; Piedmont Regional Office, 2201 West Broad Street, Richmond, Virginia 23220; or State Water Control Board, 2111 N. Hamilton Street, Richmond, Virginia 23230.

A public meeting on this intended regulatory action will be held at 2:00 p.m. on Tuesday, May 16, 1989, at the James City County Complex, Building C, Board of Supervisors Room, 101 C Mounts Bay Road, Williamsburg, Virginia.

Statutory Authority: § 62.1-44.96(a) of the Code of Virginia.

Written comments may be submitted until 2:00 p.m. on Tuesday, May 16, 1989.

Contact: Fred K. Cunningham, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-0411 or SCATS 367-0411

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-13-02. Underground Storage Tanks; Financial Responsibility**. The purpose of the proposed regulations is to delineate state requirements for financial responsibility for owners and operators of underground storage tanks, and for disbursements from the Virginia Underground Petroleum Storage Tank Fund (VUPSTF). The new amendments to state law require owners and operators to show financial responsibility in amounts of not less than \$50,000 per occurrence for corrective action and not less than \$150,000 per occurrence for third party liability.

The proposed regulation will affect owners and operators of regulated USTs in the Commonwealth. The cost for insurance will be borne by a large portion of the regulated community. Some of the issues we seek comment on include: What should be the amount of tangible net worth an owner/operator must have to self insure? Should the minimum amount of required coverage be \$50,000/\$150,000 or a greater amount? The availability of insurance for tank owners/operators. How should the staff determine that an owner is financially incapable of taking corrective action? Applicable laws and regulations include the State Water Control Law, the new amendments to the UST section of the law, the federal UST financial responsibility regulations, and the federal UST Technical Standards and Corrective Action Requirements.

A public meeting on promulgating these regulations will be held at 2:00 p.m. on Wednesday, May 10, 1989, at the Virginia War Memorial Auditorium, 621 S. Belvidere Street, in Richmond, Virginia.

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Statutory Authority: § 62.1-44.34:12 of the Code of Virginia.

Written comments may be submitted until 4:00 p.m. on Wednesday, May 17, 1989.

Contact: Russell P. Ellison, Office of Water Resource Management, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230, telephone (804) 367-6685 or SCATS 367-6685

GENERAL NOTICES

DEPARTMENT OF COMMERCE

† Notice

Licensing Requirements for RFS Contractors

These standards and procedures are adopted to carry out the provisions of Title 54.1, Chapter 5, § 54.1-500, as revised by the 1989 General Assembly. Effective July 1, 1989, any person or entity entering into contracts to install, remove or encapsulate asbestos-containing roofing, flooring and siding must fulfill the requirements and obtain a license as an RFS contractor.

Application for an RFS contractor license may be made by following the procedures for license application that are found in Part III of the Virginia Asbestos Licensing Regulations.

Effective July 1, 1989, all individual workers and supervisors on RFS projects must have fulfilled the training requirements specified in the following training standards.

I. RFS Training Standards for Workers and Supervisors.

A. RFS Training Course Approval Procedure

All approved training courses shall meet the minimum requirements as outlined in these standards.

Individuals, businesses, agencies, or institutions wishing to sponsor training courses for RFS workers and supervisors shall submit the following information for review to the Department of Commerce at least 30 days prior to the commencement of the training course:

1. Sponsor's name, address and phone number.
2. Evaluation fee.
3. An outline of the course curriculum.
4. A narrative explanation that clearly indicates how the course meets the requirements for approval in the following areas:

- a. Length of training in hours.
 - b. Amount and type of hands-on training.
 - c. Examinations (length, format and passing score).
 - d. Topics covered in the course.
 - e. Assurances as to test security and how exams are administered.
5. A copy of all course materials (student manuals, instructor notebooks, handouts, etc.).
 6. A detailed statement providing information about the development of the examination used in the course.
 7. Names, qualifications (include education and/or experience), and subject areas that each instructor will teach.
 8. Locations and dates the training course is to be held.

B. Examination.

In order for courses to be approved by the Department of Commerce, they are required to have a monitored, final written examination which shall include a practical component to test skill in RFS techniques. Students must obtain a minimum exam grade of 70 percent correct. A record of each student's grades will be retained by each training provider for a period of three (3) years.

These records shall be made available for Department of Commerce or Department of Labor and Industry review.

C. Fees.

The fee for the evaluation of an RFS training program shall be:

Worker Basic Module	\$350.00
Each Specialty Module	\$350.00
Supervisor Module	\$350.00

D. Changes to an Approved Training Course.

Once a training course has been approved, any change in topics covered, course materials, and instructors shall be submitted to the Department of Commerce for approval, and not be used until such changes are approved.

E. Suspension or Revocation of Approval of a Training Course.

The Director may withdraw approval of any approved RFS training course for the following reasons:

1. The school, instructors, or courses no longer meet the standards established by the Director.
2. Field inspectors indicate an approved individual, business, agency, institution or sponsor is not conducting the training that meets the requirements as set forth in these standards. Training course sponsors shall permit Department of Commerce and/or Department of Labor and Industry representatives to attend, evaluate, and monitor any training course. Prior notice of attendance by agency representatives may or may not be given.
3. If the approval of a training course is revoked or suspended, the Department of Commerce will promptly notify the individual business, agency, institution, or sponsor in writing of the reason for the suspension or revocation. In the case of suspension, the necessary steps that shall be taken to comply with the requirements will be specified.

II. Training Course Modules.

EACH MODULE SHALL CONSIST OF A MINIMUM OF FOUR HOURS OF ACTUAL INSTRUCTION. This training does not replace the training requirements of OSHA in 29 CFR 1926.58.

A. Module I

Basic Training Information Required for all Supervisors and Workers.

1. Physical Characteristics
 - a. Identification of asbestos.
 - b. Aerodynamic characteristics.
 - c. Typical uses and physical appearance.
 - d. Summary of RFS hazard control options.
2. Health effects related to asbestos exposure
 - a. Nature of asbestos related disease.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. Cigarette smoking and asbestos exposure.
 - d. Latency period for disease.
 - e. Need and importance of following all safety instructions.
3. Laws and Regulations

- a. Licensing requirements.
- b. Relevant Federal, State, and local regulatory requirements, procedures and standards.

4. Personal protection equipment

- a. Classes and characteristics of respirator types, limitations, proper selection, inspection, donning, use, maintenance, and storage procedures.
- b. Fit testing procedures.
- c. Components of a proper respiratory protection program.
- d. Selection and use of personal protection clothing; use, storage, and handling of non-disposable clothing, hard hats, safety glasses, non-slip shoes.

5. Air Monitoring

- a. Procedures to determine airborne concentrations of asbestos fibers.
- b. Discussion of how personal air sampling is performed and the reasons for it.

6. Personal Hygiene

- a. Entry and exit procedures for the work area.
- b. Avoidance of eating, drinking, smoking and chewing (gum or tobacco) in the work area.
- c. Potential exposures, such as family exposure.

B. Floorcovering Specialty Module.

1. Floorcovering materials and adhesives which may contain asbestos.
 - a. Floorcovering materials.
 - b. Adhesives - asbestos containing and nonasbestos containing.
 - c. Dates of production of asbestos containing resilient floorcoverings.
 - d. Alternatives to removal of existing floor and proper methods.
2. Recommended work practices.
 - a. Proper work techniques for minimizing fiber releases; wetting, steaming, dry ice, hand tools, HEPA vacuumed tools, use of sealants, no grinding, no crushing, no breakage, use of mastic removers.
 - b. Instruction as to proper techniques for:

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1. Removal of tile.

2. Removal of sheet goods.

3. Removal of residual adhesives.

c. Proper clean up and disposal techniques, construction of leak tight containers, sealing of friable ACM edges or wetting of edges, HEPA vacuuming, wet wiping.

d. Safety practices and hazard prevention during removal of floorcoverings.

1. Discussion of hazards posed by wet working conditions, electrical hazards, slips, trips and falls.

e. Ventilation system lock-out, sealing of intake and exhaust vents, windows, doors, chimneys, and all openings.

f. Positioning of warning signs, critical barriers and designation of regulated areas.

g. Emergency procedures.

3. Course review.

4. Examination.

C. Roofing Specialty Module.

1. Identification of roofing materials which may contain asbestos.

a. Typical uses and physical appearance of asbestos roofing materials.

2. Recommended work practices.

a. Proper work of techniques for minimizing fiber releases, wet methods, use of HEPA vacuums, procedures for removal of asbestos cement products versus built up roof products. Discussion of prohibited work practices.

b. Work practices for removal - wetting, hand tools, HEPA vacuumed tools, use of sealants.

c. Ventilation system lock-out, sealing of intake and exhaust vents, windows, doors, chimneys and all openings.

d. Proper clean up and disposal techniques, construction of leak tight chutes, sealing of friable ACM edges or wetting of edges.

e. Discussion of additional safety hazards:

1. Scaffold and ladder hazards.

2. Slips, trips and falls.

f. Positioning of warning signs, critical barriers and designation of regulated areas.

g. Emergency procedures.

3. Recommended safe work practices for installation of asbestos containing roofing materials.

4. Course review.

5. Examination.

D. Siding Specialty Module.

1. Identification and discussion of siding materials which may contain asbestos.

a. Typical uses and physical appearance of asbestos roofing materials.

2. Recommended work practices.

a. Proper work techniques for minimizing fiber releases; wetting, procedures for removal of asbestos cement products. Discussion of prohibited work practices.

b. Work practices for removal, wetting, hand tools, HEPA vacuumed tools, use of sealants.

c. Ventilation system lock-out, sealing of intake and exhaust vents, windows, doors, chimneys and all openings.

d. Positioning of warning signs and designation of regulated areas.

e. Proper clean up and disposal techniques, construction of leak tight containers, sealing of friable ACM edges or wetting of edges.

f. Safety practices and hazard prevention during removal of siding.

1. Scaffold and ladder hazards.

2. Slips, trips, and falls.

g. Emergency procedures.

3. Recommended safe work practices for installation of asbestos containing siding materials.

4. Course review.

5. Examination.

E. RFS Supervisor Module.

1. Pre-work activities and considerations.
 - a. Determination of asbestos containing materials.
 1. Methods of identification.
 2. Inspection report.
 - b. Air monitoring, specific methods and documentation procedures.
 - c. Inspection of the nature of the asbestos containing materials.
2. Assessment of the work area.
 - a. Check for difficulty of isolating the work area.
 - b. Necessary considerations is areas adjacent to the activity will be occupied.
 - c. Check for items requiring special protection.
3. Site consideration and preparations.
 - a. Regulated areas, barricade set-up, warning signs, etc.
4. Supervisory techniques, worker training, cleanliness of the job site.
5. Record keeping, disposal of asbestos containing waste, review of laws, regulations, and standards.
6. Course review.
7. Examination.

F. Each RFS worker training course shall consist of at least 8 hours (the basic module and one specialty module) of instruction.

G. Each RFS supervisor training course shall consist of at least 12 hours (the basic module, one specialty module and the supervisor module) of instruction.

DEPARTMENT OF GENERAL SERVICES

† Division of Consolidated Laboratory Services

Title of Regulation: VR 330-02-01. Regulations for Breath Alcohol Testing.

Authority: §§ 18.2-267 and 18.2-268 of the Code of Virginia.

In accordance with § 2.6 of the Regulations for Breath Alcohol Testing and under the authority of § 18.2-268 of the Code of Virginia, the following devices are approved for use as evidential breath test devices:

1. The Breathalyzer, Model 900-A, manufactured by Smith & Wesson Corp., Springfield, MA.
2. The Breathalyzer, Models 900 and 900-A, manufactured by the Stephenson Corporation, Red Bank, NJ.
3. The Breathalyzer, Model 900-A, manufactured by National Draeger, Inc., Pittsburgh, PA.
4. The Intoximeter 3000 configured with the Virginia field package module and external printer, manufactured by Intoximeters Inc., St. Louis, MO.

The following devices have been removed from the list of approved evidential breath test devices:

1. The Breathalyzer, Model 1000, manufactured by Smith & Wesson Corp., Springfield MA.
2. The Photoelectric Intoximeter, Model 400, manufactured by Intoximeters, Inc., St. Louis, MO.

In accordance with § 3.2 of the Regulations for Breath Alcohol Testing and under the authority of § 18.2-267 of the Code of Virginia, the following devices are approved for use as preliminary breath test devices:

1. The ALCOLYSER, manufactured by Lion Laboratories, Ltd., Cardiff, Wales, Great Britain.
2. The A.L.E.R.T. (Alcohol Level Examination Road Tester), Models J2A, J3A, & J3AC, manufactured by Alcohol Countermeasure Systems, Inc., Port Huron, MI.
3. The ALCO-SENSOR, ALCO-SENSOR II and ALCO-SENSOR III, manufactured by Intoximeters, Inc., St. Louis, MO.

In accordance with § 2.7 of the Regulations for Breath Alcohol Testing and under the authority of § 18.2-268 of the Code of Virginia, the following ampuls are approved for use in conducting breath tests on approved breath test devices:

1. Breathalyzer ampuls, manufactured by National Draeger, Inc., Pittsburgh, PA.
2. Tru-Test ampuls, manufactured by Systems Innovation, Inc., Hallstead, PA.

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

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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.

(Written comments may be submitted until *May 25, 1989.*)

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

Page 1701, Calendar of Events, written comments should be changed to reflect that written comments may be submitted until May 25, 1989.

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained from Jane Chaffin at the above address.

ERRATA

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: VR 480-05-2. Rules and Regulations Governing the Certification of Diesel Engine Mechanics in Underground Coal Mines.

Publication: 5:12 VA.R. 1557-1559 March 13, 1989

Correction to Final Regulation:

Page 1558, third line of § 3.1 of Part III, the second word, "engines," is shown as being deleted from the text of the regulations, when actually the word should have been changed from singular to plural. The text should read as follows:

[*engine engines*]

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-01-15. Aid to Dependent Children - Unemployed Parent Demonstration (ADC-UP Demo) Project.

Publication: 5:13 VA.R. 1624-1627 March 27, 1989

Correction:

Page 1624, Public Hearing Date, change as follows:

Public Hearing Date: N/A

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

BOARD FOR ACCOUNTANCY

April 24, 1989 - 10 a.m. - Open Meeting

April 25, 1989 - 8 a.m. - Open Meeting

Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. Ⓜ

A meeting to (i) review enforcement cases; (ii) review applications for certification and licensure; (iii) review correspondence; (iv) consider regulatory review; and (v) conduct routine business.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

May 17, 1989 - 10 a.m. - Public Hearing

NOTE: CHANGE OF LOCATION

State Capitol, Capitol Square, House Room 4, Richmond, Virginia. Ⓜ

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: VR 115-04-01. Rules and Regulations for Enforcement of the Endangered Plant and Insect Species Act. This amendment adds the following rare plant species as endangered under the Virginia

Endangered Plant and Insect Species Act: Shale Barren Rock Cress, Arabis serotina; Mat-Forming Water-Hyssop, Bacopa stragula; Piratebush, Buckleya distichophylla; Variable Sedge, Carex polymorpha; Harper's Fimbristylis, Fimbristylis perpusilla; Virginia Sneezeweed, Helenium virginicum; Swamp-Pink, Helonias bullata; Long-Stalked Holly, Ilex collina; Peter's Mountain Mallow, Iliamna corei; Nestronia, Nestronia umbellula; Northeastern Bulrush, Scirpus ancistrochaetus; Virginia Spiraea, Spiraea virginiana.

Statutory Authority: §§ 3.1-1020 through 3.1-1030 of the Code of Virginia.

Written comments may be submitted until April 27, 1989.

Contact: D. J. Schweitzer, Endangered Species Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-3516

May 17, 1989 - 10 a.m. - Public Hearing

NOTE: CHANGE OF LOCATION

State Capitol, Capitol Square, House Room 4, Richmond, Virginia. Ⓜ

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law. The purpose of the proposed action is to amend the regulation to exempt users of vehicle scales from the minimum net load restriction (50 scale divisions) of U.R.3.7. of the Scale Code, National Bureau of Standards Handbook 44, 1989 Edition.

Statutory Authority: § 3.1-926 of the Code of Virginia.

Written comments may be submitted until 5 p.m., April 28, 1989.

Contact: J. Alan Rogers, Bureau Chief, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 402, P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-2476 or SCATS 786-2476

VIRGINIA AGRICULTURAL COUNCIL

May 15, 1989 - 9 a.m. - Open Meeting

Holiday Inn-Airport, 5203 Williamsburg Road, Sandston,

Calendar of Events

Virginia. ☐

A meeting of the Council called by the Chairman to (i) hear any new project proposals which are properly supported by the Board of Directors of a commodity group; (ii) review progress reports on research completed on approved projects funded during this fiscal year; and (iii) consider any other business that may come before the members of the Council.

Contact: Henry H. Budd, Assistant Secretary, Washington Bldg., 1100 Bank St., Room 203, Richmond, VA 23219, telephone (804) 786-2373

DEPARTMENT OF AIR POLLUTION CONTROL (STATE AIR POLLUTION CONTROL BOARD)

April 28, 1989 - 9 a.m. - Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia

A general meeting of the board.

Contact: Richard Stone, Public Information Officer, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-5478 or SCATS 786-5478

ALCOHOLIC BEVERAGE CONTROL BOARD

April 24, 1989 - 9:30 a.m. - Open Meeting
May 8, 1989 - 9:30 a.m. - Open Meeting
May 22, 1989 - 9:30 a.m. - Open Meeting
June 12, 1989 - 9:30 a.m. - Open Meeting
June 26, 1989 - 9:30 a.m. - Open Meeting
Virginia Alcoholic Beverage Control Board, 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 Road, P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616 or SCATS 367-0616

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

May 19, 1989 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia 23230. ☐

A meeting to (i) approve minutes of March 10, 1989, meeting; (ii) review and discuss enforcement files; and (iii) review correspondence.

Board for Professional Engineers

May 4, 1989 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia 23230 ☐

A meeting to (i) approve minutes of the February 8, 1989, meeting; (ii) review applications; (iii) review general correspondence; and (iv) review enforcement files.

Board for Land Surveyors

May 18, 1989 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia 23230. ☐

A meeting to (i) approve minutes of March 9, 1989, meeting; (ii) review applications; (iii) review and discuss correspondence; and (iv) review enforcement files.

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

VIRGINIA AVIATION BOARD

May 4, 1989 - 9 a.m. - Open Meeting
Martha Washington Inn, Abingdon, Virginia. ☐

A meeting to discuss matters affecting aviation in Virginia.

Contact: Kenneth A. Rowe, P.O. Box 7716, Richmond, VA 23231, telephone (804) 786-6284

BOARD FOR BARBERS

† **May 22, 1989 - 9 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

A meeting to (i) review enforcement cases; (ii) review applications; (iii) review correspondence; (iv) review regulations; (v) and consider routine board business.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

VIRGINIA CATTLE INDUSTRY

† **April 27, 1989 - noon - Open Meeting**
† **April 28, 1989 - noon - Open Meeting**
Hilton Hotel, Lynchburg, Virginia. ☐

Budget meeting.

Contact: Reginald B. Reynolds, Secretary, P.O. Box 176, Daleville, VA 24083, telephone (703) 992-1992

CHESAPEAKE BAY COMMISSION

April 27, 1989 - 10:30 a.m. - Open Meeting

April 28, 1989 - 9 a.m. - Open Meeting

Holiday Inn - Harrisburg East, 4751 Lindle Road, Harrisburg, Pennsylvania

Quarterly meeting of Chesapeake Bay Commission. Agenda will include summaries of legislative activities in the three states and discussions concerning Toxics, Population Growth and Development, and Non-Tidal Wetlands Commitments. In addition, there will be a presentation of Pennsylvania's environmental programs.

Contact: Ann Pesiri Swanson, Executive Director, 60 West St., Suite 200, Annapolis, MD 21401, telephone (301) 263-3420

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **May 3, 1989 - 7 p.m. - Public Hearing**
Gunston Hall, Lorton, Virginia

† **May 4, 1989 - 7 p.m. - Public Hearing**
Southeastern Virginia Planning District Commission Office, Chesapeake, Virginia

† **May 8, 1989 - 7 p.m. - Public Hearing**
Walnut Hill Elementary School, Petersburg, Virginia

† **May 11, 1989 - 7 p.m. - Public Hearing**
Rappahannock Community College, Glens Campus, Glens, Virginia

† **May 16, 1989 - 7 p.m. - Public Hearing**
Nandua High School, Onley, Virginia

† **May 18, 1989 - 7 p.m. - Public Hearing**
Marshall-Wythe School of Law, Williamsburg, Virginia

† **May 24, 1989 - 7 p.m. - Public Hearing**
Rappahannock Community College, Warsaw Campus, Warsaw, Virginia

† **May 25, 1989 - 7 p.m. - Public Hearing**
General District Court Room, Fredericksburg, Virginia

† **May 30, 1989 - 7 p.m. - Public Hearing**
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Chesapeake Bay Local Assistance Board intends to adopt regulations entitled:

VR 173-02-00. Chesapeake Bay Preservation Area Designation and Management Regulations. This proposed regulation provides criteria for local government designation and management of Chesapeake Bay Preservation Areas as required by the Chesapeake Bay Preservation Act of 1988.

STATEMENT

Pursuant to §§ 10.1-2103 and 10.1-2107 of the Chesapeake Bay Preservation Act of 1988, the Chesapeake Bay Preservation Area Designation and Management Regulations establish criteria for the identification and designation by local governments of certain lands near the shoreline that either protect water quality due to their biological characteristics or that may result in significant water quality degradation if improperly developed. The regulations also establish criteria for local government management of land use and development in Chesapeake Bay Preservation Areas to prevent further pollution of state waters and, to the extent possible, improve water quality.

These regulations are supplemental to other existing state, regional and local water quality laws and regulations. They will be implemented by counties, cities, and towns in Tidewater Virginia, as defined in the Act. Among the provisions of the regulations are requirements to establish more effective management criteria for erosion and sediment control, septic system installation, stormwater management, nontidal wetlands, and agricultural and forestry activities. Implementation of the regulations is likely to require changes in local government comprehensive plans and zoning and subdivision ordinances. The board is responsible for providing technical and financial assistance to local governments to implement the requirements of the Act.

Statutory Authority: §§ 10.1-2103 and 10.1-2107 of the Code of Virginia.

Written comments may be submitted until 5 p.m., June 23, 1989.

Contact: Scott Crafton, Regulatory Assistance Coordinator, Chesapeake Bay Local Assistance Department, 701 Eighth Street Office Bldg., Richmond, VA 23219, telephone (804) 371-7503 or SCATS 371-7503

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

April 27, 1989 - 5:30 p.m. - Open Meeting

June 1, 1989 - 5:30 p.m. - Open Meeting

Chesterfield County Administration Building, 10001 Ironbridge Road, Chesterfield, Virginia. ☐

To meet requirements of Superfund Amendment and Reauthorization Act of 1989.

Calendar of Events

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P. O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236

DEPARTMENT FOR CHILDREN

Consortium on Child Mental Health

May 3, 1989 - 9 a.m. - Open Meeting

June 7, 1989 - 9 a.m. - Open Meeting

Virginia Department for Children, Eighth Street Office Building, 11th Floor Conference Room, 805 East Broad Street, 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 or SCATS 786-2208

COORDINATING COMMITTEE FOR INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

May 12, 1989 - 8:30 a.m. - Open Meeting

June 9, 1989 - 8:30 a.m. - Open Meeting

Interdepartmental Licensure and Certification, Office of the Coordinator, Tyler Building, 1603 Santa Rosa Drive, Suite 210, Richmond, Virginia. ☒

Regularly scheduled meetings to consider such administrative and policy issues as may be presented to the committee.

Contact: John Allen, Coordinator, Interdepartmental Licensure and Certification, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124 or SCATS 662-7124

BOARD OF COMMERCE

† June 22, 1989 - 11 a.m. - Open Meeting

Travelers Building, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☒

An open business meeting of the board. Agenda may include (i) report of the director; (ii) discussions of results of public hearings that will have been held in connection with occupational studies on radon gas testers and mitigators, estheticians, and arborists; (iii) discussions of need to assign a subcommittee to review regulations for contractors; and (iv) discussion of need for subcommittee to assess probability that a regulatory program for real estate appraisers may

become federally-mandated.

Contact: Alvin D. Whitley, Secretary to the Board, Department of Commerce, 3600 W. Broad St., 5th Fl., Office of the Director, Richmond, VA 23230, telephone (804) 367-8564, toll-free 1-800-552-3016 or SCATS 367-8519

BOARD FOR COMMERCIAL DRIVER TRAINING SCHOOLS

April 28, 1989 - 10 a.m. - Open Meeting

Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

An open meeting to conduct regulatory review.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Goose Creek Scenic River Advisory Board

† May 8, 1989 - 2 p.m. - Open Meeting

Groveton Farm, Routes 734 and 733, Middleburg, Virginia

A meeting to review river issues and programs.

Historic Lower James River Advisory Board

† May 2, 1989 - 7:30 p.m. - Open Meeting

Williamsburg Regional Library, 515 Scotland Street, Room B, Williamsburg, Virginia

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or SCATS 786-4132

BOARD FOR CONTRACTORS

† May 25, 1989 - 10 a.m. - Open Meeting

Travelers Building, 3600 West Broad Street, Fifth Floor, Board Room One, Richmond, Virginia. ☒

The Board for Contractors will meet on May 25, 1989, to conduct a formal hearing: Board for Contractors v. Robert A. Sumerlin, t/a Rocket Construction Co.

Contact: Gayle Eubank, Hearings Coordinator, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524

VIRGINIA COUNCIL ON COORDINATING PREVENTION

† April 28, 1989 - 9:30 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond,
Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting of the Virginia Council on
Coordinating Prevention. The agenda will include a
review of comments received in response to the
1990-92 Comprehensive Prevention Plan for Virginia.

Contact: Harriet Russell/Pam Hamer, Virginia Council on
Coordinating Prevention, P.O. Box 1797, Richmond, VA
23214, telephone (804) 786-1530

BOARD OF CORRECTIONAL EDUCATION

May 19, 1989 - 10 a.m. - Open Meeting
Hanover Learning Center, Hanover, Virginia. ☒ (Interpreter
for deaf provided if requested)

A meeting to discuss general business of the Board of
Correctional Education.

Contact: Joan C. Macklin, Confidential Secretary,
Department of Correctional Education, James Monroe
Bldg., 101 N. 14th St., 7th Floor, Richmond, VA 23219,
telephone (804) 225-3314 or SCATS 335-3314

BOARD OF CORRECTIONS

† May 17, 1989 - 10 a.m. - Open Meeting
Board of Corrections Board Room, 6900 Atmore Drive,
Richmond, Virginia. ☒

A regular monthly meeting to consider such matters
as may be presented to the Board of Corrections.

Contact: Vivian Toler, Secretary of the Board, 6900
Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235

BOARD FOR COSMETOLOGY

† May 15, 1989 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th
Floor, Richmond, Virginia. ☒

A meeting to (i) review enforcement cases; (ii) review
applications; (iii) review correspondence; and (iv)
consider routine board business.

Contact: Roberta L. Banning, Assistant Director, 3600 W.
Broad St., Richmond, VA 23230-4917, telephone (804)
367-8590 or toll-free 1-800-552-3016 (VA only)

May 12, 1989 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Conference Room 1, Richmond, Virginia.

The Board for Cosmetology will meet to conduct a
formal administrative hearing: Board of Cosmetology v.
Hairstylist University.

Contact: Gayle Eubank, Hearings Coordinator, 3600 W.
Broad St., Richmond, VA 23230, telephone (804) 367-8524

CRIMINAL JUSTICE SERVICES BOARD

† May 3, 1989 - 1:30 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

A meeting to consider matters related to the board's
responsibilities for criminal justice training and
improvement of the criminal justice system.

Contact: Paula Scott, Executive Assistant, Department of
Criminal Justice Services, 805 E. Broad St., Richmond, VA
23219, telephone (804) 786-4000 or SCATS 786-4000

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May 3, 1989 - 9 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of
the Code of Virginia that the Criminal Justice Services
Board intends to amend regulations entitled: **VR
240-01-2. Rules Relating to Compulsory In-Service
Training Standards for Law-enforcement, Jailor or
Custodial, Courtroom Security and Civil Process
Officers and Officers of the Department of
Corrections, Division of Adult Institutions.** These
rules amend existing in-service training requirements
for criminal justice officers and promulgate in-service
training requirements for court security officers and
process servers in accordance with the 1988
amendments to § 9-170 of the Code of Virginia.

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

Written comments may be submitted until April 13, 1989.

Contact: Paula Scott, Executive Assistant, Department of
Criminal Justice Services, 805 E. Broad St., Richmond, VA
23219, telephone (804) 786-4000 or SCATS 786-4000

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May 3, 1989 - 9 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Criminal Justice
Services Board intends to amend regulations entitled:
**VR 240-01-3. Compulsory Minimum Training
Standards for Undercover Investigative Officers.** The

Calendar of Events

purpose of the proposed amendments is to update and revise required training for law-enforcement personnel assigned duties as undercover investigating officer.

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

Written comments may be submitted until April 13, 1989.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8730

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May 3, 1989 - 9 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-5. Rules Relating to Compulsory Minimum Training Standards for Dispatchers.** The purpose of the proposed action is to update and state added requirements for compulsory minimum training standards for dispatchers employed by or in local law-enforcement agencies or independent communication centers.

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

Written comments may be submitted until April 13, 1989.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8730

Committee on Training

† **May 3, 1989 - 9:30 a.m. – Open Meeting**
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

A meeting to discuss matters related to training for criminal justice personnel. A public hearing is scheduled to receive comment on proposed regulatory changes.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8730

DANVILLE LOCAL EMERGENCY PLANNING COMMITTEE

† **May 18, 1989 - 3 p.m. – Open Meeting**
Municipal Building, Conference Room, Second Floor, Danville, Virginia. ☒

Local Committee, SARA Title III. Hazardous Material

Community Right-to-Know.

Contact: C. David Lampley, Chairman, Local Emergency Planning Committee, 297 Bridge St., Danville, VA 24541, telephone (804) 799-5228

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

April 24, 1989 - 7 p.m. – Public Hearing
Fairfax Resource Center for the Hearing Impaired, 2724 Dorr Road, Suite B14, Basement Meeting Room, Fairfax, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Deaf and Hard-of-Hearing intends to adopt regulations entitled: **VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Telecommunications Equipment.** The regulations will be used to screen hearing-impaired and speech-impaired applicants for the Telecommunications Assistance Program (TAP) and to determine the applicant's contribution toward the purchase of telecommunications equipment.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until May 26, 1989.

Contact: Kathy E. Vesley, Deputy Director, Department for the Deaf and Hard-of-Hearing, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎ , toll-free 1-800-552-7917 or SCATS 225-2570/TDD ☎

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April 24, 1989 - 7 p.m. – Public Hearing
Fairfax Resource Center for the Hearing Impaired, 2724 Dorr Road, Suite B14, Basement Meeting Room, Fairfax, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Deaf and Hard-of-Hearing intends to adopt regulations entitled: **VR 245-03-01. Regulations Governing Interpreter Services for the Hearing Impaired.** These regulations are designed to govern the maintenance of interpreter services and the administration of Virginia Quality Assurance Screenings for potential interpreters.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until May 26, 1989.

Contact: Kathy E. Vesley, Deputy Director, Department for the Deaf and Hard-of-Hearing, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎ , toll-free 1-800-552-7917 or SCATS 225-2570/TDD ☎

BOARD OF DENTISTRY

† May 3, 1989 - 8 p.m. - Open Meeting
† May 4, 1989 - 8 a.m. - Open Meeting
† May 5, 1989 - 8 a.m. - Open Meeting
† May 6, 1989 - 8 a.m. - Open Meeting
Martha Washington Hotel, Abingdon, Virginia

Business Meeting
Committee Meetings
Committee Reports
Disciplinary Action
Discussion of Reciprocity
Final Argument on Board of Dentistry v. Choby
(Tentative)

Contact: N. Taylor Feldman, Executive Director, Board of Dentistry, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9906

DEPARTMENT OF ECONOMIC DEVELOPMENT

April 24, 1989 - 1 p.m. - Open Meeting
Abingdon Workshop - Virginia Highlands Community College, Learning Resources/Business Technology Center, Room 605. Take I-81 to exit 7. Follow the signs to the Community College

April 25, 1989 - 2 p.m. - Open Meeting
Keysville Workshop - Southside Virginia Community College/John H. Daniel Campus, Administration Building, Room 55. Take 360 to second exit for Keysville. Take a left onto 40 east. The Community College will be 1/2 mile on the left.

April 27, 1989 - 1 p.m. - Open Meeting
Newport News Workshop - Christopher Newport College, Administration Building, Room A105. From the west, take I-64 to Jefferson Avenue South. Turn right onto J. Clyde Morris Boulevard, then right onto Warwick Boulevard. Take next left onto Shoe Lane. The Community College will be on the right. From the east, take I-64 to J. Clyde Morris Boulevard South. Take a right onto Warwick Boulevard, then a left onto Shoe Lane. The Community College will be on the right.

April 28, 1989 - 10 a.m. - Open Meeting
Richmond Workshop - General Assembly Building, House Room C. The General Assembly Building is located at 9th and Broad Streets, adjacent to the Capitol Grounds.

A meeting to conduct a workshop outlining program guidelines and application materials for the Virginia Shell Building Initiative.

Contact: Betty-Anne Teter, Community Services Representative, Department of Economic Development, 1000 Washington Bldg., Richmond, VA 23219, telephone (804) 786-3791 or SCATS 786-3791

STATE BOARD OF EDUCATION

April 26, 1989 - 9 a.m. - Open Meeting
April 27, 1989 - 9 a.m. - Open Meeting
April 28, 1989 - 9 a.m. - Open Meeting
Fair Oaks Holiday Inn, 11787 Lee Jackson Highway, Fairfax, Virginia. (Interpreter for deaf provided if requested)

May 25, 1989 - 9 a.m. - Open Meeting
May 26, 1989 - 9 a.m. - Open Meeting
James Monroe Building, 101 North Fourteenth Street, Conference Room D & E, Richmond, Virginia. (Interpreter for deaf provided if requested)

A regularly scheduled meeting to 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 Building, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540

LOCAL EMERGENCY PLANNING COMMITTEE FOR FAIRFAX COUNTY, THE CITY OF FAIRFAX AND THE TOWNS OF HERNDON AND VIENNA

† May 11, 1989 - 10:30 a.m. - Open Meeting
Chemtrec, 2501 M Street, Washington, D.C.

Open meeting to carry out the provisions of the Superfund Amendments and Reauthorization Act of 1986.

Contact: Eileen McGovern, 4031 University Dr., Fairfax, VA 22030, telephone (703) 246-2331

GOVERNOR'S MIGRANT AND SEASONAL FARMWORKERS BOARD

April 26, 1989 - 10 a.m. - Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☐

A regular meeting of the board.

Contact: Marilyn Mandel, Division Director, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2385 or SCATS 786-2385

VIRGINIA FIRE SERVICES BOARD

April 27, 1989 - 9 a.m. - Open Meeting
Sheraton-Fredericksburg, Route 3 and I-95, Fredericksburg, Virginia. ☐

Calendar of Events

A meeting of the staff of the Department of Fire Programs and the members of the Virginia Fire Services Board to discuss fire training and fire policies.

April 27, 1989 - 7 p.m. – Public Hearing
Sheraton-Fredericksburg, Route 3 and I-95, Fredericksburg, Virginia. ☒

A public hearing to discuss fire training and fire policies. This public hearing is for comments and questions relating to the fire services in the Commonwealth and the area in which the hearing is held.

April 28, 1989 - 9 a.m. – Open Meeting
Sheraton-Fredericksburg, Route 3 and I-95, Fredericksburg, Virginia. ☒

A regular business meeting of the Virginia Fire Service Board. This meeting is open to the public for their input and comments.

Fire/EMS Training Committee

April 27, 1989 - 1 p.m. – Open Meeting
Sheraton-Fredericksburg, Route 3 and I-95, Fredericksburg, Virginia. ☒

A meeting to discuss fire training and fire policies. The committee meeting is open to the public for their input.

Fire Prevention and Control Committee

April 27, 1989 - 1 p.m. – Open Meeting
Sheraton-Fredericksburg, Route 3 and I-95, Fredericksburg, Virginia. ☒

A meeting to discuss fire training and fire policies. The committee meeting is open to the public for their input.

Legislative Committee

April 27, 1989 - 1 p.m. – Open Meeting
Sheraton-Fredericksburg, Route 3 and I-95, Fredericksburg, Virginia. ☒

A meeting to discuss fire training and fire policies. The committee meeting is open to the public for their input.

Contact: Anne J. Bales, Executive Secretary Senior, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2681 or SCATS 225-2681

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

NOTE: CHANGE OF MEETING DATE

April 24, 1989 - 9 a.m. – Open Meeting
Shoney's Inn of Richmond, 7007 West Broad Street, Richmond, Virginia. ☒

A general board meeting to consider certifying candidates for the May examination and to discuss proposed regulations.

† May 8, 1989 - 6 p.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia

A committee meeting of the board's legislative committee to discuss proposed legislation for the 1990 Virginia General Assembly. This will be a working dinner meeting.

† May 16, 1989 - 3:30 p.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia

Preneed Committee to review preneed legislation that was passed by the 1989 Virginia General Assembly. (Working session only.)

† May 17, 1989 - 9 a.m. – Open Meeting
Regency Suites and Inn, Parham and Quioccasin Roads, Richmond, Virginia

This will be a general board meeting. The Virginia State Board of Examinations for funeral services will be administered. A discussion on proposed regulations and a formal hearing may be held.

† May 18, 1989 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rollings Hills Drive, Richmond, Virginia

Informal Fact Finding Conferences.

Contact: Mark L. Forberg, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907

BOARD OF GAME AND INLAND FISHERIES

† May 4, 1989 - 1 p.m. – Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☒

The following committees of the board will meet to discuss administrative and related matters as appropriate to each committee, which will be reported to the full board at its meeting on May 5, 1989.

Wildlife and Boat - 1 p.m.
Finance Committee - 4 p.m.

Law and Education - 4:30 p.m.

† **May 5, 1989 - 9:30 a.m.** – Public Hearing
Holiday Inn, I-64 West End, 6531 West Broad Street,
Richmond, Virginia. ☒

The board will consider action on the PROPOSALS regarding changes in the hunting, trapping and boating regulations for the 1989-91 seasons, which resulted from the public hearing held on March 16-17, 1989. The proposed changes pertain to hunting seasons and bag limits on certain species of game animals and game birds; firearms and trapping regulations; and revised requirements for accident and casualty reporting in the boating regulations. Regulations adopted at the May 5, 1989, meeting will become effective July 1, 1989. Committee reports will be given and general administrative matters will be considered.

Contact: Norma G. Adams, Agency Regulatory Coordinator, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000, toll-free 1-800-237-5712 (HOTLINE) or SCATS 367-1000

DEPARTMENT OF GENERAL SERVICES

Division of Consolidated Laboratory Services

May 5, 1989 - 9:30 a.m. – Open Meeting
Department of Agriculture and Consumer Services, 1100
Bank Street, Board Room, Richmond, Virginia

† **May 12, 1989 - 9:30 a.m.** – Open Meeting
James Monroe Building, 1 North 14th Street, Conference
Room B, Richmond, Virginia. ☒

The advisory board will discuss issues, concerns and programs that impact the Division of Consolidated Laboratory Services and its user agencies.

Contact: Dr. A. W. Tiedemann, Jr., Director, Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, VA 23219, telephone (804) 786-7905 or SCATS 786-7905

BOARD FOR GEOLOGY

May 2, 1989 - 10 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

A meeting to (i) approve minutes of the March 28, 1989 meeting; (ii) review applications; and (iii) review correspondence.

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

GLOUCESTER LOCAL EMERGENCY PLANNING COMMITTEE

May 24, 1989 - 6:30 p.m. – Open Meeting
Old Courthouse, Court Green, Gloucester, Virginia. ☒

To provide an opportunity to review comments from the VERC on the final draft of the County Hazardous Materials Response Plan and to plan a table top exercise of the county plan.

Contact: Gerogette N. Hurley, Assistant County Administrator, P.O. Box 329, Gloucester, VA 23061, telephone (804) 693-4042

HANOVER COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

† **April 24, 1989 - 9 a.m.** – Open Meeting
Hanover Courthouse Volunteer Fire Department, Route
1004, Hanover, Virginia. ☒

A meeting to consider (i) L.E.P.C. update; (ii) revisions to Hazardous Materials Response Plan; and (iii) update on financing Hanover County's L.E.P.C.

Contact: John Trivellin, Hazardous Materials Coordinator, P.O. Box 470, Hanover County, VA 23069, telephone (804) 798-8554

STATE BOARD OF HEALTH

May 22, 1989 - 9 a.m. – Open Meeting
James Madison Building, 109 Governor Street, Main Floor
Conference Room, Richmond, Virginia

Regular meetings of the board.

Contact: Sarah H. Jenkins, Legislative Analyst/Secretary to the Board, Department of Health, Commissioner's Officer, 109 Governor St., Room 400, Richmond, VA 23219, telephone (804) 786-3561 or SCATS 786-3561

DEPARTMENT OF HEALTH (STATE BOARD OF)

† **May 23, 1989 - 10 a.m.** – Public Hearing
Department of Health, Main Floor Conference Room, South
Wing, James Madison Building, 109 Governor Street,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to adopt regulations entitled: **VR 355-33-02. Regulations Governing Licensure of Home Health Agencies and Hospices.** The proposed regulation prescribes minimum standards of organization and operation and procedures to be followed to secure required home health agency and hospice licensure

Calendar of Events

from the Virginia Department of Health, Division of Licensure and Certification.

STATEMENT

Legal authority: Section 32.1-162.12 of the Code of Virginia authorizes the State Board of Health to define the conditions and requirements under which a home health agency may provide services to patients in their place of residence.

Section 32.1-162.5 of the Code of Virginia authorizes the State Board of Health to define the conditions and requirement under which a hospice may provide a coordinated program of home and inpatient care to terminally ill patients and their families.

Summary, purpose and need: The purpose of these regulations is to define minimum standards of organization and operation required of a licensed home health agency and a licensed hospice. In addition, the regulations are to provide guidelines for the commissioner and notice to the home health agency and the hospice industry of the standards on which licensure shall be dependent, and to assist operators in preparation of an application for licensure and other reports. In the absence of such regulations home health agencies, hospice organizations or single service vendors who are not currently regulated by the Medicare or Medicaid certification programs can operate and could provide less than an acceptable standard of care, leaving the consumer with no standard against which to measure a provider's service. By regulating these activities, the Commonwealth intends to promote quality care and protect the safety and welfare of sick and terminally ill individuals receiving home health and hospice services.

These regulations are based upon nationally accepted standards established by various accrediting organizations, by certification standards established by the U.S. Department of Health and Human Services, Office of Health Care Financing Administration, and on recommendations received from the Home Health Agency Advisory Committee and from representatives of the Virginia Association of Hospices.

Estimated impact: These regulations would affect all parties interested in providing home health services to Virginians sick or disabled and living at home and to hospice programs providing services to terminally ill individuals. Individuals and agencies exempt from licensure include: (i) Individuals licensed under the provisions of Title 54.1 of the Code of Virginia who provide services as a private practitioner; (ii) a home health agency or a home care agency certified in Virginia to receive reimbursement from Medicare or Medicaid; and (iii) home health agencies operated by a recognized religious organization who relies upon spiritual means through prayer alone for healing.

Home health agencies or vendors and hospice programs

may provide one or many designated services either directly or through contractual agreements with other agencies and individuals. The Division of Licensure and Certification believes that as many as 300 home health agencies and 45 hospice programs may be required to apply for licensure under these regulations. Because licensure of single service home health vendors is required, estimates of affected parties may prove to be low.

The fiscal impact of the regulations upon agencies and programs affected should be minimal. A sliding scale initial licensing application fee range from \$100 to \$200 and an annual license renewal fee of \$50 to \$100 for home health agencies; and a range of \$50 to \$100 for an initial hospices license with an the annual renewal fee of \$25 to \$50 has been recommended. These fees are based upon the size of the agency's or program's annual operation budget. The initial fee is due at the time a license is first issued and the renewal fees are due annually. Staff time demanded of the license to complete required forms should not exceed one hour annually. On-site inspection visits, on average, should last no more than one day. Staff time required to complete and file a Plan of Correction will be solely dependent upon the agency's or program's ability and intent to maintain compliance with the minimum licensing standards. Because these regulations reflect recognized quality care standards, the requirements mandated can be reasonably expected to not cause a need for additional employed staff on the part of existing home health agencies or existing hospice programs.

Impact on the Department of Health's Division of Licensure and Certification is more difficult to assess, again because the number of agencies and programs affected by these regulations is difficult to determine. Two FTE's have been awarded to the VDH to serve as inspectors. However, in a December 1987 study by the Department of Planning and Budget, it was estimated that each inspector can only adequately serve 60 agencies or programs each year. If current estimates of 300 agencies and 45 programs prove to be accurate there will be a significant impact on VDH staff. If the regulations become effective on October 1, 1989, the full impact upon manpower and financial resources required to fully implement these regulations in future years will not be known until the requests for licensure have been received.

Based upon a projection of 300 home health agencies and 45 hospice programs, it is estimated that initial licensing application fees will bring in approximately \$45,375 to the state during the first twelve months and thereafter approximately \$22,650 in annual license renewal fees (55 large, 165 medium-sized, and 125 small agencies, vendors or programs).

Forms: Two forms are needed to implement the regulation: an initial and renewal licensing application form for home health agencies and an initial and renewal licensing application form for hospice programs. It is

estimated that an hour, on average, is all that is required to complete these forms.

Evaluation: The VDH Division of Licensure and Certification staff will evaluate the effectiveness of this regulation by annually tracking the number and types of violations found during routine on-site inspections and during complaint investigations. Changes to the process will be proposed as they may become needed.

Statutory Authority: §§ 32.1-162.5 and 32.1-162.12 of the Code of Virginia.

Written comments may be submitted until 4:30 p.m., June 23, 1989.

Contact: Mary V. Francis, Director, Department of Health, Division of Licensure and Certification, 1013 James Madison Bldg., 109 Governor St., Richmond, VA 23219, telephone (804) 225-2081 or SCATS 225-3717

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

April 25, 1989 - 9:30 a.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Floor, Richmond, VA 23219, telephone (804) 786-6371 or SCATS 786-6371

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **May 3, 1989 - 9 a.m. - Open Meeting**
Virginia Polytechnic Institute, Blacksburg, Virginia

A monthly council meeting. The agenda is available upon request.

Contact: Marla G. Richardson, 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2638

HOPEWELL INDUSTRIAL SAFETY COUNCIL

May 2, 1989 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided if requested)

Local Emergency Preparedness Committee Meeting on Emergency Preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

† **May 15, 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 Board of Housing and Community Development intends to adopt regulations entitled: **VR 394-01-106. Single and Multiple Production Loan Program.** The proposed regulation establishes program guidelines for low interest loans.

STATEMENT

Purpose: The proposed program guidelines for the Single Family and Multifamily Production Loan Program provide the basic technical and administrative framework for administration of the program throughout the Commonwealth of Virginia.

Basis: To be adopted according to §§ 36-141 et seq. of the Code of Virginia.

Impact: The program impacts persons interested in the development of single or multifamily housing. The program makes available low-interest loans for the construction of new single or multifamily properties.

Statutory Authority: Chapter 9 (§§ 36-141 et seq.) of Title 36 of the Code of Virginia.

Written comments may be submitted until May 15, 1989.

Contact: Pamela R. Coaxum, Manager, Department of Housing and Community Development, 205 North Fourth St., Richmond, VA 23219, telephone (804) 786-1575

LIBRARY BOARD

April 29, 1989 - 9 a.m. - Open Meeting
Lynchburg Public Library, 2315 Memorial Avenue, Community Meeting Room, Lynchburg, Virginia. ☒

A regular business meeting to discuss administrative matters of the Virginia State Library and Archives.

Contact: Jean H. Taylor, Secretary, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219-3491, telephone (804) 786-2332 or SCATS 786-2332

COMMISSION ON LOCAL GOVERNMENT

May 22, 1989 - 3:30 p.m. - Open Meeting

Calendar of Events

Holiday Inn, Wytheville, Virginia

A regular meeting of the Commission on Local Government to consider such matters as may be presented.

May 23, 1989 - 11 a.m. – Open Meeting
Town Council Chambers, Wytheville Municipal Offices, 150 East Monroe Street, Wytheville, Virginia.

An oral presentation regarding the Town of Wytheville - Wythe County Settlement Agreement.

May 23, 1989 - 7:30 p.m. – Public Hearing
George Wythe High School, Auditorium, 1500 West Pine Street, Wytheville, Virginia.

A public hearing regarding the Town of Wytheville - Wythe County Settlement Agreement.

Contact: Barbara W. Bingham, Administrative Assistant, 702 Eighth St. Office Bldg., 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6508

LONGWOOD COLLEGE

Executive Committee

† **May 5, 1989 - 10 a.m. – Open Meeting**
Longwood College, Ruffner Building, Board Room, Farmville, Virginia

A meeting to conduct business pertaining to the governance of the institution.

Contact: William F. Dorrill, Longwood College, Farmville, VA 23901, telephone (804) 392-9211 or SCATS 265-4211

STATE LOTTERY BOARD

† **April 26, 1989 - 10 a.m. – Open Meeting**
State Lottery Department, 2201 West Broad Street, Conference Room, Richmond, Virginia. ☐

A regularly scheduled monthly meeting of the board. Business will be conducted according to items listed on the agenda which have 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

MARTINSVILLE - HENRY COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

† **May 11, 1989 - 9:30 a.m. – Open Meeting**
Martinsville Municipal Building, Martinsville, Virginia

† **June 8, 1989 - 9:30 a.m. – Open Meeting**
Henry County Administration Building, Collinsville, Virginia. ☐

Open meeting to carry out the provisions of the Superfund Amendments and Reauthorization Act of 1986.

Contact: Benny Summerlin, Public Safety Director, Henry County Administration Bldg., P.O. Box 7, Collinsville, VA 24078, telephone (703) 638-5311, ext. 256

BOARD OF MEDICAL ASSISTANCE SERVICES

† **May 9, 1989 - 5 p.m. – Open Meeting**
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia. ☐

Standing committee meetings.

† **May 10, 1989 - 9 a.m. – Open Meeting**
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia. ☐

A meeting to discuss amendments to the State Plan and other business pertinent to the board.

Contact: Jacqueline Fritz, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

May 25, 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 Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-02-2.6100. Eligibility Conditions and Requirements: State Plan for Medical Assistance Relating to Continued Eligibility for Pregnant Women.** The regulation proposes to continue Medicaid eligibility regardless of income changes.

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

Written comments may be submitted until 4:30 p.m., May 25, 1989, to Ann E. Cook, Director of Medical Social Services, 600 E. Broad St., 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 786-7933

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May 25, 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 Board of Medical Assistance Services intends to adopt regulations entitled: **VR 460-04-8.4. Home and Community Based Services for the Elderly and Disabled Individuals.** The purpose of the proposed regulation is to regulate the provision of home and community based long-term care services to elderly and physically disabled individuals who would otherwise require the level of care found only in intermediate or skilled care nursing facilities.

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

Written comments may be submitted until 4:30 p.m., May 25, 1989, to Charlotte Carnes, Manager, Division of Medical Social Services, 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

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† June 28, 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 Board of Medical Assistance Services intends to adopt regulations entitled: **VR 460-02-191. Methods and Standards for Establishing Payment Rates - In-Patient Hospital Care, VR 460-02-192. Methods and Standards for Establishing Payment Rates - Other Types of Care, and VR 460-02-194. Methods and Standards for Establishing Payment Rates - Long-Term Care.** These proposed regulations regulate the reimbursement of nonenrolled service providers.

STATEMENT

Basis and Authority: Section 32.1-324 of the Code of Virginia, grants to the Director of the Department of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance subject to the board's requirements. On May 10, 1988, the board directed the department to proceed with this policy's implementation. The director adopted the emergency regulation on August 3, after the Governor's approval of the emergency adoption action. The Administrative Process Act provides, in § 9-6.14:9, for the effectiveness of emergency regulations upon their adoption and filing with the Registrar of Regulations unless the agency specifies a later date. The emergency regulation became effective on September 1, 1988.

With this proposed regulation, the department is

initiating the public comment and executive review processes, required by § 9-6.14:7.1 of the Code of Virginia and Executive Order Number Five (86).

Purpose: The purpose of this proposal is to amend the Plan for Medical Assistance regarding the reimbursement methodology for nonenrolled providers and to establish the criteria by which nonenrolled providers will be required to enroll.

Summary and Analysis: The Code of Federal Regulations, at 42 CFR 431.52, requires that "A State plan must provide that the State will furnish Medicaid to:

(1) A recipient who is a resident of the State while that recipient is in another State, to the same extent that Medicaid is furnished to residents in the State, when:

(i) Medical services are needed because of a medical emergency;

(ii) Medical services are needed because the recipient's health would be endangered if he were required to travel to his State of residence;

(iii) The State determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other State; or

(iv) It is the general practice for recipients in a particular locality to use medical resources in another State."

Medicaid providers have the option of enrolling with the Program to serve Medicaid recipients. Without exception, high volume providers are enrolled. Some providers, mainly out of state and near our borders, serve Virginia Title XIX recipients on an emergency basis or infrequently, and therefore do not enroll. For cost effectiveness purposes two different payment systems were used for enrolled and nonenrolled institutional (hospitals and nursing homes) providers. Historically, both systems paid approximately the same. However, with the many cost savings initiatives implemented since 1982 affecting enrolled providers, a disparity in the amount of reimbursement developed between the enrolled and nonenrolled reimbursement methodologies.

Recently, an enrolled institutional (hospital) provider recognized the disparity between the two methodologies and requested a change in its participation status from an enrolled provider to a nonenrolled provider. Being a nonenrolled provider would allow it to receive higher reimbursement because Medicaid pays 84% of charges submitted by nonenrolled institutional providers and approximately 59% for enrolled. Should even a small portion of the currently enrolled institutional providers initiate a similar action, the resultant fiscal impact would be significant.

Calendar of Events

The current procedure for nonenrolled institutional providers creates significant administrative problems for the department and may prove to be very costly:

- Manual transference of claims billing information from the nonenrolled providers' claims to the department's computerized claims is labor intensive;
- Due to the absence of a common invoice for nonenrolled providers, the invoice submitted describing the claim is subject to interpretation by department personnel in preparing the claim for computer processing; this results in different approved payment amounts for the same services;
- The manual system makes identifying duplicate claims difficult;
- The current nonenrolled provider system impedes the collection of necessary data about services rendered, their frequency, and approved payments as compared to provider charges; and
- Lack of uniformity of payment to enrolled and nonenrolled providers may result in more enrolled providers seeking nonenrolled status.

Impact: Without federal approval of this reimbursement methodology change, the department will lack the federal regulatory authority to modify its reimbursement methodology for nonenrolled providers, thereby endangering its federal financial participation. Failure to modify the Plan with federal approval would allow all 110 currently enrolled hospitals to change their provider status to nonenrolled. If all hospitals did this, DMAS expenditures for hospital services would increase approximately 25% resulting in a Program deficit. Thus, as a result of the emergency regulation effective September 1, 1988, the department projects a cost avoidance of \$1.35 million for fiscal year 1989 and \$2.25 million for fiscal year 1990.

During a typical month, nonenrolled out-of-state providers submit more than 600 claims which require the manual transference of claims data to the appropriate program invoice formats. The procedural change conforms nonenrolled providers' reimbursement to the requirements of enrolled providers, provides for consistent payment, and provides for reporting of services covered for eligible Medicaid recipients.

One of the major tasks is the transferring of data from the invoices submitted by the provider to the appropriate program invoice format. If the provider is able to complete program invoices and submit directly for processing, most of this units' activity will be eliminated. The remaining activity pertaining to provider enrollment and certification can be assumed by the Provider Enrollment/Certification Unit, with the transfer of a position. Inquiries from these nonenrolled providers can be handled by the Provider Relations staff and the Enrollment/Certification staff.

The major fiscal impact of these regulations pertains to reimbursement for hospital and institutional services by establishing a reimbursement methodology which is consistent with that of enrolled providers. Also, a more efficient utilization of staff is expected.

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

Written comments may be submitted until 4:30 p.m., June 28, 1989, to Malcolm O. Perkins, Division of Operations, Department of Medical Assistance Services, 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

GOVERNOR'S ADVISORY BOARD ON MEDICARE AND MEDICAID

† **May 2, 1989 - 2 p.m.** – Open Meeting
Hyatt Hotel, I-64 and West Broad Street, Richmond, Virginia. ☒

An open meeting to discuss amendments to the State Plan for Medical Assistance, and other business pertinent to the board.

Contact: Jacqueline Fritz, Legislative Analyst, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958

BOARD OF MEDICINE

Ad Hoc Committee on Optometry

† **June 9, 1989 - 2 p.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to review and discuss information obtained from visit to the Pennsylvania College of Optometry and discuss any other items which may come before this committee.

Executive Committee

† **June 9, 1989 - 9:30 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to review and act upon disciplinary cases, (ii) review cases closed by Executive Director and (iii) discuss any other items which may come before the Executive Committee.

Informal Conference Committee

† April 28, 1989 - 10:30 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Surry Building, Board Room 1, 2nd Floor, Richmond,
Virginia. ☒

† May 3, 1989 - 10 a.m. - Open Meeting
Radisson Hotel - Lynchburg, 601 East Main Street,
Lynchburg, Virginia. ☒

An informal conference to inquire into allegations that certain practitioners may have violated laws and regulations governing to practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

Legislative Committee

† June 23, 1989 - 10 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Surry Building, Board Room 1, 2nd Floor, Richmond,
Virginia. ☒

A meeting to review and discuss proposed regulation which relates to misleading and deceptive advertising, petition for rulemaking relative to Straight Chiropractic Academic Standards Association, Inc. (SCASA), Special Purpose Examination (SPEX) and discuss any other items which may come before the Legislative Committee.

Respiratory Therapy Committee

† May 16, 1989 - 10 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Board Room 2, Richmond, Virginia. ☒

The purpose of this meeting is to elect officers, draft legislation and discuss any other items which may come before this committee.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Building, 2nd Floor, Richmond, VA 23229, telephone (804) 662-9925

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† April 26, 1989 - 9:30 a.m. - Open Meeting
Central State Hospital, Petersburg, Virginia. ☒

A regular monthly meeting. The agenda will be published on April 19 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Board Staff, P.O. Box 1797, Richmond, Virginia 23214, telephone, (804) 786-3921

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Substance Abuse Advisory Council

April 27, 1989 - 10 a.m. - Open Meeting
James Madison Building, 109 Governor Street, 13th Floor
Board Room, Richmond, Virginia. ☒

The advisory council will discuss issues related to substance abuse services in Virginia during this regularly scheduled meeting.

Contact: Wayne Thacker, Director, Office of Substance Abuse, 109 Governor St., Richmond, VA 23219, telephone (804) 786-3906

DEPARTMENT OF MINES, MINERALS AND ENERGY (DIRECTOR OF DIVISION OF MINERAL MINING)

† April 27, 1989 - 7 p.m. - Public Hearing
Bedford County Courthouse, Main Street, Bedford, Virginia

A public hearing to receive oral and written comments on a request for an amendment to the mining permit No. 08141AA of Lawhorne Brothers, Inc. The amendment would add 65.33 acres to the permitted area of the mine, located about four miles west of New London Academy on State Route 24 in Bedford County.

Contact: William O. Roller, Director, Division of Mineral Mining, P.O. Box 4499, Lynchburg, Va. 24502, telephone (804) 239-0602 or SCATS 947-2169

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April 28, 1989 - 10 a.m. - Public Hearing
Department of Mines, Minerals and Energy, Division of Mineral Mining, 7705 Timberlake Road, Lynchburg, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Director of the Division of Mineral Mining of the Department of Mines, Minerals and Energy intends to amend regulations entitled: VR 480-05-1.2. **Safety and Health Regulation for Mineral Mining.** The amended regulation governs safety and health of persons working in surface and underground noncoal mineral mines.

Statutory Authority: §§ 45.1-33 and 45.1-104 of the Code of Virginia.

Written comments may be submitted until April 28, 1989.

Contact: William O. Roller, Director, Division of Mineral Mining, P.O. Box 4499, Lynchburg, Va. 24502, telephone (804) 239-0602 or SCATS 947-2169

Calendar of Events

BOARD OF NURSING

† **April 24, 1989 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒ (Interpreter for deaf provided upon
request)

Special meeting to (i) consider transcripts and act on reports from hearing officers from five formal hearings held in February and March; (ii) act on proposed emergency regulations related to Nurse Aide Registry, Nurse Aide Education programs and competency evaluation; and (iii) other matters under the jurisdiction of the board.

† **May 22, 1989 - 9 a.m.** – Open Meeting
† **May 23, 1989 - 9 a.m.** – Open Meeting
† **May 24, 1989 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒ (Interpreter for deaf provided if
requested)

A regular meeting to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement and the matters under the jurisdiction of the board. On Wednesday, May 24, 1989, at 8:30 a.m., the board will consider comments on intended regulatory action and propose new and amended regulations related to educational programs for and the registration of clinical nurse specialists.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909 or toll-free 1-800-533-1560

Special Conference Committee

April 28, 1989 - 8:30 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Conference Room 2, Richmond, Virginia. ☒ (Interpreter for
deaf provided upon request)

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9909 or (toll-free) 1-800-533-1560

BOARD FOR OPTICIANS

† **May 4, 1989 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor,
Richmond, Virginia. ☒

A meeting to (i) review correspondence; (ii) review applications; (iii) review enforcement cases; (iv) review regulations; and (v) consider routine board

business.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016

BOARD OF OPTOMETRY

May 4, 1989 - 9 a.m. – Open Meeting
City of Norfolk Council Chambers, City Hall Building, 810 Union Street, 11th Floor, Norfolk, Virginia.

An informal conference and a general business meeting.

Contact: Catherine W. Green, Executive Director, Board of Optometry, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9910

BOARD OF PHARMACY

April 26, 1989 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Conference Room 1, Richmond, Virginia. ☒

A meeting to formulate proposed regulations for physicians to sell drugs.

Contact: Jack B. Carson, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9911

* * * * *

June 10, 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 Board of Pharmacy intends to amend regulations entitled: **VR 530-01-1. Virginia Board of Pharmacy Regulations**. The purpose of this action is to increase fees for licenses.

Statutory Authority: §§ 54.1-2400 and 54.1-3007 of the Code of Virginia.

Written comments may be submitted until June 10, 1989.

Contact: Jack B. Carson, Executive Director, Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9911

BOARD FOR BRANCH PILOTS

April 26, 1989 - 10 a.m. – Open Meeting
Virginia Port Authority, World Trade Center, Suite 600,
Norfolk, Virginia. ☒

The board will meet to conduct routine business and to adopt proposed regulations at its regular quarterly business meeting.

Contact: David E. Dick, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8500

PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY LOCAL EMERGENCY PLANNING COMMITTEE

April 28, 1989 - 2 p.m. - Open Meeting
1 County Complex Court, Prince William, Virginia. ☐

Local Emergency Planning Committee to discharge the provisions of SARA Title III.

Contact: Thomas J. Hajduk, Information Coordinator, 1 County Complex Court, Prince William, VA 22192-9201, telephone (703) 335-6800

BOARD OF PROFESSIONAL COUNSELORS

May 11, 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 Board of Professional Counselors intends to amend regulations entitled: **VR 560-01-02. Regulations Governing the Practice of Professional Counseling.**

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until May 11, 1989.

Contact: Stephanie A. Sivert, Executive Director, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9912

BOARD OF PSYCHOLOGY

April 27, 1989 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☐

A meeting to (i) receive the reports of the committees of the board; (ii) review credentials for applicants for licensure and residency as well as registrants for technical assistance; and (iii) conduct regulatory review of regulations governing technical assistance.

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9912

REAL ESTATE BOARD

May 2, 1989 - 9 a.m. - Open Meeting
Travelers Building, 3600 W. Broad Street, 5th Floor, Richmond, Virginia. ☐

June 2, 1989 - 9 a.m. - Open Meeting
Royce Hotel, 415 Richmond Road, Williamsburg, Virginia

A regular business meeting of the board. The agenda will consist of investigative cases (files) to be considered, files to be considered, matters relating to fair housing, property registration and licensing issues (e.g., reinstatement, eligibility requests).

Contact: Joan L. White, Assistant Director, Real Estate Board, 3600 W. Broad St., 5th Fl., Richmond, VA 23230, telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS 367-8552

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† **June 5, 1989 - 2 p.m. - Public Hearing**
Location to be announced.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Real Estate Board intends to amend regulations entitled: **VR 585-01-1. Virginia Real Estate Board Licensing Regulations.**

STATEMENT

Pursuant to §§ 54.1-201 and 54.1-2105 and in accordance with Chapter 1.1:1 (§ 9.6-14:1 et seq.) of Title 9 of the Code of Virginia, the Real Estate Board proposes to amend, add to, delete and reorganize its existing regulations governing licensed and registered real estate professionals.

The regulations require persons and firms acting as real estate brokers or salespersons to be licensed and rental location agents to be registered in accordance with standards and procedures set forth in the regulations. The regulations also set forth requirements for licensure and certification of schools which teach approved real estate courses. In addition, the regulations set standards of conduct for all of these licensees and registrants.

The regulations apply directly to approximately 14,000 brokers, 60,000 salespersons, 3,150 firms, 100 rental location agents and 35 proprietary schools.

The proposed revisions (i) have been substantially reformatted for clarity; (ii) change some conditions for licensure; (iii) create new educational requirements for renewal of a license, (iv) create requirements for the disclosure of a licensee's relationship to the principals in a sales, lease or option transaction; and (v) clarify and amend some of the grounds for disciplinary action by the board.

Calendar of Events

Statutory Authority: § 54.1-201 of the Code of Virginia.

Written comments may be submitted until July 1, 1989.

Contact: Joan L. White, Assistant Director, Real Estate Board, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS 367-8552

BOARD OF REHABILITATIVE SERVICES

† **April 28, 1989 - 9:30 a.m.** – Open Meeting
Department of Rehabilitative Services, 3433 Brambleton Avenue, S.W., Roanoke, Virginia. ☒ (Interpreter for deaf provided if requested)

The board will receive department reports and conduct regular business.

Finance Committee

† **April 27, 1989 - 2 p.m.** – Open Meeting
Department of Rehabilitative Services, 3433 Brambleton Avenue, S.W., Roanoke, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will receive quarterly financial report and review and comment on biennial budget draft.

Legislation and Evaluation Committee

† **April 27, 1989 - 1 p.m.** – Open Meeting
Department of Rehabilitative Services, 3433 Brambleton Avenue, S.W., Roanoke, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will receive the report of the Information Office of the Department of Rehabilitative Services.

Program Committee

† **April 27, 1989 - 3 p.m.** – Open Meeting
Department of Rehabilitative Services, 3433 Brambleton Avenue, S.W., Roanoke, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review comments on proposed regulations and amendments, and will schedule dates and locations of public hearings.

Contact: James L. Hunter, Board Administrator, Department of Rehabilitative Services, 4901 Fitzhugh Ave., P.O. Box 11045, Richmond, VA 23230-1045, telephone (804) 367-6446, toll-free 1-800-552-5019/TDD ☎ , SCATS 367-6446 or (804) 367-0280/TDD ☎

RICHMOND EMERGENCY PLANNING COMMITTEE

† **April 25, 1989 - 1:30 p.m.** – Open Meeting
John Marshall High School, 4225 Old Brook Road, Second Floor Library, Richmond, Virginia

A meeting to discuss planning and other recent developments pertaining to the committee.

Contact: Thomas E. Price, Captain, Richmond Fire Bureau, 501 North 9th St., Room 134, Richmond, VA 23219, telephone (804) 780-4120

DEPARTMENT FOR RIGHTS OF THE DISABLED

Protection and Advocacy for Mentally Ill Individuals Advisory Council

April 28, 1989 - 10 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regularly scheduled meeting for the conduct of business.

Contact: Barbara Hoban, PAMI Program Manager, Department for Rights of the Disabled, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2042/TDD ☎ , toll-free 1-800-552-3962/TDD ☎ or SCATS 225-2042/TDD ☎

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **April 27, 1989 - 10 a.m.** – Open Meeting
1000 Washington Building, Ninth Floor, A.V. Room, Richmond, Virginia. ☒

The authority will conduct its regular business meeting and will conduct a public hearing to consider Industrial Development Bond Applications received by the authority and for which public notice has appeared in the appropriate newspapers of general circulation.

Contact: Cathleen M. Surface, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, VA 23219, telephone (804) 786-3791

BOARD OF SOCIAL SERVICES

May 17, 1989 - 2 p.m. – Open Meeting
Ramada Inn-Duffield, at US 23 and US 58-421, Duffield, Virginia. ☒

A work session and formal business meeting of the board.

If necessary, the board will also meet Thursday, May 18, 1989, at 9 a.m.

June 14, 1989 - 2 p.m. - Open Meeting
Department of Social Services, 8007 Discovery Drive, Blair Building, 2nd Floor Conference Room, Richmond, Virginia.

A work session and formal business meeting of the board.

If necessary, the board will also meet Thursday, June 15, 1989, at 9 a.m.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9236 or SCATS 662-9236

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

May 11, 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 State Board of Social Services intends to adopt new regulations and repeal existing regulations entitled: VR 615-01-15. Aid to Dependent Children - Unemployed Parent Demonstration (ADC-UP Demo) Project. This regulation will provide financial assistance to needy two-parent families.

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

Written comments may be submitted until May 11, 1989, to Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Agency Regulatory Liaison, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217 or SCATS 662-9217

May 25, 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 State Board of Social Services intends to adopt regulations entitled: VR 615-45-2. Child Protective Services Client Appeals. The purpose of the proposed action is to 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 May 25, 1989, to Marvin Warren, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217 or SCATS 662-9081

BOARD OF SOCIAL WORK

† May 5, 1989 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Suite 200, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) review applications for licensure and supervision of trainees; (iii) respond to correspondence; and (iv) conduct regulatory review.

Contact: Stephanie A. Sivert, Executive Director, Board of Social Work, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229, telephone (804) 662-9914

COMMISSION ON VIRGINIA ALCOHOL SAFETY ACTION PROGRAM (VASAP)

May 4, 1989 - 1 p.m. - Open Meeting
May 5, 1989 - 9 a.m. - Open Meeting
Martha Washington Inn, Abingdon, Virginia

This is the second of four quarterly business meetings held each year by the Commission on VASAP.

Contact: Kim Morris, Executive Assistant, Commission on Virginia Alcohol Safety Action Program, 1001 E. Broad St., Box 28, Old City Hall Bldg., Richmond, VA 23219, telephone (804) 786-5895 or SCATS 786-5895

NOTE: CHANGE IN HEARING DATE
May 30, 1989 - 9 a.m. - Public Hearing
Old City Hall, 1001 East Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commission on Virginia Alcohol Safety Action Program intends to adopt regulations entitled: VR 647-01-01. Public Participation Guidelines. Adoption of proposed guidelines which will encourage participation of citizens in the formation and development of regulatory proposals under the Virginia Administrative Process Act.

Statutory Authority: § 18.2-271.2 of the Code of Virginia.

Calendar of Events

Written comments may be submitted until March 20, 1989.

Contact: Kim Morris, Executive Assistant, Commission on Virginia Alcohol Safety Action Program, 1001 E. Broad St., Box 28, Old City Hall Bldg., Richmond, VA 23219, telephone (804) 786-5895 or SCATS 786-5895

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NOTE: CHANGE IN HEARING DATE

May 30, 1989 - 9 a.m. - Public Hearing
Old City Hall, 1001 East Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commission on Virginia Alcohol Safety Action Program intends to amend regulations entitled: **Policy and Procedure Manual**. The Commission on VASAP is empowered to establish, amend and assure the maintenance of minimum standards and criteria for program operations and performance, accounting, auditing, public information and administrative procedures for the 26 local alcohol safety action programs. The Commission also oversees program plans, operations and performance and a system for allocating funds to cover deficits which may occur in the budget of local programs.

Statutory Authority: § 18.2-271.2 of the Code of Virginia.

Written comments may be submitted until April 22, 1989. Individuals interested in speaking before the Commission on VASAP must submit written comments prior to April 22, 1989.

Contact: Kimberly A. Morris, Executive Assistant, Commission on VASAP, Old City Hall Bldg., 1001 E. Broad St., Suite 245, Richmond, VA 23219, telephone (804) 786-5896

VIRGINIA MILITARY INSTITUTE

Board of Visitors

† **May 19, 1989 - 8 a.m.** - Open Meeting
Virginia Military Institute, Smith Hall, Board Room, Lexington, Virginia. ☒

A regular meeting to (i) consider committee reports; (iii) approve awards, distinctions, and diplomas; (iii) discuss personnel changes; and (iv) elect president pro tem.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206

BOARD FOR THE VISUALLY HANDICAPPED

† **May 11, 1989 - 11 a.m.** - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A quarterly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☎

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

April 25, 1989 - 1:30 p.m. - Open Meeting
May 23, 1989 - 1:30 p.m. - Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☒

A regular monthly meeting to facilitate the timely delivery of appropriate services to handicapped children and youth in Virginia.

Contact: Glen R. Slonneger, Jr., Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140

STATE WATER CONTROL BOARD

May 2, 1989 - 7 p.m. - Public Hearing
Old General District Courthouse, Main Street, County Board Meeting Room, Fincastle, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-16-03. Upper James River Basin Water Quality Management Plan**. The purpose of the proposal is to amend the Jackson River Subarea portion of the plan to reflect new policies, regulations, current data and information regarding point and nonpoint sources of pollution.

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

Written comments may be submitted until 4 p.m., May 31, 1989, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Wellford S. Estes, West Central Regional Office,

State Water Control Board, 5312 Peters Creek Rd., N.W., Roanoke, VA 24019, telephone (703) 982-7432 or SCATS 676-7432

† May 8, 1989 - 7 p.m. - Public Hearing
Town Council Chambers, Municipal Building, Cross Street at Prince George Street, 2nd Floor, Urbanna, Virginia. ☐

The State Water Control Board will hold a public hearing to receive comments on the proposed issuance of Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0026263 for the Town of Urbanna, P.O. Box 179, Urbanna, Virginia 23175. The purpose of the hearing is to receive comments on the proposed issuance or denial of the permit, and the effect of the discharge on water quality or beneficial uses of state waters.

Contact: Doneva Dalton, State Water Control Board, 2111 N. Hamilton St., P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6829

May 10, 1989 - 2 p.m. - Open Meeting
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia

A public meeting to receive views and comments and to answer questions of the public on the board's notice of intended regulatory action on promulgating regulations entitled Underground Storage Tanks; Financial Responsibility.

Contact: Russell P. Ellison, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6685 or SCATS 367-6685

May 16, 1989 - 2 p.m. - Open Meeting
James City County Complex, 101C Mounts Bay Road, Building C, Board of Supervisors Room, Williamsburg, Virginia

A meeting to receive comments, views and suggestions on the possible declaration of a groundwater management area to potentially encompass the following localities: Charles City, James City, King William, New Kent, and York Counties; the area east of Interstate 95 in Chesterfield, Henrico, and Hanover Counties; and the Cities of Hampton, Newport News, Poquoson, and Williamsburg.

Contact: Fred K. Cunningham, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-0411 or SCATS 367-0411

† May 18, 1989 - 7 p.m. - Open Meeting
Fries Combined School, Church Street, Fries, Virginia

The State Water Control Board will hold a second public hearing to receive comments on the proposed

issuance or denial of a Virginia Pollutant Discharge Elimination System (VPDES) permit for the City of Galax Sewage Treatment Plant, 123 N. Main St., Galax, Virginia 24333. The purpose of the hearing is to receive comments on the proposed permit, the issuance or denial of the permit, and the effect of the discharge on water quality or beneficial uses of state waters.

Contact: Doneva A. Dalton, State Water Control Board, 2111 N. Hamilton St., P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6829

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May 31, 1989 - 2 p.m. - Public Hearing
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 adopt regulations entitled: **VR 680-13-02. Underground Storage Tanks; Technical Standards and Corrective Action Requirements.** The purpose of these proposed regulations is to control and manage underground storage tanks in order to prevent, control and cleanup releases of regulated substances to state waters.

Statutory Authority: §§ 62.1-44.15(10) and 62.1-44.34:9 of the Code of Virginia.

Written comments may be submitted until 4 p.m., June 14, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Russell P. Ellison, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6350 or SCATS 367-6350

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May 30, 1989 - 2 p.m. - Public Hearing
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 will revise the pretreatment program portions of the Permit Regulation to conform with federal regulations. In addition to comments on the proposed changes, the board seeks comments on requiring indirect industrial users to notify downstream users of violations of pretreatment permit limits. Comments are sought on the appropriateness of such an amendment and procedures for implementation.

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

Calendar of Events

Virginia.

Written comments may be submitted until 4 p.m., June 13, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: LaVern H. Corkran, Office of Engineering Application, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6313 or SCATS 367-6313

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May 23, 1989 - 2 p.m. – Public Hearing
Virginia War Memorial, 621 South Belvidere Street,
Richmond, Virginia

May 24, 1989 - 1 p.m. – Public Hearing
Roanoke County Administration Center, 3738 Brambleton
Avenue, S.W., Community Room, Roanoke, Virginia

June 26, 1989 - 3 p.m. – Formal Hearing
Sheraton Beach Inn and Conference Center, Ocean Front
and 36th Street, Virginia Beach, 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 680-21-01.11. Chlorine Standard and Policy and VR 680-21-07.2. Outstanding State Resource Waters.** The purpose of the proposed amendments is to adopt as permanent regulations VR 680-21-01.11 - Chlorine Standard and Policy and VR 680-21-07.2 - Outstanding State Resource Waters which were previously adopted as emergency regulations.

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

Written comments may be submitted until 4 p.m., June 13, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Affected persons may petition to be a party to the formal hearing being held June 26, 1989, concerning any fact issues directly relevant to the legal validity of the proposed action. Petitions must meet the requirements of § 1.23(b) of the board's Procedural Rule No. 1 (1980), and must be received by the contact person designated below by May 10, 1989. The board seeks comments, orally at the hearing and in writing, on the proposed amendments including, but not limited to, any necessary revisions based on the issues raised to date.

Contact: Jean Gregory, Environmental Program Manager, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6985 or SCATS 367-6985

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May 24, 1989 - 7 p.m. – Public Hearing

Board of Supervisors Chamber, Administration Building,
120 North Main Street, Pearisburg, 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. River Basin Section Tables: Water Quality Standards.** This proposed amendment to the River Basin Section Tables will revise the stream classification for Stony Creek, Section 1d New River Basin.

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

Written comments may be submitted until 4 p.m., June 13, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Eleanore Moll, Environmental Program Planner, Office of Environmental Research and Standards, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6418 or SCATS 367-6418

† **June 5, 1989 - 7 p.m.** – Public Hearing
Culpeper General District Courtroom, 135 West Cameron
Street, 2nd Floor, Culpeper, Virginia

The State Water Control Board will hold a public hearing to receive comments on the proposed VPDES permit for South Wales Utility, Inc., Routes 229 and 211, Culpeper County the issuance or denial of the permit, and the effect of the proposed discharge on water quality or beneficial uses of state waters.

Contact: Doneva A. Dalton, State Water Control Board, 2111 N. Hamilton St., P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6829

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **April 24, 1989 - 8:30 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond,
Virginia. ☐

An open meeting to discuss and adopt the proposed regulations.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

COLLEGE OF WILLIAM AND MARY

Board of Visitors

† May 4, 1989 - 3 p.m. - Open Meeting

† May 5, 1989 - 8 a.m. - Open Meeting

College of William and Mary, Jamestown Road, Campus Center, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to approve the budgets and fees of the College and Richard Bland College; to receive reports from several committees of the board; and to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

† June 23, 1989 - 8 a.m. - Open Meeting

College of William and Mary, Jamestown Road, Campus Center, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William and Mary to act on those resolutions that are presented by the administration of William and Mary and Richard Bland College.

An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

Contact: Office of University Relations, James Blair Hall, College of William and Mary, Room 308, Williamsburg, VA 23185, telephone (804) 253-4226

COUNCIL ON THE STATUS OF WOMEN

April 26, 1989 - 6:30 p.m. - Open Meeting

James City County Human Services Center, Auditorium, 5249 Olde Towne Road, Williamsburg, Virginia

May 23, 1989 - 7 p.m. - Open Meeting

Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia

A public meeting to receive information on the most important issues that affect women in Virginia, innovative ways communities have addressed specific issues, and suggestions of strategies to address specific issues in the future. The Council has identified many issues which affect Virginia's women including Aging, Child Abuse, Child Care, Divorce/Child Support, Employment, Estates, Family Life Education, Health, Housing, Leadership Development, Media/Pornography, Minority Women, Nontraditional Careers, Sexual Assault, Sex Equity in Insurance, Spouse Abuse, Reproductive Health, Teen Pregnancy, Welfare Reform

and Women in Prison.

For more information on the public meeting or to register to speak contact the Council office. Written comments should be submitted to the Council Office by May 15, 1989.

May 24, 1989 - 9 a.m. - Open Meeting

Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia

A regular meeting of the Council on the Status of Women to conduct general business and to receive reports from the 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

JOINT LEGISLATIVE SUBCOMMITTEE ON BLOCK GRANT FUNDING

† May 9, 1989 - 2 p.m. - Public Hearing

General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

The committee will conduct a public hearing on the Alcohol, Drug Abuse and Mental Health Block Grant for FY 1989. This application was prepared by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services and is used to support community alcohol, drug abuse and mental health services in Virginia.

Contact: Charline Davidson, Director, Planning and Policy, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3904

VIRGINIA CODE COMMISSION

May 11, 1989 - 9 a.m. - Open Meeting

May 12, 1989 - 9 a.m. - Open Meeting

The Michie Company, Town Hall Square, Charlottesville, Virginia

The commission will review 1989 projects and will meet with representatives of the The Michie Company.

Contact: Joan W. Smith, Registrar of Regulations, P.O. Box 3-AG, Richmond, VA 23208, telephone (804) 786-3591

Calendar of Events

CHRONOLOGICAL LIST

OPEN MEETINGS

April 24

Accountancy, Board for
Alcoholic Beverage Control Board
Economic Development, Department of
Funeral Directors and Embalmers, Board of
† Hanover County Local Emergency Planning Committee
† Nursing, Board of
† Waterworks and Wastewater Works Operators, Board for

April 25

Accountancy, Board for
Economic Development, Department of
Health Services Cost Review Council, Virginia
† Richmond Emergency Planning Committee
Visually Handicapped, Department for the
- Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

April 26

Education, State Board of
Farmworkers Board, Governor's Migrant and Seasonal
† Lottery Board, State
† Mental Health, Mental Retardation and Substance Abuse Services Board, State
Pharmacy, Board of
Pilots, Board for Branch
Women, Council on the Status of

April 27

† Cattle Industry Board, Virginia
Chesapeake Bay Commission
Chesterfield County, Local Emergency Planning Committee of
Economic Development, Department of
Education, State Board of
Fire Services Board, Virginia
- Fire/EMS Training Committee
- Fire Prevention and Control Committee
- Legislative Committee
Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Substance Abuse Advisory Council
Psychology, Board of
† Rehabilitative Services, Board of
- Finance Committee
- Legislation and Evaluation Committee
- Program Committee
† Small Business Financing Authority, Virginia

April 28

Air Pollution Control, Department of
† Cattle Industry Board, Virginia
Chesapeake Bay Commission

Commercial Driver Training Schools, Board for
† Coordinating Prevention, Virginia Council on Economic Development, Department of
Education, State Board of
Fire Services Board, Virginia
† Medicine, Board of
- Informal Conference Committee
Nursing, Board of
- Special Conference Committee
Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee
† Rehabilitative Services, Board of
Rights of the Disabled, Department for
- Protection and Advocacy for Mentally Ill Individuals Advisory Council

April 29

Library Board

May 2

† Conservation and Historic Resources, Department of
- Historic Lower James River Advisory Board
Geology, Board for
Hopewell Industrial Safety Council
† Medicare and Medicaid, Governor's Advisory Board on
Real Estate Board

May 3

Children, Department for
- Consortium on Child Mental Health
† Criminal Justice Services Board
- Committee on Training
† Dentistry, Board of
† Higher Education for Virginia, State Council of
† Medicine, Board of
- Informal Conference Committee

May 4

Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Professional Engineers
Aviation Board, Virginia
† Dentistry, Board of
† Game and Inland Fisheries, Board of
† Opticians, Board for
Optometry, Board of
Virginia Alcohol Safety Action Program, Commission on
† William and Mary, College of
- Board of Visitors

May 5

† Dentistry, Board of
† Game and Inland Fisheries, Board of
General Services, Department of
- Division of Consolidated Laboratory Services
† Longwood College
- Executive Committee
† Social Work, Board of
Virginia Alcohol Safety Action Program, Commission

Calendar of Events

on
† William and Mary, College of
- Board of Visitors

May 6
† Dentistry, Board of

May 8
Alcoholic Beverage Control Board
† Conservation and Historic Resources, Department of
- Goose Creek Scenic River Advisory Board
† Funeral Directors and Embalmers, Board of

May 9
† Medical Assistance Services, Board of

May 10
† Medical Assistance Services, Board of
Water Control Board, State

May 11
Code Commission, Virginia
† Fairfax County, The City of Fairfax, and the Towns
of Herndon and Vienna, Local Emergency Planning
Committee for
† Martinsville - Henry County Local Emergency
Planning Committee
† Visually Handicapped, Board for the

May 12
Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for
Code Commission, Virginia
Cosmetology, Board for
† General Services, Department of
- Division of Consolidated Laboratory Services

May 15
Agricultural Council, Virginia
† Cosmetology, Board for

May 16
† Funeral Directors and Embalmers, Board of
† Medicine, Board of
- Respiratory Therapy Committee
Water Control Board, State

May 17
† Corrections, Board of
† Funeral Directors and Embalmers, Board of
Social Services, Board of

May 18
Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for
- Board for Land Surveyors
† Danville Local Emergency Planning Committee
† Funeral Directors and Embalmers, Board of

May 19

Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for
Correctional Education, Board of
† Virginia Military Institute
- Board of Visitors

May 22
Alcoholic Beverage Control Board
† Barbers, Board for
Health, State Board of
Local Government, Commission on
† Nursing, Board of

May 23
Local Government, Commission on
† Nursing, Board of
Visually Handicapped, Department for the
- Interagency Coordinating Council on Delivery of
Related Services to Handicapped Children
Women, Council on the Status of

May 24
Gloucester Local Emergency Planning Committee
† Nursing, Board of
Women, Council on the Status of

May 25
† Contractors, Board for
Education, State Board of

May 26
Education, State Board of

June 1
Chesterfield County, Local Emergency Planning
Committee of

June 2
Real Estate Board

June 7
Children, Department for
- Consortium on Child Mental Health

June 8
† Martinsville - Henry County Local Emergency
Planning Committee

June 9
Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for
† Medicine, Board of
- Ad Hoc Committee on Optometry
- Executive Committee

June 12
Alcoholic Beverage Control Board

June 14
Social Services, Board of

Calendar of Events

June 22
† Commerce, Board of

June 23
† Medicine, Board of
- Legislative Committee
† William and Mary, College of
- Board of Visitors

June 26
Alcoholic Beverage Control Board

PUBLIC HEARINGS

April 24
Deaf and Hard-of-Hearing, Department for the

April 27
Fire Services Board, Virginia
† Mines, Mineral and Energy, Department of

April 28
Mines, Minerals and Energy, Department of

May 2
Water Control Board, State

May 3
† Chesapeake Bay Local Assistance Board
Criminal Justice Services Board

May 4
† Chesapeake Bay Local Assistance Board

May 8
† Chesapeake Bay Local Assistance Board
† Water Control Board, State

May 9
† Block Grant Funding, Joint Legislative Subcommittee
on

May 11
† Chesapeake Bay Local Assistance Board

May 16
† Chesapeake Bay Local Assistance Board

May 17
Agriculture and Consumer Services, Department of

May 18
† Chesapeake Bay Local Assistance Board
† Water Control Board, State

May 23
† Health, Department of
Local Government, Commission on
Water Control Board, State

May 24
† Chesapeake Bay Local Assistance Board
Water Control Board, State

May 25
† Chesapeake Bay Local Assistance Board

May 30
† Chesapeake Bay Local Assistance Board
Virginia Alcohol Safety Action Program, Commission
on
Water Control Board, State

May 31
Water Control Board, State

June 5
† Real Estate Board
† Water Control Board, State

June 26
Water Control Board, State