

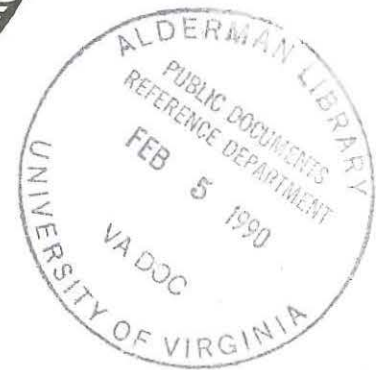
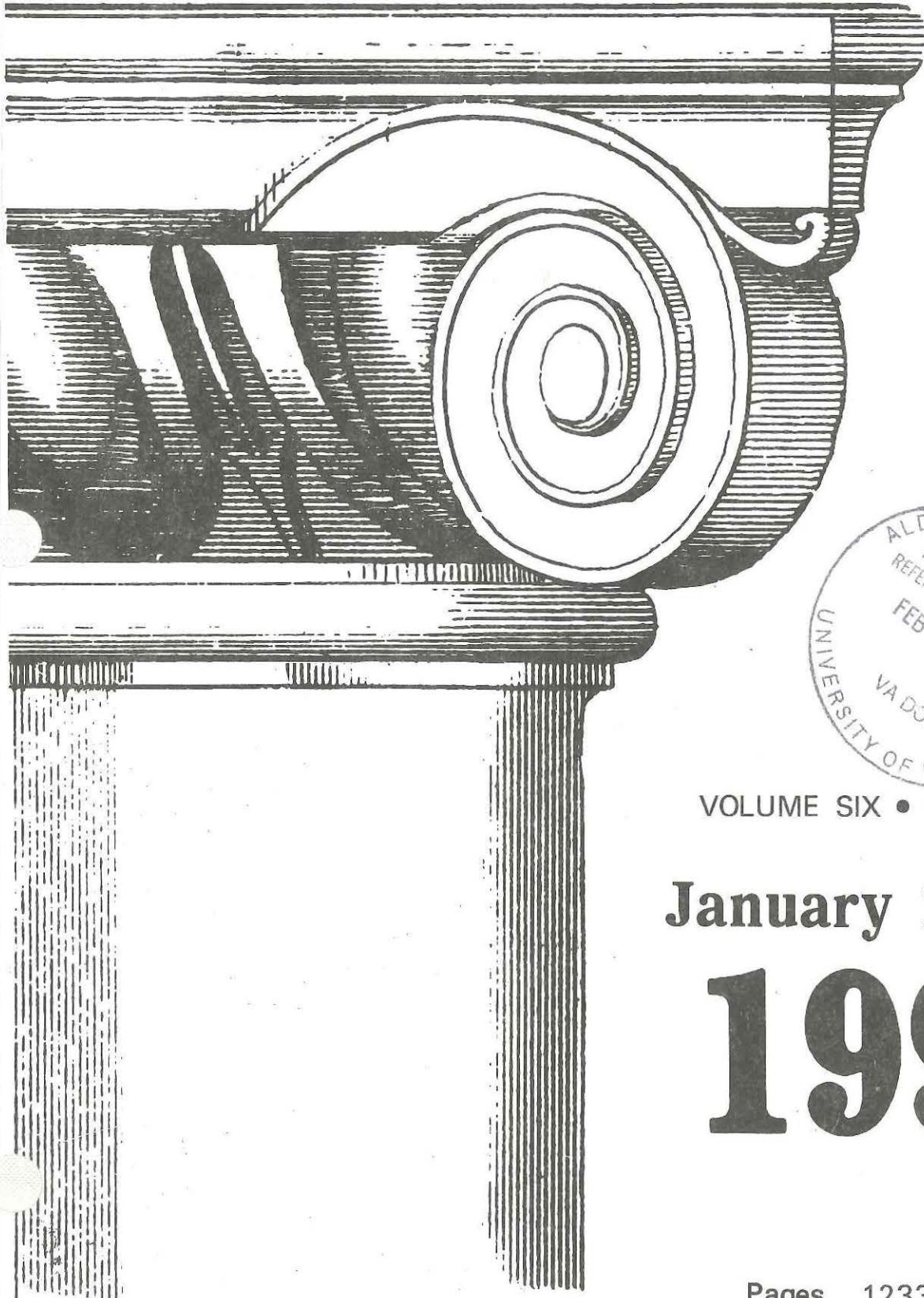
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THE VIRGINIA REGISTER

OF REGULATIONS

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January 29, 1990

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

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

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

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by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall

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to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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July 12	July 31
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Aug. 9	Aug. 28
Aug. 23	Sept. 11
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Final Index - Volume 5	

Volume 6 - 1989-90

Sept. 20	Oct. 9
Oct. 4	Oct. 23
Oct. 18	Nov. 6
Nov. 1	Nov. 20
Nov. 15	Dec. 4
Nov. 29	Dec. 18
Dec. 13	Jan. 1 1990
Index 1 - Volume 6	

Dec. 27	Jan. 15
Jan. 10	Jan. 29
Jan. 24	Feb. 12
Feb. 7	Feb. 26
Feb. 21	Mar. 12
Mar. 7	Mar. 26
Index 2 - Volume 6	

Mar. 21	Apr. 9
Apr. 4	Apr. 23
Apr. 18	May 7
May 2	May 21
May 16	June 4
May 30	June 18
Index 3 - Volume 6	

June 13	July 2
June 27	July 16
July 11	July 30
July 25	Aug. 13
Aug. 8	Aug. 27
Aug. 22	Sept. 10
Sept. 5	Sept. 24
Final Index - Volume 6	

TABLE OF CONTENTS

PROPOSED REGULATIONS

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Rules and Regulations for the Enforcement of the
Virginia Weights and Measures Law. (VR 115-04-04) 1235

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

Board for Architects, Professional Engineers, Land
Surveyors and Landscape Architects Rules and
Regulations. (VR 130-01-2) 1257

DEPARTMENT OF FORESTRY (BOARD OF)

Standards for Classification of Real Estate as
Devoted to Forest Use Under the Virginia Land Use
Assessment Law. (VR 312-01-02) 1275

DEPARTMENT OF MOTOR VEHICLES

Evidence Required to Permit Regulation or
Reregistration of Vehicles for Which Proof of Tax
Payment and of State Corporation Commission
Registration is Required. (VR 485-60-8401) 1278

FINAL REGULATIONS

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Public Participation Procedures for the Formation
and Promulgation of Regulations. (VR 173-01-00) 1280

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

State Plan for Medical Assistance Relating to
Inspections of Care Authority Delegations.

Control of the Utilization of Intermediate Care
Facility Services. (VR 460-01-50) 1281

Inspections of Care in Skilled Nursing and
Intermediate Care Facilities and Institutions for
Mental Diseases. (VR 460-01-51) 1283

BOARD OF NURSING

Board of Nursing Regulations. (VR 495-01-1) 1284

DEPARTMENT OF SOCIAL SERVICES

Child Support Enforcement Program. (VR 615-70-17) 1299

EMERGENCY

STATE BOARD OF YOUTH SERVICES

Public Participation Guidelines. (VR 690-01-001) 1314

STATE CORPORATION COMMISSION

ORDERS

Adoption of Amended Supplemental Report Form
Pursuant to Virginia Code § 38.1-1905.2.B.
(INS890517) 1317

In the Matter of Adopting Rules to Implement
Transitional Requirements for the Conversion of
Medicare Supplement Insurance Benefits and
Premiums to Conform to Repeal of the Medicare
Catastrophic Coverage Act. (INS900003) 1320

ADMINISTRATIVE LETTERS

Bureau of Insurance

Delayed Effect of Rate Filings. (1989-13) 1323

Accelerated Approval Procedure for Medicare
Supplement Forms and Rates Filings. (1989-14) 1323

GOVERNOR

COMMENTS

VIRGINIA HEALTH PLANNING BOARD

Guidelines for Public Participation in Developing
Regulations. (VR 359-01-01) 1325

Regulations for Designating Health Planning Regions.
(VR 359-02-01) 1325

Regulations Governing the Regional Health Planning
Boards. (VR 359-02-02) 1325

Administration of State Funding for Regional Health
Planning. (VR 359-03-01) 1325

GENERAL NOTICES/ERRATA

NOTICES OF INTENDED REGULATORY ACTION

Notices of Intent 1326

Table of Contents

GENERAL NOTICES

DEPARTMENT OF LABOR AND INDUSTRY

Delay in Excavation Standard - VRr 425-02-89 1329

MARINE RESOURCES COMMISSION

Invites public comment on proposed Regulation VR 450-01-0057, "Pertaining to the Harvest of American Shad." 1329

NOTICE TO STATE AGENCIES

Forms for filing material on date for publication in the Virginia Register of Regulations. 1329

ERRATA

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Notice of Intended Regulatory Action on regulation entitled "Regulations Governing the Privacy and Security of Criminal History Record Information Checks for Firearm Purchase." 1330

VIRGINIA RACING COMMISSION

Regulations of the Virginia Racing Commission. (VR 662-01-02) 1330

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings 1331

CHRONOLOGICAL LIST

Open Meetings 1347

Public Hearings 1349

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

NOTICE: The following regulations do not comply with the format established by the Registrar of Regulations since the Board of Agriculture and Consumer Services is bound and preempted by the Federal Fair Packaging and Labeling Act of the United States and the rules and regulations adopted under the U.S. Food and Drug Administration Act and the Federal Trade Commission Act and preemptive labeling by U.S. Department of Agriculture and other federal agencies. The most up-to-date manual on this subject is the National Bureau of Standards Handbook 130 (NBS No. 130) Uniform Laws and Regulations, sections entitled Packaging and Labeling Regulation and Method of Sale of Commodities Regulation, published annually by the U.S. Department of Commerce, National Bureau of Standards, as adopted by the National Conference on Weights and Measures annually. The Department has adopted this manual in its latest form as the basis for regulations of "Commodities in Package Form" for the Commonwealth.

Title of Regulation: VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.

Statutory Authority: §§ 3.1-926 and 3.1-943 of the Code of Virginia.

Public Hearing Date: May 16, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The Board of Agriculture and Consumer Services proposes to amend regulation VR 115-04-04 - Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law - to include a new section for the purpose of:

1. Establishing standards for the method of sale for clams, mussels, oysters, and other mollusks.
2. Establishing standards of fill by limiting the percentage of free liquid by weight in packaged clams, mussels, oysters, and other mollusks.

Other states have established standards (based on national standards) for fill for certain mollusks (including oysters) that require that producers who ship mollusks to those states meet those standards. Other producers, not shipping to states with packaging

standards, are able to produce a product comparable in volume, with more water and less meat, at a lower price. In the absence of a nationally-based standard in Virginia, the consumer has no assurance as to the ratio of meat to water.

VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.

PACKAGING AND LABELING REQUIREMENTS

§ 1. Application.

This regulation shall apply to packages and to commodities in package form, but shall not apply to:

A. Inner wrappings not intended to be individually sold to the customer,

B. Shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors, but in no event shall this exclusion apply to packages of consumer or nonconsumer commodities, as defined herein,

C. Auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity,

D. Containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc., and the tray itself is not intended to be sold), or

E. Open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this regulation.

§ 2. Definitions.

2.1. "Commodity in Package Form." The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in this regulation, it shall be construed

Proposed Regulations

to mean "commodity in package form" as herein defined.

2.2. "Consumer Package: Package of Consumer Commodity." A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

2.3. "Nonconsumer Package: Package of Nonconsumer Commodity." A "nonconsumer package" or "package of nonconsumer commodity" shall be construed to mean any commodity in package form other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

2.4. "Random Package." The term "random package" shall be construed to mean a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

2.5. "Label." The term "label" shall be construed to mean any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for the purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package, except that an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this regulation.

2.6. "Person." The term "person" shall be construed to mean both singular and plural, and shall include any individual, partnership, company, corporation, association, and society.

2.7. "Principal Display Panel or Panels." The term "principal display panel" or "panels" shall be construed to mean that part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

2.8. "Multi-Unit Package." The term "multi-unit package" shall be construed to mean a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this regulation.

§ 3. Declaration of Identity: Consumer Package.

3.1. Declaration of Identity: Consumer Package. A declaration of identity on a consumer package shall appear on the principal display panel, and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

3.1.1. Parallel Identity Declaration: Consumer Package. A declaration of the identity on a consumer package shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

§ 4. Declaration of Identity: Nonconsumer Package.

A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

§ 5. Declaration of Responsibility: Consumer and Nonconsumer Packages.

Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or when not incorporated, the name under which the business is conducted. The address shall include street address, city, state, and zip code; however, the street address may be omitted if this is shown in a current city directory or telephone directory.

If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by" "Distributed by" or any other wording of similar import that expresses the facts.

§ 6. Declaration of Quantity: Consumer Packages.

6.1. General¹ The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems may be presented in a dual declaration of quantity.

6.2. Largest Whole Unit. Where this regulation requires that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed

(following the requirements of Section 6.10 Fractions):

A. Inch-Pound Units.

1. In common or decimal fractions of such largest whole unit, or in
2. The next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.

B. Metric Units, in decimal fractions of such largest whole unit.

6.3. Net Quantity. A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity (except as noted in Section 10.3), shall appear on the principal display panel of a consumer package and, unless otherwise specified in this regulation (see subsections 6.7 through 6.8.3), shall be in terms of the largest whole unit.

6.3.1. Use of "Net Weight." The term "net weight" shall be used in conjunction with the declaration of quantity in units of weight. The term may either precede or follow the declaration of weight.

6.3.2. Lines of Print or Type. A declaration of quantity may appear on one or more lines of print or type.

6.4. Terms: Weight, Liquid Measure, Dry Measure, or Count. The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or dry measure if the commodity is dry, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such a declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

6.4.1. Combination Declaration.

A. A declaration of quantity in terms of weight shall be combined with appropriate declarations of the measure, count, and size of the individual units unless a declaration of weight alone is fully informative.

B. A declaration of quantity in terms of measure shall be combined with appropriate declarations of the weight, count, and size of the individual units unless a declaration of measure alone is fully informative.

C. A declaration of quantity in terms of count shall be combined with appropriate declarations of the weight, measure, and size of the individual units unless a

declaration of count alone is fully informative.

6.5. Inch-Pound Units: Weight, Measure. A declaration of Quantity:

A. In units of weight, shall be in terms of the avoirdupois pound or ounce;

B. In units of liquid measure, shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon and shall express the volume at 68°F, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 60°F, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F, and except also in the case of malt beverages, for which the declaration shall express the volume at 39.1°F;

C. In units of linear measure, shall be in terms of the yard, foot, or inch;

D. In units of area measure, shall be in terms of the square yard, square foot, or square inch;

E. In units of volume measure, shall be in terms of the cubic yard, cubic foot, or cubic inch;

F. In units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel.

6.5.1. Symbols and Abbreviations. Any of the following symbols and abbreviations, and none other, shall be employed in the quantity statement on a package of commodity:

avoirdupois	avdp	ounce	oz
cubic	cu	pint	pt
feet or foot	ft	pound	lb
fluid	fl	quart	qt
gallon	gal	square	sq
inch	in	weight	wt
liquid	liq	yard	yd

(There normally are no periods following, nor plural forms of, symbols. For example, "oz" is the symbol for both "ounce" and "ounces". Both upper and lower case letters are acceptable.)

6.5.2. Units of Two or More Meanings. When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in "20 fluid ounces, 1 pint 4 ounces"), the proper meaning is

Proposed Regulations

obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry."

6.6. Metric Units: Weight, Measure. A declaration of quantity in:

A. Units of weight shall be in terms of the kilogram, gram, or milligram;

B. Units of liquid measure shall be in terms of the liter or milliliter, and shall express the volume at 20°C, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 15°C, and except also in the case of malt beverages or a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of malt beverages or a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4°C;

C. Units of linear measure shall be in terms of the meter, centimeter, or millimeter;

D. Units of area measure, shall be in terms of the square meter or square centimeter;

E. Units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

6.6.1. Symbols. Any of the following symbols for metric units, and none other, may be employed in the quantity statement on a package of commodity:

kilogram	kg
gram	g
milligram	mg
liter	L or l
milliliter	mL or ml
meter	m
centimeter	cm
millimeter	mm
square meter	m ²
square centimeter	cm ²
cubic meter	m ³
cubic centimeter	cm ³

A. Symbols, except for liter, are not capitalized unless the unit is derived from a proper name. Periods should not be used after the symbol. Symbols are always written in the singular form—do not add "s" to express the plural when the symbol is used.

B. The "l" symbol for liter and "ml" symbol for milliliter are permitted; however, the "L" symbol and the "mL" symbol are preferred.

6.7. Prescribed Units, Inch-Pound System.

6.7.1. Less than 1 Foot, 1 Square Foot, 1 Pound, or . Pint. The declaration of quantity shall be expressed in terms of:

A. In the case of length measure of less than 1 foot, inches and fractions of inches;

B. In the case of area measure of less than 1 square foot, square inches and fractions of square inches;

C. In the case of weight of less than 1 pound, ounces and fractions of ounces;

D. In the case of liquid measure of less than 1 pint, fluid ounces and fractions of fluid ounces;

Provided, that the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than three² decimal places.

6.7.2. Weight: Dual Quantity Declaration. On packages containing 1 pound or more but less than 4 pounds, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit: provided, that the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than three² decimal places.

6.7.3. Liquid Measure: Dual Quantity Declaration. On packages containing 1 pint or more, but less than 1 gallon, the declaration shall be expressed in fluid ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.4. Length Measure: Dual Quantity Declaration. On packages containing 1 foot or more, but less than 4 feet, the declaration shall be expressed in inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.5. Area Measure: Dual Quantity Declaration. On packages containing 1 square foot or more but less than 4 square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.6. Four Feet, 4 Square Feet, 4 Pounds, 1 Gallon, or More. In the case of:

A. Length measure of 4 feet or more

The declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards

with any remainder in terms of feet and inches. In the case of

- B. Area measure of 4 square feet or more;
- C. Weight of 4 pounds or more;
- D. Liquid measure of 1 gallon or more

The declaration of quantity shall be expressed in terms of the largest whole unit.

6.7.7. Bidimensional Commodities. For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

A. If less than 1 square foot, in terms of linear inches and fractions of linear inches;

B. If at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit; provided, that

1. No square inch declaration is required for a bidimensional commodity of 4 inches width or less,
2. A dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and
3. Commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection 6.9. Count: Ply.) require a declaration of unit area but not a declaration of total area of all such units,

C. If 4 square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit; provided, that

1. No declaration in square feet is required for a bidimensional commodity with a width of 4 inches or less,
2. Bidimensional commodities, with a width of 4 inches or less, shall have the length expressed in inches followed by a statement in parentheses of the length in the largest whole unit. (Example: 2 inches by 360 inches (10 yards).)
3. A dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and

D. No declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

6.8. Prescribed Units, Metric System.

6.8.1. Less Than 1 Meter, 1 Square Meter, 1 Kilogram, or 1 Liter. The declaration of quantity shall be expressed in terms of:

A. In the case of length measure of less than 1 meter, centimeters, or millimeters;

B. In the case of area measure of less than 1 square meter, square centimeters and decimal fractions of square centimeters;

C. In the case of weight of less than 1 kilogram, grams and decimal fractions of a gram, but if less than 1 gram, then in milligrams;

D. In the case of liquid or dry measure of less than one liter, milliliters;

Provided, that the quantity declaration appearing on a random weight package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than three decimal places.

6.8.2. One Meter, 1 Square Meter, 1 Kilogram, 1 Liter or More. In the case of:

A. Length measure of 1 meter or more; in meters and decimal fractions to not more than two places.

B. Area measure of 1 square meter or more; in square meters and decimal fractions to not more than two places.

C. Weight of 1 kilogram or more; in kilograms and decimal fractions to not more than two places.

D. Liquid or dry measure of 1 liter or more; in liters and decimal fractions to not more than two places.

6.8.3. Bidimensional Commodities. For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

A. If less than 1 square meter in terms of length and width.

B. If 1 square meter or more, in terms of square measure followed in parentheses by a declaration of length and width; provided, that

1. Quantity declarations on bidimensional commodities with a width of 100 millimeters or less may be expressed in terms of width and length, only.

2. Commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection 6.9. Count: Ply.) require a declaration of unit area but not a declaration of total area of all such units.

3. No declaration in square units is required for

Proposed Regulations

commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

6.9. Count: Ply. If the commodity is in individually usable units of one or more components or plies, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of plies and total number of usable units.

Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-type commodities shall be labeled in terms of:

- A. Total area measurement,
- B. Number of plies,
- C. Count of usable units, and
- D. Dimensions of a single usable unit.

6.10. Fractions.

A. Metric: A metric statement in a declaration of net quantity of contents of any consumer commodity may contain only decimal fractions.

B. Inch-Pound: An inch-pound statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds, except that:

1. If there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed, and

2. If linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds.

C. Common Fractions: A common fraction shall be reduced to its lowest term (Example: $\frac{2}{4}$ becomes $\frac{1}{2}$).

D. Decimal Fractions: A decimal fraction shall not be carried out to more than two places.

6.11. Supplementary Declarations.

6.11.1. Supplementary Quantity Declarations. The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement

of quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "larger" liter, "full" gallon, "when packed," "minimum," or words of similar import).

6.11.2. Combined Metric and Inch-Pound Declarations. An equivalent statement of the net quantity of contents in terms of either the inch-pound or metric system is not regarded as a supplemental statement and such statement may also appear on the principal display panel; provided, that it conforms to both subsections 6.5 and 6.6.

6.11.3. Rounding. In all conversions for the purpose of showing an equivalent metric or inch-pound quantity to a rounded inch-pound or metric quantity, the number of significant digits retained should be such that accuracy is neither sacrificed nor exaggerated. As a general rule, converted values should be rounded down by dropping any digit beyond the first three. (Example: 196.4 grams becomes 196 grams or 1.759 feet becomes 1.75 feet.)

6.12. Qualification of Declaration Prohibited. In no case shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than" or any words of similar import, nor shall any unit of weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity.

6.13. Character of Declaration: Average. The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

§ 7. Declaration of Quantity: Nonconsumer Packages.

7.1. General. The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems might be combined in a dual declaration of quantity.³

7.2. Location. A nonconsumer package shall bear on the outside a declaration of the net quantity of contents. Such declaration shall be in terms of the largest whole unit (see subsection 6.2. Largest Whole Unit).

7.3. Terms: Weight, Liquid Measure, Dry Measure, or Count. The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of dry measure if the commodity is dry, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However,

if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

7.4. Inch-Pound Units: Weight, Measure. A declaration of quantity:

A. In units of weight, shall be in terms of the avoirdupois pound or ounce;

B. In units of liquid measure, shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 60°F, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F, and except also in the case of malt beverages, for which the declaration shall express the volume at 39.1°F;

C. In units of linear measure, shall be in terms of the yard, foot, or inch;

D. In units of area measure, shall be in terms of the square yard, square foot, or square inch;

E. In units of volume measure, shall be in terms of the cubic yard, cubic foot, or cubic inch;

F. In units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel.

7.4.1. Symbols and Abbreviations. Any generally accepted symbol and abbreviation of a unit name may be employed in the quantity statement on a package of commodity. (For commonly accepted symbols and abbreviations, see subsection 6.5.1. Symbols and Abbreviations.)

7.5. Metric Units: Weight, Measure. A declaration of quantity:

A. In units of weight, shall be in terms of the kilogram, gram, or milligram;

B. In units of liquid measure, shall be in terms of the liter or milliliter, and shall express the volume at 20°C, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 15°C, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the

declaration shall express the volume at the frozen temperature, and except also in the case of malt beverages or a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4°C;

C. In units of linear measure, shall be in terms of the meter, centimeter, or millimeter;

D. In units of area measure, shall be in terms of the square meter or square centimeter;

E. In units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

7.5.1. Symbols. Only those symbols as detailed in subsection 6.6.1. Symbols, and none other, may be employed in the quantity statement on a package of commodity.

7.6. Character of Declaration: Average. The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

§ 8. Prominence and Placement: Consumer Packages.

8.1. General. All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

8.1.1. Location. The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30% of the principal display panel or panels. For cylindrical containers, see also subsection 10.7 for additional requirements.

8.1.2. Style of Type or Lettering. The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

8.1.3. Color Contrast. The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded

Proposed Regulations

on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

8.1.4. Free Area. The area surrounding the quantity declaration shall be free of printed information:

A. Above and below, by a space equal to at least the height of the lettering in the declaration, and

B. To the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.

8.1.5. Parallel Quantity Declaration. The quantity declaration shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed.

8.2. Calculation of Area of Principal Display Panel for Purposes of Type Size. The area of the principal display panel shall be:

A. In the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side;

B. In the case of a cylindrical or nearly cylindrical container, 40% of the product of the height of the container times the circumference; or

C. In the case of any other shaped container, 40% of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), in which event the area shall consist of the entire such surface.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

8.2.1. Minimum Height of Numbers and Letters. The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards. In the case of the symbol for milliliter, the "m" shall meet the minimum height standard.

8.2.2. Numbers and Letters: Proportion. No number or letter shall be more than three times as high as it is wide.

TABLE 1.
MINIMUM HEIGHT OF NUMBERS AND LETTERS.

Area of Principal Display Panel	Minimum Height of Numbers and Letters	Minimum Height: Label Information Blown, Formed, or Molded on Surface of Container
5 square inches (in/2) and less	1/16 inch	1/8 inch
Greater than 5 in/2 and not greater than 25 in/2	1/8 inch	3/16 inch
Greater than 25 in/2 and not greater than 100 in/2	3/16 inch	1/4 inch
Greater than 100 in/2 and not greater than 400 in/2	1/4 inch	5/16 inch
Greater than 400 in/2	1/2 inch	9/16 inch

§ 9. Prominence and Placement: Nonconsumer Packages.

9.1. General. All information required to appear on a nonconsumer package shall be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

§ 10. Requirements: Specific Consumer Commodities, Nonconsumer Commodities, Packages, Containers.

10.1. Display Card Package. For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

10.2. Eggs. When cartons containing 12 eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration shall be so positioned as to have its context destroyed when the carton is divided.

10.3. Aerosols and Similar Pressurized Containers. The declaration of quantity on an aerosol package, and on a similar pressurized package, shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed.

10.4. Multi-Unit Packages⁴. Any package containing more than one individual "commodity in package form" (see subsection 2.1) of the same commodity shall bear on the outside of the package a declaration of:

A. The number of individual units,

B. The quantity of each individual unit, and

C. The total quantity of the contents of the multi-unit package; provided, that any such declaration of total

quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation. (example: soap bars, "6 Bars, Net Weight 75 grams each; Total Net Weight 450 grams")

10.5. Combination Packages. Any package containing individual units of dissimilar commodities (such as an antiquing or a housecleaning kit, for example) shall bear on the label of the package a quantity declaration for each unit. (Example: sponges and cleaner: "2 sponges, each 10 centimeters x 15 centimeters x 2 centimeters; 1 box cleaner, net weight 150 grams")

10.6. Variety Packages. Any package containing individual units of reasonably similar commodities (such as seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package. (Example: plastic tableware: 4 spoons, 4 forks, 4 knives, 12 pieces total.)

10.7. Cylindrical Containers. In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40% of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

10.8. Measurement of Container-Type Commodities, How Expressed.

10.8.1. General. Commodities designated and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, shall be labeled with the declaration of net quantity as follows:

A. For bag-type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise).

When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be expressed:

1. Inch-pound units - in inches, except that a dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 BAGS, 17 inches X 20 inches" or "100 BAGS, 20 inches X 2 feet 6 inches" or "50 BAGS, 20 inches X 2-1/2 feet")

2. Metric units - in millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter (Examples: "25 BAGS, 500 millimeters X 600 millimeters" or "50 BAGS, 750 millimeters X 1.2 meters")

When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length.

3. Inch-pound units - expressed in feet with any

remainder in terms of inches or the common or decimal fractions of the foot. (Examples: "25 BAGS, 17 inches X 4 inches X 20 inches" or "100 BAGS, 20 inches X 12 inches X 2-1/2 feet")

4. Metric units. In millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter. (Example: "25 Bags, 430 millimeters X 100 millimeters X 500 millimeters" or "50 bags, 500 millimeters X 300 millimeters X 1.2 meters")

B. For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than 50 millimeters or 2 inches. (Examples: "2 PANS, 8 inches X 8 inches" or "2 PANS, 203 millimeters X 203 millimeters")

C. For circular or other generally round-shaped containers, except cups, and the like, in terms of count followed by diameter and depth, except depth need not be listed when less than 50 millimeters or two inches. (Examples: "4 PANS, 8 inches diameter X 4 inches" or "4 PANS, 200 millimeters diameter X 100 millimeters")

D. Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. (Examples: "24 CUPS, 6 fluid ounces capacity" or "24 CUPS 250 milliliter capacity")

10.8.2. Capacity. When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references shall be a part of the net quantity statement and shall specify capacity as follows:

A. Inch-Pound Units:

1. Liquid measure for containers which are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce, with any remainder in terms of the common or decimal fraction of that unit). (Examples: Freezer Box - "4 BOXES, 1 quart capacity, 5 inches X 4 inches X 3 inches")

2. Dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with a remainder in terms of the common or decimal fraction of that unit. (Example: Leaf Bags - "8 BAGS, 6 bushel capacity, 3 feet X 5 feet")

3. Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent containers. (Example: Garbage Can Liners -

Proposed Regulations

"10 LINERS, 2 feet 6 inches X 3 feet 9 inches. FITS UP TO 30-GALLON CANS")

B. Metric Units: Volume measure for all containers and liners. (Examples: "4 BOXES, 1 liter capacity. 150 millimeters X 120 millimeters X 90 millimeters;" "8 BAGS, 200 liter capacity, 85 millimeters X 1.5 meters" or "10 LINERS, 750 millimeters X 1 meter, fits up to 120 LITER CANS")

10.8.3. Terms. For purposes of this section, the use of the terms "CAPACITY", "DIAMETER", and "FLUID" is optional.

10.9. Textile Products, Threads, and Yarns.

10.9.1. Wearing Apparel. Wearing apparel (including nontextile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, shall be exempt from the requirements for a net quantity statement by count, as required by subsection 6.4 of this regulation.

10.9.2. Textiles. Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture scarfs, tablecloths and napkins, flags, curtains, drapes, dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, nonrectangular diapers, slip covers, etc., shall be exempt from the requirements of subsections 6.7.7 and 6.8.3 of this regulation; provided, that:

A. The quantity statement for fitted sheets and mattress covers shall state, in centimeters or inches, the length and width of the mattress for which the item is designed, such as "twin," "double," "king," etc. (Example: "Double Sheet for 135 centimeter X 190 centimeter mattress.")

B. The quantity statement for flat sheets shall state the size designation of the mattress for which the sheet is designed, such as "twin," "double," "king," etc. The quantity statement also shall state, in centimeters or inches, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement, in centimeters or inches, of the length and width of the finished sheet. (Example: "Twin Flat Sheet for 100 centimeter X 190 centimeter mattress (170 centimeter X 240 centimeter finished size)")

C. The quantity statement for pillowcases shall state the size designation of the pillow for which the pillowcase is designed, such as "youth," "standard," and "queen," etc. The quantity statement also shall state, in centimeters or inches, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in centimeters or inches, of the length and width of the finished pillowcase. (Example: "Standard Pillowcase for 50 centimeter X 65 centimeter pillow (53

centimeter X 75 centimeter finished size)")

D. The quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, and throws shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state the length of any ornamentation and the size designation of the mattress for which the item is designed, such as "twin," "double," "king," etc.

E. The quantity statement for tablecloths and napkins shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters or inches, the length and width of the item before hemming and properly identified as such.

F. The quantity statement for curtains, drapes, flags, furniture scarfs, etc., shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters or inches, the length of any ornamentation.

G. The quantity statement for carpets and rugs shall state, in meters or feet, with any remainder in decimal fractions of the meter for metric sizes or common or decimal fractions of the foot or in inches for inch-pound sizes, the length and width of the item. The quantity statement also may state parenthetically, in centimeters or inches, the length of any ornamentation.

H. The quantity statement for woven dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, etc., shall state, in centimeters or inches, the length and width of the item. The quantity statement for such items, when knitted, need not state the dimensions.

I. The quantity statement for textile products such as pot holders, fixture and appliance covers, nonrectangular diapers, slip covers, etc., shall be stated in terms of count and may include size designations and dimensions.

J. The quantity statement for other than rectangular textile products identified in subsections A through H shall state the geometric shape of the product and the dimensions which are customarily used in describing such geometric shape. (Example: "Oval Tablecloth 140 centimeters X 110 centimeters" representing the maximum length and width in this case)

K. The quantity statement for packages of remnants of textile products of assorted sizes, when sold by count, shall be accompanied by the term "irregular dimensions" and the minimum size of such remnants.

10.9.3. Textiles: Variations From Declared Dimensions.

A. For an item with no declared dimension less than 60 centimeters or 24 inches, a minus variation greater than 3% of a declared dimension and a plus variation greater than 6% of a declared dimension should be considered

unreasonable.

B. For an item with a declared dimension less than 60 centimeters or 24 inches, a minus variation greater than 6% of that declared dimension and a plus variation greater than 12% of that declared dimension should be considered unreasonable.

10.9.4. Exemption: Variety Textile Packages. Variety packages of textiles that are required by reason of subsection 6.4.1 to provide a combination declaration stating the quantity of each individual unit, shall be exempt from the requirements in this regulation for:

A. Location (see subsection 8.1.1),

B. Free Area (see subsection 8.1.4), and

C. Minimum height of numbers and letters (see subsection 8.2.1).

10.9.5. Sewing Threads, Handicrafts Threads, and Yarns. Sewing and handicraft threads shall be exempt from the requirements of subsections 6.7.2 and 6.8.2 A. of this regulation; provided, that:

A. The net quantity statement for inch-pound sizes of sewing and handicraft threads shall be expressed in terms of yards.

B. The net quantity statement for yarns shall be expressed in terms of weight.

C. Thread products may, in lieu of name and address, bear a trademark, symbol, brand, or other mark that positively identifies the manufacturer, packer, or distributor, provided that such marks, employed to identify the vendor, shall be filed with the director.

D. Each unit of industrial thread shall be marked to show its net length in terms of meters or yards or its net weight in terms of kilograms or grams or avoirdupois pounds or ounces, except that ready-wound bobbins that are not sold separately, shall not be required to be individually marked to show the number of bobbins contained therein and the net meters or yards of thread on each bobbin.

10.10. Packaged Seed. Packages of seed intended for planting shall be labeled in full accord with this regulation except as follows:

A. The quantity statement shall appear in the upper thirty percent of the principal display panel.

B. The quantity statements shall be in terms of the largest whole unit of the metric system for all weights up to seven grams, and in grams or in ounces for all other weights less than 225 grams or eight ounces; packaged seed weighing 225 grams or eight ounces or more shall not be subject to subsection 10.10.

C. The quantity statement for coated seed, encapsulated seed, pelletized seed, preplanters, seed tapes, etc., shall be in terms of count.

10.11. Bark Mulch: Variations From Declared Volume.⁵ An individual package minus variation greater than 5% of the declared volume shall be considered unreasonable.

10.12. Polyethylene Products: Variations From Declared Thickness⁶. Any individual thickness measurement of polyethylene sheeting, film, or bag may be as much as 20% below the labeled thickness, i.e., at least 80% of the labeled thickness⁷. The average thickness of a single package of polyethylene sheeting, film, or bags may be as much as 7% below the labeled thickness, i.e., at least 93% of the labeled thickness.

§ 11. Exemptions.

11.1. General. Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity required to appear on the package shall be in terms of the largest whole unit (except see subsection 10.4(C)).

11.2. Random Packages. A random package bearing a label conspicuously declaring:

A. The net weight,

B. The price per kilogram or pound, and

C. The total price.

Shall be exempt from the type size, dual declaration, placement, and free area requirements of this regulation. In the case of a random package packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label included both such prices at the time it is offered or exposed for sale at retail.

This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section.

11.3. Small Confections. Individually wrapped pieces of "penny candy" and other confectionery of less than 15 grams or one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this regulation when the container in which such confectionery is shipped is in conformance with the labeling requirements of this regulation. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this regulation, including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this regulation.

Proposed Regulations

11.4. Individual Servings. Individual-serving-size packages of foods containing less than 15 grams or 1/2 ounce or less than 15 milliliters or 1/2 fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this regulation.

11.5. Cuts, Plugs, and Twists of Tobacco and Cigars. When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this regulation, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.

11.6. Reusable (Returnable) Glass Containers. Nothing in this regulation shall be deemed to preclude the continued use of reusable (returnable) glass containers; provided, that such glass containers ordered after the effective date of this regulation shall conform to all requirements of this regulation.

11.7. Cigarettes and Small Cigars. Cartons of cigarettes and small cigars, containing ten individual packages of twenty, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements set forth in subsection 8.1.1 Location, subsection 8.2.1 Minimum Height of Numbers and Letters, and subsection 10.4 Multi-Unit Packages; provided, that such cartons bear a declaration of the net quantity of commodity in the package.

11.8. Packaged Commodities With Labeling Requirements Specified in Federal Law. Packages of meat and meat products, poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, and alcoholic beverages shall be exempt from those portions of these regulations requiring dual declarations in customary units and specifying location and minimum type size of the net quantity declaration; provided, that quantity labeling requirements for such products are specified in federal law, so as to follow reasonably sound principles of providing consumer information.

11.9. Fluid Dairy Products, Ice Creams, and Similar Frozen Desserts:

A. When packaged in 1/2-liquid-pint and 1/2-gallon containers, are exempt from the requirements for stating net contents of 8 fluid ounces and 64 fluid ounces, which may be expressed as 1/2 pint and 1/2 gallon, respectively.

B. When packaged in 1-liquid-pint, 1-liquid-quart, and 1/2-gallon containers, are exempt from the dual net contents declaration requirements of subsection 6.7.3.

C. When measured by and packaged in measure containers as defined in "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirements of subsection 8.1.1 that the

declaration of net contents be located within the bottom 30% of the principal display panel.

D. Milk and milk products when measured by and packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities are exempt from the placement requirement of subsection 8.1.1 that the declaration of net contents be located within the bottom 30% of the principal display panel; provided, that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

11.10. Single Strength and Less Than Single Strength Fruit Juice Beverages, Imitations Thereof, and Drinking Water:

A. When packaged in glass, plastic, or fluid milk type paper containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of subsection 6.5 B, to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as 1/2 pint (or half pint) and 1/2 gallon (or half gallon), respectively.

B. When packaged in glass, plastic, or fluid milk type paper containers of 1-pint, 1-quart, and 1/2-gallon capacities, are exempt from the dual net contents declaration requirements of subsection 6.7.3.

C. When packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities, are exempt from the placement requirements of subsection 8.1.1 that the declaration of net contents be located within the bottom 30% of the principal display panel; provided, that other label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

11.11. Soft-Drink Bottles. Bottles of soft drinks shall be exempt from the placement requirements for the declaration of:

A. Identity, when such declaration appears on the bottle closure, and

B. Quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this regulation appears only on the bottle closure.

11.12. Multi-Unit Soft-Drink Packages. Multi-unit packages of soft drinks are exempt from the requirement for a declaration of:

A. Responsibility, when such declaration appears on the

individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside, and

B. Identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging.

11.13. Butter. When packaged in 4-ounce, 8-ounce, and 1-pound packages with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (subsection 3.1.1) and the net quantity declaration (subsection 8.1.5) be generally parallel to the base of the package. When packaged in 8-ounce and 1-pound units, butter is exempt from the requirement for location (subsection 8.1.1) of net quantity declaration and, when packaged in 1-pound units, is exempt from the requirement for dual quantity declaration (subsection 6.7.2).

11.14. Eggs. Cartons containing 12 eggs shall be exempt from the requirement for location (subsection 8.1.1) of net quantity declaration. When such cartons are designed to permit division in half, each half shall be exempt from the labeling requirements of this regulation if the undivided carton conforms to all such requirements.

11.15. Flour. Packages of wheat flour in conventional 2-, 5-, 10-, 25-, 50-, and 100-pound packages shall be exempt from the requirement in this regulation for location (subsection 8.1.1) of the net quantity declaration and, when packaged in units of 2 pounds, shall be exempt also from the requirement for a dual quantity declaration (subsection 6.7.2).

11.16. Small Packages. On a principal display panel of 5 square inches or less, the declaration of quantity need not appear in the bottom 30% of the principal display panel if that declaration satisfies the other requirements of this regulation.

11.17. Decorative Containers. The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge", "pill box", "compact", or "pencil" variety, and those with a capacity of 1/4 ounce or less, may be a tear-away tag or tape affixed to the decorative container, and bearing the mandatory label information as required by this regulation.

11.18. Combination Packages. Combination packages are exempt from the requirements in this regulation for:

A. Location (see subsection 8.1.1),

B. Free Area (see subsection 8.1.4), and

C. Minimum Height of Numbers and Letters (see subsection 8.2.1).

11.19. Margarine. Margarine in 1-pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four sticks, shall be exempt from the requirement in this regulation for location (see subsection 8.1.1) of the net quantity declaration, and shall be exempt from the requirement for a dual quantity declaration (see subsection 6.7.2).

11.20. Corn Flour and Corn Meal. Corn flour and corn meal packaged in conventional 5-, 10-, 25-, 50-, and 100-pound bags shall be exempt from the requirement in this regulation for location (see subsection 8.1.1) of the net quantity declaration.

11.21. Prescription and Insulin-Containing Drugs. Prescription and insulin-containing drugs subject to the provisions of Section 503(b) (1) or 506 of the Federal Food, Drug, and Cosmetic Act shall be exempt from the provisions of this regulation.

11.22. Camera Film. Camera film packaged and labeled for retail sale is exempt from the net quantity statement requirements of this regulation that specify how measurement of commodities should be expressed; provided, that:

A. The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of linear meters or feet of usable film contained therein.

B. The net quantity of contents on packages of movie film is expressed in terms of the running time of the exposed film for that portion of film which is of entertainment value.

"Entertainment value" is defined as that portion of a film that commences with the first frame of sound or picture, whichever comes first after the countdown sequence and ends with either:

1. the last frame of credits; or
2. the last frame of the phrase "The End", or
3. the end of sound whichever is last.

C. The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. (Example: "36 exposures, 36 millimeters X 24 millimeters" or "12 exposures, 2-1/4 inches X 2-1/4 inches")

11.23. Paints and Kindred Products:

A. Paints, varnishes, lacquers, thinners, removers, oils, resins, and solvents, when packed in 1-liquid-pint and 1-liquid-quart units shall be exempt from the dual quantity declaration requirements of subsection 6.7.3.

Proposed Regulations

B. Tint base paint may be labeled on the principal display panel in terms of a quart or a gallon including the addition of colorant selected by the purchaser, provided that the system employed ensures that the purchaser always obtains a quart or a gallon; and further provided that in conjunction with the required quantity statement on the principal display panel, a statement indicating that the tint base paint is not to be sold without the addition of colorant is presented; and further provided that the contents of the container, before the addition of colorant, is stated in fluid ounces elsewhere on the label.

Wherever the above conditions cannot be met, containers of tint base paint must be labeled with a statement of the actual net contents prior to the addition of colorant in full accord with all the requirements of this regulation.

11.24. Automotive Cooling System Antifreeze. Antifreeze, when packed in 1-liquid-quart units, in metal or plastic containers, shall be exempt from the dual quantity declaration requirements of subsection 6.7.3.

11.25. Motor Oils. Motor oils, when packed in 1-liquid-quart units, shall be exempt from the dual quantity declaration requirements of subsection 6.7.3. Additionally, motor oil in 1-liquid-quart, 1-gallon, 1-1/4-gallon, 2-gallon, and 2-1/2-gallon units, bearing the principal display panel on the body of the container, is exempt from the requirements, of § 3, Declaration of Identity: Consumer Package, to the extent that the Society of Automotive Engineers (SAE) viscosity number is required to appear on the principal display panel, provided the SAE viscosity number appears on the can lid and is expressed in letters and numerals in type size of at least 6 millimeters or 1/4 inch.

11.26. Pillows, Cushions, Comforters, Mattress Pads, Sleeping Bags, and Similar Products. Those products, including pillows, cushions, comforters, mattress pads, and sleeping bags, that bear a permanent label as designated by the Association of Bedding and Furniture Law Officials or by the California Bureau of Home Furnishings shall be exempt from the requirements for location (subsection 8.1.1), size of letters or numbers (subsection 8.2.1 and 8.2.2), free area (subsection 8.1.4) and the declarations of identity and responsibility (subsections 3.1 and 5); provided, that declarations of identity, quantity, and responsibility are presented on a permanently attached label and satisfy the other requirements of this regulation, and further provided that the information on such permanently attached label be fully observable to the purchaser.

11.27. Commodities' Variable Weights and Sizes. Individual packaged commodities put up in variable weights and sizes for sale intact, and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale, are exempt from the requirements of § 6 Declaration of Quantity: Consumer Packages, while moving in commerce and while held for

sale prior to weighing and marking; provided, that the outside container bears a label declaration of the total net weight.

11.28. Packaged Commodities Sold By Count. When a packaged consumer commodity is properly measured in terms of count only, or in terms of count and some other appropriate unit, and the individual units are fully visible to the purchaser, such packages shall be labeled in full accord with this regulation except that those containing 6 or less items need not include a statement of count.

11.29. Fishing Lines and Reels. Packaged fishing lines and reels are exempt from the dual quantity declaration requirements of subsection 6.7.6 A; provided, that length of line or capacity of reel, as appropriate is presented in terms of meters or yards in full accord with all other requirements of this regulation.

§ 12. Variations To Be Allowed.

12.1. Packaging Variations.

12.1.1. Variations From Declared Net Quantity. Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.

12.1.2. Variations Resulting From Exposure. Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce; provided, that the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the State, the delivery being either:

A. Directly to the purchaser or to his agent, or

B. To a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

12.2. Magnitude of Permitted Variations. The magnitude of variations permitted under subsection 12, 12.1, 12.1.1, and 12.1.2 of this regulation shall be those expressly set forth in this regulation and those contained in the procedures and tables of National Bureau of Standards Handbook 133, Checking The Net Contents of Prepackaged Goods.

§ 13. Retail Sale Price Representations.

13.1. "Cents-Off" Representations. RESERVED

13.2. Introductory Offers. RESERVED

13.3. Economy Size.

A. The term "economy size" means any printed matter consisting of the words "economy size," "economy pack," "budget pack," "bargain size," "value size," or words of similar import placed upon any package containing any consumer commodity, or placed upon any label affixed adjacent to such commodity, stating or representing directly or by implication that a retail sale price advantage is accorded the purchaser thereof by reason of the size of that package or the quantity of its contents.

B. The packager or labeler of a consumer commodity may not have inprinted thereon an "economy" size representation unless:

1. At the same time the same brand of the commodity is offered in at least one other packaged size or labeled form.

2. Only one packaged or labeled form of that brand of commodity labeled with an "economy size" representation is offered.

3. The commodity labeled with an "economy size" representation is sold at a price per unit of weight, volume, measure, or count that is substantially reduced (i.e., at least 5%) from the actual price of all other packaged or labeled units of the same brand of that commodity offered simultaneously.

C. No "economy size" package shall be made available in any circumstances where it is known that it will be used as an instrumentality for deception, e.g., where the retailer charges a price which does not pass on to the consumer the substantial reduction in cost per unit initially granted.

D. The sponsor of an "economy size" package shall prepare and maintain invoices or other records showing compliance with paragraph B. of the subsection. The invoices or other records required by this section shall be open to inspection and shall be retained for one year.

METHODS OF SALE OF COMMODITIES REGULATION

§ 14.

Food Products^a

14.1. Berries and Small Fruits.

Shall be offered and exposed for sale and sold by weight or by volume in open measure containers having capacities per subsection 1.1(a) or subsection 14.1(b) and when sold by volume, the containers shall be deemed not to be packages for labeling purposes.

(a) Inch-Pound Capacities - 1/2 dry pint, 1 dry pint, or 1 dry quart.

(b) Metric Capacities - 250 milliliters, 500 milliliters, or 1 liter.

14.2. Butter, Oleomargarine, and Margarine.^a

Shall be offered and exposed for sale and sold by weight per subsection 14.2(a) or subsection 14.2(b).

(a) Inch-Pound-Weights - 1/4 pound, 1/2 pound, 1 pound, or a multiple of 1 pound.

(b) Metric Weights - 125 grams, 250 grams, 500 grams, or a multiple of 500 grams.

14.3. Flour, Cornmeal, and Hominy Grits.

Wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, corn flour, cornmeal, and hominy grits whether enriched or not, shall be packaged, kept, offered, or exposed for sale, or sold only in weights per subsection 14.3(a) or subsection 14.3(b); Provided, that inch-pound sizes less than 2 pounds or more than 100 pounds and that metric sizes less than 1 kilogram or more than 50 kilograms shall be permitted.

(a) Inch-Pound Weights - 2, 5, 10, 25, 50, or 100 pounds.

(b) Metric Weights - 1, 2.5, 5, 10, 25, or 50 kilograms. (Section 3.1-952 Weights and Measures Law).

14.4. Meat, Poultry, Fish, and Seafood¹⁰.

Shall be sold by weight, except that shellfish may be sold by weight, measure, or count.

14.4.1. In Combination With Other Foods.

When meat, poultry, fish or seafood is combined with some other food element to form a distinctive food product, the quantity representation may be in terms of the total weight of the product or combination, and a quantity representation need not be made for each element. (Weights and Measures Law Section 3.1-950)

Proposed Regulations

14.4.2. Stuffed Fish, Seafood, Poultry or Meat Products.

In the case of ready-to-cook stuffed fish, seafood, poultry, or meat products, the label must show the total net weight of the stuffed fish, seafood, poultry or meat products and the minimum net weight of the fish, seafood, poultry or meat in the product excluding the fish, seafood, meat, or poultry that may be part of the stuffing.

Excluding the poultry or meat that may be part of the stuffing. (Required by the United States Department of Agriculture).

14.4.3. Clams, Mussels, Oysters, and other Mollusks.

14.4.3.1. Whole clams, mussels, oysters, and other mollusks in the shell (fresh or frozen) shall be sold by weight (including the weight of the shell, but not including the liquid or ice packed with them), dry measure (e.g., bushel), or count. In addition, size designations may be provided.

14.4.3.2. Whole clams, mussels, oysters, or other mollusks on the half shell (fresh, cooked, smoked, or frozen, with or without sauces or spices added) shall be sold by weight (excluding the weight of the shell) or by count. Size designations may also be provided.

14.4.3.3. Fresh clams, mussels, oysters, or other mollusks removed from the shell and placed in a container shall be sold by fluid volume, with free liquid not to exceed 15% by weight.

14.4.3.4. Processed clams, mussels, oysters, or other mollusks on the half shell (fresh or frozen) shall be sold by net weight excluding the weight of the shell. The term "processed" means removing the meat from the shell and chopping it or cutting it or commingling it with other solid foods.

14.4.3.5. Canned (heat-processed) clams, mussels, oysters, or other mollusks shall be sold by net weight, with free liquid not to exceed 41% by weight for canned oysters.

§ 14.5. Fluid Milk Products.

All fluid milk products, including but not limited to milk, lowfat milk, skim milk, cultured milks, and cream shall be packaged for retail sale only in volumes per subsection 14.5(a), or subsection 14.5(b); provided, that inch-pound sizes less than 1 gill and metric sizes less than 100 milliliters shall be permitted. (Section 3.1-951 - Weights and Measures Law).

(a) Inch-Pound Volumes - 1 gill, 1/2 liquid pint, 10 fluid ounces, 1 liquid pint, 1 liquid quart, 1/2 gallon, 1 gallon, 1-1/2 gallons, 2 gallons, 2-1/2 gallons, or multiples of 1 gallon.

(b) Metric Volumes - 125 milliliters, 250 milliliters, 500 milliliters, 1 liter, or multiples of 1 liter.

14.6. Other Milk Products.

Cottage cheese, cottage cheese products, and other milk products that are solid, semi-solid, viscous, or a mixture of solid and liquid, as defined in the Pasteurized Milk Ordinance of the United States Public Health Service, as amended in 1965, shall be sold in terms of weight; Provided, that cottage cheese, cottage cheese products, sour cream, and yogurt shall be packaged for retail sale only in weights per subsection 14.6(a) or subsection 14.6(b). And provided further, that, multipack or single serving inch-pound sizes of 6 ounces or less shall be sold only in whole ounces increments and that metric sizes of 200 grams or less shall be sold only in 25-gram increments.

(a) Inch-Pound Weights - 8, 12, 16, 24, 32, 64, 80, and 128 ounces avoirdupois. And provided further that an 18 ounce size of yogurt may be packed for retail sale.

(b) Metric Weights - 250, 375, 500, 750 grams; 1, 2, and 4 kilograms.

(Standard package sizes shall apply to low fat and dry curd cottage cheese products.)

14.6.1. Factory Packaged and Hand Packed Ice Cream and Similar Frozen Products.

Ice cream, ice milk, frozen yogurt, and similar products shall be kept, offered or exposed for sale, or sold in terms of fluid volume.

14.7. Pickles.

The declaration of net quantity of contents on pickles and pickles products, including relishes but excluding one or two whole pickles in a transparent wrapping which may be declared by count, shall be expressed in terms of liquid measure. Sales of pickles from bulk may be by count.

14.8. Pricing of Bulk Food Commodities.

Bulk food commodities or food commodities not in package form and sold by weight shall be priced in terms of whole units of weight and not in common or decimal fractions.

14.9. Ready-To-Eat Food.

The following may be sold by weight, measure, or count:

(a) Items sold for consumption on the premises;

(b) Items sold as one of three or more different elements, excluding condiments, comprising a

ready-to-eat meal sold as a unit, for consumption elsewhere than on the premises where sold;

(c) Ready-to-eat chicken parts cooked on the premises but not packaged in advance of sale;

(d) Sandwiches and sandwich-like commodities when offered or exposed for sale on the premises where packed or produced and not intended for resale.

§ 15. Nonfood Products.

15.1. Coatings.

Asphalt paints, coatings, and plastic shall be sold in terms of liquid measure.

15.2. Fireplace and Stove Wood.

For the purpose of this regulation, this section shall apply to the sale of all wood, natural and processed, for use as fuel.

15.2.1. Definitions.

15.2.1.1. "Fireplace and Stove Wood." Any kindlings logs, boards, timbers or other wood, split or not split, advertised, offered for sale, or sold as fuel.

15.2.1.2. "Cord." The amount of wood which is contained in a space of 128 cubic feet, when the wood is ranked and well stowed. For the purpose of this regulation, "ranked and well stowed" shall be construed to mean that pieces of wood are placed in a line or row, with individual pieces touching and parallel to each other, and stacked in a compact manner.

15.2.1.3. "Representation." Any advertisement, offering, invoice, or the like that pertains to the sale of fireplace or stove wood.

15.2.2. "Identity." A representation may include a declaration of identity that indicates the species group (Example: 50% hickory, 50% miscellaneous softwood). Such a representation shall indicate, within 10% accuracy, the percentages of each group.

15.2.3. "Quantity." Wood, of any type, for use as fuel shall be advertised, offered for sale and sold only by measure, using the term "cord" and fractional parts of a cord, or the cubic meter; except that wood, natural or processed, offered for sale in packaged form shall display the quantity in terms of cubic feet, to include fractions of cubic feet or cubic meters, to include decimal fractions of cubic meters. A single log may be sold by weight or count. Packages of individual logs containing less than 4 cubic feet (1/32 cord) if sold by inch-pound volume, or less than one-tenth cubic meter if sold by metric volume may be sold by net weight plus count.

15.2.4. "Prohibition of Terms." The terms "face cord," "rack," "pile," "truckload," or terms of similar import shall not be used when advertising, offering for sale, or selling wood for use as fuel. An agreement after visual inspection, between buyer and seller in the sale of fireplace or stove wood by the "truckload" shall be permitted.

15.2.5. "Delivery Ticket or Sales Invoice." A delivery ticket or sales invoice shall be presented by the seller to the purchaser whenever any nonpackaged fireplace or stove wood is sold. The delivery ticket or sales invoice shall contain at least the following information:

(a) The name and address of the vendor;

(b) The name and address of the purchaser;

(c) The date delivered;

(d) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity;

(e) The price of the amount delivered.

15.3. Peat and Peat Moss.

Applies only with respect to organic matter of geological origin, excluding coal and lignite, originating principally from dead vegetative remains through the agency of water in the absence of air and occurring in a bog, swampland, or marsh, and containing an ash content not exceeding 25% on a dry-weight basis (dried in an oven at 105°C (221°F) until no further weight loss can be determined).

15.3.1. Declaration of Quantity.

The declaration of quantity of peat and peat moss shall be expressed in weight units or in cubic-measure units.

15.3.2. Units.

15.3.2.1. Weight.

Peat and peat moss sold in terms of weight shall be offered or exposed for sale only in pounds and/or kilograms.

15.3.2.2. Cubic Measure. Peat and peat moss sold in terms of cubic measure shall be offered and exposed for sale only in cubic feet and/or liters. If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration shall represent the quantity in the compressed state and the quantity from which the final product was compressed (the latter declaration not exceeding the actual amount of material that can be recovered.)

15.4. Prefabricated Utility Buildings.

Proposed Regulations

These buildings shall be offered for retail sale on the basis of usable inside space as follows:

- (a) Length, measured from inside surface of wall panels at the base;
- (b) Width, measured from inside surface of wall panels at the base;
- (c) Height, measured from the base to the top of the shortest wall panel.

(Inside dimensions in inch-pound units shall be declared to the nearest inch; inside dimensions in metric units shall be declared to the nearest 0.01 meter.)

If total usable inside space is declared in a supplemental declaration, it shall be to the nearest cubic decimeter or cubic foot.

15.5. Roofing and Roofing Material.

Shall be sold either by the square or by the square foot only if sold in inch-pound units or by the square meter only if sold in metric units.

15.5.1. Definitions.

15.5.1.1. "Square Meter." The quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover one square meter exclusive of side laps or side joints.

15.5.1.2. "Square." The quantity of roofing or roofing material that, when applied according to directions or instructions of the manufacturer, will cover an area of 100 square feet exclusive of side laps or side joints; provided that, in the case of roofing or roofing material of corrugated design, the side lap or side joint shall be one full corrugation.

15.5.1.3. "Square Foot." The quantity of roofing and roofing material that, when applied according to the directions or instructions of the manufacturer, will cover 1 square foot (144 square inches) exclusive of side laps or side joints.

15.5.2. "Declaration of Quantity." When the declaration of quantity on a package of roofing or roofing material contains the term "square," it shall include, plainly and conspicuously, a numerical definition of the term "square;" for example, "One square covers 100 square feet of roof area."

15.5.2.1. "Common Fractions." The use of the common fraction one-third (1/3) is specifically authorized in the quantity statement of a package of roofing or roofing material when, and only when, used as the common fraction of the "square."

15.5.2.2. "Quantity Statement." The primary declaration if in inch-pound units shall only be in terms of squares or square feet and if in metric units shall only be in terms of square meters. There is no prohibition against the use of supplementary quantity declarations, such as shingle dimensions but in no case shall the weight of the material be stated or implied. However, the use of numerical description for rolls of felt roofing material may continue to be used.

15.6. Sealants.

Calking compounds, glazing compounds and putty shall be sold in terms of liquid measure except that rope calk shall be sold by weight.

15.7. Softwood Lumber.¹¹

Applies to softwood boards, timbers, and dimension lumber that have been dressed on four sides, but shall not apply to rough lumber, to lumber that has been matched, patterned, or shiplapped, or to lumber remanufactured or joined so as to have changed the form or identity, such as individual, assembled, or packaged millwork items.

15.7.1. Definitions.

15.7.1.1. "Dressed (Surfaced) Lumber." Lumber that has been dressed (or surfaced) for the purpose of attaining smoothness of surface and uniformity of size.

15.7.1.2. "Boards." Lumber 1-1/4 inches or less in actual thickness and 1-1/2 or more inches in actual width. Lumber less than 1-1/2 inches in actual width may be classified as strips.

15.7.1.3. "Timbers." Lumber 1-1/2 or more inches in least actual dimension. Timber may be classified as beams, stringers, posts, caps, sills, girders, purlins, etc.

15.7.1.4. "Dimension Lumber." Lumber from 1-1/2 inches to, but not exceeding, 4-1/2 inches in actual thickness, and 1-1/2 or more inches in actual width. Dimension lumber may be classified as framing, joists, planks, rafters, studs, small timbers, etc.

15.7.1.5. "Rough Lumber." Lumber that has not been dressed but which has been sawed, edged, and trimmed at least to the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length.

15.7.1.6. "Matched Lumber." Lumber that has been worked with a tongue on one edge of each piece and a groove on the opposite edge to provide a close tongue-and-groove joint by fitting two pieces together; when end-matched, the tongue and groove are worked in the ends also.

15.7.1.7. "Patterned Lumber." Lumber that is shaped to a pattern or to a molded form, in addition to being dressed, matched, or shiplapped, or any combination of these workings.

15.7.1.8. "Shiplapped Lumber." Lumber that has been worked or rabbeted on both edges of each piece to provide a close-lapped joint by fitting two pieces together.

15.7.1.9. "Grade." The commercial designation assigned to lumber meeting specifications established by a nationally recognized grade rule writing organization.

15.7.1.10. "Species." The commercial name assigned to a species of trees.

15.7.1.11. "Species Group." The commercial name assigned to two or more individual species having similar characteristics.

15.7.1.12. "Representation." Any advertisement, offering, invoice, or the like that pertains to the sale of lumber.

15.7.1.13. "Minimum Dressed Sizes (Width and Thickness)." The standardized width and thickness at which lumber is dressed when manufactured in accordance with the United States Department of Commerce Voluntary Product Standard 20-70, "American Softwood Lumber Standard," and regional grading rules conforming to VPS 20-70. (See Table 1.)

15.7.2. "Identity." Representations shall include a declaration of identity that specifies the grade or grades, species or species group, and whether the lumber is unseasoned (green) or dry.

15.7.3. "Quantity." Representations shall be in terms of the number of pieces, the minimum dressed width and thickness, the length of individual pieces, or the lineal footage, except that:

(a) The use of nominal dimensions shall be allowed when used in conjunction with the required minimum dressed sizes and actual length.

(b) With respect to all invoices, a table of minimum dressed sizes may appear on the reverse side of the invoice, so long as appropriate reference to the table is prominently and conspicuously shown on the face of the invoice.

TABLE 1.
SOFTWOOD LUMBER SIZES.

Minimum standard dressed sizes at the time of manufacture for both unseasoned (green) and dry lumber as published by the United States Department of

Commerce in Product Standard 20-70.

Product Classification (Normal Size)	Minimum Dressed Sizes (See Note 2)	
	Unseasoned Inches	Dry Inches
Dimension Lumber		
2 x 4	1-9/16 x 3-9/16	1-1/2 x 3-1/2
2 x 6	1-9/16 x 5-5/8	1-1/2 x 5-1/2
2 x 8	1-9/16 x 7-1/2	1-1/2 x 7-1/4
2 x 10	1-9/16 x 9-1/2	1-1/2 x 9-1/4
2 x 12	1-9/16 x 11-1/2	1-1/2 x 11-1/4
(See Note 1)		
Board Lumber		
1 x 4	25/32 x 3-9/16	3/4 x 3-1/2
1 x 6	25/32 x 5-5/8	3/4 x 5-1/2
1 x 8	25/32 x 7-1/2	3/4 x 7-1/4
1 x 10	25/32 x 9-1/2	3/4 x 9-1/4
1 x 12	25/32 x 11-1/2	3/4 x 11-1/4

Note 1. The dry thicknesses of nominal 3" and 4" lumber are 2 1/2" and 3 1/2"; unseasoned thicknesses are 2 9/16" and 3 9/16". Widths for these thicknesses are the same as shown above.

Note 2. Product Standard 20-70 defines dry lumber as being 19% or less in moisture content and unseasoned lumber as being over 19% moisture content. The size of lumber changes approximately 1% for each 4% change in moisture content. Lumber stabilizes at approximately 15% moisture content under normal use conditions.

15.8. Polyethylene Products. Consumer products offered and exposed for sale at retail shall be sold in terms of:

15.8.1. Sheeting and Film.

- (a) Length and width.
- (b) Area in square feet or square meters.
- (c) Thickness.
- (d) Weight.

15.8.2. Food Wrap.

- (a) Length and width.
- (b) Area in square feet or square meters.

15.8.3. Lawn and Trash Bags.

- (a) Count.
- (b) Dimensions.
- (c) Thickness.

15.8.4. Food and Sandwich Bags.

Proposed Regulations

- (a) Count.
- (b) Dimensions.

Products not intended for the retail consumer shall be offered and exposed for sale in terms of:

15.8.5. Sheeting and Film.

- (a) Length.
- (b) Width.
- (c) Thickness.
- (d) Weight.

15.8.6. Bags.

- (a) Count.
- (b) Dimensions.
- (c) Thickness.
- (d) Weight.

15.8.7. Declaration of Weight.

The labeled statement of weight for polyethylene products under subsections 15.8.1, 15.8.5, and 15.8.6 shall be not less than the weight calculated by using the following formula:

$W = T \times A \times 0.03613 \times D$, where

W = net weight in pounds

T = nominal thickness in inches

A = nominal length in inches times nominal width in inches

D = density in grams per cubic centimeter as determined by ASTM Standard D1505-68 "Standard Method of Test for Density of Plastics by the Density Gradient Technique" (or latest issue).

0.03613 is a factor for converting g/cm³ to lb/in³.

15.9. Insulation.

15.9.1. Packaged Loose-Fill Insulation Except Cellulose. Packaged loose-fill insulation, except cellulose, shall declare the net weight with no qualifying statement; each package must contain at least the stated weight. In addition, the following information shall be supplied on the package: minimum thickness, maximum net coverage area, number of bags per 1000 square feet, and minimum weight per square foot at R-values of 11, 19, and 22. This information shall also be supplied for any additional R-values listed.

15.9.2. Packaged Loose-Fill Cellulose Insulation. The principal display panel of packaged loose-fill cellulose insulation shall declare the net weight with no qualifying statement; each package must contain at least the stated weight. In addition, the following information shall be supplied on the package: minimum thickness, maximum net coverage area, number of bags per 100 square feet, and minimum weight per square foot at R-values of 13, 19, 24, 32, and 40. This information shall also be supplied for any additional R-values listed.

15.9.3. Batt and Blanket Insulation. The principal display panel of packaged batt or blanket insulation shall declare the square feet of insulation in the package, and the length and width of the batt or blanket. In addition, R-value and thickness shall be declared on the package.

15.9.4. Installed Insulation. Installed insulation must be accompanied by a contract or receipt. For all insulation except loose fill and aluminum foil, the receipt must show the coverage area, thickness, and R-value of the insulation installed. For loose-fill, the receipt must show those three items plus the number of bags used. For aluminum foil, the receipt must show the number and thickness of the air spaces, the direction of heat flow, and R-value. The receipt must be dated and signed by the installer.

EXAMPLE: This is to certify that the insulation has been installed in conformance with the requirements indicated by the manufacturer to provide a value of R-19 using 31.5 bags of insulation to cover a 1500 square foot area. Signed and dated.

15.10. Liquefied Petroleum Gas Cylinder Tare Weights. Whenever stamped tare weights on cylinders are employed in the sale of liquefied petroleum gas, the following shall apply:

15.10.1. Allowable Difference. The allowable difference between the actual tare weight and the stamped tare weight for a new or used cylinder shall be 1% of the actual tare weight. The tare weight shall include the weight of the cylinder (including paint), valve, and other permanent attachments. The weight of a protective cap shall not be included in tare or gross weights.

15.10.2. Average Requirement. The tare weights of cylinders at a single place of business found to be in error predominantly in a direction favorable to the seller and near the allowable difference limit shall be considered to be not in conformance with these requirements.

15.11. Bark Mulch. All bark mulch shall be sold, offered, or exposed for sale in terms of volume measure: in inch-pound units, in terms of the cubic yard or cubic foot; in metric units, in terms of the cubic meter or liter.

§ 16. GENERAL.

16.1. Presentation of Price. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count for any commodity includes a fraction of a cent, all elements of the fraction shall be prominently displayed, and the numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half of the height and width of the numerals representing the whole cent. (Sec. 3.1-949 Weights and Measures Law)

16.2. Allowable Differences: Combination Quantity Declarations. Whenever the method of sale for a bulk or packaged commodity requires the use of a statement, that includes count in addition to weight, measure, or size, the following shall apply to the particular commodity:

16.2.1. Beverageware: Pressed and Blown Tumblers and Stemware. The allowable difference between actual and declared capacity shall be:

(a) For Inch-Pound:

(1) Plus or minus 1/4 fluid ounce for items of 5 fluid ounce capacity or less;

(2) Plus or minus 5 % of the stated capacity for items over 5 fluid ounce capacity.

(b) For Metric:

(1) Plus or minus 10 milliliters for items of 200 milliliter capacity or less;

(2) Plus or minus 5% of the stated capacity for items over 200 milliliter capacity.

16.3. Machine Vended Commodities. All vending machines dispensing packaged commodities shall indicate:

(a) Product identity.

(b) Net Quantity.

(c) Name, address, and telephone number of responsible party.

The requirements for product identity and net quantity can be met either by display of the package or by information posted on the outside of the machine.

16.4. Railroad Car Tare Weights. Whenever stenciled tare weights on freight cars are employed in the sale of commodities or the assessment of freight charges, the following conditions and requirements shall apply:

16.4.1. Newly or Restenciled Tare Weights. All newly stenciled or restenciled tare weights shall be accurately represented to the nearest 100 pounds for inch-pound units and the nearest 50 kilograms for

metric units and the representation shall include the date of weighing.

16.4.2. Allowable Differences. The allowable difference between actual tare weight and stenciled tare weight on freight cars in use shall be per subsection 16.4.2(a) or subsection 16.4.2(b).

(a) Inch-pound allowable difference:

(1) Plus or minus 300 pounds for cars 50,000 pounds or less;

(2) Plus or minus 400 pounds for cars over 50,000 pounds to and including 60,000 pounds;

(3) Plus or minus 500 pounds for cars over 60,000 pounds.

(b) Metric allowable difference:

(1) Plus or minus 150 kilograms for cars 25,000 kilograms or less;

(2) Plus or minus 200 kilograms for cars over 25,000 kilograms to and including 30,000 kilograms;

(3) Plus or minus 250 kilograms for cars over 30,000 kilograms.

16.4.3. Change of Stenciled Weights. Tare weight determinations for verification or change of stenciled weights shall only be made on properly prepared and adequately cleaned freight cars.

16.4.5. Responsibility For Reweighing and Restenciling. Tank cars, covered hopper cars, flat cars equipped with multideck racks, or special superstructure, mechanical refrigerator cars, and house-type cars equipped with special lading protective devices must be reweighed and restenciled only by owners or other authorized representatives:

(a) When car bears no light weight (empty weight) stenciling;

(b) When repairs or alterations result in a change of weight in excess of the permissible lightweight tolerance.

§ 17. Exemptions From Sealing or Marking and/or Annual Retesting of Weights and Measures Devices.

17.1. Weights and Measures Specifically Exempted. The weights and measures listed below shall be specifically exempted from the sealing and marking requirements of §§ 3.1-926 and 3.1-934, Title 3.1, Chapter 35 of the Code of Virginia.

17.1.1. Measure containers.

Proposed Regulations

17.2. Annual Retesting Exemption. The weights and measures listed below shall be specifically exempted from the annual retesting requirements of §§ 3.1-926 and 3.1-928 of Title 3.1, Chapter 35 of the Code of Virginia, and shall be retested only as required:

17.2.1. Vehicle tanks used as measures.*

17.2.2. Farm milk tanks.*

17.2.3. Liquid measures.*

17.2.4. Glass graduates.*

17.2.5. Measures containers.*

17.2. 6. Linear measures.*

17.2. 7. Dry measures.*

* Whenever an item of this class is damaged, repaired, or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.

§ 18. Weighing Tobacco in Auction Warehouses.

18.1. Sale By Net Weight - Value of Minimum Graduation. All tobacco received at tobacco auction warehouses for the purpose of sale must be weighed and sold on the basis of net weight, and shall be weighed on approved scales. The value of the minimum graduated interval on the main-weighbeam elements, on the tare-weighbeam elements, and on the reading face elements of scales in tobacco weighing service shall be not greater than one pound. The weighbeam or any other device or mechanism that is used to set the tare weight of the pushcart, dollies, baskets and/or sheets shall be completely enclosed.

18.2. Variation Permitted in Basket or Truck. In markets where baskets and trucks used in placing tobacco on the warehouse floor are represented as being of an average weight and uniform weight deductions are made to determine net weight, no basket or truck shall vary more than one-half pound either above or below the true average weight. If uniform weight deductions are made for the average weight of the basket and truck, the scale shall be balanced at the average weight of trucks and baskets used by back-balancing the scale. Each warehouse operation using baskets shall have (available at the warehouse at least 8 week prior to the opening date of each sales season) a reasonable number (but not less than 100) of baskets on which the average weight can be determined by the Weights and Measures Inspector.

18.3. Baskets Required To Be Marked. In markets where baskets are not represented as being of an average weight, or where baskets vary more than 1/2 pound from the average weight of baskets used, each such basket shall be

plainly marked with its correct weight, and this weight shall be deducted from the gross weight at the time of weighing. In all such markets, scales shall be balanced at the average weight of the truck only by back-balancing the scale. No warehouse truck shall vary more than 1/2 pound either above or below the true average weight.

18.4. Scale Ticket Requirements. All baskets or other containers of tobacco weighed and placed on the warehouse floor for the purpose of sale shall be accompanied by a scale ticket on which there shall be plainly and conspicuously stated the name of the seller and the net weight of the tobacco. The date of weighing and the initials of the weighmasters must be shown on each floor sheet (Tobacco Sale Bill). The seller shall be given a copy of this floor sheet at the time the tobacco is weighed.

18.5. Weigh To The Nearest Whole Pound. All tobacco weighed for the purpose of sale, offering for sale, or sold, including "House" and/or "Speculators" tobacco, shall be weighed and recorded accurately to the nearest whole pound.

18.6. Reworked or Resale Tobacco. All "reworked" or "resale" tobacco must be reweighed before it is again offered or exposed for sale.

18.7. Weighmaster Name and Address To be Posted. In all tobacco warehouse offices, the full name and complete address (residence) of all weighmasters shall be posted. Each weighmaster shall personally initial the posted lists with the same initials he will use on floor sheets.

18.8. Record Retention. It shall be the duty of every tobacco auction market manager to retain a copy of all records, including sales coupons, weight tickets, accounts of sales, and other records covering each transaction, for a period of three years. This copy shall be available for, and open to, the confidential inspection of the Commissioner of Agriculture and Consumer Services, or his authorized agents at all times.

§ 19. Regulation Requiring Delivery Ticket.

19.1. Requirements For Delivery Tickets. All coal, coke, charcoal, agricultural limestone (whether burnt or unburnt), and fertilizer shall be sold by weight. Unless the product is delivered to the purchaser in package form, each delivery to an individual purchaser shall be accompanied by duplicate delivery tickets on which, in ink or other indelible substance, there shall be clearly stated:

(a) The name and address of the vendor,

(b) The name and address of the purchaser, and

(c) The net weight of the delivery and the gross and tare weight from which the net weight is computed, each expressed in pounds.

However, on any agricultural commodity, produce, sand, gravel, or any other commodity product or merchandise that is being sold in bulk form by weight, the gross and tare weights need not appear on the delivery ticket. The net weight may be expressed in pounds or kilograms. One of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the product, or shall be surrendered on demand to the Commissioner of Agriculture and Consumer Services or his assistant, or an inspector, or sealer. If the official desires to retain the ticket as evidence, a substitute weight slip shall be given to the purchaser. However, if the purchaser carries away the purchase, the vendor shall be required only to give to the purchaser a delivery ticket at the time of sale stating the number of pounds of product delivered.

20. Exemption for Users of Vehicle Scales.

A vehicle scale shall not be used for weighing gross loads smaller than 50d (d = scale division).

Users of vehicle scales for other than livestock and grain shall be exempt from the minimum net load requirement (50 scale divisions) of U.R.3.7 of the Scale Code, National Bureau of Standards Handbook 44, 1989 Edition.

FOOTNOTES

¹ Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first.

² Packages entering interstate commerce are restricted by federal regulations to two decimal place quantity declarations. For example, see 9 CFR § 317.2(h)(5) for meat and meat products, 21 CFR § 101.105(j)(2) for non-meat and non-poultry foods, and 16 CFR § 500.9(b) for certain non-food consumer commodities.

³ Note: Although nonconsumer packages under this regulation might bear only metric declarations, this regulation should not be construed to supersede any labeling requirement specified in federal law.

⁴ Open multi-unit retail food packages under the authority of the Food and Drug Administration or U.S. Department of Agriculture that do not obscure the number of units or prevent examination of the labeling on each of the individual units are not required to declare the number of individual units or the total quantity of contents of the multi-unit package if the labeling of each individual unit complies with requirements so that it is capable of being sold individually. (See also Subsection 11.12)

⁵ In addition, the average net contents of lots, shipments, or deliveries must equal or exceed the labeled net contents. See Section 12.1.

⁶ ASTM Standard D-4397-84, "Specification for Polyethylene Sheeting for Construction, Industrial and Agricultural Applications", 1984.

⁷ The average thickness of a single package of polyethylene sheeting, film, or bags may be as much as 7% below the labeled thickness, i.e., at least 93% of the labeled thickness.

⁸ Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first.

⁹ Oleomargarine and margarine are not permitted in multiples of one pound, 500 grams, or multiples of 500 grams because Section 407(b)(2) of the Federal Food, Drug, and Cosmetic Act prohibits margarine and oleomargarine packaged in sizes greater than one pound.

¹⁰ See § 14.9 for additional requirements for ready-to-eat food.

¹¹ Values in metric units for softwood lumber will not be added until a new standard is developed to cover metric softwood lumber.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

Title of Regulation: VR 130-01-2. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.

Statutory Authority: § 54.1-404 of the Code of Virginia.

Public Hearing Date: April 12, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The board proposes to repeal the existing regulation and promulgate new regulations to establish the minimum qualifications necessary for licensure, certification or registration of architects, professional engineers, land surveyors and landscape architects, as well as the professional corporations and business entities offering such professional services. Standards of practice and conduct have also been established.

VR 130-01-2. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.

PART I. GENERAL DEFINITIONS.

§ 1.1. As used in these regulations, unless the context requires a different meaning:

"Direct control and supervision" shall be that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his supervision.

Proposed Regulations

"Full time" means 60% or more of a licensee's gainfully employed time.

"Good moral character" shall include, but shall not be limited to, compliance with the standards of practice and conduct as set forth in these regulations.

"Landscape architecture" means certified landscape architecture.

"License" means certificate, certificate of authority, or registration.

"Licensee" means certificate holder or registrant.

"Place of business" means any location which offers to practice or practices through licensed professionals the services of architecture, professional engineering, land surveying and landscape architecture. A field office set up for temporary construction-related services is not a place of business.

"Responsible charge" means the direct control and supervision of the practice of architecture, professional engineering, land surveying and landscape architecture.

PART II. GENERAL ENTRY REQUIREMENTS.

§ 2.1. Application requirements.

A. Fully documented applications shall be submitted by applicants seeking consideration for licensure with the appropriate fee(s) (check or money order only made payable to the Treasurer of Virginia) to be received in the board's office no later than 120 days prior to the scheduled examination. The date the completely documented application and fee are received in the board's office shall determine if an application has been received by the deadline set by the board. All applications should be completed according to the instructions contained herein. Applications are not considered complete until all required documents, including but not limited to references, employment verifications and verification of registration are, received by the board. All applications, accompanying materials and references are the property of the board.

B. Applicants shall meet applicable entry requirements at the time application is made.

C. Applicants who have been found ineligible for any reason, may request further consideration by submitting in writing evidence of additional qualifications, training or experience. No additional fee will be required provided the requirements for licensure are met within a period of three years from the date the original application is received by the board. After such period, a new application shall be required.

D. The board may make further inquiries and

investigations with respect to the qualifications of the applicant and all references, etc., to confirm or amplify information supplied. The board may also require a personal interview with the applicant.

E. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

F. Applicants shall be held to the same standards of practice and conduct as set forth in these regulations.

G. National council information.

1. Architect applicants may obtain information concerning NCARB certification and the Intern Development Program from:

National Council of Architectural Registration Boards
(NCARB)
1735 New York Avenue, N.W., Suite 700
Washington, DC 20006
(202) 783-6500

2. Engineer and land surveyor applicants may obtain information concerning NCEES certificates from:

National Council of Examiners for Engineering and
Surveying
(NCEES)
P.O. Box 1686
Clemson, South Carolina 29633-1686
(803) 654-6824

3. Landscape architect applicants may obtain information concerning CLARB registration from:

Council of Landscape Architectural Registration
Boards
(CLARB)
4 Adler Drive, Suite 6
East Syracuse, New York 13057
(315) 463-4545

§ 2.2. Determining qualifications of applicants.

In determining the qualifications of an applicant for a license as an architect, a majority vote of only the architect members of the board shall be required. In determining the qualifications of an applicant for a license as a professional engineer, a majority vote of only the professional engineer members of the board shall be required. In determining the qualifications of an applicant for a license as a land surveyor, a majority vote of only the land surveyor members of the board shall be required, and in determining the qualifications of an applicant for certification as a landscape architect, a majority vote of only the certified landscape architect members shall be

required.

§ 2.3. Good standing of comity applicants.

An applicant licensed to practice architecture, professional engineering, land surveying or landscape architecture in another jurisdiction shall be in good standing in every jurisdiction where licensed, and shall not have had a license suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in another jurisdiction prior to applying for licensure in Virginia.

§ 2.4. Transfer of scores to other boards.

The board, in its discretion and upon proper application, may forward the grades achieved by an applicant in the various examinations given under the board's jurisdiction to any other duly constituted registration board for use in evaluating such applicant's eligibility for registration within such board's jurisdiction or evaluation of such applicant's national certification. The applicant shall state his reason for requesting transfer and such transfer shall terminate the applicant's application pending before the board.

PART III.
QUALIFICATIONS FOR LICENSING OF ARCHITECTS.

§ 3.1. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$40	
Renewal	55	
ARE Exam (all divisions) (1990)	340	(1991) 430
Division A	72	82
Division B written	57	67
Division B graphic	92	102
Division C	125	135
Division D/F	67	77
Division E	52	62
Division G	73	83
Division H	74	84
Division I	71	81
Out of State proctor	50	

§ 3.2. Character.

Applicants must be of good moral character.

§ 3.3. Education.

A. All applicants shall obtain five years of professional

education or equivalent education credits. Education credits shall be calculated in accordance with Table I.

B. On or after January 1, 1993, all applicants shall hold a professional degree in architecture where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) not later than two years after termination of enrollment.

§ 3.4. Experience.

A. All applicants shall have three years of training in the essential areas of architectural practice as defined below. Evidence shall be in the form of official records of a structured internship development program approved by the board, or incorporated in the candidate's application and verified by employers. Experience shall include:

1. A minimum of 18 months in the area of design and construction documents directly related to the practice of architecture;
2. A minimum of five months in the area of construction administration directly related to the practice of architecture; and
3. A minimum of three months in the area of office management directly related to the practice of architecture.

Training credits shall be calculated in accordance with Table I.

B. The Intern-architect Development Program (IDP) shall be required of all applicants on or after January 1, 1993. An applicant shall be enrolled in IDP for a period of one year or more prior to submitting an application for examination in Virginia. IDP training requirements shall be in accordance with Part II of Table I.

§ 3.5. References.

Eligibility for licensure is determined in part by the applicant's demonstrated competence and integrity to engage in the practice of architecture. Applicants shall submit three references with the application, all of whom are licensed architects in a jurisdiction or territory of the United States. These professionals shall have personal knowledge of the applicant's architectural experience and have known the applicant for at least one year. References shall be current for one year.

§ 3.6. Examination.

A. All applicants for original licensing in Virginia are required to pass an Architect Registration Examination (ARE) after meeting the education and training requirements as provided in these regulations.

B. The Virginia board is a member of the National Council of Architectural Registration Boards (NCARB) and

Proposed Regulations

as such is authorized to administer the NCARB examinations.

C. Grading of the examination shall be in accordance with the national grading procedure administered by NCARB. The board shall adopt the scoring procedures recommended by NCARB.

D. The Architect Registration Examination (ARE) will be offered at least once a year at a time designated by the board.

E. The board may approve transfer credits for parts of the examination taken prior to the 1983 ARE. Transfer of credits will be in accordance with national standards.

F. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

G. Examinees will be given specific instructions as to the conduct of each division of the exam at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in voided examination scores or other appropriate disciplinary action.

H. Scores.

Examinees will be advised only of passing or failing the examination. Only the board and its staff shall have access to examination papers, scores and answer sheets.

I. Should an applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

§ 3.7. License by comity.

A. Any person licensed in another state, jurisdiction or territory of the United States may be granted a license without written examination, provided that:

1. The applicant meets all the requirements for licensing in Virginia or possesses an NCARB certificate; and

2. The applicant holds a currently active valid license in good standing in the jurisdiction of original licensure.

3. Applicants who were registered in their base state without IDP must submit a verified record of experience in accordance with § 3.4.

B. The board may accept a currently valid license in good standing from the applicant's current base state if transferred from the jurisdiction of original licensure.

C. Applicants licensed in foreign countries may be granted a license in Virginia based on an NCARB certificate.

A-3 Experience, other than A-2, A-4, A-6, A-7 or A-8, in the design, construction, operation or experience involving physical analyses of existing buildings 0 50% 6 months

A-10 other Education or Training Experience (see P-3.1.2)

EXPLANATION OF REQUIREMENTS

B-1 Education Credits Education Credits shall be subject to the following conditions:

- .1 No education credits may be earned prior to graduation from high school.
- .2 Applicants with the degrees specified in A-1 through A-4 will be allowed the credit shown in the maximum credit allowed column, regardless of the length of the degree program. Applicants without the degree specified in A-1 or A-2 may not accumulate more than 3 years of education credits in the aggregate from all degree programs.
- .3 32 semester credit hours or 48 quarter credit hours are considered to be 1 year. Fractions of 3 year or one-half or greater will be considered one-half year, and smaller fractions will not be counted.
- .4 Foreign education credits will be granted only under classifications A-2 and A-4. No cost of translation and evaluation will be borne by the applicant.

B-2 Training Credits Training credits shall be subject to the following conditions:

- .1 No training credits may be earned prior to accumulating 2 1/2 education credits.
- .2 Every applicant must earn at least one year of training credit under A-5 or A-6 and must earn it after earning 5 years of education credits.
- .3 No credit used as an education credit may be used as a training credit.
- .4 Organizations will be considered to be "offices of registered architects"; (a) the architectural practice of the organization in which the applicant works in the charge of a person practicing as a principal and the applicant works under the direct supervision of a principal; and (b) the organization is not engaged in construction, and (c) the organization may not employ persons in the organization practicing as a principal. Impact upon the person or persons in the organization practicing as a principal.
- .5 An organization (or an affiliate) is engaged in construction if it customarily engages in either of the following activities:
 - (a) providing labor and/or material for all or any significant portion of a construction project, whether on lump sum, cost plus or other basis of compensation.
 - (b) agrees to guarantee to an owner the maximum construction cost for all or any significant portion of a construction project.
- .6 A person practices as a "principal" by being a registered architect and the person in charge of the organization's architectural practice, either alone or with other registered architects.
- .7 In evaluating training credits the board may, prior to licensure, require the applicant to substantiate training experience by certain test questions in the training credit examination as indicated for the Intern-Architect Development Program (IDP). See IDP Training Requirements below.

TABLE 1. REQUIREMENTS FOR ARCHITECTURAL LICENSURE

PART 7. EDUCATION AND TRAINING REQUIREMENTS

EDUCATION AND TRAINING REQUIREMENTS RELEASED: JANUARY, 1990. THIS EDITION SUBSTITUTES ALL PREVIOUS TABLES OF EQUIVALENTS. INTERN-ARCHITECT DEVELOPMENT PROGRAM (IDP) APPLICANTS REFER TO PART 11 FOR THEIR TRAINING REQUIREMENTS. (Complete information may be obtained from board.)

PART 7. EDUCATION AND TRAINING REQUIREMENTS	Education Credits		Training Credits	
	First 2 Succeeding Years	Max. Credit Allowed	Max. Credit Allowed	Max. Credit Allowed
A-1 First professional degree in architecture, or credits toward the first professional degree, which are earned by the board not later than two years after termination of enrollment.	75%	100%	5 years	
A-2 First professional degree in architecture, or credits toward that degree, where the degree program has not been approved by the board.	75%	75%	4 years	
A-3 Bachelor degree, or credits toward that degree, in architectural engineering, architectural technology, or in civil, mechanical, or electrical engineering, or in interior architecture, each of the above being approved by the board.	50%	75%	3 years	
A-4 Any other bachelor degree.			2 years	
A-5 Diversified experience in architecture as an employee in the offices of licensed architects.	50%	50%	5 years	100%
A-6 Diversified experience in architecture as a principal practicing in the office of a licensed architect with a verified record of substantial practice.	50%	50%	5 years	100%
A-7 Diversified experience in architecture as an employee of an organization (other than a firm) in which the applicant works under the direct supervision of a registered architect.	50%	50%	4 years	100%
A-8 Experience directly related to architecture, when under the direct supervision of a licensed architect but not qualifying as diversified experience or when under the direct supervision of a professional architect, interior designer, or planner.	0	0		50%

See P-1.2

Proposed Regulations

B-3 General Evaluation Criteria

B-3 .1 To earn full education or training credits under A-5, A-6, A-7, A-8 and A-9 an applicant must work at least 35 hours per week for a minimum period of ten consecutive weeks under the credit earning criteria of Part I. An applicant may earn one or more credit hours under A-5 for a total of 3-part 30 hours of part-time work in any category other than A-5.

.2 Other education and training may be substituted for the requirements outlined above, only insofar as the board considers them to be equivalent to the required qualifications.

.3 In evaluating credits, the Board may, prior to registration, require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical education and training requirements set forth above.

PART II TRAINING REQUIREMENTS FOR INTER-ARCHITECT DEVELOPMENT PROGRAM (IDP) APPLICANTS

An IDP applicant for registration is a person who has completed the IDP training requirements listed below and satisfied the requirements of Part I.

An IDP Applicant must acquire a total of 700 value units (VU's) to satisfy the training requirements. One VU equals 8 hours of acceptable activity. See Part I for acceptable experience descriptions.

The following chart lists the IDP training categories and areas and the value unit requirements for each.

CATEGORY A

Design and Construction	Minimum VU's Required
1. Programming-Client Contact.....	10
2. Site and Environmental Analysis.....	10
3. Building Cost Analysis.....	10
4. Building Load Analysis.....	10
5. Code Research.....	10
6. Design Development.....	40
7. Construction Documents.....	155
8. Specifications & Materials.....	155
9. Documents Checking and Coordination.....	15
Minimum Total VU's Required	360*

CATEGORY B

Construction Administration	Minimum VU's Required
10. Bidding & Contract Negotiation.....	10
11. Construction Phase-Office.....	15
12. Construction Phase-Operation.....	15
Minimum Total VU's Required	70*

CATEGORY C

Office Management	Minimum VU's Required
13. Office Procedures.....	15
14. Professional Activities.....	10
Minimum Total VU's Required	35*

*The difference between the minimum total VU's required in each of categories A, B and C and the sum of the minimums required in each training area within the category must be covered within the same category training areas within the same category.

CATEGORY D

Related Special Activities	Minimum VU's Required
Minimum Total VU's Required	0

The above listing of required minimums in categories A, B and C totals 695 VU's allowing for 35 additional VU's to be acquired in any of the listed categories. All of the 35 additional VU's may be acquired in one category or distributed among the categories.

Explanation of Requirements

- VU's in categories A, B and C may be acquired only if the applicant meets the time requirements of B-3.1 of Part I. VU's may be acquired in category D only if the activity is substantial and continuous.
 - Part I credit is earned for acceptable full-time employment in the settings described in A-8 and A-9 of Part I, and for acceptable part-time employment in the setting described in A-5 of Part I.
- 30 VU's may be acquired prior to satisfactory completion of:
 - three years in an IABE accredited bachelor degree program, or
 - the third year of a four year pre-professional degree program in architecture accepted for direct entry to an IABE accredited master's degree program, or
 - one year in an IABE accredited master's degree program, or
 - 96 semester credit hours in a program with NCARB Circular of Information No. 3 of which no more than 60 hours can be in the general education category or
 - five education credits as of June 30, 1994.
- 32 semester credit hours or 48 quarter credit hours shall equal one year in an academic program.
 - A master's or doctoral degree in architecture (except where the degree is the first professional degree) qualifies for 235 VU's under category B.
- An IDP applicant may earn VU's by completing NCARB-approved supplementary education programs; credit to be satisfied by a number of credits established by NCARB. Supplementary education credits may be used to satisfy the minimum VU's required in Part I. No credit may be earned for supplementary education prior to meeting the requirements of A-1 of Part I or while enrolled in a second professional degree program in architecture.
- The VU's which may be earned under paragraph 3 and 4 may not exceed in the aggregate 235 VU's.
 - To satisfy categories A and B of the training requirements, VU's (including VU's earned from supplementary education) in those categories must be acquired when employed in the settings described in A-5 or A-7 of Part I.
- A minimum of 235 VU's must be acquired in the setting described in A-5 of Part I after having satisfied A-1.
- In evaluating training, NCARB may, prior to certification, require substantiation of the quality and character of the training notwithstanding the fact that the IDP applicant has acquired within the technical training requirements set forth above.
- For detailed descriptions of the IDP training categories and supplementary education requirements, see IDP Guidelines available through NCARB.

PART IV. QUALIFICATIONS FOR LICENSING OF PROFESSIONAL ENGINEERS.

§ 4.1. Definitions.

The following definitions shall apply in the regulations relating to the licensing of professional engineers.

"Approved engineering curriculum" means an engineering curriculum of four years or more approved by the board. ABET approved engineering curricula are approved by the board.

"Approved engineering technology curriculum" means an ABET approved engineering technology curriculum.

"Approved professional experience" means a specific record of acceptable professional experience which the board, in its discretion, judges to be pertinent in acquiring engineering skills, on engineering projects of a grade and character indicating that the applicant may be competent to practice engineering.

"Engineering examination" means an eight-hour written examination in the Fundamentals of Engineering and an eight-hour written examination in the Principles and Practice of Engineering where required.

"Engineer-in-training (EIT) designation" means the designation of an applicant who completes any one of several combinations of education, or education and experience, and passes the Fundamentals of Engineering examination.

§ 4.2. Fee schedule.

All fees are nonrefundable and shall not be prorated.

FE Application	\$25
PE Application	50
Renewal	45
FE Examination	65
PE Examination	90
PE Exam rescore	50
FE/PE Out of State Proctor	50

§ 4.3. Character.

Applicants must be of good moral character.

§ 4.4. Requirements for engineer-in-training (EIT) designation.

The minimum education, experience and examination

requirements for the engineer-in-training (EIT) designation are as follows:

1. An applicant who has graduated from an approved engineering or approved engineering technology curriculum of four years or more and has passed an eight-hour written examination in the Fundamentals of Engineering; or

2. An applicant who has graduated from a nonapproved engineering curriculum or a related science curriculum of four years or more, with a specific record of two or more years of approved professional experience and has passed the Fundamentals of Engineering examination; or

3. An applicant who has graduated from a nonapproved engineering technology curriculum or who has not graduated from an engineering or related science curriculum of four years or more but who, in the judgment of the board, has obtained the equivalent of such graduation as described, by self-study or otherwise, and has acquired six additional years of approved professional experience and has passed the Fundamentals of Engineering examination. Experience used to determine educational equivalency shall not be used in satisfying professional experience.

The engineer-in-training (EIT) designation shall remain valid indefinitely.

§ 4.5. Requirements for professional engineering license.

The minimum education, experience and examination requirements for licensing as a professional engineer are as follows:

1. An applicant who has graduated from an approved engineering curriculum, has passed the Fundamentals of Engineering examination or an equivalent exam, has a specific record of at least four years of progressive approved professional experience, and has passed the Principles and Practice of Engineering examination; or

2. An applicant who has graduated from a nonapproved engineering curriculum, a related science curriculum of four years or more, or an approved engineering technology curriculum, who has passed the Fundamentals of Engineering examination or an equivalent exam, has acquired a specific record of at least six years of progressive approved professional experience, and has passed the Principles and Practice of Engineering examination; or

3. An applicant who has not graduated from an approved engineering curriculum of four years or more but who has obtained the equivalent of such graduation by self-study or otherwise, has passed the Fundamentals of Engineering exam or an equivalent

Proposed Regulations

examination, has acquired 10 years of approved professional experience, and has passed the Principles and Practice of Engineering examination. Experience used to determine educational equivalency shall not be used in satisfying professional experience; or

4. An applicant who has graduated from an engineering, engineering technology or related science curriculum of four years or more, who has acquired a specific record of 20 years or more of approved progressive professional experience on engineering projects of a grade and character which the board judges to be pertinent to acquiring professional skills, such that the applicant may be competent to practice engineering, and has passed the examination in the Principles and Practice of Engineering; or

5. An applicant who has graduated from an engineering, engineering technology, or related science curriculum of four years or more, and who has acquired a specific record of 30 years or more of approved progressive professional experience on engineering projects of grade and character which the board judges to be pertinent to acquiring professional skills, demonstrating that the applicant is eminently qualified to practice engineering, shall pass a special oral examination which indicates to the board that the applicant is eminently qualified to practice engineering. If the board has any doubt concerning an applicant's eminent qualifications, the applicant shall be reclassified as an examination candidate.

§ 4.6. References.

A. References for Fundamentals of Engineering examination.

Applicants for the Fundamentals of Engineering examination only shall provide one reference from a professional engineer, or from the dean of the engineering school or a departmental professor in the school attended by the applicant, or an immediate work supervisor. Any reference provided shall be from a person who has known the applicant for at least one year. References may not also verify professional experience.

B. References for Principles and Practice of Engineering examination.

To be eligible for admission to the Principles and Practice of Engineering examination, an applicant must indicate competence and integrity to engage in the engineering profession by submitting three references with the application, all of whom shall be licensed professional engineers in a state or territory of the United States. The professional engineers providing the references shall have personal knowledge of the applicant's engineering experience and shall have known the applicant for at least one year. References shall be no more than one year old at the time the applicant is approved to take the requisite examination. References may not also verify

professional experience.

§ 4.7. Education.

Any applicant who has attended an institution not located in the United States shall have his degree evaluated by an educational evaluation service or by ABET if credit for such education is sought. The board reserves the right to reject any evaluation submitted by the applicant.

§ 4.8. Training and experience.

Professional engineering training and experience shall be progressive in complexity and based on a knowledge of engineering mathematics, physical and applied sciences, properties of materials, and fundamental principles of engineering design, provided:

1. In general, experience in sales, drafting, estimating, field surveying, nonengineering military service, and inspection are considered nonqualifying;

2. Engineering experience gained by graduate engineering study or by engineering teaching as an instructor or higher in an institution approved by the board may be deemed professional experience;

3. Engineering experience gained during a board-approved co-op program may be deemed professional experience to a maximum of one year of credit; and

4. The board, in its sole discretion, may permit partial credit, not to exceed 1/4 of that required, for approved professional experience obtained prior to graduation from an engineering curriculum.

§ 4.9. Language and comprehension.

Every applicant shall be able to speak and write English. An applicant from a non-English speaking country or a country wherein the primary language is other than English shall submit to the board a TOEFL (Test of English as a Foreign Language) score report with a minimum score of 560, and a TSE (Test of Spoken English) score report with a minimum score of 255. Score reports shall not be over two years old at the time of application.

§ 4.10. Examinations.

A. The Virginia board is a member of the National Council of Examiners for Engineering and Surveying (NCEES) and as such is authorized to administer the NCEES examinations.

B. The Fundamentals of Engineering examination consists of an eight-hour test period on the fundamentals of engineering, and is given semiannually at times designated by the board.

C. The Principles and Practice of Engineering examination consists of an eight-hour test period on applied engineering and is given semiannually at times designated by the board.

D. Grading of the examinations shall be in accordance with national grading procedures established by NCEES.

E. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

F. A candidate eligible for admission to both parts of the examination must first successfully complete the fundamentals of engineering examination before being admitted to the principles and practice of engineering examination.

G. Examinees will be given specific instructions as to the conduct of each examination at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in voided examination scores or other appropriate disciplinary action.

H. Grading.

Each part of the written examination will have a value of 100. A passing score shall be 70 and above. Candidates will be notified of passing or failing and their actual scores.

I. Should an applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

J. Examination reviews.

The Fundamentals of Engineering examination may not be reviewed by the candidates. Examination scores are final and are not subject to change.

Upon written request to the board within 30 days of receiving exam results, candidates for the Principles and Practice of Engineering examination will be permitted to review only their own failed examination. Score appeals may be accepted in accordance with board policy.

§ 4.11. License by comity.

A person holding a license to engage in the practice of engineering, issued to the applicant by another state, territory or possession of the United States, or the District of Columbia, based on requirements that do not conflict with and are at least as vigorous as these regulations and supporting statutes of this board, may be licensed without further examination. No person shall be so licensed, however, who has not passed a written examination in

another jurisdiction which is substantially equivalent to that administered by the board.

PART V. QUALIFICATIONS FOR LICENSING AND STANDARDS OF PROCEDURE FOR LAND SURVEYORS.

§ 5.1. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application for Fundamentals of Surveying	\$35.00
Application for Principles of Surveying	70.00
Renewal	135.00
Fundamentals of Surveying Examination	57.50
Principles of Surveying Examination	57.50
Principles (AM) and/or Colonial Domain Exam	57.50
Virginia State Examination	25.00
Application for Land Surveyor B	70.00
Examination for Land Surveyor B	25.00
Out of State Proctor	50.00

§ 5.2. Character.

Applicants must be of good moral character.

§ 5.3. Requirements for land surveyor-in-training.

The education or experience, or both, and examination requirements for land surveyor-in-training status are as follows:

1. An applicant who has graduated from a surveying or surveying technology curriculum of four years or more approved by the board as being of satisfactory standing shall be admitted to an eight-hour written examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if he is otherwise qualified.

2. An applicant who has graduated from a curriculum related to surveying of four years or more as approved by the board and with a specific record of two years of progressive, approved professional experience in land surveying shall be admitted to an eight-hour examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if he is otherwise qualified.

3. An applicant who has graduated from an unrelated to surveying curriculum of four years or more as acceptable to the board with a specific record of four years of approved professional experience in land

Proposed Regulations

surveying of which three of these years shall be progressive, shall be admitted to an eight-hour examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if he is otherwise qualified.

4. An applicant who has graduated from a surveying curriculum of two years or more approved by the board with a specific record of six years of approved professional experience in land surveying of which four of these years shall be progressive, shall be admitted to an eight-hour written examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if he is otherwise qualified.

5. An applicant who has graduated from high school with evidence of successful completion of courses in algebra, geometry and trigonometry with a specific record of ten years of approved professional experience in land surveying of which eight of these years shall be progressive, shall be admitted to an eight-hour written examination in the Fundamentals of Land Surveying. Applicants who have accumulated college credits but earned no degree may apply credit hours approved by the board to help meet the experience requirement. One year of experience credit will be given for 40 semester hours of approved college credit. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if he is otherwise qualified.

§ 5.4. Requirements for a licensed land surveyor.

A land surveyor-in-training with a specific record of four years of approved professional experience, of which a minimum of three years of progressive experience has been on land surveying projects under the supervision of a licensed land surveyor, shall be admitted to an eight-hour written examination in the Principles and Practice of Land Surveying. Upon passing such examination the applicant shall be granted a license to practice land surveying, provided the applicant is otherwise qualified.

§ 5.5. Requirements for a licensed land surveyor B .

A. An applicant shall hold a valid license as a land surveyor and present satisfactory evidence of two years of progressive professional experience in land surveyor B professional land surveying, as defined in § 54.1-408 of the Code of Virginia, under the supervision and direction of a licensed land surveyor B or professional engineer.

B. An applicant shall also present satisfactory evidence of having passed college level courses in hydraulics, acceptable to the board.

C. An applicant shall pass an eight-hour written examination as developed by the board. Upon passing

such examination the applicant shall be granted a license as a Land Surveyor B, if he is otherwise qualified.

§ 5.6. Education.

Any applicant who has attended an institution not located in the United States shall have his degree evaluated by an education evaluation service if credit for such education is sought. The board reserves the right to reject any evaluation submitted by the applicant.

§ 5.7. Experience standards.

A. "Approved professional experience" means diversified training in land surveying under the supervision and direction of a licensed land surveyor. This experience shall have been acquired in positions requiring the exercise of independent judgment, initiative and professional skill in the office and field. Experience may be gained either prior to or after education is obtained.

B. An applicant shall submit written verification from a licensed land surveyor of work experience from each employment engagement utilized as professional experience on forms provided by the board.

§ 5.8. Examinations.

A. The examination for land surveying under § 54.1-400 of the Code of Virginia shall consist of two parts, each part being of eight hours duration. Part I shall consist of an eight-hour examination in the Fundamentals of Land Surveying. Part II shall consist of a four-hour examination in the Principles and Practice of Land Surveying, a three-hour Colonial Domain examination, and a one-hour Virginia State examination. These examinations shall be given semiannually at times designated by the board.

B. The examination for land surveying under § 54.1-408 of the Code of Virginia (Land Surveyor B) shall be of eight hours duration and shall be given annually at a time designated by the board.

C. Unless otherwise stated, applicants approved to sit for an examination must register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

D. Grading.

Candidates shall be notified of passing or failing but shall not be notified of actual scores. Only the board and its staff shall have access to examination papers, scores and answer sheets. Examinations may not be reviewed.

1. Part I of the written examination shall have a value of 100. The passing grade shall be 70 or above.

2. Each portion of the Part II of the written examination shall have a value of 100. The passing

grade shall be 70 or above.

3. For the Land Surveyor B examination, each applicant must obtain a minimum passing grade of 75 out of 100 for the entire eight-hour examination.

E. Reexamination.

Upon paying for a reexamination fee, an applicant may retake parts of the written examination which may have been failed. Should the applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

§ 5.9. Licensure by comity.

A person holding a license to engage in the practice of land surveying issued on comparable qualifications from a state, territory or possession of the United States and experience satisfactory to the board, will be given comity consideration. Full credit will be given to an applicant who has passed the NCEES examinations for surveyors in other jurisdictions as required in Virginia. However, the applicant may be required to take such examinations as the board deems necessary to determine his qualifications, but in any event, he shall be required to pass a written Virginia State examination of not less than one hour in duration. The examination shall include questions on law, procedures and practices pertaining to land surveying in Virginia.

§ 5.10. Minimum standards and procedures for land boundary surveying practice.

The following minimum standards and procedures are to be used in the Commonwealth of Virginia. The application of the land surveyor's seal and signature as required by these regulations shall be evidence that the boundary survey or other land survey to be used for conveyance of title or mortgage purposes is correct to the best of the land surveyor's knowledge and belief, and complies with the minimum standards and procedures.

A. Research procedure.

The land surveyor shall search the land records for the proper description of the land to be surveyed and obtain the description of adjoining land as it pertains to the common boundaries. The land surveyor shall have the additional responsibility to utilize any other available data pertinent to the survey being performed from any other source that is known. Evidence found, from all sources, shall be carefully compared with that located and found in the field survey in order to establish the correct boundaries of the land being surveyed. It is not the intent of this regulation to require the land surveyor to research the question of title or encumbrances on the land involved.

B. Minimum field procedures.

1. *Angular measurement.* Angle measurements made for traverse or boundary survey lines will be made by using a properly adjusted transit type instrument which allows a direct reading to a minimum accuracy of 30 seconds of arc or metric equivalent. The number of angles turned a given station or corner will be the number which, in the judgment of the land surveyor, can be used to substantiate the average true angle considering the condition of the instrument being used and the existing field conditions.

2. *Linear measurement.* Distance measurement for the lines of traverse or boundary surveys shall be made with metal tapes which have been checked and are properly calibrated as to incremental distances, or with properly calibrated electronic distance measuring equipment following instructions and procedures established by the manufacturer of such equipment. All linear measurements shall be reduced to the horizontal plane and other necessary corrections performed before using for computing purposes.

3. *Field traverse and boundary closure.* The maximum permissible error of closure for a field traverse in connection with a boundary survey located in a rural area shall be one foot in 5,000 feet or metric equivalent of perimeter length. The attendant angular closure shall be that which will sustain the 1/5,000 foot closure. The maximum permissible error of closure for a traverse in connection with a boundary survey located in an urban area shall be one foot in 10,000 feet or metric equivalent of perimeter length. The attendant angular closure shall be that which will sustain the 1/10,000 foot closure.

C. Office procedures.

1. *Computations.* The computation of field work data shall be accomplished by using the mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record. Such computations shall be used to determine the final boundary of the land involved.

2. *Plats and maps.* The following information shall be shown on all plats or maps, or both, used to depict the results of the boundary survey:

a. The title of the boundary plat identifying the land surveyed and showing the district and county or city in which the land is located.

b. The owner's name and deed book referenced where the acquisition was recorded.

c. Names of all adjacent owners or subdivision lot designations.

d. Names of highways and roads with route number, railroads, streams adjoining or running

Proposed Regulations

through the land, and other prominent or well-known objects or areas which are informative as to the location of the boundary survey.

e. Bearings of all property lines to nearest 10 seconds, or metric equivalent.

f. Distances of all property lines to the nearest one hundredth (.01) of a foot or metric equivalent.

g. Area to the nearest hundredth (.01) of an acre or metric equivalent for rural located surveys.

h. Area to the nearest square foot or decimal of an acre or metric equivalent for urban located surveys.

i. North arrow and source of meridian used for the survey.

j. On interior surveys, a reference distance to a property corner of an adjoining owner.

k. Tax map designation of parcel number if available.

l. Each monument found and each monument set by the land surveyor.

m. A statement that the boundary survey shown is based on a current field survey. If the land boundaries shown on the plat are the result of a compilation from deed or plats, or both, by others, that fact will be clearly stated and the title of plat shall not represent a current boundary survey.

n. Name and address of the land surveyor.

D. Monumentation.

1. Each boundary survey of a tract or parcel of land shall be monumented with objects made of permanent material at all corners and changes in direction on the boundary with the exceptions of meanders of streams, tidelands, swamps, and roads. Where it is not feasible to set actual corners, appropriate reference markers shall be set, preferably on line, and the location of each shown on the plat or map of the boundary.

2. Original subdivision surveys shall be monumented in accordance with subdivision 1 above. Corner monuments are required to be set on subdivision lots or parcels of land to be used for conveyance of title or mortgage purposes, or, if found to be correctly in place, identified by witness stakes. The plat of such survey shall show corner monuments found and those set.

PART VI.

QUALIFICATIONS FOR CERTIFICATION OF LANDSCAPE ARCHITECTS.

§ 6.1. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$75		
Renewal	105		
UNE Examination (1990)	285	(1991)	303
Section 1	43		44
Section 2	49		51
Section 3	95		100
Section 4	110		116
Section 5	93		97
Out of State Proctor	50		

§ 6.2. Character.

Applicants must be of good moral character.

§ 6.3. Requirements for certification.

The education or experience, or both, and examination requirements for certification as a landscape architect are as follows:

1. An applicant who has graduated from an accredited landscape architecture curriculum approved by the board shall be admitted to a written examination. Upon passing such examination, the applicant shall be certified as a landscape architect, if he is otherwise qualified.

2. An applicant who has obtained eight years of combined education and experience, evaluated in accordance with Table II, shall be admitted to a written examination approved by the board. Upon passing such examination, the applicant shall be certified as a landscape architect, if he is otherwise qualified.

§ 6.4. Experience standard.

Professional landscape architectural training and experience shall be progressive in complexity and based on a knowledge of natural, physical and mathematic sciences, and the principles and methodology of landscape architecture.

§ 6.5. Examination.

A. All applicants for original certification in Virginia are required to pass a Uniform National Examination (UNE) after meeting the education and experience requirements as provided in these regulations.

B. The Virginia board is a member of the Council of Landscape Architectural Registration Boards (CLARB) and as such is authorized to administer the CLARB examinations.

C. The Uniform National Examination (UNE) will be offered at least once per year at a time designated by the board.

D. Grading of the examination shall be in accordance with the national grading procedures established by CLARB. The board shall adopt the scoring procedures recommended by CLARB.

E. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

F. Examinees will be given specific instructions as to the conduct of each section of the exam at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in voided examination scores or other appropriate disciplinary action.

G. Examinees will be advised only of passing or failing the examination. Only the board and its staff shall have access to examination papers, scores and answer sheets.

H. Examination reviews.

Upon written request to the board within 30 days of receiving examination results, examinees will be permitted to individually view only their own failed performance problems for informational purposes only. Examination appeals for grade changes are not permitted.

I. Should an applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

§ 6.6. Certification by comity.

Any applicant who has passed an examination in another jurisdiction of the United States comparable to the examination required by these regulations or who is CLARB certified may have the required Virginia examinations waived, provided that he meets all other qualifications.

Proposed Regulations

TABLE II.

TABLE OF EQUIVALENCES FOR EDUCATION AND EXPERIENCE FOR CERTIFIED LANDSCAPE ARCHITECTS.

DESCRIPTION	EDUCATION CREDITS			EXPERIENCE CREDITS		
	FIRST 2 YEARS	SUCCESSIVE YEARS	MAXIMUM CREDIT ALLOWED	FIRST 2 YEARS	SUCCESSIVE YEARS	MAXIMUM CREDIT ALLOWED
A-1. Credits toward a degree in landscape architecture from an accredited school of landscape architecture.	100%	100%	4 YEARS			
A-2. Degree in landscape architecture or credits toward that degree from a non-accredited school of landscape architecture.	100%	100%	4 YEARS			
A-3. Degree or credits toward that degree in an allied professional discipline, i.e. architecture, civil engineering, environmental science, approved by the board.	75%	100%	3 YEARS			
A-4. Any other bachelor degree, or credits toward that degree.	0%	75%	2 YEARS			
A-5. Diversified experience in landscape architecture under the direct supervision of a certified landscape architect.						100%
A-6. Diversified experience directly related to landscape architecture when under the direct supervision of an architect, civil engineer or "redentified" element.						100%

EXPLANATION OF EQUIVALENCES

B-1 Education credits. Education credits shall be subject to the following conditions:

B-1.1. Applicants with a degree specified in A-1 through A-4 will be allowed the credit shown in the Maximum Credit Allowed column, regardless of the length of the degree program.

.2. With a passing grade, 32 semester credit hours or 48 quarter credit hours is considered to be one year. Fractions greater than one-half year will be rounded one-half year and smaller fractions will not be counted.

B-2 Experience Credits. Experience credits shall be subject to the following conditions:
B-2.1. Every applicant must earn at least two years of experience credit under category A-5.

PART VII. QUALIFICATIONS FOR REGISTRATION AS A PROFESSIONAL CORPORATION.

§ 7.1. Definitions.

"Employee" of a corporation, for purposes of stock ownership, is a person regularly employed by the corporation who devotes 60% or more of his gainfully employed time to that of the corporation.

§ 7.2. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$60
Renewal	95

§ 7.3. Application requirements.

A. All applicants shall have been incorporated in the Commonwealth of Virginia, or, if a foreign professional corporation, shall have obtained a certificate of authority to do business in Virginia from the State Corporation Commission, in accordance with § 13.1-544.2 of the Code of Virginia.

B. Each application shall include certified true copies of the articles of incorporation, bylaws and charter, and, if a foreign professional corporation, the certificate of authority issued by the State Corporation Commission.

C. Articles of incorporation and bylaws.

The following statements are required:

1. The articles of incorporation or bylaws shall specifically state that cumulative voting is prohibited.
2. The bylaws shall state that at least 2/3 of the capital stock must be held by persons duly licensed or certified to render the services of an architect, professional engineer, land surveyor or landscape architect. The remainder of the stock may be issued only to and held by individuals who are employees of the corporation.
3. The bylaws shall state that nonlicensed or noncertified individuals will not have a voice or standing in any matter affecting the practice of the corporation requiring professional expertise or considered professional practice, or both.

D. Board of directors.

A corporation may elect to its board of directors not more than 1/3 of its members who are employees of the corporation and are not authorized to render professional services.

At least 2/3 of the board of directors shall be licensed or certified to render the services of architecture, professional engineering, land surveying or landscape architecture, or any combination thereof.

At least one director currently licensed or certified in each profession offered or practiced shall devote substantially full time to the business of the corporation to provide effective supervision and control of the final professional product.

E. Joint ownership of stock.

Any type of joint ownership of the stock of the corporation is prohibited. Ownership of stock by nonlicensed or noncertified employees shall not entitle those employees to vote in any matter affecting the practice of the professions herein regulated.

§ 7.4. Certificates of authority.

Certificates of authority shall be issued in two categories, general or limited. A general certificate of authority will entitle the corporation to practice the professions of architecture, professional engineering, land surveying and landscape architecture. A limited certificate of authority will permit a corporation to practice only the professions shown on its certificate of authority, architecture, engineering, land surveying, landscape architecture or in any combination thereof.

§ 7.5. Foreign corporations.

In addition to these regulations, the bylaws shall state that the corporation's activities shall be limited to rendering the services of architecture, professional engineering, land surveying and landscape architecture, or any combination thereof.

The corporation shall provide the name and address of each stockholder of the corporation who will be providing the professional service(s) in Virginia and whether such stockholder is licensed or certified to perform the professional service(s) in Virginia.

§ 7.6. Amendments and changes.

A. Amendments to charter, articles of incorporation or bylaws.

A corporation holding a certificate of authority to practice in one or in any combination of the professions covered in these regulations shall file with the board, within 20 days of its adoption, a certified true copy of any amendment to the articles of incorporation, bylaws or charter.

B. Change in directors or shareholders.

In the event there is a change in corporate directors or shareholders, whether the change is temporary or

Proposed Regulations

permanent and whether it may be caused by death, resignation or otherwise, the certificate of authority shall be automatically modified to be limited to that professional practice permitted by those pertinent licenses held by the remaining directors and shareholders of the corporation. Unless otherwise provided, in the event that such change results in noncompliance with these regulations and applicable statutes, the certificate of authority shall be automatically suspended until such time as the corporation comes into compliance with these regulations. The corporation shall notify the board within 30 days of any such change.

C. Change of name, address and place of business.

Any change of name (including assumed names) address, place of business in Virginia, or person(s) in responsible charge of the profession(s) practiced or offered at each place of business shall be reported to the board within 30 days of such an occurrence.

PART VIII. QUALIFICATIONS FOR REGISTRATION AS A BUSINESS ENTITY.

§ 8.1. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$40
Renewal	45

§ 8.2. Application requirements.

A. In accordance with § 54.1-411 of the Code of Virginia, applicants shall register with the board on a form approved by the board.

B. If a partnership, a copy of the partnership agreement shall be included with the application. Not less than 2/3 of the general partners shall be licensed professionals.

C. If a corporation, the application shall include certified true copies of the articles of incorporation, bylaws and charter, and if a foreign corporation, a certificate of authority issued by the State Corporation Commission.

§ 8.3. Registration certification.

The application shall contain an affidavit by an authorized official in the corporation, partnership, sole proprietorship, or other entity unit that the practice of architecture, professional engineering, land surveying or certified landscape architecture to be done by that entity shall be under the direct supervision and control of the individuals identified in the application as responsible for the practice. In addition, the individuals responsible for the practice shall sign their names indicating that they are the responsible individuals and that they understand

and shall comply with all statutes and regulations of the board.

§ 8.4. Change of status.

Any changes of status, including but not limited to change in entity, name (including assumed names), address, place of business or persons in responsible charge of the professions practiced or offered at each place of business, shall be reported to the board within 30 days of such an occurrence.

In the event there is a change in responsible individuals, whether the change is temporary or permanent and whether it may be caused by death, resignation or otherwise, the registration shall be automatically modified to be limited to that professional practice permitted by the remaining individuals, or shall be automatically suspended until such time as the entity comes into compliance with these regulations.

PART IX. RENEWAL AND REINSTATEMENT.

§ 9.1. Expiration and renewal.

A. Prior to the expiration date shown on the license, licenses shall be renewed for a two-year period upon completion of a renewal application and payment of a fee established by the board. An applicant must certify that he continues to comply with the Standards of Practice and Conduct as established by the board. Licenses for professional corporations and business entities shall expire on December 31 of each odd-numbered year.

B. Failure to receive a renewal notice and application shall not relieve the licensee of the responsibility to renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee as an application for renewal, accompanied by a signed statement indicating that the applicant continues to comply with the Standards of Practice and Conduct of the board under whose authority the license is issued.

C. 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 a licensee.

§ 9.2. Reinstatement.

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

B. If the license has expired for six months or more, but less than five years, the licensee shall be required to submit a new application, which shall be evaluated by the board to determine if the applicant meets the renewal

requirements. In addition, a fee of \$500 shall be required.

C. If the license has expired for five years or more, the licensee will be required to submit a new application, meet current entry requirements, and submit a fee of \$500. In addition, the board may require the applicant to submit to an examination.

D. 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 a licensee.

E. The date the renewal application and fee are received in the office of the board shall determine whether a license shall be renewed without reinstatement or shall be subject to reinstatement application procedures.

PART X. STANDARDS OF PRACTICE AND CONDUCT.

§ 10.1. Responsibility to the public.

The primary obligation of the professional is to the public. If the professional judgment of the licensee is overruled under circumstances when the safety, health, property and welfare of the public are endangered, the professional shall inform the employer or client of the possible consequences and notify appropriate authorities.

§ 10.2. Public statements.

The professional shall be truthful in all professional matters.

A. When serving as an expert or technical witness, the professional shall express an opinion only when it is based on an adequate knowledge of the facts in the issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the professional shall issue no statements, reports, criticisms, or arguments on matters relating to professional practice which are inspired or paid for by an interested party or parties, unless the licensee has prefaced the comment by disclosing the identities of the party or parties on whose behalf the professional is speaking, and by revealing any self-interest.

B. A professional shall not knowingly make a materially false statement or fail deliberately to disclose a material fact requested in connection with his application for licensure, certification, registration, renewal or reinstatement.

C. A professional shall not knowingly make a materially false statement or fail to deliberately disclose a material fact requested in connection with an application submitted

to the board by any individual or business entity for licensure, certification, registration, renewal or reinstatement.

§ 10.3. Conflicts of interest.

The professional shall promptly and fully inform an employer or client of any business association, interest, or circumstances which may influence the professional's judgment or the quality of service.

A. The professional shall not accept compensation, financial or otherwise, from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed to all parties of current interest.

B. The professional shall neither solicit nor accept financial or other valuable consideration from suppliers for specifying their products or services.

C. The professional shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with a client or employer in connection with work for which the professional is responsible.

§ 10.4. Solicitation of work.

In the course of soliciting work:

1. The professional shall not bribe.

2. The professional shall not falsify or permit misrepresentation of the professional's work or an associate's academic or professional qualifications, nor shall the professional misrepresent the degree of responsibility for prior assignments. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associates, joint ventures or past accomplishments of any kind.

§ 10.5. Competency for assignments.

A. The professional shall undertake to perform professional assignments only when qualified by education or experience and licensed or certified in the profession involved. The professional may accept an assignment requiring education or experience outside of the field of the professional's competence, but only to the extent that services are restricted to those phases of the project in which the professional is qualified. All other phases of such project shall be the responsibility of licensed or certified associates, consultants or employees.

B. A professional shall not misrepresent to an existing client or employer his qualifications and the scope of his responsibility in connection with work for which he is claiming credit.

§ 10.6. Professional responsibility.

Proposed Regulations

A. The professional shall not knowingly associate in a business venture with, or permit the use of the professional's name or firm name by any person or firm where there is reason to believe that person or firm is engaging in activity of a fraudulent or dishonest nature or is violating statutes or any of these regulations.

B. A professional who has direct knowledge that another individual or firm may be violating any of these provisions, or the provisions of Chapters 1 through 3 of Title 54.1, or Chapter 7 of Title 13.1 of the Code of Virginia, shall immediately inform the secretary of the board in writing and shall cooperate in furnishing any further information or assistance that may be required.

C. The professional shall, upon request or demand, produce to the board, or any of its agents, any plan, document, book, record or copy thereof in his possession concerning a transaction covered by these regulations, and shall cooperate in the investigation of a complaint filed with the board against a licensee.

D. A professional shall not knowingly use the design, plans or work of another professional without the original professional's knowledge and consent and after consent, a thorough review to the extent that full responsibility may be assumed.

§ 10.7. Good standing in other jurisdictions.

A professional licensed to practice architecture, professional engineering, land surveying or landscape architecture in another jurisdiction shall be in good standing in every jurisdiction where licensed, and shall not have had a license suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in another jurisdiction prior to applying for licensure in Virginia.

§ 10.8. Use of seal.

A. The application of a professional seal shall indicate that the professional has exercised complete direction and control over the work to which it is affixed. Therefore, no licensee shall affix a name, seal or certification to a plat, design, specification or other work constituting the practice of the professions regulated which has been prepared by an unlicensed or uncertified person or firm unless such work was performed under the direction and supervision of the licensee while under the licensee's contract or while employed by the same firm as the licensee.

B. A principal or authorized licensed employee shall apply a stamp or preprinted seal to final and complete cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the licensee or someone under his direct control and supervision.

1. All seal imprints on final documents shall bear an

original signature and date.

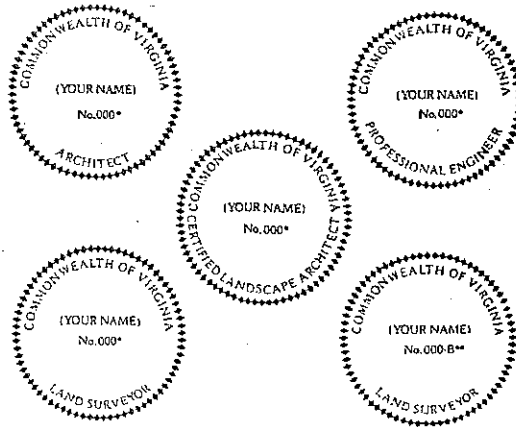
2. Incomplete plans, documents and sketches, whether advance or preliminary copies, shall be so identified and need not be sealed or signed.

3. All plans, drawings or plats prepared by the licensee shall bear a title block containing the licensee's firm name, address and project name.

4. The seal of each person responsible for each profession shall be used.

5. Application of the seal and signature indicates acceptance of responsibility for work shown thereon.

6. The seal shall conform in detail and size to the design illustrated below:



* The number referred to is the six digit number as shown on the license. The number is permanent.

§ 10.9. Organization and styling of practice.

Nothing shall be contained in the name, letterhead or other styling of a professional practice implying a relationship, ability or condition which does not exist.

An assumed, fictitious or corporate name shall not be misleading as to the identity, responsibility or status of those practicing thereunder.

§ 10.10. Licensee required at each place of business.

A. Corporations, partnerships, firms or other legal entities maintaining a place of business in the Commonwealth of Virginia for the purpose of offering to provide architectural, engineering, land surveying or landscape architectural services practiced at another location shall have an authorized full-time licensed professional in that place of business.

B. Corporations, partnerships, firms or other legal entities maintaining any place of business in the Commonwealth of Virginia for the purpose of practicing architecture, engineering, land surveying or landscape architecture at that location, shall have in responsible charge at each place of business a full-time resident licensed professional exercising supervision and control of work in each profession being practiced.

§ 10.11. Sanctions.

A. No license or licensee shall be fined, suspended or revoked unless a majority of the members of the entire board and a majority of the board members of the profession involved vote for the action. The board may fine, suspend or revoke any license, certification, certificate of authority or registration, if the board finds that:

1. The license, certification or registration was obtained or renewed through fraud or misrepresentation; or
2. The holder has been found guilty by the board, or by a court of competent jurisdiction, of any material misrepresentation in the course of professional practice, or has been convicted, pleaded guilty or found guilty regardless of adjudication or deferred adjudication of any felony or misdemeanor which, in the judgment of the board, adversely affects the individual's ability to perform satisfactorily within the licensed discipline; or
3. The holder is guilty of professional incompetence or negligence; or
4. The holder has abused drugs or alcohol to the extent that professional competence is adversely affected; or
5. The holder violates any standard of practice and conduct, as defined in these regulations; or
6. The holder violates or induces others to violate any provision of Chapters 1 through 3 of Title 54.1, or Chapter 7 of Title 13.1 of the Code of Virginia, or any other statute applicable to the practice of the professions herein regulated or any provision of these rules and regulations.

B. If evidence is furnished to the board which creates doubt as to the competency of a licensee to perform professional assignments in a technical field, the board may require that individual to prove competence by interview, presentation or examination. Failure to appear before the board, pass an examination, or otherwise demonstrate competency to the board shall be basis for revocation or suspension of the license.

Failure to appear before the board, pass an examination, or otherwise demonstrate competency to the

board shall be basis for revocation or suspension of the license.

NOTICE: The forms referenced in the subject regulations are not being published due to volume. The forms are available for public inspection at the Department of Commerce, 3600 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

Forms for: Virginia State Board of Architects, Professional Engineers, Land Surveyors and Landscape Architects

- Application for Architect Registration.
- Application for Licensing as Professional Engineer.
- Application for Licensing as a Land Surveyor.
- Application for Certification as a Landscape Architect.
- Application for a Certificate of Authority to Practice Architecture, Professional Engineering, Land Surveying and Landscape Architecture as a Professional Corporation.
- Application for Registration to Provide Professional Services as a Business Entity.

DEPARTMENT OF FORESTRY (BOARD OF)

Title of Regulation: VR 312-01-02. Standards for Classification of Real Estate as Devoted to Forest Use Under the Virginia Land Use Assessment Law.

Statutory Authority: §§ 58.1-3229, 58.1-3230 and 58.1-3240 of the Code of Virginia.

Public Hearing Date: March 1, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

This amendment provides the format and standards for a document which would be used by landowners as a written commitment to qualify for Forest Land Use Tax.

Preamble:

Under the authority of § 58.1-3229 et seq. of the Code of Virginia, the State Forester adopts these Standards for Classification of Real Estate As Devoted to Forest Use under the Special Assessment for Land Preservation to:

1. Encourage the proper use of real estate in order to assure a readily available source of agricultural, horticultural, and forest products, and of open space within reach of concentrations of population.
2. Conserve natural resources in forms that will prevent erosion.

Proposed Regulations

3. *Protect adequate and safe water supplies.*
4. *Preserve scenic natural beauties and open spaces.*
5. *Promote proper land-use planning and the orderly development of real estate for the accommodation of an expanding population.*
6. *Promote a balanced economy and ease/lessen the pressures which force the conversion of real estate to more intensive uses.*

According to the specific authority and responsibility conveyed by §§ 58.1-3230, 58.1-3233 and 58.1-3240, the State Forester is directed to provide a statement of the standards which shall be applied uniformly throughout the state to determine if real estate is devoted to forest use. After holding public hearings, pursuant to the Administrative Process Act (§ 9-6.14:1 et. seq. of the Code of Virginia) the statement shall be sent to the commissioner of the revenue and the duly appointed assessor of each locality adopting an ordinance in compliance with Article 4 of Chapter 32 of Title 58.1 of the Code of Virginia.

VR 312-01-02. Standards for Classification of Real Estate as Devoted to Forest Use Under the Virginia Land Use Assessment Law.

§ 1. Technical standards for classification of real estate devoted to forest use.

A. The area must be a minimum of 20 acres and must meet the following standards to qualify for forestry use.

B. Productive forest land.

The real estate sought to be qualified shall be devoted to forest use which has existent on it, and well distributed, commercially valuable trees of any size sufficient to compose at least 40% normal stocking of forest trees, as shown in Table 1. Land devoted to forest use that has been recently harvested of merchantable timber, is being regenerated into a new forest and not currently developed for nonforest use shall be eligible. To be qualified the land must be growing a commercial forest crop that is physically accessible for harvesting when mature.

C. Nonproductive forest land.

The land sought to be qualified is land devoted to forest use but which is not capable of growing a crop of industrial wood because of inaccessibility or adverse site conditions such as steep outcrops of rock, shallow soil on steep mountain sides, excessive steepness, heavily eroded areas, coastal beach sand, tidal marsh and other conditions which prohibit the growth and harvesting of a crop of trees suitable for commercial use.

D. Definitions.

1. Tree. A tree is a single woody stem of a species presently or prospectively suitable for commercial industrial wood products.

2. Stocking. Stocking is the number of trees three inches and larger in diameter breast high (d.b.h.- a point on the tree trunk outside bark 4 1/2 feet from ground level) required to equal a total basal area (b.a. is the area in square feet of a cross section of a tree at d.b.h.) of 75 square feet per acre, or where such trees are not present, there shall be present tree seedlings, or tree seedlings and trees in any combination sufficient to meet the 40% stocking set forth in Table 1.

TABLE 1.

Minimum Number of Trees Required Per Acre to Determine 30 Square Feet of Tree Basal Area of 40% Stocking for Classification as Forest Land.

D.B.H. Range	D.B.H. in 2' Classes	Basal Area Per Tree	Per Acre	Per 1/5 Acre	Per 1/10 Acre
up to 2.9''	Seedlings		400	80	40
3.0-4.9''	4	0.0873	400	80	40
5.0-6.9''	6	0.1964	153	31	15
7.0-8.9''	8	0.3491	86	17	9
9.0-10.9''	10	0.5454	55	11	6
11.0-12.9''	12	0.7854	38	8	4
13.0-14.9''	14	0.0690	28	6	3
15.0- +''	16+	1.3963	21	4	2

NOTE: (a) Area 1/5 acre; circle, diameter 105'4"; square 93'4" per side

(b) Area 1/10 acre; circle, diameter 74'6"; square 66'

(c) Number of seedlings present may qualify on a percentage basis; Example, 100 seedlings would be equivalent of 7.5 square feet of basal area (25% X 30 = 7.5).

(d) Seedlings per acre are based on total pine and hardwood stems. Where intensive pine management is practiced a minimum of 250 well distributed loblolly or white pine seedlings will qualify.

§ 2. Conservation of land resources, management and production, and certification.

A. To qualify for forest use, the owner shall certify that the real estate is being used in a planned program of timber management and soil conservation practices which are intended to:

1. Enhance the growth of commercially desirable species through generally accepted silvicultural

practices.

- 2. Reduce or prevent soil erosion by best management practices such as logging road layout and stabilization, streamside management zones, water diversion practices and other best management practices which prevent soil erosion and improve water quality.

B. Certification of intent by the owner can be shown by:

- 1. A signed commitment to maintain and protect forestland by documenting land-use objectives to include methods of resource management and soil and water protection; or
- 2. Submitting a plan prepared by a professional forester.

§ 3. Standards for written commitments by landowners to preserve forest land use.

The written commitment entered into by landowners for the local governing body to preserve forest land use, pursuant to subdivision 3 of § 58.1-3233 of the Code of Virginia, shall conform substantially to the following form of agreement.

FOREST USE AGREEMENT

This agreement made this day of19... between hereafter called the Owner, and the [County, City or Town] of a political subdivision of the Commonwealth of Virginia, hereinafter called the [County, City or Town], recites and provides as follows:

RECITALS

- 1. The Owner is the owner of certain real estate, described below, hereinafter called the Property, and
- 2. The [County, City or Town] is the local governing body having real estate tax jurisdiction over the Property; and
- 3. The [County, City or Town] has determined:
 - a. That it is in the public interest that the Property should be provided or preserved for forest use
 - b. That the Property meets the applicable criteria for real estate devoted to forest use as prescribed in Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia, and standards for classifying such real estate prescribed by the State Forester; and
 - c. That provisions of this agreement meet requirements and standards prescribed under § 58.1-3233 of the Code of Virginia for recorded commitments by landowners not to change a forest

to a nonqualifying use.

4. The Owner is willing to make a written recorded commitment to preserve and protect the forest use of the Property during the term of this agreement in order for the Property to be taxed on the basis of a use assessment and the Owner has submitted an application for this taxation to the assessing officer of the [County, City or Town] pursuant to § 58.1-3234 of the Code of Virginia and [citation of local ordinance]; and

5. The [County, City or Town] is willing to extend the tax for the Property on the basis of a use assessment commencing with the next succeeding tax year and continuing for the term of this agreement, in consideration of the Owner's commitment to preserve and protect the forest use of the property, and on the condition that the Owner's application is satisfactory and that all other requirements of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia and [citation of local ordinance] are compiled with.

NOW THEREFORE, in consideration of recitals and mutual benefits, covenants and terms herein contained the parties by this covenant and agree as follows:

- 1. This agreement shall apply to the following described real estate: [Insert property description]
 - 2. The owner agrees that during the term of this agreement:
 - a. There shall be no change in use or uses of the Property that exists as of the date of this agreement to any use that would not qualify as forest use.
 - b. There shall be no construction, placement or maintenance of any structure on the Property unless the structure is either:
 - (1) On the Property as of the date of the agreement; or
 - (2) Related to and compatible with the forest use of the Property which this agreement is intended to protect or provide for.
 - c. This property shall be maintained and protected for forest land use by adhering to a planned program of timber management and soil conservation practices.
- Land Use Objectives:
- Resource Management activities for the next five years:
- d. There shall be no separation or split-off of lots,

Proposed Regulations

pieces or parcels from the Property. The Property may be sold or transferred during the term of this agreement only as the same entire parcel that is the subject of this agreement; provided, however, that the Owner may grant to a public body or bodies open-space, conservation or historic preservation easements which apply to the Property.

e. Forestry Best Management Practices (BMP's) will be implemented.

3. This agreement shall be effective on acceptance by the [County, City or Town]; provided, however, that the real estate tax for the Property shall not be extended on the basis of its use value until the next succeeding tax year following timely application by the Owner for use assessment and taxation in accordance with [citation of applicable local ordinance]. Thereafter, this agreement shall remain in effect for a term of [Insert a period of not less than four nor more than ten] consecutive years.

4. Nothing contained herein shall be construed as giving to the public a right to enter upon or to use the Property or any portion thereof, except as the Owner may otherwise allow, consistent with the provisions of this agreement.

5. The [County, City or Town] shall have the right at reasonable times to enter the Property to determine whether the Owner is following with the provisions of this agreement.

6. If provisions of this agreement are determined to be invalid by a court of competent jurisdiction, the remainder of the agreement shall not be affected by this.

7. Provisions of this agreement shall run with the land and be binding upon the parties, their successors, assigns, personal representatives, and heirs.

8. This agreement may be terminated in the manner provided in § 15.1-1513 of the Code of Virginia for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

9. On termination of this agreement, the Property shall thereafter be assessed and taxed at its fair market value, regardless of its actual use, unless the [County, City or Town] determine otherwise in accordance with applicable law.

10. On execution of this agreement, it shall be recorded with the record of land titles in the Clerk's Office of the Circuit Court of, Virginia, at the Owner's expense.

11. NOTICE: WHEN THE FORESTRY USE OR USES

BY WHICH THE PROPERTY QUALIFIED FOR ASSESSMENT AND TAXATION ON THE BASIS OF USE CHANGES TO A NONQUALIFYING USE OR USES, OR WHEN THE ZONING FOR PROPERTY CHANGES TO A MORE INTENSIVE USE AT THE REQUEST OF THE OWNER, THE PROPERTY, OR SUCH PORTION OF THE PROPERTY WHICH NO LONGER QUALIFIES, SHALL BE SUBJECT TO ROLL-BACK TAXES IN ACCORDANCE WITH § 58.1-3237 OF THE CODE OF VIRGINIA. THE OWNER SHALL BE SUBJECT TO OBLIGATIONS AND LIABILITIES OF SAID CODE SECTION.

..... (SEAL)

.....
Owner

.....
[Name of City, County, Town]

by

(Acknowledgements)

§ 3: § 4. Opinions.

Section 58.1-3240 of the Code of Virginia, authorizes a local assessing officer to request an opinion from the State Forester determining whether a particular property meets the criteria for forest use. The request should be in writing describing the situation in question. Maps, photos or other pertinent information should accompany the request. The State Forester may hold a hearing or arrange for an onsite inspection by a department official, the applicant and the local assessing officer. The State Forester will issue his opinion as quickly as possible after all necessary information has been received. An appeal of any opinion that does not comply with these standards may be taken as provided by § 58.1-3240 of the Code of Virginia.

Proposed Effective Date: July 1, 1990

DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: VR 485-60-8401. Evidence Required to Permit Registration or Reregistration of Vehicles for Which Proof of Tax Payment and of State Corporation Commission Registration is Required.

Statutory Authority: §§ 46.2-203 and 46.2-649 of the Code of Virginia.

Public Hearing Date: April 13, 1990 - 10 a.m.
(See Calendar of Events Section for additional information)

Summary:

These regulations are revised to eliminate the necessity for the owner of a vehicle to complete the previously required certification form that all taxes have been paid on a vehicle before the department will register or reregister a vehicle. Changes in style and format have been made in accordance with the Virginia Register Form, Style and Procedure Manual. In addition, the referenced sections have been changed due to the recodification of Title 46.1.

VR 485-60-8401. Evidence Required to Permit Registration or Reregistration of Vehicles for Which Proof of Tax Payment and of State Corporation Commission Registration is Required.

§ 1. Introduction.

These regulations are made and promulgated pursuant to Chapter 1.1:1 and 1.2 of Title 9 and §§ ~~46.1-26 and 46.1-153.1~~ §§ 46.2-203 and 46.2-649 of the Code of Virginia (1950), as amended .

§ 2. The Department of Motor Vehicles will receive consider and respond to petitions by any interested person at any time with respect to the reconsideration or revision of these regulations.

§ 3. General requirements.

Before the ~~Division~~ Department of Motor Vehicles (DMV) will register or reregister a motor vehicle, trailer or semitrailer under the following code sections , with a gross weight of 33,000 pounds or more, DMV will verify from records supplied by the taxing authorities and the State Corporation Commission (SCC), that state and local taxes have been paid. This requirement applies to vehicles registered under the following sections of the Code of Virginia.

1. Section ~~46.1-154~~ 46.2-697 Registration of vehicles not used or designed for transportation of passengers;
2. Section ~~46.1-154.3~~ 46.2-698 Registration of farm vehicles;
3. Section ~~46.1-156~~ 46.2-700 Registration of well drilling machinery and specialized mobile equipment;
4. Section ~~46.1-157.1~~ 46.2-703 Apportionment of fees charged for certain vehicles and tractor trailers, pursuant to reciprocal agreement with other states.

DMV will require the applicant for registration to furnish evidence that:

1. State, local and federal taxes levied on the vehicle sought to be registered have been paid; and
2. The vehicle is either registered with the State

Corporation Commission (SCC) as required by law or the vehicle is not required by law to be registered with the SCC.

A. Any person seeking to register a motor vehicle, trailer or semitrailer in accordance with the registration provisions cited in the "General Requirements" paragraph above shall certify that:

1. All State, local and federal taxes levied on the vehicle sought to be registered have been paid; and

2. The vehicle is either registered with the SCC as required by law, or is not required by law to be registered with the SCC. Such certification shall be made on a form furnished by DMV, a copy of which is attached to these regulations as Exhibit A.

B. In addition to the certification by the applicant, DMV will verify from records supplied by the taxing authorities and the SCC, that state, and local and federal taxes have been paid, and that proper SCC registration has been obtained as required by law.

If DMV records indicate that taxes assessed against a motor vehicle, trailer or semitrailer have not been paid, the applicant must pay the taxes owed and obtain a receipt from the taxing authority. Such receipt shall identify the owner of the vehicle, the make and identification number of the vehicle and the Virginia title number, and shall indicate that the taxes assessed against the vehicle have been paid in full.

If DMV records indicate that the registration requirements of the SCC have not been satisfied, DMV will not register the motor vehicle, trailer or semitrailer until such time as the SCC verifies by telephone or other direct means of communication that the applicant has complied with the SCC registration requirements.

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.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Title of Regulation: VR 173-01-00. Public Participation Procedures for the Formation and Promulgation of Regulations.

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

Effective Date: February 28, 1990

Summary:

The guidelines provide for the initiation of regulation development procedures, including: (i) the procedure and form of a petition by any individual or group requesting adoption or change of any regulation; (ii) the development and maintenance of information dissemination lists including general information and regulation development mailing lists; and (iii) public participation procedures for providing notification to individuals or groups contained in the information dissemination lists of proposed regulatory actions, adoption or change of regulations, formation of an advisory committee and other policy and technical advisory groups, as considered desirable, to assist in development of initial draft regulations, scheduling and notification for public hearings, and procedures for submission of proposed regulations for public comments.

Public comments were made by the Department of Planning and Budget and the Chesapeake Bay Foundation. DPB suggested language changes for clarity, which the agency included and the board adopted. CBF suggested a 90-day time limit for provision of a written response of determination not to act on a petition for regulation development, which was included and adopted.

VR 173-01-00. Public Participation Procedures for the Formation and Promulgation of Regulations.

PART I. PURPOSE AND AUTHORITY.

§ 1.1. These regulations establish public participation procedures for the development or revision of regulations by the Chesapeake Bay Local Assistance Board. These procedures are required under § 9-6.14:7.1 of the Code of Virginia (Administrative Process Act), and under § 10.1-2100 *et seq.* of the Code of Virginia (Chesapeake Bay Preservation Act). These guidelines do not apply to any regulation adopted on an emergency basis nor to other regulations excluded from the operation of Article 2 of

The Administrative Process Act under § 9-6.14:4.1 C of the Code of Virginia.

PART II. DEFINITIONS.

§ 2.1. The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Board" means the Chesapeake Bay Local Assistance Board established under § 10.1-2102 of the Code of Virginia.

"Department" means the Chesapeake Bay Local Assistance Department.

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

"Person" means any corporation, association, or partnership, one or more individuals, or any unit of government or agency thereof.

PART III. INITIATION OF REGULATION DEVELOPMENT PROCEDURES.

§ 3.1. Regulation development may be initiated at any time by the board on its own motion or in response to a petition.

§ 3.2. Any [~~group or individual person~~] may petition the board for the promulgation, amendment, addition, or repeal of a regulation. The petition shall, at a minimum, contain the following information:

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. Petitioner's interest in the proposed action.
4. Recommended regulation or addition, deletion, or amendment to a specific regulation or regulations.
5. Statement of need and justification for the proposed action.
6. Statement of impact on the petitioner and other affected persons.
7. Supporting documents, as applicable.

If the board determines not to act upon a petition it shall provide a written response to such petition [within a period of time not exceeding 90 days from the date of the petition] .

PART IV. INFORMATION DISSEMINATION LISTS.

§ 4.1. The board shall develop and maintain a general information mailing list of persons who indicate an interest in its activities or whom the board believes are interested in its activities.

§ 4.2. The board shall develop a regulation development mailing list for each regulatory proceeding, consisting of persons from the general information mailing list who express an interest in the proceeding and such other persons as the board believes have an interest in the proceeding. The board shall maintain such list until the conclusion of each proceeding.

PART V. PUBLIC PARTICIPATION PROCEDURES.

§ 5.1. When the board decides to adopt or change regulations, it shall notify [persons on] its general information mailing list of the subject matter of the proposed regulations and invite any interested persons to indicate their interest in the proposed regulation. Those who indicate an interest in the proposed regulation shall be placed on the regulation development list for that regulation.

§ 5.2. Persons will be added to the regulation development list when they so request, or on motion of the director or of a board member.

§ 5.3. The board shall schedule one or more public information meetings to assist in the formulation of the regulation and to provide interested persons an opportunity to submit data, views and arguments either orally or in writing. Notice of such meetings shall be mailed to [persons on] the regulation development mailing list and given such other reasonable notice as the board determines. The notice shall include the following information:

1. Subject of proposed action.
2. Discussion of the purpose of the proposed action and the issues involved.
3. Proposed timetable for reaching a decision.
4. Request for comments from interested persons and a date by which comments must be received.
5. Name, address, and telephone number of staff person to be contacted for further information.

§ 5.4. The board will form an advisory committee

consisting of persons selected from the regulation development mailing list to assist in developing an initial draft of the proposed regulation. The board may also form such other policy and technical advisory groups as it considers desirable.

§ 5.5. After consideration of all public input, the board shall prepare a final draft of the proposed regulation and publish a notice requesting public comment in accordance with the Administrative Process Act.

§ 5.6. The board will send a copy of the final draft of the proposed regulation to any person who requests it.

§ 5.7. The board shall submit any proposed regulation, or change thereto, for a 60-day public comment period pursuant to § 9-6.14:7.1 by forwarding the following required documents to the Registrar of Regulations for publication in the Virginia Register of Regulations.

§ 5.8. The board shall mail a copy of the notice of hearing to persons on its regulation development mailing list. The board may also publish the notice of hearing in other media as it may deem appropriate.

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

§ 5.10. The failure of any person to receive notice or copies of documents shall not affect the validity of any regulation otherwise properly adopted under the provisions of the Administrative Process Act.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 2 of the Code of Virginia, which excludes regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: State Plan for Medical Assistance Relating to Inspections of Care Authority Delegations.
VR 460-01-50. Control of the Utilization of Intermediate Care Facility Services.
VR 460-01-51. Inspections of Care in Skilled Nursing and Intermediate Care Facilities and Institutions for Mental Diseases.

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

Effective Date: March 1, 1990

Final Regulations

Summary:

This amendment to the State Plan for Medical Assistance provides for the delegation of authority for inspections of care of Medicaid patients in nursing homes to the Virginia Department of Health. The Department of Medical Assistance Services agreed with the Department of Health to this authority delegation in an interagency agreement.

VR 460-01-50. Control of the Utilization of Intermediate Care Facility Services.

Revision: HCFA-PM-85-3 (BERC)
May 1985

State: Virginia

Citation §4.14 (e) The Medicaid agency meets the requirements of 42 CFR Part 456, Subpart F, for control of the utilization of intermediate care facility services is provided through:

- Facility-based review.
- Direct review by personnel of the medical assistance unit of the State agency.
- Personnel under contract to the medical assistance unit of the State agency.
- Utilization and Quality Control Peer Review Organizations.
- Another method as described in ATTACHMENT 4.14-A.
- Two or more of the above methods. ATTACHMENT 4.14-B describes the circumstances under which each method is used.
- Not applicable. Intermediate care facility services are not provided under this plan.

Note: The Program will allow a maximum of ten (10) administrative days for placement and transfer from ICF to the community in order to make an orderly transfer or placement possible without potential harm or trauma to the patient in accordance with 42 CFR 456.4.

Note: One of the semiannual utilization reviews required by 42 CFR 456.434(b)(1) for intermediate care recipients will be conducted by the Virginia Department of Health as part of the inspection of care visit. The second utilization review will be conducted by personnel of the Medical Assistance unit of the State agency.

TN. No. 89 - 27 Approval Date _____ Effective Date 2/15/90
Supersedes
TN. No. 88 - 03

VR 460-01-51. Inspections of Care in Skilled Nursing and Intermediate Care Facilities and Institutions for Mental Diseases.

Revision: HCFA-PM-85-3 (BERC)
May 1985

State: Virginia

Citation §4.15 Inspections of Care in Skilled Nursing and Intermediate Care Facilities and Institutions for Mental Diseases
42 CFR 456.2
AT-78-90

All applicable requirements of 42 CFR Part 456, Subpart I, are met with respect to periodic inspections of care and services.

Not applicable with respect to intermediate care facility services; such services are not provided under this plan.

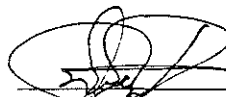
Not applicable with respect to services for individuals age 65 or over in institutions for mental diseases; such services are not provided under this plan.

Not applicable with respect to inpatient psychiatric services for individuals under age 22; such services are not provided under this plan.

Note: Inspections of Care in Skilled Nursing and Intermediate Care Facilities and Institutions for Mental Diseases are completed through contractual arrangements with the Virginia Department of Health.

CERTIFIED:

12/25/85
Date


Bruce G. Ozlowski, Director
Department of Medical Assistance Services

TN. No. _____ Approval Date _____ Effective Date _____
Supersedes
TN. No. _____

Final Regulations

BOARD OF NURSING

Title of Regulation: VR 495-01-1. Board of Nursing Regulations.

Statutory Authority: § 54.1-2400 and 54.1-3005 of the Code of Virginia.

Effective Date: March 1, 1990

Summary:

The Virginia General Assembly at its 1989 session adopted a bill that amended §§ 38.2-3031, 38.2-4221, 54.1-3000, and 54.1-3013 of the Code of Virginia. The first two changes provide for reimbursement for certain services by a clinical nurse specialist who renders mental health services. The remaining three amendments define clinical nurse specialist and authorize the Board of Nursing to (i) prescribe minimum standards and approve programs that entitle professional nurses to be registered as clinical nurse specialists; (ii) promulgate regulations governing clinical nurse specialists; and (iii) maintain a registry of clinical nurse specialists.

Changes resulting from the review of public comments were made to §§ 1.1, 2.5, 3.10 and 3.11. The amended regulations in § 1.3 and § 4.1 and the new § 4.2 were adopted as proposed.

VR 495-01-1. Board of Nursing Regulations.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Approval," as used in these regulations, is synonymous with accreditation and means the process by which the board or a governmental agency in another state or foreign country evaluates and grants official recognition to nursing education programs that meet established standards not inconsistent with Virginia law.

"Associate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or other institution and designed to lead to an associate degree in nursing, provided that the institution is authorized to confer such degree by the State Board of Education, State Council of Higher Education or an Act of the General Assembly.

"Baccalaureate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or university and designed to lead to a baccalaureate degree with a major

in nursing, provided that the institution is authorized to confer such degree by the State Board of Education, the State Council of Higher Education or an Act of the General Assembly.

"Board" means the State Board of Nursing.

"Clinical nurse specialist" means a licensed registered nurse who holds [:]

[1.] A master's degree from a board approved program [and specialist certification from the American Nurses' Association in one of the following categories:

- Gerontological Nursing;
- Medical-Surgical Nursing;
- Adult Psychiatric and Mental Health Nursing; or
- Child and Adolescent Psychiatric and Mental Health Nursing, which prepares the nurse to provide advanced clinical nursing services; and

2. Specialty certification from a national certifying organization acceptable to the board or registration with the board pursuant to § 3.1 A 5 of these regulations.]

"Conditional approval" means a time-limited status which results when an approved nursing education program has failed to maintain requirements as set forth in § 2.2 of these regulations.

"Cooperating agency" means an agency or institution that enters into a written agreement to provide learning experiences for a nursing education program.

"Diploma nursing program" means a nursing education program preparing for registered nurse licensure, offered by a hospital and designed to lead to a diploma in nursing, provided the hospital is licensed in this state.

[*"National certifying organization"* means an organization that has as one of its purposes the certification of a specialty in nursing based on an examination attesting to the knowledge of the nurse for practice in the specialty area.]

"Nursing education program" means an entity offering a basic course of study preparing persons for licensure as registered nurses or as licensed practical nurses. A basic course of study shall include all courses required for the degree, diploma or certificate.

"Practical nursing program" means a nursing education program preparing for practical nurse licensure, offered by a Virginia school, that leads to a diploma or certificate in practical nursing, provided the school is authorized by the appropriate governmental agency.

"Program director" means a registered nurse who has been designated by the controlling authority to administer

the nursing education program.

"Provisional approval" means the initial status granted to a nursing education program which shall continue until the first class has graduated and the board has taken final action on the application for approval.

"Recommendation" means a guide to actions that will assist an institution to improve and develop its nursing education program.

"Requirement" means a mandatory condition that a nursing education program must meet to be approved.

§ 1.2. Delegation of authority.

A. The executive director of the board shall issue a certificate of registration to each person who meets the requirements for initial licensure under §§ 54.1-3017, 54.1-3018, 54.1-3020 and 54.1-3021 of the Code of Virginia. Such certificates of registration shall bear the signature of the president of the board, the executive director and the director of the Department of Health Regulatory Boards.

B. The executive director shall issue license to each applicant who qualifies for such license under § 54.1-3011 of the Code of Virginia. Such licenses shall bear the name of the executive director.

C. The executive director shall be delegated the authority to execute all notices, orders and official documents of the board unless the board directs otherwise.

§ 1.3. Fees.

Fees required in connection with the licensing of applicants by the board are:

- 1. Application for R.N. Licensure \$45
- 2. Application for L.P.N. Licensure \$35
- 3. Biennial Licensure Renewal \$28
- 4. Reinstatement Lapsed License \$50
- 5. Duplicate License \$10
- 6. Verification of License \$10
- 7. Transcript of Examination Scores \$5
- 8. Transcript of Applicant/Licensee Records \$10
- 9. Returned Check Charge \$15
- 10. Application for C.N.S. registration \$50
- 11. Biennial renewal of C.N.S. registration \$30
- 12. Reinstatement of lapsed C.N.S. registration \$25

13. Verification of C.N.S. registration \$25

§ 1.4. Public participation guidelines.

A. Mailing list.

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

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

Any person wishing to be placed on the mailing list may do so by writing the board. In addition, the board, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all above-listed information. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

B. Notice of intent.

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

C. Public comment period.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

D. Petitions to the board.

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

Final Regulations

sole authority to dispose of the petition.

E. Publication in the Virginia Register of Regulations.

At any meeting of the board or any subcommittee or advisory committee, where the formulation or adoption of regulation occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

F. Advisory committee.

The board, in cooperation with the Council on Health Regulatory Boards, may appoint advisory committees as they deem necessary to provide for adequate citizen participation in the formation, promulgation, adoption, and review of regulations.

PART II. NURSING EDUCATION PROGRAMS.

§ 2.1. Establishing a nursing education program.

Phase I.

A. An institution wishing to establish a nursing education program shall:

1. Submit to the board, at least 15 months in advance of expected opening date, a statement of intent to establish a nursing education program;
2. Submit to the board, along with the statement of intent, a feasibility study to include the following information:
 - a. Studies documenting the need for the program;
 - b. Purpose and type of program;
 - c. Availability of qualified faculty;
 - d. Budgeted faculty positions;
 - e. Availability of clinical facilities for the program;
 - f. Availability of academic facilities for the program;
 - g. Evidence of financial resources for the planning, implementation and continuation of the program;
 - h. Anticipated student population;
 - i. Tentative time schedule for planning and initiating the program ; and
 - j. Current catalog, if applicable.
3. Respond to the board's request for additional information.

B. A site visit shall be conducted by a representative of the board.

C. The board, after review and consideration, shall either approve or disapprove Phase I.

1. If Phase I is approved, the institution may apply for provisional approval of the nursing education program as set forth in these regulations.

2. If Phase I is disapproved, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

Phase II.

D. The application for provisional approval shall be complete when the following conditions are met:

1. A program director has been appointed and there are sufficient faculty to initiate the program (§ 2.2.C of these regulations);

2. A tentative written curriculum plan developed in accordance with § 2.2.F of these regulations has been submitted; and

E. The board, after review and consideration, shall either grant or deny provisional approval.

1. If provisional approval is granted :

a. The admission of students is authorized; and

b. The program director shall submit quarterly progress reports to the board which shall include evidence of progress toward application for approval and other information as required by the board.

2. If provisional approval is denied, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

F. Following graduation of the first class, the institution shall apply for approval of the nursing education program.

Phase III.

G. The application for approval shall be complete when a self-evaluation report of compliance with § 2.2 of these regulations has been submitted and a survey visit has been made by a representative of the board.

H. The board will review and consider the self-evaluation and the survey reports at the next regularly scheduled meeting.

I. The board shall either grant or deny approval. If denied, the institution may request a hearing before the

board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

§ 2.2. Requirements for approval.

A. Organization and administration.

1. The institution shall be authorized to conduct a nursing education program by charter or articles of incorporation of the controlling institution; by resolution of its board of control; or by the institution's own charter or articles of incorporation.

2. Universities, colleges, community or junior colleges, proprietary schools and public schools offering nursing education programs shall be accredited by the appropriate state agencies and the Southern Association of Colleges and Schools.

3. Hospitals conducting a nursing education program shall be accredited by the Joint Commission on Accreditation of Hospitals.

4. Any agency or institution that is utilized by a nursing education program shall be one that is authorized to conduct business in the Commonwealth of Virginia, or in the state in which the agency or institution is located.

5. The authority and responsibility for the operation of the nursing education program shall be vested in a program director who is duly licensed to practice professional nursing in Virginia and who is responsible to the controlling board, either directly or through appropriate administrative channels.

6. A written organizational plan shall indicate the lines of authority and communication of the nursing education program to the controlling body; to other departments within the controlling institution; to the cooperating agencies; and to the advisory committee, if one exists.

7. Funds shall be allocated by the controlling agency to carry out the stated purposes of the program. The program director of the nursing education program shall be responsible for the budget recommendations and administration, consistent with the established policies of the controlling agency.

B. Philosophy and objectives.

Clearly written statements of philosophy and objectives shall be:

1. Formulated and accepted by the faculty;
2. Directed toward achieving realistic goals;
3. Directed toward the meaning of education, nursing and the learning process;

4. Descriptive of the practitioner to be prepared; and

5. The basis for planning, implementing and evaluating the total program.

C. Faculty.

1. Qualifications.

a. Every member of a nursing faculty, including the program director, shall hold a current license to practice as a registered nurse in Virginia.

b. Every member of a nursing faculty responsible for teaching students in a cooperating agency located outside the jurisdictional limits of Virginia should hold a current license to practice nursing in that jurisdiction as well.

c. The program director and each member of the nursing faculty shall maintain professional competence through such activities as nursing practice, continuing education programs, conferences, workshops, seminars, academic courses, research projects and professional writing.

d. For baccalaureate degree programs:

(1) The program director shall hold a doctoral degree.

(2) Every member of the nursing faculty shall hold a graduate degree. Faculty members without a graduate degree with a major in nursing shall have a baccalaureate degree with a major in nursing.

(3) At least one faculty member in each clinical area shall have master's preparation in specialty.

e. For associate degree and diploma programs:

(1) The program director shall hold a graduate degree, preferably with a major in nursing.

(2) The majority of the members of the nursing faculty shall hold a graduate degree, preferably with a major in nursing.

(3) Other members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

f. For practical nursing programs.

(1) The program director shall hold a baccalaureate degree, preferably with a major in nursing.

(2) The majority of the members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

Final Regulations

g. Exceptions to provisions of subparagraphs d, e, and f of this subsection shall be by board approval.

(1) Initial request for exception.

(a) The program director shall submit a request for initial exception in writing for considerations at a regular board meeting prior to the term during which the nursing faculty member is scheduled to teach.

(b) A description of teaching assignment, a curriculum vitae and a statement of intent, from the prospective faculty member, to pursue the required degree shall accompany each request.

(2) Request for continuing exception.

(a) Continuing exception will be based on the progress of the nursing faculty member toward meeting the degree required by these regulations during each year for which the exception is requested.

(b) The program director shall submit the request for continuing exception in writing for consideration at a regular board meeting prior to the next term during which the nursing faculty member is scheduled to teach.

(c) A list of courses required for the degree being pursued and college transcripts showing successful completion of a minimum of two of the courses during the past academic year shall accompany each request.

2. Number.

a. The number of faculty shall be sufficient to prepare the students to achieve the objectives of the educational program and such number shall be reasonably proportionate to:

- (1) Number of students enrolled;
- (2) Frequency of admissions;
- (3) Education and experience of faculty members;
- (4) Number and location of clinical facilities; and
- (5) Total responsibilities of the faculty.

b. When students are giving direct care to patients, the maximum ratio of students to faculty in clinical areas shall be 10 students to one faculty member.

3. Conditions of employment.

a. Qualifications and responsibilities for faculty positions shall be defined in writing.

b. Faculty assignments shall allow time for class and laboratory preparation; teaching; program revision; improvement of teaching methods; academic advisement and counseling of students; participation in faculty organizations and committees; attendance at professional meetings; and participation in continuing education activities.

4. Functions.

The principal functions of the faculty shall be to:

- a. Develop, implement and evaluate the philosophy and objectives of the nursing education program;
- b. Participate in designing, implementing, teaching, and evaluating and revising the curriculum;
- c. Develop and evaluate student admission, progression, retention and graduation policies within the framework of the controlling institution;
- d. Participate in academic advisement and counseling of students; and
- e. Provide opportunities for student evaluation of curriculum and teaching and program effectiveness.

5. Organization.

- a. The nursing faculty shall hold regular meetings for the purpose of developing, implementing and evaluating the nursing education program. Written rules shall govern the conduct of meetings.
- b. All members of the faculty shall participate in the regular faculty meetings.
- c. Committees shall be established to implement the functions of the faculty.
- d. Minutes of faculty and committee meetings, including actions taken, shall be recorded and available for reference.
- e. There shall be provision for student participation.

D. Students.

1. Admission, promotion and graduation.

a. Requirements for admission to the nursing education program shall not be less than the statutory requirements that will permit the graduate to be admitted to the appropriate licensing examination.

(EXPLANATORY NOTE: Reference subdivision 1 of subsection A of § 54.1-3017 of the Code of Virginia: The equivalent of a four-year high school course of study is considered to be:

(1) A General Educational Development (GED) certificate for high school equivalence; or

(2) Satisfactory completion of the college courses required by the nursing education program.)

b. Students shall be selected on the basis of established criteria and without regard to age, race, creed, sex or national origin.

c. Requirements for admission, readmission, advanced standing, progression, retention, dismissal and graduation shall be available to the students in written form.

E. Records.

1. School records.

A system of records shall be maintained and be made available to the board representative and shall include:

a. Data relating to accreditation by any agency or body,

b. Course outlines,

c. Minutes of faculty and committee meetings,

d. Reports of standardized tests,

e. Survey reports.

2. Student records.

a. A file shall be maintained for each student. Each file shall be available to the board representative and shall include:

(1) The student's application,

(2) High school transcript or copy of high school equivalence certificate,

(3) Current record of achievement.

b. A final transcript shall be retained in the permanent file of the institution.

c. Provision shall be made for the protection of student and graduate records against loss, destruction and unauthorized use.

3. School bulletin or catalogue.

Current information about the nursing education program shall be published periodically and distributed to students, applicants for admission and the board. Such information shall include:

a. Description of the program.

b. Philosophy and objectives of the controlling institution and of the nursing program.

c. Admission and graduation requirements.

d. Fees.

e. Expenses.

f. Financial aid.

g. Tuition refund policy.

h. Education facilities.

i. Living accommodations.

j. Student activities and services.

k. Curriculum plan.

l. Course descriptions.

m. Faculty-staff roster.

n. School calendar.

F. Curriculum.

1. Curriculum shall reflect the philosophy and objectives of the nursing education program, and shall be consistent with the law governing the practice of nursing.

2. The ratio between nursing and nonnursing credit shall be based on a rationale to ensure sufficient preparation for the safe and effective practice of nursing.

3. Learning experiences shall be selected to fulfill curriculum objectives.

4. Nursing education programs preparing for practical nursing licensure shall include:

a. Principles and practice in nursing encompassing the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle;

b. Basic concepts of the nursing process;

c. Basic concepts of anatomy, physiology, chemistry, physics and microbiology;

d. Basic concepts of communication, growth and development, interpersonal relations, patient education and cultural diversity;

e. Ethics, nursing history and trends, vocational and legal aspects of nursing; and

Final Regulations

- f. Basic concepts of pharmacology, nutrition and diet therapy.
5. Nursing education programs preparing for registered nurse licensure shall include:
- a. Theory and practice in nursing, encompassing the attainment and maintenance of physical and mental health and the prevention of illness throughout the life cycle for individuals, groups and communities;
 - b. Concepts of the nursing process;
 - c. Concepts of anatomy, physiology, chemistry, microbiology and physics;
 - d. Sociology, psychology, communications, growth and development, interpersonal relations, group dynamics, cultural diversity and humanities;
 - e. Concepts of pharmacology, nutrition and diet therapy, and pathophysiology;
 - f. Concepts of ethics, nursing history and trends, and the professional and legal aspects of nursing; and
 - g. Concepts of leadership, management and patient education.
- G. Resources, facilities and services.
1. Periodic evaluations of resources, facilities and services shall be conducted by the administration, faculty, students and graduates of the nursing education program.
 2. Secretarial and other support services shall be provided.
 3. Classrooms, conference rooms, laboratories, clinical facilities and offices shall be available to meet the objectives of the nursing education program and the needs of the students, faculty, administration and staff.
 4. The library shall have holdings that are current, pertinent and accessible to students and faculty, and sufficient in number to meet the needs of the students and faculty.
 5. Written agreements with cooperating agencies shall be developed, maintained and periodically reviewed. The agreement shall:
 - a. Ensure full control of student education by the faculty of the nursing education program, including the selection and supervision of learning experiences.
 - b. Provide that an instructor shall be present on the clinical unit(s) to which students are assigned for direct patient care.
 - c. Provide for cooperative planning with designated agency personnel.
 6. Any observational experiences shall be planned in cooperation with the agency involved to meet stated course objectives.
 7. Cooperating agencies shall be approved by the appropriate accreditation, evaluation or licensing bodies, if such exist.
- H. Program changes requiring board of nursing approval.
- The following proposed changes require board approval prior to their implementation:
1. Proposed changes in the nursing education program's philosophy and objectives that result in program revision.
 2. Proposed changes in the curriculum that result in alteration of the length of the nursing education program.
 3. Proposed additions, deletions or major revisions of courses.
- I. Procedure for approval of program change.
1. When a program change is contemplated, the program director shall inform the board or board representative.
 2. When a program change is requested, a plan shall be submitted to the board including:
 - a. Proposed change,
 - b. Rationale for the change,
 - c. Relationship of the proposed change to the present program.
 3. Twelve copies of these materials shall be submitted to the board at least three weeks prior to the board meeting at which the request will be considered.
- § 2.3. Procedure for maintaining approval.
- A. The program director of each nursing education program shall submit an annual report to the board.
 - B. Each nursing education program shall be reevaluated at least every eight years and shall require:
 1. A comprehensive self-evaluation report based on § 2.2 of these regulations, and
 2. A survey visit by a representative(s) of the board on dates mutually acceptable to the institution and the

board.

C. The self-evaluation and survey visit reports shall be presented to the board for consideration and action at a regularly scheduled board meeting. The reports and the action taken by the board shall be sent to the appropriate administrative officers of the institution. In addition, a copy shall be forwarded to the executive officer of the state agency or agencies having program approval authority or coordinating responsibilities for the governing institutions.

D. Interim visits shall be made to the institution by board representatives at any time within the eight-year period either by request or as deemed necessary by the board.

E. A nursing education program shall continue to be approved provided the requirements set forth in § 2.2 of these regulations are attained and maintained.

F. If the board determines that a nursing education program is not maintaining the requirements of § 2.2 of these regulations, the program shall be placed on conditional approval and the governing institution shall be given a reasonable period of time to correct the identified deficiencies. The institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

G. If the governing institution fails to correct the identified deficiencies within the time specified by the board, the board shall withdraw the approval following a hearing held pursuant to the provisions of the Administrative Process Act. (§ 9-6.14:1 et seq.) Sections 2.4, B and C of these regulations shall apply to any nursing education program whose approval has been withdrawn.

§ 2.4. Closing of an approved nursing education program.

A. Voluntary closing.

When the governing institution anticipates the closing of a nursing education program, it shall notify the board in writing, stating the reason, plan and date of intended closing. The governing institution shall choose one of the following closing procedures:

1. The program shall continue until the last class enrolled is graduated.

a. The program shall continue to meet the standards for approval until all of the enrolled students have graduated.

b. The date of closure is the date on the degree, diploma or certificate of the last graduate.

c. The governing institution shall notify the board of the closing date.

2. The program shall close after the governing institution has assisted in the transfer of students to other approved programs.

a. The program shall continue to meet the standards required for approval until all students are transferred.

b. A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

c. The date on which the last student was transferred shall be the closing date of the program.

B. Closing as a result of denial or withdrawal or approval.

When the board denies or withdraws approval of a program, the governing institution shall comply with the following procedures:

1. The program shall close after the institution has made a reasonable effort to assist in the transfer of students to other approved programs. A time frame for the transfer process shall be established by the board.

2. A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

3. The date on which the last student was transferred shall be the closing date of the program.

C. Custody of records.

Provision shall be made for custody of records as follows:

1. If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The institution shall inform the board of the arrangements made to safeguard the records.

2. If the governing institution ceases to exist, the academic transcript of each student and graduate shall be transferred by the institution to the board for safekeeping.

§ 2.5. Clinical nurse specialist education program.

An approved program shall be offered by:

1. A nationally accredited school [of nursing within a college or university] that offers a master's degree in nursing designed to prepare a [clinical nurse specialist registered nurse for advanced practice in a

Final Regulations

clinical specialty in nursing] ; or

2. A college or university that offers a master's degree [in a field accepted by the American Nurses' Association for specialty certification consistent with the requirements of a national certifying organization as defined in § 1.1 of these regulations] .

PART III. LICENSURE AND PRACTICE.

§ 3.1. Licensure by examination.

A. The board shall administer examinations for registered nurse licensure and examinations for practical nurse licensure no less than twice a year.

B. The minimum passing score on the examination for registered nurse licensure shall be determined by the board.

C. If a candidate does not take the examination when scheduled, the application shall be retained on file as required for audit.

D. Any applicant suspected of giving or receiving unauthorized assistance during the writing of the examination shall be noticed for a hearing before the board to determine whether the license shall be issued.

E. The board shall not release examination scores to any individual or agency without written authorization from the applicant or licensee.

F. An applicant for the licensing examination shall:

1. File the required application and fee no less than 60 days prior to the scheduled date of the examination.

2. Arrange for the board to receive the final certified transcript from the nursing education program at least 15 days prior to the examination date or as soon thereafter as possible. The transcript must be received prior to the reporting of the examination results to candidates.

G. Fifteen days prior to an examination date, all program directors shall submit a list of the names of those students who have completed or are expected to complete the requirements for graduation since the last examination . Any change in the status of a candidate within the above specified 15-day period shall be reported to the board immediately.

H. Practice of nursing pending receipt of examination results.

1. Graduates of approved nursing education programs may practice nursing in Virginia pending the results of the first licensing examination given by a board of

nursing following their graduation, provided they have filed an application for licensure in Virginia. Candidates taking the examination in Virginia shall file the application for licensure by examination. Candidates taking the examination in other jurisdictions shall file the application for licensure by endorsement.

2. Candidates who practice nursing as provided in § 3.1 I 1 of these regulations shall use the designation "R.N. Applicant" or "L.P.N. Applicant" when signing official records.

3. The designations "R.N. Applicant" and "L.P.N. Applicant" shall not be used by applicants who do not take or who have failed the first examination for which they are eligible.

I. Applicants who fail the examination.

1. An applicant who fails the licensing examination shall not be licensed or be authorized to practice nursing in Virginia.

2. An applicant for reexamination shall file the required application and fee no less than 60 days prior to the scheduled date of the examination.

3. Applicants who have failed the licensing examination in another U.S. jurisdiction and who meet the qualifications for licensure in this jurisdiction may apply for licensure by examination in Virginia. Such applicants shall submit the required application and fee. Such applicants shall not, however, be permitted to practice nursing in Virginia until the requisite license has been issued.

§ 3.2. Licensure by endorsement.

A. A graduate of an approved nursing education program who has been licensed by examination in another U.S. jurisdiction and whose license is in good standing shall be eligible for licensure by endorsement in Virginia, provided the qualifications for licensure were equivalent to those in effect in Virginia at the time the applicant was initially licensed.

B. An applicant for licensure by endorsement shall submit the required application and fee and submit the required form to the appropriate credentialing agency in the state of original licensure for verification of licensure. Applicants will be notified by the board after 30 days, if the completed verification form has not been received.

C. If the application is not completed within one year of the initial filing date, the application shall be retained on file by the board as required for audit.

§ 3.3. Licensure of applicants from other countries.

A. Applicants whose basic nursing education was

received in, and who are duly licensed under the laws of another country, shall be scheduled to take the licensing examination provided they meet the statutory qualifications for licensure. Verification of qualification shall be based on documents submitted as required in § 3.3 B and C of these regulations.

B. Such applicants for registered nurse licensure shall:

1. Submit evidence of a passing score on the Commission on Graduates of Foreign Nursing Schools Qualifying Examination; and
2. Submit the required application and fee for licensure by examination.

C. Such applicants for practical nurse licensure shall:

1. Request a transcript from the nursing education program to be submitted directly to the board office;
2. Provide evidence of secondary education to meet the statutory requirements;
3. Request that the credentialing agency, in the country where licensed, submit the verification of licensure; and
4. Submit the required application and fee for licensure by examination.

§ 3.4. Renewal of licenses.

A. Licensees born in even-numbered years shall renew their licenses by the last day of the birth month in even-numbered years. Licensees born in odd-numbered years shall renew their licenses by the last day of the birth month in odd-numbered years.

B. No less than 30 days prior to the last day of the licensee's birth month, an application for renewal of license shall be mailed by the board to the last known address of each licensee, who is currently licensed.

C. The licensee shall complete the application and return it with the required fee.

D. Failure to receive the application for renewal shall not relieve the licensee of the responsibility for renewing the license by the expiration date.

E. The license shall automatically lapse if the licensee fails to renew by the last day of the birth month.

F. Any person practicing nursing during the time a license has lapsed shall be considered an illegal practitioner and shall be subject to prosecution under the provisions of § 54.1-3008 of the Code of Virginia.

§ 3.5. Reinstatement of lapsed licenses.

A. A nurse whose license has lapsed shall file a reinstatement application and pay the current renewal fee and the reinstatement fee.

B. The board may request evidence that the nurse is prepared to resume practice in a competent manner.

§ 3.6. Replacement of lost license.

A. The licensee shall report in writing the loss of the original certificate of registration or the current license.

B. A duplicate license for the current renewal period shall be issued by the board upon receipt of the required form and fee.

§ 3.7. Evidence of change of name.

A licensee who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order evidencing the change. A duplicate license shall be issued by the board upon receipt of such evidence and the required fee.

§ 3.8. Requirements for current mailing address.

A. All notices, required by law and by these regulations to be mailed by the board to any licensee, shall be validly given when mailed to the latest address on file with the board.

B. Each licensee shall maintain a record of his current mailing address with the board.

C. Any change of address by a licensee shall be submitted in writing to the board within 30 days of such change.

§ 3.9. Licensed practical nursing is performed under the direction or supervision of a licensed medical practitioner, a registered nurse or a licensed dentist within the context of § 54.1-3408 of the Code of Virginia.

§ 3.10. Clinical nurse specialist registration.

A. Initial registration.

An applicant for initial registration as a clinical nurse specialist shall:

1. Be currently licensed as a registered nurse in Virginia;

2. Submit evidence of graduation from an approved program as defined in § 2.5 of these regulations;]

3.] Submit evidence of current [specialist specialty] certification [as a clinical nurse specialist from a national certifying organization] as defined in § 1.1 of these regulations; and

Final Regulations

[~~2. 4.] Submit the required application and fee.~~

[5. EXCEPTION: An individual who has practiced as a clinical nurse specialist in Virginia within the 12 months immediately preceding the effective date of these regulations shall:

a. Be currently licensed as a registered nurse in Virginia;

b. File the required application and fee within 120 days of the effective date of these regulations;

c. Submit evidence of a master's degree acceptable to the board; and

d. Submit evidence of employment as a clinical nurse specialist in Virginia within the 12 months immediately preceding the effective date of these regulations.]

B. Renewal of registration.

1. Registration as a clinical nurse specialist shall be renewed biennially at the same time the registered nurse license is renewed.

2. The clinical nurse specialist shall complete the renewal application and return it with the required fee and evidence of current [~~specialist specialty~~] certification [unless registered in accordance with § 3.10 A 5 of these regulations] .

3. Registration as a clinical nurse specialist shall lapse if the registered nurse license is not renewed and may be reinstated as follows:

a. Reinstatement of R.N. license;

b. Payment of reinstatement and current renewal fees; and

c. Submission of evidence of [~~current specialist continued specialty~~] certification [unless registered in accordance with § 3.10 A 5 of these regulations]

§ 3.11. Clinical nurse specialist practice.

A. The practice of clinical nurse specialists shall be consistent with the

1. Education required in § 2.5. of these regulations, and

2. Experience required for specialist certification.

B. The clinical nurse specialist shall provide [~~only~~] those advanced [nursing] services that are consistent with the standards of specialist practice as established by [the American Nurses' Association a national certifying

organization] for the designated specialty and in accordance with the provisions of Title 54.1 of the Code of Virginia.

[C. Advanced practice as a clinical nurse specialist shall include but shall not be limited to performance as an expert clinician to:

1. Provide direct care and counsel to individuals and groups;

2. Plan, evaluate and direct care given by others; and

3. Improve care by consultation, collaboration, teaching and the conduct of research.]

PART IV. DISCIPLINARY PROVISIONS.

§ 4.1. The board has the authority to deny, revoke or suspend a license issued, or to otherwise discipline a licensee upon proof that the licensee has violated any of the provisions of § 54.1-3007 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

A. Fraud or deceit shall mean, but shall not be limited to:

1. Filing false credentials;

2. Falsely representing facts on an application for initial license, reinstatement or renewal of a license; or

3. Giving or receiving assistance in writing the licensing examination.

B. Unprofessional conduct shall mean, but shall not be limited to:

1. Performing acts beyond the limits of the practice of professional or practical nursing as defined in Chapter 30 of Title 54.1, or as provided by §§ 54.1-2901 and 54.1-2957 of the Code of Virginia;

2. Assuming duties and responsibilities within the practice of nursing without adequate training or when competency has not been maintained;

3. Obtaining supplies, equipment or drugs for personal or other unauthorized use;

4. Employing or assigning unqualified persons to perform functions that require a licensed practitioner of nursing;

5. Falsifying or otherwise altering patient or employer records; or

- 6. Abusing, neglecting or abandoning patients or clients; or
- 7. Practice of a clinical nurse specialist beyond that defined in § 3.11. of these regulations.
- 8. Holding self out as or performing acts constituting the practice of a clinical nurse specialist unless so registered by the Board.

§ 4.2. Any sanction imposed on the registered nurse license of clinical nurse specialist shall have the same effect on the clinical nurse specialist registration.

PART V.
CERTIFIED NURSE AIDES.

[Authority: §§ 54.1-2400, 54.1-2000, 54.1-2005, 54.1-3007, 54.1-3000, 54.1-3022, 54.1-3023, 54.1-3024, 54.1-3025, 54.1-3026, 54.1-3027 and 54.1-3028.]

§ 5.1. Definitions.

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

"Nurse aide education program" means a program designed to prepare nurse aides, offered by a school, college, nursing facility or other institution authorized to conduct such a program.

"Nursing facility" means a licensed nursing home or a Medicare or Medicaid certified skilled or intermediate care facility or unit.

"Primary instructor" means a registered nurse who is responsible for teaching and evaluating the students enrolled in a nurse aide education program.

"Program coordinator" means a registered nurse who is administratively responsible and accountable for a nurse aide education program.

"Program provider" means a school, college, nursing facility or other institution that conducts a nurse aide education program.

§ 5.2. Delegation of authority.

The executive director of the board shall issue a certificate as a certified nurse aide to each applicant who qualifies for such a certificate under §§ 54.1-3025, 54.1-3026 and 54.1-3028 of the Code of Virginia.

§ 5.3. Fees.

Application for nurse aide certification - - - - \$15

§ 5.4. Nurse aide education programs.

A. Establishing a nurse aide education program.

1. A program provider wishing to establish a nurse aide education program shall submit an application to the board at least 90 days in advance of the expected opening date.

2. The application shall provide evidence of the ability of the institution to comply with § 5.4 B of these regulations.

3. The application shall be considered at a meeting of the board. The board shall, after review and consideration, either grant or deny approval.

4. If approval is denied the program provider may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

B. Maintaining an approved nurse aide education program.

To maintain approval, the nurse aide education program shall demonstrate evidence of compliance with the following essential elements:

1. Curriculum content and length as set forth in § 5.4 C 1-3 of these regulations.

2. Maintenance of qualified instructional personnel.

3. Classroom facilities that meet requirements set forth in § 5.4 H of these regulations.

4. Maintenance of records of graduates' performance on the competency evaluation.

5. Skills training experience in a clinical facility which was not terminated from the Medicare or Medicaid programs during the past two years.

6. Maintenance of a record showing disposition of complaints against the program.

C. Instructional personnel.

1. Program coordinator/primary instructor.

a. Nursing facility based programs.

(1) The program coordinator in a nursing facility based program may be the director of nursing services. The director of nursing may assume the administrative responsibility and accountability for the nurse aide education program. [*]

[*Implementing instructions, dated April 1980, from the Health Care Financing Administration, of the U.S. Department of Health and Human Services, state that, "When the program coordinator is the director of nursing,

Final Regulations

qualified assistance must be available so that the nursing service responsibilities of the director of nursing are covered."]

(2) The primary instructor shall hold a current Virginia license as a registered nurse and shall have at least one year of experience, within the preceding five years, in a nursing facility.

b. Programs other than those based in nursing facilities.

The program coordinator/primary instructor, who does the actual teaching of the students, shall hold a current Virginia license as a registered nurse and shall have two years of experience, within the preceding five years, in caring for the elderly [and/] or chronically ill of any age. Such experience may include, but not be limited to, employment in a nurse aide education program or in a nursing facility or unit, geriatrics department, chronic care hospital, home care or other long-term care setting. Experience should include varied responsibilities, such as direct resident care, supervision and education.

c. Prior to being assigned to teach the nurse aide education program, the program coordinator/primary instructor shall demonstrate competence to teach adults by one of the following:

(1) Complete satisfactorily a "train-the-trainer" program approved by the board; or

(2) Complete satisfactorily a credit or noncredit course or courses approved by the board, the content of which must include:

(a) Basic principles of adult learning;

(b) Teaching methods and tools for adult learners; and

(c) Evaluation strategies and measurement tools for assessing the learning outcomes; or

(3) Provide evidence acceptable to the board of experience in teaching adult learners within the preceding five years.

2. Each of the other instructional personnel responsible for clinical instruction shall hold a current Virginia license as a registered nurse and have had at least two years of direct patient care experience as a registered nurse.

3. The program may utilize resource personnel to meet the planned program objectives for specific topics.

4. When students are giving direct care to residents in

clinical areas the maximum ratio of students to each instructor shall be ten students to one instructor.

D. Curriculum.

1. The objective of the nurse aide education program shall be to prepare a nurse aide to provide quality services to residents under the supervision of licensed personnel. The graduate of the nurse aide education program shall be prepared to:

a. Communicate and interact competency on a one-to-one basis with the residents;

b. Demonstrate sensitivity to residents' emotional, social, and mental health needs through skillful directed interactions;

c. Assist residents in attaining and maintaining functional independence;

d. Exhibit behavior in support and promotion of residents' rights; and

e. Demonstrate skills in observation and documentation needed to participate in the assessment of residents' health, physical condition and well-being.

2. Content.

The curriculum shall include, but shall not be limited to, classroom and clinical instruction in the following:

a. Initial core curriculum (minimum 16 hours). The classroom instruction prior to the direct involvement of a student with a nursing facility resident must include, at a minimum, the topics listed below:

(1) Communication and interpersonal skills,

(2) Infection control,

(3) Safety and emergency procedures,

(4) Promoting resident independence, and

(5) Respecting residents' rights.

b. Basic skills.

(1) Recognizing abnormal signs and symptoms of common diseases and conditions (e.g., shortness of breath, rapid respirations, fever, coughs, chills, pains in chest, blue color to lips, pain in abdomen, nausea, vomiting, drowsiness, sweating, excessive thirst, pus, blood or sediment in urine, difficulty urinating, urinating in frequent small amounts, pain or burning on urination, urine with dark color or strong odor) which indicate that the licensed nurse should be notified.

- (2) Measuring and recording routine vital signs.
- (3) Measuring and recording height and weight.
- (4) Caring for the residents' environment.
- (5) Measuring and recording fluid and food intake and output.
- (6) Performing basic emergency measures.
- (7) Caring for resident when death is imminent.

c. Personal care.

- (1) Bathing and oral hygiene.
- (2) Grooming.
- (3) Dressing.
- (4) Toileting.
- (5) Assisting with eating and hydration including proper feeding techniques.
- (6) Caring for skin.

d. Individual resident's needs including mental health and social service needs.

- (1) Identifying the psychosocial characteristics of the populations who reside in nursing homes.
- (2) Modifying behavior in response to behavior of residents.
- (3) Identifying developmental tasks associated with the aging process.
- (4) Providing training in and the opportunity for self care according to residents' capabilities.
- (5) Demonstrating principles of behavior management by reinforcing appropriate behavior and causing inappropriate behavior to be reduced or eliminated.
- (6) Demonstrating skills supporting age-appropriate behavior by allowing the resident to make personal choices, providing and reinforcing other behavior consistent with residents' dignity.
- (7) Utilizing resident's family or concerned others as a source of emotional support.

e. Basic restorative services.

- (1) Using assistive devices in ambulation.
- (2) Rating and dressing.

- (3) Maintaining range of motion.
- (4) Turning and positioning, both in bed and chair.
- (5) Transferring.
- (6) Bowel and bladder training.
- (7) Caring for and using prosthetic devices.
- (8) Positioning of therapeutic devices.

f. Residents' rights.

- (1) Providing privacy and maintaining confidentiality.
- (2) Promoting the resident's right to make personal choices to accommodate individual needs.
- (3) Giving assistance in resolving grievances.
- (4) Providing assistance necessary to participate in resident and family groups and other activities.
- (5) Maintaining care and security of the resident's personal possessions.
- (6) Providing care that maintains the resident free from abuse, mistreatment or neglect and reporting improper care to appropriate persons.

3. Unit objectives.

a. Objectives for each unit of instruction shall be stated in behavioral terms including measurable performance criteria.

b. Objectives shall be reviewed with the students at the beginning of each unit.

E. Skill record.

Each nurse aide education program shall develop an individual performance record of major duties and skills taught. This record will consist of, at a minimum, a listing of the duties and skills expected to be learned in the program, space to record when the nurse aide student performs this duty or skill, spaces to note satisfactory or unsatisfactory performance, the date of performance, and the instructor supervising the performance. At the completion of the nurse aide education program, the nurse aide and his employer must receive a copy of this record.

F. Student identification.

The nurse aide students shall wear identification that is clearly recognizable to residents, visitors and staff.

G. Length of program.

Final Regulations

1. The program shall be at least 80 hours in length.
2. The program shall provide for at least 16 hours of instruction prior to direct involvement of a student with a nursing facility resident.
3. Skills training in clinical settings shall be at least 40 hours.
4. Employment orientation to facilities used in the education program must not be included in the 80 hours allotted for the program.

H. Classroom facilities.

The nurse aide education program shall provide facilities that meet federal and state requirements including

1. Comfortable temperatures.
2. Clean and safe conditions.
3. Adequate lighting.
4. Adequate space to accommodate all students.
5. All equipment needed, including audio-visual equipment and that needed for simulating resident care.

I. Initial post approval review.

1. Nurse aide education programs approved by June 30, 1989, shall submit required information documenting the implementation of and compliance with the requirements of § 5.4 B-H of these regulations no later than January 1, 1990.
2. The information shall be presented to the board for consideration and action. The report and the action taken by the board shall be sent to the appropriate administrative officer of the program.
3. If the board determines that a nurse aide education program has not implemented or complied with the requirements of § 5.4 B-H of these regulations, the program shall be placed on conditional approval and be given a reasonable period of time to correct the identified deficiencies. The program provider may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)
4. If the program fails to correct the identified deficiencies within the time specified by the board, the board shall withdraw the approval following a hearing held pursuant to the provisions of the Administrative Process Act. (§ 9-6.14:1 et seq.)

J. Ongoing review.

1. Each nurse aide education program shall be reviewed on site by an agent of the board at least every two years following initial review.

2. The report of the site visit shall be presented to the board for consideration and action. The report and the action taken by the board shall be sent to the appropriate administrative officer of the program.

3. The program coordinator shall prepare and submit a program evaluation report on a form provided by the board in the intervening year that an on site review is not conducted.

4. A nurse aide education program shall continue to be approved provided the requirements set forth in § 5.4 B-H of these regulations are maintained.

5. If the board determines that a nurse aide education program is not maintaining the requirements of § 5.4 B-H of these regulations, the program shall be placed on conditional approval and be given a reasonable period of time to correct the identified deficiencies. The program provider may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

6. If the program fails to correct the identified deficiencies within the time specified by the board, the board shall withdraw the approval following a hearing held pursuant to the provisions of the Administrative Process Act. (§ 9-6.14:1 et seq.)

K. Curriculum changes.

Changes in curriculum must be approved by the board prior to implementation and shall be submitted for approval at the time of a report of a site visit or the report submitted by the program coordinator in the intervening years.

L. Closing of a nurse education program.

When a nurse aide education program closes, the program provider shall:

1. Notify the board of the date of closing.
2. Submit to the board a list of all graduates with the date of graduation of each.

§ 5.5. Nurse aide competency evaluation.

A. The board may contract with a test service for the development and administration of a competency evaluation.

B. All individuals completing a nurse aide education program in Virginia shall successfully complete the competency evaluation required by the board prior to making application for certification and to using the title

Certified Nurse Aide.

C. The board shall determine the minimum passing score on the competency evaluation.

§ 5.6. Nurse aide registry.

A. Initial certification by examination.

1. To be placed on the registry and certified, the nurse aide must:

- a. Satisfactorily complete a nurse aide education program approved by the board;
- b. Pass the competency evaluation required by the board; and
- c. Submit the required application and fee to the board.

2. Initial certification by endorsement.

- a. A graduate of a state approved nurse aide education program who has satisfactorily completed a competency evaluation program and been registered in another state may apply for certification in Virginia by endorsement.
- b. An applicant for certification by endorsement shall submit the required application and fee and submit the required verification form to the credentialing agency in the state where registered, certified or licensed within the last two years.

3. Initial certification shall be for two years.

B. Renewal of certification.

1. No less than 30 days prior to the expiration date of the current certification, an application for renewal shall be mailed by the board to the last known address of each currently registered certified nurse aide.
2. The certified nurse aide shall return the completed application with the required fee and verification of employment within the preceding two years.
3. Failure to receive the application for renewal shall not relieve the certificate holder of the responsibility for renewing the certification by the expiration date.
4. A certified nurse aide who has not worked in a nursing facility during the two years preceding the expiration date of the certification shall repeat an approved nurse aide education program and the nurse aide competency evaluation prior to applying for recertification.

C. Evidence of change of name.

A certificate holder who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order authorizing the change. A duplicate certificate shall be issued by the board upon receipt of such evidence and the required fee.

D. Requirements for current mailing address.

1. All notices required by law and by these regulations to be mailed by the board to any certificate holder shall be validly given when mailed to the latest address on file with the board.
2. Each certificate holder shall maintain a record of his current mailing address with the board.
3. Any change of address by a certificate holder shall be submitted in writing to the board within 30 days of such change.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-70-17. Child Support Enforcement Program.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Effective Date: February 28, 1990

Summary:

Federal and state laws require absent parents to provide financial support for their children. The Department of Social Services establishes child support obligations and, when payments are not made, enforces the support obligation. This regulation describes the child support enforcement services offered by the Department of Social Services and identifies the rules by which these services will be provided.

Revisions were made to the proposed regulation based on public comment. The revisions did not change the regulation, but improved its clarity. Four revisions were of a substantive nature. The Medicaid only population was added as an eligible group for child support enforcement services. The method by which the department shall calculate the monthly amount to be paid toward an unpaid child support obligation was added to the regulation. The requirement that wage withholding orders be served on absent responsible parents was added as it was inadvertently omitted from the proposed regulation. The method by which the department handles child support payments sent to the custodial parent in error was amended. Such payments will not be recouped from Aid to Dependent Children clients; these payments will be considered as income for the purposes of eligibility for public assistance.

Final Regulations

VR 615-70-17. Child Support Enforcement Program.

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

"ADC" means Aid to Dependent Children which is established under Title IV-A of the Social Security Act. This is a category of financial assistance paid on behalf of children who are deprived of one or both of their parents by reason of death, disability, or continued absence (including desertion) from the home.

"ADC/FC" means Aid to Dependent Children/Foster Care which is established under Title IV-E of the Social Security Act. This is a category of financial assistance paid on behalf of children who otherwise meet the eligibility criteria for ADC and who are in the custody of the local social service agencies.

"Administrative" means noncourt ordered, legally enforceable actions the department may take to establish or enforce a child support obligation.

"Appeal" means a request for a review of an action taken by the division.

["Bad check" means a check not honored by the bank on which it is drawn.]

"Custodial parent" means (i) the natural or adoptive parent with whom the child resides, (ii) a stepparent or other person who has legal custody of the child and with whom the child resides, or (iii) a social service agency which has legal custody of a child in foster care.

"Debt" means the total unpaid support obligation established by court order, administrative order, or payment of public assistance which is owed by an absent responsible parent to either the custodial parent or to the Commonwealth.

"Delinquent" means an unpaid child support obligation.

"Department" means the [Virginia] Department of Social Services.

"Disregard payment" means a payment made to an ADC recipient in an amount up to \$50. The payment is made from the [current] child support collected on the individual's behalf.

"District office" means a local office of the Division of Child Support Enforcement responsible for the operation of the Child Support Enforcement Program.

"Division" means the Division of Child Support Enforcement of the Virginia Department of Social Services.

"Enforcement" means ensuring the payment of child support through the use of administrative or judicial means.

["Erroneous payment" means a payment sent to the custodial parent for which no funds were received by the department to be paid to that client.]

"Financial statement" means a sworn document from [both] the custodial parent and absent responsible parent showing their financial situation.

"Foreclosure" means a judicial procedure to enforce debts involving forced judicial sale of the real property of a debtor.

"Health care coverage" means a plan providing hospital, medical, or surgical care coverage for dependent children.

"Hearings officer" means a disinterested person designated by the department to hold appeal hearings and render appeal decisions.

"IV-D agency" means a governmental entity administering the child support program under Title IV-D of the Social Security Act. In Virginia the IV-D agency is the Division of Child Support Enforcement.

"Judicial" means an action initiated through a court.

"Location only services" means that certain entities such as courts and other state child support enforcement agencies can receive only locate services from the department.

"Local social service agency" means one of Virginia's locally administered social service or welfare departments which operate the ADC and ADC/FC programs and other programs offered by the department.

["Medicaid only" means a category of public assistance whereby a family receives Medicaid but is not eligible for or receiving ADC.]

"Mistake of fact" means an error in the identity of the absent responsible parent or in the amount of child support owed.

"Obligation" means the amount and frequency of payments which the absent responsible parent is legally bound to pay.

["Pendency of an appeal" means the period of time after an administrative appeal has been made and before the final disposition.]

"Public assistance" means payments for ADC, or ADC/FC, or Medicaid-only.

"Putative father" means an alleged father; a person named as the father of a child born out-of-wedlock but whose paternity has not been established.

"Recipient" means a person receiving public assistance.

"Responsible parent" means a person required under law to support a dependent child or the child's caretaker.

"Summary of facts" means a written statement of facts outlining the actions taken by the department on a case which has been appealed.

["Supplemental Security Income" means a program administered by the federal government which guarantees a minimum income to persons who meet the requirement of aged, blind, or disabled.]

PART II. GENERAL INFORMATION.

§ 2.1. Services provided.

A. Child support enforcement services shall be provided as a group to ADC, ADC/FC, [Medicaid only,] and non-ADC clients. Courts and other state IV-D agencies may apply for location-only services.

B. Child support enforcement services shall include the following services which may involve administrative or court action:

1. Location of absent responsible parents;
2. Establishment of paternity;
3. Establishment or modification of child support obligations, including the responsibility to provide health care coverage;
4. Enforcement of child support obligations, both administratively and judicially determined; and
5. Collection and disbursement of child support payments, regardless of whether the obligation is legally established.

§ 2.2. Eligibility for services.

A. Individuals residing in Virginia who receive ADC [or ,] ADC/FC [, or Medicaid only] assistance are automatically eligible for child support services.

1. ADC [and ,] ADC/FC [, and Medicaid only] applicants and recipients must accept child support services as a condition of eligibility for public assistance unless the local social service agency determines that good cause exists for not accepting these services.
2. The department shall suspend action on a child

support case in which the local social service agency has determined that good cause exists for not cooperating with the department in its pursuit of child support.

3. The department shall continue to provide child support services to a custodial parent when the ADC case closes.

a. The department shall provide these services without requiring a formal application.

b. The department shall continue to provide these services until the custodial parent states in writing that the services are no longer wanted unless the closure of the child support case is contrary to state or federal law.

B. Individuals residing in Virginia or having a legal residence in Virginia who do not receive ADC [or ,] ADC/FC [, or Medicaid only] assistance must make an application for child support services as a condition of eligibility for those services.

1. The child for whom child support is being requested must be under 18 years of age, unless:

a. There is a court order specifying that support continue until a later age, or

b. The child is handicapped, or

c. The services being requested are for a child support obligation which existed prior to the child's 18th birthday.

2. If the child for whom support is being sought is under 18 years of age, the applicant must be the parent or legal guardian of the child and the child must reside with the applicant.

C. Individuals residing outside of Virginia shall be eligible for child support services upon a request for services from the IV-D agency in the state in which they reside.

D. Courts and other state IV-D agencies are eligible for location only services.

§ 2.3. Assignment of rights.

[A. Individuals applying for child support services shall assign their support rights to the Commonwealth on behalf of the child or the spouse and child.]

[B.] Assignment of child support rights to the Commonwealth is automatic [by operation of law] with receipt of ADC [or ,] ADC/FC [, or Medicaid only] assistance [and, for ADC cases, continues after the public assistance case closes unless the client requests in writing that the services be terminated] .

Final Regulations

§ 2.4. Authorization to seek or enforce a child support obligation.

Persons receiving child support services shall give the department written authorization to seek or enforce support on behalf of the child or spouse and child.

§ 2.5. Special conditions regarding receipt of ADC or ADC/FC.

A. Receipt of ADC or ADC/FC assistance creates a debt to the Commonwealth.

B. If a debt is owed to the Commonwealth due to the receipt of ADC or ADC/FC assistance, the department shall apply amounts collected for past due child support toward this debt unless the court order stipulates otherwise. [Payments collected for current support may not be applied toward the debt.]

C. Money received from tax intercept shall be applied, in total, toward the ADC or ADC/FC debt.

§ 2.6. Application fees.

The application fee for child support services is \$1.00 [for nonpublic assistance clients]. The department shall pay this fee on behalf of [all such] applicants for child support enforcement services.

§ 2.7. Costs associated with the provision of child support services.

A. The department may not require custodial parents to pay the costs associated with the provision of child support services.

B. The putative father shall pay the costs associated with the determination of paternity if [he signs a stipulation agreement to pay or if] he is ordered by a court to pay these costs.

PART III. ESTABLISHING CHILD SUPPORT OBLIGATIONS.

Article 1. Paternity Establishment.

§ 3.1. Establishing paternity.

In order for the department to establish a child support obligation and to enforce and collect child support payments from a putative father, the father must be determined to be legally responsible for the support of the child. In situations in which the putative father has not been legally determined to be the father of the child, paternity must be adjudicated before a child support obligation can be established.

§ 3.2. Establishing paternity in interstate cases.

The department shall establish, if possible, the paternity of children who do not reside in Virginia when the putative father resides in Virginia and a request for such services is received from another state IV-D agency.

Article 2. Administrative Support Orders.

§ 3.3. Administrative establishment of a child support obligation.

The department has statutory authority to establish child support obligations through noncourt ordered legally enforceable administrative means. These administrative obligations have the same force and effect as a support obligation established by the court.

A. The amount of child support that is owed and the frequency with which it is paid must be established before the payment of child support can be enforced.

B. The administrative order shall be called the Administrative Support Order.

C. The department shall use administrative rather than judicial means to establish the child support obligation whenever possible.

D. The department shall use administrative means to establish a temporary child support obligation when judicial determinations of support are pending due to custody and visitation issues.

E. The department shall consider the obligation to be established when an Administrative Support Order has been served and the 10-day appeal period for the administrative order has elapsed.

F. The department shall modify the obligation when new information is received [necessitating a change] .

G. The department shall modify the amount of the obligation for future child support payments only.

§ 3.4. Determining the amount of the child support obligation.

A. The obligation shall include:

1. Frequency with which the current amount owed is to be paid,
2. Current amount owed,
3. [PA Public assistance] debt, if any, and
4. Unpaid past due child support, if any.

B. Financial statements.

1. The department shall use financial statements

obtained from the absent responsible parent and the custodial parent to determine the amount of the child support obligation.

2. The absent responsible parent and custodial parent shall complete sworn financial statements upon demand by the department and annually thereafter.

3. If [either the absent responsible parent or] the custodial parent is a recipient of public assistance, the department shall use the information obtained through the ADC or ADC/FC eligibility process to meet the financial statement requirement.

4. The department shall define the type of financial information which shall be required based on § 63.1-274.5 of the Code of Virginia which is incorporated by reference.

5. A custodial parent who is not a responsible parent of the child for whom child support is being sought [may shall] not be required to complete a financial statement.

6. The department shall obtain financial statements from both absent responsible parents when the custodial parent is not a responsible parent of the child.

C. When an absent parent is responsible for the support of children receiving ADC or ADC/FC assistance, the department shall initially base the amount of the obligation on the amount of ADC or ADC/FC paid on behalf of the responsible parent's dependents.

1. The department shall change the proposed obligation amount and base it on the child support scale if the absent responsible parent provides financial information [before the appeal time period has passed during the pendency of an administrative appeal] .

2. If the department receives financial information after the obligation is established, the department shall modify the Administrative Support Order prospectively and shall base the future obligation amount on the child support scale.

D. When the absent parent is responsible for the support of children not receiving ADC or ADC/FC and provides a financial statement, the department shall base the amount of the obligation on the child support scale.

1. If the responsible parent does not provide a financial statement and there is no court order and no previously issued administrative order, the department shall issue a default Administrative Support Order.

2. The default administrative order shall be based on the amount of public assistance that would be paid on behalf of the absent responsible parent's dependents if

they were eligible for ADC assistance.

[E. The department shall determine the amount to be paid monthly toward a child support debt when the obligation is administratively ordered and when a court ordered obligation for support does not specify the amount to be paid toward the debt. The monthly payment for arrears will be \$65 or 25% of the current obligation, whichever is greater, and shall not exceed the amount allowed under the Consumer Credit Protection Act.]

§ 3.5. Service of the administrative support order.

The department must legally serve the Administrative Support Order on the absent responsible parent [or receive a waiver of service from the responsible parent] in order to have an established obligation.

§ 3.6. Health care coverage.

A. The absent responsible parent shall provide information regarding health care coverage for his dependent children, and his spouse or former spouse if applicable, upon request from the department.

B. The absent responsible parent shall provide health care coverage for the child or children if medical insurance is available through his employment.

§ 3.7. Child support scale.

A. The department is required to use the Schedule of Monthly Basic Child Support Obligations and procedures in § 20-108.2 of the Code of Virginia in calculating the amount of administrative child support obligations. This section of the Code is incorporated by reference.

B. The department shall call this schedule the child support scale.

C. The department shall [not deviate from use] the scale in establishing Administrative Support Orders except in the two situations identified in § 3.4 [C and D 1] .

D. The total child support obligation will be divided between both parents in the same proportion as their individual gross incomes bear to their combined gross income.

E. The department shall consider the following factors in calculating the combined gross income:

1. The absent responsible parent and custodial parent's gross monthly income from all sources [with the exception noted in subsection F of this section] ,

2. The number of children for whom the absent responsible parent and custodial parent share joint legal responsibility,

3. Extraordinary medical and dental expenses which

Final Regulations

are defined in § 20-108.2 of the Code of Virginia, and

4. The custodial parent's work related child care expenses.

F. The department may not include benefits from public assistance programs as defined in § 63.1-87 [, Supplemental Security Income,] or child support received in calculating the combined gross income.

PART IV. ENFORCING CHILD SUPPORT OBLIGATIONS.

Article 1 General.

§ 4.1. Enforcement rules.

A. The department shall, whenever possible, administratively enforce compliance with established child support orders including both administrative and court orders.

B. The department shall enforce child support obligations at the time the Administrative Support Order is initially entered through the use of one of the following methods of wage withholdings:

1. Immediate withholding of earnings
2. Voluntary assignment of earnings

C. The department shall enforce child support obligations when the obligation becomes delinquent through the use of one or more of the following administrative enforcement remedies:

1. Mandatory withholding of earnings
2. Liens
3. Orders to withhold and deliver
4. Foreclosure
5. Distraint, seizure, and sale
6. Unemployment compensation benefits intercept
7. Bonds, securities, and guarantees
8. Tax intercept
9. Internal Revenue Service full collection service
10. Credit bureau reporting
11. [Federal] Enforcement remedies [for federal employees] .

D. The department shall attempt to enforce current and

delinquent child support payments through administrative means before petitioning the court for enforcement action unless it determines that court action is more appropriate.

§ 4.2. Withholding of earnings rules.

A. The department may issue a withholding of earnings order against all earnings except those exempted from garnishment under federal and state law.

B. The amount of money withheld from earnings may not be more than the amount allowed under the Consumer Credit Protection Act. (§ 34-29 of the Code of Virginia)

[C. The department must legally serve the wage withholding order on the absent responsible parent or receive a waiver of service from the individual.]

[D.] The department shall modify the withholding of earnings order only if there is a change in the amount of the current support or past due debt.

[E.] The department shall release the withholding of earnings order only if one of the following occurs:

1. The current support obligation terminates and any past due debt is paid in full;
2. Only a past due debt is owed and it is paid in full;
3. The whereabouts of the child or child and caretaker become unknown; or
4. Bankruptcy laws require release [;]

[5. A nonpublic assistance client no longer wants the services of the department.]

Article 2.

Immediate and Voluntary Withholding of Earnings.

§ 4.3. General.

The Administrative Support Order shall include a requirement for immediate withholding of the child support obligation from the absent responsible parent's earnings. The custodial parent and absent responsible parent may choose a voluntary assignment of earnings as an alternate arrangement for payment of child support.

§ 4.4. Immediate withholding of earnings.

The Administrative Support Order shall include a requirement for immediate withholding of the child support obligation from the absent responsible parent's earnings.

§ 4.5. Voluntary withholding of earnings.

A. Voluntary withholding of earnings is also called voluntary assignment of earnings.

B. The custodial parent and absent responsible parent may choose a voluntary assignment of earnings at the time the obligation is established as an alternate to immediate withholding of earnings for payment of child support.

C. The department may initiate a voluntary assignment of earnings when it is the most expeditious means of enforcing a wage withholding.

D. The absent responsible parent may not choose a voluntary assignment of earnings as an alternative to mandatory withholding of earnings after enforcement action has been initiated.

Article 3. Other Enforcement Remedies.

The department shall have the authority to administratively collect delinquent child support payments from absent responsible parents. These are called enforcement remedies.

§ 4.6. Mandatory withholding of earnings.

The department shall send a Mandatory Withholding of Earnings order to an employer requiring the deduction of the child support obligation from the absent responsible parent's earnings when a payment is delinquent in an amount equal to [or exceeding] one month's child support obligation.

§ 4.7. Liens.

A. The department may file a lien on the real or personal property of the absent responsible parent when there is a support debt.

B. Upon receipt of a support order from a jurisdiction outside of Virginia, the department may immediately file a lien.

C. The lien of the department shall have the priority of a secured creditor.

D. The lien of the department shall be subordinate to the lien of any prior mortgagee.

[E. The lien shall be released when the child support debt has been paid in full.]

§ 4.8. Orders to withhold and deliver.

A. The department may use orders to withhold and deliver to collect assets such as bank accounts, trust funds, stocks, bonds, and other types of financial holdings when there is a support debt.

B. The department shall release [orders the order] to withhold [and deliver] when [: the order cannot be served on the absent responsible parent.]

[C. The department shall release the order to deliver when:]

1. The debt on the order is paid, or

2. The absent responsible parent makes satisfactory alternate arrangements for paying the [full amount of the] debt [; or .]

[3. The order cannot be served on the absent responsible parent.]

§ 4.9. Distraint, seizure, and sale.

A. The department may use distraint, seizure, and sale against the real or personal property of an absent responsible parent when there is a support debt.

B. The director of the division shall give final approval for the use of distraint, seizure, and sale.

§ 4.10. Unemployment compensation benefits intercept.

A. The department may intercept unemployment compensation benefits when there is a support debt.

B. The department may, with the consent of the absent responsible parent, intercept unemployment compensation benefits when there is not a support debt.

C. The department may intercept unemployment compensation benefits paid by the Commonwealth to an absent responsible parent who lives out of state.

D. The department shall intercept the amount of benefits allowed by the Virginia Employment Commission.

§ 4.11. Bonds, securities, and guarantees.

The department shall use [administrative] bonds, securities, and guarantees as an enforcement action only if the amount of the delinquency exceeds \$1,000 and

1. After all other enforcement actions fail, or

2. When no other enforcement actions are feasible.

§ 4.12. Tax intercept.

A. The department may intercept state and federal income tax refunds and shall apply these moneys, in whole or in part, first to any debt to the Commonwealth and second to delinquent child support obligations.

B. The Virginia Department of Taxation prescribes rules for interception of state tax refunds and notification to the person whose tax refund is being intercepted.

1. The department may retain moneys up to the amount owed on the due date of the finalization notice from the department to the Virginia

Final Regulations

Department of Taxation.

2. The department may intercept state tax refunds when the delinquent amount equals at least \$25.

3. The department may not [~~intercept~~ disburse the intercepted] taxes if the absent responsible parent has appealed the intercept action and the appeal is pending.

4. The department shall [promptly] issue a refund to the absent responsible parent when one of the following occurs:

a. The intercept was made in error.

b. The absent responsible parent pays the delinquent amount in full after the Department of Taxation has been notified of the delinquency and before the tax refund is intercepted.

c. [~~Both~~ Either or both] federal and state tax refunds are intercepted [and ,] the total amount intercepted is more than the amount of the delinquency at the time that notification of the tax intercept was sent to the Department of Taxation [, and the absent responsible parent does not agree to allow the department to apply the excess funds to any delinquency that accrued after certification for tax intercept] .

C. The Internal Revenue Service has prescribed rules regarding the interception of federal tax refunds. Part 45, §§ 302.60 and 303.72 of the Code of Federal Regulations are incorporated by reference in this regulation.

Article 4.

Federal Enforcement Remedies.

In addition to state administrative enforcement remedies, the department shall use federal enforcement remedies to enforce child support obligations.

§ 4.13. Internal Revenue Service full collection service.

A. The department may ask the Internal Revenue Service to collect delinquent child support payments when all reasonable efforts to collect past due child support payments have been made but have not been successful.

B. The department shall make this request through the federal Office of Child Support Enforcement.

§ 4.14. Enforcement remedies to be used against federal employees.

A. The department may apply its enforcement remedies against United States military and civilian active and retired personnel.

B. When enforcement under Virginia law is not possible,

the department may use (i) Mandatory Military Allotments and (ii) Involuntary Child Support Allotments for Public Health Services Employees to enforce child support obligations of active military personnel and public health services employees.

1. For the purposes of these two enforcement actions, delinquency shall be defined as failure of the absent responsible parent to make child support payments equal to the amount due for two months.

2. The amount of money withheld from these wages shall be up to the amount allowed under the Consumer Credit Protection Act.

PART V.

ADMINISTRATIVE APPEALS.

Actions to establish and enforce child support obligations administratively may be appealed according to the following rules.

§ 5.1. Validity of the appeal.

A. The department shall determine the validity of an appeal.

1. The appeal must be in writing.

2. The appeal must be received within 10 working days of service when personally delivered.

3. If mailed, the postmark must be no later than 10 working days from the date of service of the notice of proposed action.

B. The only exception to this shall be appeals of federal and state tax intercepts. The absent responsible parent shall have 30 days to appeal a tax intercept notice to the department.

§ 5.2. General rules.

A. The appeal shall be heard by a hearings officer.

1. The hearings officer shall hold the hearing in the district office where the custodial parent resides unless another location is requested by the absent responsible parent and it complies with § 63.1-267.1 of the Code of Virginia.

2. The absent responsible parent and the custodial parent may be represented at the hearing by legal counsel.

3. The absent responsible parent may withdraw the appeal at any time.

4. The hearings officer shall accept a request for a continuance from the absent responsible parent or the custodial parent if:

a. The request is made in writing at least five working days prior to the hearing, and

b. The request is for not more than a 10-day continuance.

B. The hearings officer shall notify the absent responsible parent and custodial parent of the date and time of the hearing and of the disposition of the hearing in accordance with § 63.1-267.1 of the Code of Virginia.

C. Prior to the hearing, the hearings officer shall send the absent responsible parent and the custodial parent a copy of the Summary of Facts prepared by the district office.

D. The hearings officer shall provide the absent responsible parent and the custodial parent with a copy of the hearing decision either at the time of the hearing or no later than 45 days from the date the appeal request was first received by the department.

E. The hearings officer shall notify the absent responsible parent and the custodial parent in writing by certified mail if the appeal is determined to be abandoned because the absent responsible parent did not appear at the hearing.

F. The absent responsible parent or the custodial parent may appeal the hearings officer's decision to the juvenile and domestic relations district court within 10 calendar days of receipt of the hearings officer's decision. An appeal of a tax intercept must be made to the circuit court within 30 days of the date of the hearings officer's decision.

§ 5.3. Appeal of enforcement actions.

A. The absent responsible parent may appeal the actions of the department to enforce a support obligation only [when the basis of the appeal is under the following conditions] :

1. [For] withholding of earnings; liens; distraint, seizure, and sale; and unemployment compensation benefits intercept [may be appealed the appeal shall be] based only on a mistake of fact.

2. [For] orders to withhold and deliver [may be appealed the appeal shall be] based only on (i) a mistake of fact or (ii) whether the funds to be withheld are exempt by law from garnishment.

3. Federal and state tax intercepts may be appealed based only on (i) a mistake of fact or (ii) the validity of the claim.

B. A mistake of fact is based on:

1. An error in the identity of the absent responsible parent, or

2. An error in the amount of current support or past due support.

§ 5.4. Appeal of federal enforcement remedies.

Actions to enforce child support payments through federal enforcement remedies may not be appealed through the Department of Social Services. Absent responsible parents shall appeal these actions to the federal agency which took the action.

PART VI. INTERSTATE RESPONSIBILITIES.

When the absent responsible parent and the custodial parent reside in different states, cooperation between these states is necessary.

§ 6.1. Cooperation with other state IV-D agencies.

A. The department shall provide the same services to other state IV-D cases that it provides to its own cases with the following conditions:

1. The request for services must be in writing.

2. The request for services must list the specific services needed.

B. The department shall request in writing the services of other state IV-D agencies when the custodial parent resides in Virginia, but the absent responsible parent resides in another state.

C. Other department responsibilities in providing services to other state IV-D cases and obtaining services from other state IV-D agencies are defined in Part 45, § 303.7 of the Code of Federal Regulations and §§ 63.1-274.6 and 20-88.22 of the Code of Virginia. These regulations are incorporated by reference here.

§ 6.2. Central registry.

A. The department shall manage the flow of interstate correspondence through a Central Registry located in the division's central office. Correspondence will be handled according to the rules established by the state and federal regulations cited by reference above.

B. The Central Registry shall act as the [URESA Uniform Reciprocal Enforcement of Support Act] State Information Agent required by § 20-88.22 of the Code of Virginia.

PART VII CONFIDENTIALITY AND EXCHANGE OF INFORMATION.

Article 1.

Information Collected by the Department.

Final Regulations

§ 7.1. Information collected from state, county, and city offices.

A. State, county, and city offices and agencies shall provide the department with information about absent responsible parents.

B. The department shall use this information to locate and collect child support payments from absent responsible parents.

§ 7.2. Subpoena of financial information.

The department may subpoena financial records from a person, firm, corporation, association, political subdivision, or state agency to corroborate the existence of assets of the absent responsible parent or the custodial parent identified by the Internal Revenue Service.

Article 2.

Information Released by the Department.

§ 7.3. Agencies to whom the department releases information.

A. The department may release information on absent responsible parents to courts and other state child support agencies.

B. The department shall release information concerning the absent responsible parent to consumer credit agencies upon their request.

C. The department may release information concerning custodial parents to courts and other state IV-D agencies as necessary to collect child support on their behalf.

D. The department shall obtain permission from the absent responsible parent or the custodial parent prior to providing information on that person to an entity other than the ones listed above.

§ 7.4. Release of information to and from the Internal Revenue Service.

A. The department may not release information provided by the Internal Revenue Service to anyone outside of the department with the following exceptions:

1. The department may release the information to local social service agencies and the courts, but the source of the information may not be released.

2. The department may release information provided by the Internal Revenue Service if that information is verified by a source independent of the IRS.

B. The division director, or a designee, may release information on absent responsible parents to the Internal Revenue Service.

§ 7.5. Request for information from the general public.

The department shall answer requests for information from the general public within [14 five working] days of receipt of the request or less as federal and state law may require.

§ 7.6. Requests for information from absent responsible parents and the custodial parents.

A. The department shall release, upon request from the absent responsible parent or custodial parent, copies of court orders, administrative orders, enforcement actions, and fiscal records.

B. The department shall release to the absent responsible parent and to the custodial parent personal information contained in the case record which pertains to the individual requesting the information with one exception. The department may not release medical or psychological information for which the physician providing the information has stated the individual should not have access.

C. The absent responsible parent and the custodial parent may correct, challenge, or explain the personal information which pertains to that individual.

D. The department shall charge a fee for copying case record information. The department shall base the fee on the cost of copying the material.

§ 7.7. Release of health care information.

The department shall provide specific third party liability information to the Department of Medical Assistance Services in order for that agency to pursue the absent responsible parent's medical provider for any Medicaid funds expended for his dependents who are receiving ADC or ADC/FC or who are Medicaid-only clients.

A. The department shall release health care coverage information on ADC [and ,] ADC/FC [, and Medicaid only] cases to the Department of Medical Assistance Services as prescribed in the cooperative agreement between the department and that agency.

B. The department shall release health care coverage information on ADC [and ,] ADC/FC [, and Medicaid only] cases to other state child support agencies upon their request.

C. The department shall release information on health care coverage for nonpublic assistance cases only with the consent of the custodial parent.

PART VIII.

RIGHTS AND RESPONSIBILITIES [OF THE CUSTODIAL PARENT AND] OF THE DEPARTMENT [AND OF THE CUSTODIAL

~~PARENT~~ } .

Article 1.

Custodial Parent's Rights and Responsibilities.

Throughout this regulation rights and responsibilities of the custodial parents are mentioned in general terms. This section of the regulation does not abridge those rights and responsibilities; it adds to them.

§ 8.1. Custodial parents rights.

A. The department shall give the custodial parent prior notice of major decisions about the child support case.

B. The department shall periodically inform the custodial parent of the progress of the case.

C. The department shall provide the custodial parent with copies of appropriate notices as identified in this regulation.

D. The department shall advise custodial parents who receive ADC of the following rights:

1. The \$50 disregard payments,
2. Eligibility for continued Medicaid coverage when ADC is no longer received, and
3. Eligibility for continued child support services when ADC is no longer received.

E. The department shall inform all non-ADC or ADC/FC clients at the time of application for services of the effect of past receipt of ADC or ADC/FC on the collection of child support payments.

§ 8.2. Custodial parent's responsibilities.

A. Custodial parents must give full and complete information, if known, regarding the absent responsible parent's name, address, social security number, current employment, and employment history and provide new information when learned.

B. Custodial parents must inform the department of any public assistance which was received in the past on behalf of the parent and children.

C. Custodial parents must promptly (i) inform the department of any divorce actions or court actions to establish a child support order, (ii) send to the department copies of any legal documents pertaining to divorce, support, or custody, and (iii) inform the department of any changes in custody or plans for reconciliation with the absent responsible parent.

D. Custodial parents must notify the department if an attorney is hired to handle a child support matter.

E. Custodial parents must notify the department immediately of any change in their financial circumstances.

F. Custodial parents must notify the department in writing regarding any change of their address or name. When possible, the custodial parent shall give this notification 30 days in advance.

Article 2.

Department's Rights and Responsibilities.

§ 8.3. Department's rights.

[A.] The department shall decide, in a manner consistent with state and federal requirements, the best way to handle a child support case.

[B. The department shall decide when to close a case based on federal requirements and the criteria in Part X.]

§ 8.4. Department's responsibilities.

A. The department shall act in a manner consistent with the best interests of the child.

B. The department shall establish a priority system for providing services which will ensure that services are provided in a timely manner.

C. The department shall keep custodial parents advised about the progress of the child support cases and shall include custodial parents in major decisions made about the handling of the child support case.

PART IX.

PROCESSING SUPPORT PAYMENTS.

Article 1.

Child Support Payments.

§ 9.1. Disbursement of child support payments.

A. An absent responsible parent may have multiple child support obligations.

1. Each case shall receive full payment of the current obligation when possible.

2. If the absent responsible parent's disposable earnings do not cover the full payment for each current support order, the department shall prorate the amount withheld among all orders.

B. Current support obligations shall be satisfied before satisfying a past due debt.

C. The method by which child support payments are disbursed is governed by Part 45, §§ 302.51 and 302.52 of the Code of Federal Regulations which are incorporated

Final Regulations

by reference.

Article 2. Payment Recovery.

[§ 9.2. Recovery of duplicate payments.

~~When a custodial parent has received an emergency petty cash fund payment and a child support payment for the same period of time, the department shall first demand payment from the custodial parent. If the custodial parent does not comply with the demand, the department shall recover the amount of the emergency payment according to the methods described in § 9.5.]~~

[§ 9.3. Recovery of bad check payments. § 9.2. Bad checks.]

[A.] When a payment made by an [employer or] absent responsible parent is not honored upon presentation to the bank on which it was drawn, the department shall first demand payment from the [employer or] absent responsible parent.

[A. B.] If the [employer or] absent responsible parent does not comply with the demand [, the department shall initiate enforcement action; and the custodial parent is not an ADC or ADC/FC recipient,]

[B. If enforcement action is not successful,] the department shall recover the payment from the custodial parent according to the methods described in § [9.5 9.4]

[C. The department shall concurrently take enforcement action against the absent parent or legal action against the employer.

D. If a check received from a custodial parent is not honored upon presentation to the bank upon which it was drawn, the department shall demand payment from the custodial parent.]

[§ 9.4. Erroneous § 9.3 Erroneous/duplicate] disbursements.

[A.] When the department sends the custodial parent a payment in error [or a duplicate payment] , the department shall first demand payment from the custodial parent.

[B.] If the custodial parent [is not an ADC or ADC/FC recipient and] does not comply with the demand, the department shall recover the amount of the payment [from the custodial parent] according to the methods described in § [9.5 9.4] .

[§ 9.5. § 9.4.] Methods of payment recovery from the custodial parent.

A. If the custodial parent is not an ADC or ADC/FC

recipient, the department shall:

1. Intercept and retain payments for past due debt.
2. Retain 10% of the current support payment.
3. Retain the lesser of the balance due or 100% of [Internal Revenue Service or state tax funds intercepted any intercepted funds] .
4. Retain the lesser of the balance due or funds seized from bank accounts.

B. If the custodial parent is an ADC or ADC/FC recipient, [the department shall retain funds that otherwise would be due the custodial parent as allowed by Part 45, § 302.51 the Code of Federal Regulations the division shall notify the Division of Benefit Programs when an erroneous or duplicate payment has been retained by the client] .

PART X. CASE CLOSURE.

§ 10.1. General rules.

A. The department shall terminate child support enforcement services when

1. A custodial parent is no longer eligible for services;
2. A custodial parent no longer wants child support enforcement services, and the department is not required by law to provide the services;
3. The absent responsible parent is no longer responsible for the support of the child and has no past due debt; or
4. The department is unable to obtain information either to establish or enforce the case and has exhausted all methods known to the department to obtain such information.

B. The department shall continue to provide collection and disbursement services until alternate arrangement for these services has been made.



Commonwealth of Virginia
 Department of Social Services
 Division of Child Support Enforcement

RP Name _____
 RP SSN _____
 Case ID# _____

APPLICATION FOR CHILD SUPPORT ENFORCEMENT SERVICES

I, _____, Social Security number _____ am applying to the Division of Child Support Enforcement for child support enforcement services for the following children:

<u>Children's Name</u>	<u>Date of Birth</u>	<u>Relationship</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The services I am applying for include:

- Location of the Responsible Parent to obtain child support (if the whereabouts are unknown)
- Obtaining an acknowledgment of paternity (if not already established)
- Establishing child support obligations
- Enforcing and collecting a child support obligation

I authorize the Division of Child Support Enforcement (DCSE) to explore, pursue, and utilize all sources of information available in support of its investigation. I understand that, depending on the information I provide (including, but not limited to, the Responsible Parent's SSN, address and employer), the DCSE will assign a priority level to my case. I understand that the DCSE cannot guarantee the success of its efforts.

I understand that legal assistance may be provided in establishing or enforcing a child support obligation. I acknowledge that any legal assistance which may be provided by the Office of the Attorney General, any office of a Commonwealth's Attorney or otherwise is being provided to the Division of Child Support Enforcement, and not to me personally. A final decision concerning any legal action which may be taken in my case shall be made by the Division, and the Division shall advise me of action they have decided to take. I further acknowledge that I am aware of my right to secure the services of my own attorney to represent me personally at any time. If I choose to retain the services of a private attorney, I will notify the Division immediately.

I authorize the Division of Child Support Enforcement to seek, enforce, and collect for me and my children current or past due support from anyone who has a legal duty to support me and my children.

I authorize the Division of Child Support Enforcement to endorse and cash checks, money orders, or other forms of payment which are made out to me for support payments.

I authorize the Division of Child Support Enforcement to give receipts for any payment collected.

Applicant's Name (Print) _____ Address _____
 Applicant's Signature _____
 Date _____ Telephone _____

SUPPORT ENFORCEMENT SERVICES

Local, state and federal resources are used to obtain the Responsible Parent's address to enforce a child support order. The Division of Child Support Enforcement will try to obtain an acknowledgment of paternity or consent if paternity has not already been established. When paternity is established, a support obligation will be sought either administratively or through the court. After the obligation is established, support payments will be collected and monitored. If payments become irregular or stop, the support obligation will be enforced through a number of enforcement remedies. Some of these are listed below:

- Immediate or Mandatory Withholdings of Earnings - an automatic withholding of earnings and wages when the order is initiated or when the support payment is delinquent in an amount equal to one month's support payment.
- State Tax Refund Intercept - State tax refunds are intercepted to pay off child support debts (note: if there is a debt owed to the State for public assistance paid, this debt is satisfied first).
- Federal Tax Refund Intercept - Federal tax refunds are intercepted to pay off child support debts. You should be aware of the following:
 - If tax intercept involves a joint return, the tax intercept will not be distributed for 3 months after it is received.
 - If there is a debt owed to the State for public assistance paid, this debt is satisfied first.
 - Any payment the family receives may have to be returned to DCSE if there is an adjustment within 3 years following the end of the tax year.

These are only a few of the enforcement remedies available and they may not apply in your situation. Your child support office will initiate remedies it believes appropriate to secure your child support payment and will discuss these with you.

932-11-511/5



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
DIVISION OF FINANCIAL SERVICES

IDENTIFICATION INFORMATION

Name: _____ Date of Birth: ____-____-____
Social Security Number: _____
Residence Address: _____
Phone Number: _____
County: _____

Name of person(s) covered: _____
Address: _____
Relationship: _____
Black Data: _____

THIS SECTION RELATES TO YOU UNDER ANY COURT OR ADMINISTRATIVE ORDER.

Year	Address	Relationship	Age of Support Recipient	Payment Recipient	Type of Obligation

Special Support if received: _____
Date of order: ____-____-____
Current gross monthly income: \$_____
Frequency: _____
Occupation: _____
Total income due to current recipient: _____
Employer Name: _____
Phone Number: _____
Date of employment: _____

LIST AUTOMATICALLY REBATES FOR CHILDREN, WIDERS, AND OTHERS WHO ARE COVERED BY INSURANCE.

Child	Effective Date	Frequency	Relationship

Child Care Information. List name of provider(s), amount paid and frequency of payments.
Health Care Coverage: _____
Is health care coverage available at your place of employment? () No () Yes
Do you have a health insurance policy? () No () Yes Beginning date for dependent coverage: _____
Subscriber ID#: _____ Type of coverage: _____
Name of insurance company: _____
Name of person(s) covered: _____

032-11-577/7

PROPERTY AND RESOURCES.
Do you own in whole or part any of the following? If none indicate how much, if partially amount:

Real Estate: _____
Land or Building: _____
Mortgage on property: _____
Mortgage: _____
Mortgage income producing: _____
Mortgage on property: _____
Mortgage: _____
Mortgage income producing: _____
Motor vehicles, campers, boats and farm equipment: _____
Year, Make, & Model: _____ License Number: _____ Annual Cost: _____ No Motor Lien: _____
Other Assets: _____
On deposit: _____

Bank Accounts: _____
Type of Account: _____
Account Number: _____

Check for your potential for increasing or decreasing your standing over the next 12 months:
Ability to repay money: _____
If you are not on good standing, explain difficulty and whether it prevents you from working: _____
Give any additional information which will help in understanding your financial situation, such as current monthly living expenses: _____

First employment and pattern of unemployment:
Name: _____ Address: _____
Dates of Employment: _____
City/County: _____
State: _____

Signature: _____
City/County: _____
State: _____
Submitted and sworn to before me this _____ day of _____, 19____.

By Commission Expires On: _____
Notary Public: _____
Notary State: _____
Notary Commission Number: _____
Notary Address: _____
Notary City/County: _____
Notary State: _____



SLAIR BUILDING
5007 DISCOVERY DRIVE
RICHMOND, VIRGINIA 23229-0699
1804662-9204

LARRY D. JACKSON
COMMISSIONER

COMMONWEALTH of VIRGINIA
DEPARTMENT OF SOCIAL SERVICES

Dear Employer:

Your employee _____ SSN _____ has been ordered to provide health care coverage for his dependent child(ren) if it can be obtained through his employer even if there is an additional cost to the employee. Please complete the bottom section of this letter by checking the statements which apply and return it to us in the pre-addressed envelope we have enclosed for your convenience.

Sincerely,

Investigator
Telephone

The above-named dependents are covered by the following health care coverage:

Insurance Company: _____

Policy Number: _____

Beginning date of dependent coverage: _____

Coverage type:

- Hospital only
- Hospital, Surgical and Major Medical
- Hospital and Surgical
- Health Maintenance Organization (HMO)
- Champus

- Insurance for the above-named dependents ended on _____ (Date).
- Since enrollment there have been lapses in coverage (from _____ to _____ (Dates).
- The above-named dependents are not enrolled in an insurance plan, but insurance is available for the employee's dependents.
- Medical insurance for dependents is not available to this employee.

Date

Signature

Company Name

Company Address

Telephone Number

7/88

An Equal Opportunity Agency



SLAIR BUILDING
5007 DISCOVERY DRIVE
RICHMOND, VIRGINIA 23229-0699
1804662-9204

LARRY D. JACKSON
COMMISSIONER

COMMONWEALTH of VIRGINIA
DEPARTMENT OF SOCIAL SERVICES

Dear :

_____ has enrolled _____ under the following health care policy:

Insurance Company: _____

Policy Number: _____

Beginning Date: _____

Coverage Type: _____

This policy covers certain medical needs. You should make this coverage known when your child(ren) needs medical attention. If your child(ren) is also covered by Medicaid, use both the above insurance information and your Medicaid card when receiving medical services.

Please note that since this insurance coverage is related to the responsible person's employment, any termination of employment will probably void this coverage.

The health care policy for _____ through _____ Insurance Company ended on _____.

The health care coverage for _____ has changed. The new insurance information is as follows:

Insurance Company: _____

Policy Number: _____

Beginning Date: _____

Coverage Type: _____

Sincerely,

Investigator
Telephone:

An Equal Opportunity Agency



EMERGENCY REGULATIONS

STATE BOARD OF YOUTH SERVICES

Title of Regulation: VR 690-01-001. Public Participation Guidelines.

Statutory Authority: § 66-10 and § 9-6.14:7.1 of the Code of Virginia.

Effective Dates: January 9, 1990 through January 8, 1991

Preamble:

Title 66 of the Code of Virginia, effective July 1, 1990, creates the Department of Youth Services. Pursuant to the enacting clause of Chapter 733 Acts of Assembly of 1989, the Governor has appointed a Director and State Board of Youth Services. The Director and Board have such powers, prior to July 1, 1990, as necessary to effect a smooth transition of powers and duties from the Department of Corrections to the Department of Youth Services and render the Department fully operational by July 1, 1990.

It is necessary for the Board of Youth Services to adopt public participation guidelines under the provisions of the Administrative Process Act before they can proceed with the promulgation of any other regulations. The process to adopt regulations/guidelines can take a minimum of eight to nine months. Since Article 2 of the Administrative Process Act requires public participation in the formation and development of regulations not otherwise exempted, and considering that insufficient time remains for soliciting public input prior to July 1, 1990, the Board of Youth Services hereby promulgates these Public Participation Guidelines, subject to the approval of the governor, on an emergency basis in accordance with § 9-6.14:4.1C.5 of the Code of Virginia.

These guidelines/regulations shall remain in effect from January 9, 1990 until January 8, 1991, or until the earlier effective date of such similar regulation development under Article 2 of the Administrative Process Act.

The Department of Youth Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

VR 690-01-001. Public Participation Guidelines.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Agency" means any authority, instrumentality, officers of the Virginia Department of Youth Services, and members of the Virginia Board of Youth Services, or other unit of the state government empowered by the basic laws to make regulations or decide cases.

"Agency regulatory coordinator" means the individual appointed by the Director to provide technical assistance to the operating units and to coordinate regulations.

"Basic law" or "Basic laws" means provisions of the Constitution and statutes of the Commonwealth of Virginia authorizing an agency to make regulations or decide cases or containing procedural requirements thereof.

"Board" means the Virginia Board of Youth Services.

"Department" means the Virginia Department of Youth Services.

"Director" means the Director of the Virginia Department of Youth Services.

"Operating unit" means the offices of the Director, Deputy Directors, Administrators or other offices within the Department that will develop or draft a regulation. Only the board may promulgate a regulation.

"Rule or regulation" means any statement of general application, having the force of law, affecting the rights or conduct of any person, promulgated by an agency in accordance with the authority conferred on it by applicable basic laws. Exemptions to this requirement are those listed in § 9-6.14:4.1 of the Code of Virginia as determined by the Attorney General's Office.

§ 1.2. Authority.

Chapter 1.1:1 of Title 9 of the Code of Virginia, deals with the promulgation of rules and regulations. Specifically, § 9-6.14:7.1 directs agencies of the Commonwealth to develop public participation guidelines for soliciting the input of interested parties in the formation and development of regulations. Section 66-10 of the Code empowers the Board of Youth Services to make, adopt and promulgate rules and regulations.

§ 1.3. Purpose.

These guidelines are designed to provide consistent, written procedures that will ensure input from interested parties during the development, review and final stages of the regulatory process.

§ 1.4. Administration.

A. The board has the responsibility for promulgating regulations pertaining to public input in the regulatory process.

B. The director is the chief executive officer of the

Department of Youth Services and is responsible for implementing the standards and goals of the board.

§ 1.5. Application of regulations.

These regulations have general application throughout the Commonwealth.

§ 1.6. Effective date:

January 9, 1990.

§ 1.7. Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, which is codified as Chapter 1.1:1 of Title 9 of the Code of Virginia, shall govern the adoption, amendment, modification, and revision of these regulations, and the conduct of all proceedings and appeals. All hearings on such regulations shall be conducted in accordance with § 9-6.14:7.1.

PART II PUBLIC PARTICIPATION.

§ 2.1. Identification of interested parties.

Each operating unit within the department which is responsible for rule making shall develop and maintain a current list of those persons, organizations, and agencies that have demonstrated an interest in specific program regulations in the past, through written comments or attendance at public hearings.

§ 2.2. Notification of interested parties.

A. Individual mailings.

When an operating unit of the department determines that specific regulations need to be developed or substantially modified, the operating unit shall so notify by mail the individuals, organizations, and agencies identified as interested parties in § 2.1 of these regulations. This notice shall invite those interested in providing input to notify the agency of their interest. The notice shall include the title of the regulation to be developed or modified; the operating unit contact person, mailing address, telephone number; and the date by which a notice of a desire to comment must be received. In addition, known parties having interest and expertise will be advised, through a special mailing, of the agency's desire to develop a regulation and will be invited to assist the operating unit in developing the regulation or in providing input.

B. Notice of intent.

When an operating unit of the department determines that specific regulations that are covered by the Administrative Process Act need to be developed or substantially modified, the operating unit shall publish a notice of intent in the Virginia Register of Regulations.

This notice will invite those interested in providing input to notify the operating unit of their interest. The notice will include the title of the regulation to be developed or modified; the operating unit contact person, mailing address, telephone number; and the date by which a notice of a desire to comment must be received. All notices shall be coordinated through the agency regulatory coordinator who will forward them for publication.

§ 2.3. Solicitation of input from interested parties.

A. Advisory panels.

Whenever an operating unit proposes to develop or substantially modify a regulation, it may create an advisory panel to assist in this development or modification. Advisory panels shall be established on an ad hoc basis.

1. Members of advisory panels shall consist of a balanced representation of individuals and representatives of organizations and agencies identified in § 2.1 of these regulations as interested and who have expressed a desire to comment on new or modified regulations in the developmental process. Each panel shall consist of no less than three members.

2. Individual panels shall establish their own operating procedure, but in no case will a panel meet less than twice. All comments on proposed regulations shall be documented by the operating unit and a response developed for each comment.

B. Other comments.

All persons, organizations, and agencies that respond to the individual mailings and the Notice of Intent shall be provided an opportunity to examine regulations in their developmental stage and to provide written comments on these regulations to the operating unit. The operating unit shall document the receipt of these comments and respond to each commentor. The operating unit shall consider all input received, as a result of responses to notifications mailed to interested parties as listed in § 2.2 of these regulations, in formulating and drafting proposed regulations.

§ 2.4. Administrative Process Act procedures.

After regulations have been developed according to these guidelines, they shall be submitted for public comment under § 9-6.14:7.1.

/s/ Franklin M. Slayton, Chairman
Board of Youth Services
Date: December 12, 1989

Approved:

/s/ Vivian E. Watts

Emergency Regulations

Secretary of Transportation and Public Safety
Date: January 2, 1990

/s/ Gerald L. Baliles, Governor
Commonwealth of Virginia
Date: January 5, 1990

Filed:

/s/ Ann M. Brown
Deputy Registrar of Regulations
Date: January 9, 1990 - 12:31 p.m.

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 21, 1989

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS890517

EX PARTE in re: Adoption of amended
supplemental report form pursuant to
Virginia Code § 38.1-1905.2.B

ORDER

WHEREAS, Virginia Code § 38.2-1905.2.B provides, inter alia, that supplemental reports shall be made on a form prescribed by the Commission;

WHEREAS, the Bureau of Insurance has proposed an amended supplemental report form for 1990 reporting purposes, a copy of which is attached hereto and made a part hereof;

WHEREAS, the Commission has designated May 1, 1990 as the date by which the 1990 supplemental reports shall be filed,

IT IS ORDERED that all persons who wish to file with the Clerk of the Commission comments with respect to the proposed amended supplemental report form shall file such comments on or before January 15, 1990.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Honorable Mary Sue Terry, Attorney General of Virginia, Division of Consumer Counsel, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; Robert A. Miller, Deputy Commissioner, Bureau of Insurance who shall cause a copy of this order to be sent to each insurer licensed to transact the business of property and casualty insurance in the Commonwealth of Virginia.

State Corporation Commission

SUPPLEMENTAL REPORT REQUIRED BY VIRGINIA CODE SECTION 38.2-1905.2 FOR CERTAIN LINES OR SUBCLASSIFICATIONS OF LIABILITY INSURANCE BY ORDER OF THE STATE CORPORATION COMMISSION THIS REPORT IS DUE ON OR BEFORE MAY 1, 1990, AT THE STATE CORPORATION COMMISSION BUREAU OF INSURANCE, P. O. BOX 1157, RICHMOND, VIRGINIA 23209.

All insurers licensed to write the classes of insurance defined in Section 38.2-117 (Personal Injury Liability) and 38.2-118 (Property damage liability) shall file a report showing their direct experience in the Commonwealth attributable to the line or subclassification of liability insurance below which has been designated by the commission in accordance with subsection B of Section 38.2-1905.1.

For the line or subclassification designated, provide the information requested:

A. Market Definition: _____
 B. Insurer: _____ C. NAIC #: _____
 D. Group Name: _____ E. Group NAIC #: _____
 (Each insurer must report separately, group reports are not permitted)

Calendar Year (Except As Otherwise Specified)

1985 1986 1987 1988 1989

1. Number of policies written _____
 2. Direct premiums written _____
 3. A. Direct premiums earned _____
 B. Net premiums earned _____
 4. Direct losses incurred _____
 A. Direct losses paid during the calendar year: _____
 (1) for the current accident year _____
 (2) for prior accident years _____
 B. Reserves for reported losses at the end of the calendar year: _____
 (1) for the current accident year _____
 (2) for prior accident years _____
 C. Reserves for reported losses at the end of the previous calendar year _____
 D. Reserves for incurred but not reported losses at the end of the calendar year: _____
 (1) for the current accident year _____
 (2) for prior accident years _____
 E. Reserves for incurred but not reported losses at the end of the previous calendar year _____
 F. Accident year incurred losses [A(1) + B(1) + D(1)] _____

G. Calendar year incurred losses [A(1) + A(2) + B(1) + B(2) - C + D(1) + D(2) - E] _____
 5. Number of claims closed with payment during the calendar year _____
 6. Number of open claims at the end of the calendar year _____
 7. Net investment gain (loss) including capital gains generated by the line or subclassification of business attributable to net premium, loss and loss expense reserves. _____
 8. A. Direct underwriting expenses incurred in producing the written premium in line 2, (direct premiums written). _____
 Include commissions, general expense, other acquisition expense and premium taxes, licenses and fees. _____
 B. All direct loss adjustment expenses incurred on a calendar year basis: _____
 9. Have you sought to write or obtain new business within this line or subclassification within the past year? Yes _____ No _____
 10. A. Are rates for this line or subclassification filed on your behalf by a rate service organization? Yes _____ No _____
 B. If yes, name of rate service organization: ISO _____ A.I.S. _____
 C. If no, in determining your independently filed rates, do you rely on data provided by a rate service organization? Yes _____ No _____
 D. Percent of premiums written using independent rates (not based on RSO filings or data): _____
 E. Edition dates of premises/operations base rates in use during 1989 for this line or subclassification (indicate month and year), percent of total written premium based on each edition date, and filed deviation (if any) to each edition date:

Edition Date Month/Year	% Premium	Filed deviation(s) (indicate "+" or "-" for upward or downward)
_____	_____	_____
_____	_____	_____
_____	_____	_____

F. Do you apply schedule, expense, experience, and/or package modifications to eligible risks?

1. Schedule	Yes _____	No _____
2. Expense	Yes _____	No _____
3. Experience	Yes _____	No _____
4. Package Modification	Yes _____	No _____

G. If yes, indicate:

1. The maximum schedule credits and/or debits allowed
(+) _____% to (-) _____%
2. The maximum expense credits allowed
(-) _____%
3. The package modification factor _____

Signed: _____ Title: _____
Telephone: _____ Print Name: _____
Date: _____

NOTE: 1. All figures are to be reported in whole numbers or dollars. Do not include dollar signs, decimal points, or commas.
2. Losses exclude all loss adjustment expenses which are reported in item 8 A.
3. For item 1, policies written for other than a 12 month term should be adjusted to an annual basis.

State Corporation Commission

STATE CORPORATION COMMISSION

AT RICHMOND, January 4, 1990

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS900003

Ex Parte: In the matter of adopting rules to implement transitional requirements for the conversion of medicare supplement insurance benefits and premiums to conform to repeal of the Medicare Catastrophic Coverage Act

TAKE NOTICE ORDER

WHEREAS, the Bureau of Insurance has proposed a regulation entitled "Rules to Implement Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits and Premiums to Conform to Repeal of the Medicare Catastrophic Coverage Act", which is attached hereto and made a part hereof; and

THE COMMISSION, having considered said regulation, is of the opinion that the proposed regulation should be adopted;

THEREFORE, IT IS ORDERED:

(1) That all interested persons TAKE NOTICE that the Commission shall enter an order on January 31, 1990, adopting the proposed regulation, unless the Commission receives on or before January 30, 1990, a request for a hearing to contest the adoption of the proposed regulation;

(2) That an attested copy hereof together with a copy of the proposed regulation be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Gerald A. Miisky who shall forthwith give further notice of the proposed regulation by mailing a copy of this order together with a copy of the proposed regulation to every insurance company licensed to sell medicare supplement insurance in the Commonwealth of Virginia; and

(3) That the Bureau of Insurance file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

Rules to Implement Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits and Premiums to Conform to Repeal of the Medicare Catastrophic Coverage Act.

Section 1. Authority.

This Regulation is issued pursuant to the authority vested in the Commission under §§ 38.2-223, 38.2-3516 through 38.2-3520, 38.2-3600 through 38.2-3609, 38.2-4214, 38.2-4215 and 38.2-514 of the Code of Virginia.

Section 2. Purpose.

This Regulation is designed to

(a) assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program;

(b) provide for the reasonable standardization of the coverage, terms and benefits of Medicare supplement policies or contracts;

(c) facilitate public understanding of such policies or contracts;

(d) eliminate provisions contained in such policies or contracts which may be misleading or confusing in connection with the purchase of such policies or contracts;

(e) eliminate policy or contract provisions which may duplicate Medicare benefits;

(f) provide for adjustment of required minimum benefits for Medicare supplement policies;

(g) provide notice to former policyholders of offer to reinstitute coverage;

(h) provide full disclosure of policy or contract benefits and benefit changes; and

(i) provide for appropriate premium adjustments.

Section 3. Effective Date.

This Regulation shall be effective January 31, 1990.

Section 4. Applicability and Scope.

This Regulation shall take precedence over other rules and requirements relating to Medicare supplement policies or contracts to the extent necessary to assure that benefits are not duplicated and to adjust minimum required benefits to changes in Medicare benefits, applicants receive adequate notice and disclosure of changes in Medicare supplement policies and contracts, appropriate premium adjustments are made in a timely manner, and premiums are reasonable in relation to benefits.

Except as provided in Section 6, this Regulation shall apply to:

A. All Medicare supplement policies and contracts delivered, or issued for delivery in this Commonwealth, or

which are otherwise subject to the jurisdiction of this Commonwealth, on or after the effective date hereof, and

B. All certificates issued under group Medicare supplement policies as provided in A. above.

Section 5. Definitions.

For purposes of this Regulation:

A. "Applicant" means:

(1) In the case of an individual Medicare supplement policy or contract, the person who seeks to contract for insurance benefits, and

(2) In the case of a group Medicare supplement policy or contract, the proposed certificate holder.

B. "Certificate" means any certificate issued under a group Medicare supplement policy.

C. "Medicare Supplement Policy" means a group or individual policy of accident and sickness insurance or any other contract which is advertised, marketed or designed primarily to provide health care benefits as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare by reason of age.

Section 6. Benefit Conversion Requirements.

A. Effective January 1, 1990, no Medicare supplement insurance policy, contract or certificate in force in this Commonwealth shall contain benefits which duplicate benefits provided by Medicare.

B. Benefits eliminated by operation of the Medicare Catastrophic Coverage Act of 1988 transition provisions shall be restored.

C. For Medicare supplement policies subject to the minimum standards adopted by the states pursuant to Medicare Catastrophic Coverage Act of 1988, the minimum benefits shall be:

(1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(2) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

(3) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(4) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent of all Medicare Part A eligible

expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

(5) Coverage under Medicare Part A for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B.

(6) Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible of \$75;

(7) Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

D. General Requirements

(1) No later than January 31, 1990, every insurer, health services plan or other entity providing Medicare supplement insurance or benefits to a resident of this Commonwealth shall notify its policyholders, contract holders and certificate holders of modifications it has made to Medicare supplement insurance policies or contracts. Such notice shall be in the format adopted by the National Association of Insurance Commissioners (Appendix A).

(a) Such notice shall include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement insurance policy or contract.

(b) The notice shall inform each covered person as to when any premium adjustment due to changes in Medicare benefits will be effective.

(c) The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension.

(d) Such notice shall not contain or be accompanied by any solicitation.

(2) No modifications to an existing Medicare supplement contract or policy shall be made at the time of or in connection with the notice requirements of this regulation except to the extent necessary to accomplish the purposes articulated in Section 2 of this Regulation.

State Corporation Commission

Section 7. Form and Rate Filing Requirements.

A. As soon as practicable, but no longer than forty-five (45) days after the effective date of the Medicare benefit changes, every insurer, health services plan or other entity providing Medicare supplement insurance or contracts in this Commonwealth shall file with the Commission, in accordance with the applicable filing procedures of this Commonwealth:

(1) Appropriate premium adjustments necessary to produce loss ratios as originally anticipated for the applicable policies or contracts. Such supporting documents as are necessary to justify the adjustment shall accompany the filing.

(2) Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement insurance modifications necessary to eliminate benefit duplications with Medicare and to provide the benefits required by Section 6. Any such riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or contract.

B. Upon satisfying the filing and approval requirements of this Commonwealth, every insurer, health services plan or other entity providing Medicare supplement insurance in this Commonwealth shall provide each covered person with any rider, endorsement or policy form necessary to make the adjustments outlined in Section 6 above.

C. Any premium adjustments shall produce an expected loss ratio under such policy or contract as will conform with minimum loss ratio standards for Medicare supplement policies and shall result in an expected loss ratio at least as great as that originally anticipated by the insurer, health services plan or other entity for such Medicare supplement insurance policies or contracts. Premium adjustments may be calculated for the period commencing with Medicare benefit changes.

Section 8. Offer of Reinstitution of Coverage.

A. Except as provided in Subsection B, in the case of an individual who had in effect, as of December 31, 1988, a Medicare supplement policy with an insurer, as a policyholder or, in the case of a group policy, as a certificate holder, and the individual terminated coverage under such policy before the date of the enactment of the repeal of the Medicare Catastrophic Coverage Act of 1988, the insurer shall:

(1) Provide written notice no earlier than December 15, 1989, and no later than January 30, 1990, to the policyholder or certificate holder at the most recent available address, of the offer described below, and

(2) Offer the individual, during a period of at least 60 days beginning not later than February 1, 1990, reinstatement of coverage, with coverage effective as of

January 1, 1990, under terms which:

(a) Do not provide for any waiting period with respect to treatment of pre-existing conditions;

(b) Provide for coverage which is substantially equivalent to coverage in effect before the date of such termination; and

(c) Provide for classification of premiums on which terms are at least as favorable to the policyholder or certificate holder as the premium classification terms that would have applied to the policyholder or certificate holder had the coverage never terminated.

B. An insurer is not required to make the offer under Paragraph (2) above in the case of an individual who is a policyholder or certificate holder in another Medicare supplement policy as of January 1, 1990, if the individual is not subject to a waiting period with respect to treatment of a pre-existing condition under such other policy.

Section 9. Requirements for New Policy and Certificates.

A. Effective January 1, 1990, no Medicare supplement insurance policy, contract or certificate shall be delivered or issued for delivery in this Commonwealth which provides benefits which duplicate benefits provided by Medicare. No such policy, contract or certificate shall provide less benefits than those required under the existing law or regulation except where duplication of Medicare benefits would result and except as required by these transition provisions.

B. General Requirements

(1) Within ninety (90) days of the effective date of this Regulation, every insurer, health services plan or other entity required to file its policies or contracts for approval by the Commission shall file new Medicare supplement insurance policies or contracts which eliminate any duplication of Medicare supplement benefits with benefits provided by Medicare, which adjust minimum required benefits to changes in Medicare benefits, and which provide a clear description of the policy or contract benefit.

(2) The filing required under Section 7A(1) shall provide for less ratios which are in compliance with all statutory and regulatory requirements.

(3) Every applicant for a Medicare supplement insurance policy, contract or certificate shall be provided with an outline of coverage which simplifies and accurately describes benefits provided by Medicare and policy or contract benefits along with benefit limitations.

Section 10. Filing Requirements for Advertising.

Every insurer, health services plan or other entity providing Medicare supplement insurance or benefits in this Commonwealth shall provide a copy of any advertisement intended for use in this Commonwealth whether through written, radio or television medium to the Commission for review. Such advertisement shall comply with all applicable laws of this Commonwealth.

Section 11. Buyer's Guide.

No insurer, health services plan or other entity shall make use of or otherwise disseminate any Buyer's Guide or informational brochure which does not accurately outline current Medicare Benefits.

Section 12. Separability.

If any provision of this Regulation or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

BUREAU OF INSURANCE

December 18, 1989

Administrative Letter
1989 - 13

TO: ALL PROPERTY AND CASUALTY INSURERS AND RATE SERVICE ORGANIZATIONS LICENSED IN VIRGINIA

RE: DELAYED EFFECT OF RATE FILINGS

Administrative Letter 1988 - 17, dated November 3, 1988, outlined the filing requirements for the subclasses of liability insurance subject to delayed effect of rates pursuant to Virginia Code Section 38.2-1912. It also advised insurers of the subclasses of insurance exempted from the rate filing requirements of Chapter 19 of Title 38.2. In an Order entered on September 15, 1989 in Case No. INS890416, the State Corporation Commission amended the subclasses of insurance that were the subject of Administrative Letter 1988 - 17. This letter is to advise all insurers and rate service organizations of the amendments required by the September 15, 1989 Order.

The list of subclasses of liability insurance subject to Section 38.2-1912 (delayed effect of rate) is as follows:

- Detective or Investigative Agencies Liability (private)
- Gas Companies Liability
- Insurance Agents Professional Liability
- Law Enforcement Agencies Liability
- Lawyers Professional Liability
- Medical Professional Liability
- Pest Control Liability
- Public Officials Errors & Omissions Liability

- Real Estate Agents Professional Liability
- School Board Errors and Omissions Liability
- Security Guards Liability
- Sewage Treatment Plants Liability
- Volunteer Fire Departments and Rescue Squads Liability, and
- Water Treatment Plants Liability

The list of subclasses of liability insurance exempted from rate filing requirements is as follows:

- Architects and Engineers Professional Liability
- Asbestos Abatement Contractors Liability
- Dams (existence hazard) Liability
- Directors and Officers Liability
- Environmental Impairment Liability
- Landfill Liability
- Liquor Liability
- Public Housing Liability
- Underground Tanks Liability

All of the rule and rate filing procedures described in 1988-17 remain in effect. Please pay particular attention to the instructions regarding incomplete form and rate filings and the requirements for policy effective dates. Administrative Letters 1987 - 7, 1987 - 11 and 1989 - 10 deal with issues related to the filing of rates subject to Section 38.2-1912; therefore you may find it helpful to review them prior to submitting rate filings.

/s/ Steven T. Foster, Commissioner of Insurance

* * * * *

December 21, 1989

Administrative Letter
1989 - 14

TO: All Companies Licensed to Write Accident and Sickness Insurance in Virginia

RE: Accelerated Approval Procedure for Medicare Supplement Forms and Rates Filings

Effective January 1, 1990, the Medicare Catastrophic Coverage Act of 1988 is repealed. The Bureau of Insurance has adopted an Accelerated Approval Procedure for Medicare Supplement Forms and Rules filings to allow companies writing Medicare supplement insurance in Virginia to file, in a timely manner, forms and rates generated as a result of the repeal. The Bureau of Insurance will seek adoption of the Model Regulation to Implement Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits and Premiums to Conform to Repeal of the Medicare Catastrophic Coverage Act (Transition Rule), recently adopted by the National Association of Insurance Commissioners (NAIC), as soon as possible. Prior to adoption of these requirements, the Bureau of Insurance will administratively implement procedures consistent with the accelerated policy

State Corporation Commission

adjustment procedures as set forth in Section 6 of the NAIC Transition Rule.

If a company wishes to take advantage of this accelerated approval procedure, it must:

1. Submit a filing which complies with all statutory and regulatory requirements.
2. Clearly state in the transmittal letter that the filing is a "Medicare Supplement Transitional Filing".
3. Submit, in duplicate, appropriate premium adjustments necessary to produce loss ratios as originally anticipated for the applicable policies or contracts. Such supporting documents as necessary to justify the adjustment shall accompany the filing and shall be consistent with Virginia Insurance Regulation No. 22, in both content and format.
4. Submit in duplicate any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement insurance modifications necessary to eliminate benefit duplications with Medicare and to provide the benefits as listed in Section 5 of the Transition Rule. Any such riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or contract.
5. Submit the following certification signed by an officer of the company: "The company has reviewed this filing and certifies that to the best of its knowledge and belief, this filing complies with all requirements of the NAIC Model Regulation to Implement Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits and Premiums to Conform to the Repeal of the Medicare Catastrophic Coverage Act (Transition Rule). The company also certifies that if, upon further review by the Bureau of Insurance, any portion of this filing is found not to comply with any requirement of the Transition Rule, the company will modify the forms or premiums as directed by the Commissioner of Insurance. The company further certifies that any such modification will be made effective as of the effective implementation date of the filing to which this certification applies, and that the company will promptly notify affected insureds of the modification."

The Commission will not use accelerated review procedures for filings received after March 16, 1989.

Filings received that comply with the criteria set forth above, shall be approved immediately upon receipt. Filings received that do not meet this criteria will be reviewed on a first received, first reviewed basis. As soon as the Commission has formally adopted the NAIC Transition Rule, the filings will be reviewed in accordance with our established review procedures and the company will be advised of any required modifications.

If there are questions regarding this procedure please address them to:

Robert L. Wright, CLU, CIE
Supervisor, Forms and Rates Section
Life and Health Division
Bureau of Insurance
P.O. Box 1157
Richmond, Virginia 23209

/s/ Steven T. Foster, Commissioner of Insurance

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

VIRGINIA HEALTH PLANNING BOARD

Title of Regulation: VR 359-01-01. Guidelines for Public Participation in Developing Regulations.

Governor's Comments:

I concur with the form and content of this proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Gerald L. Baliles
Date: December 22, 1989

* * * * *

Title of Regulation: VR 359-02-01. Regulations for Designating Health Planning Regions.

Governor's Comments:

I recommend that a regulation be added which states the method by which the initial designation of health planning regions will take place. The Health Planning Board may wish to consider a rule which is similar to proposed § 3.4, which contains a requirement for prior public notice and publication in the Virginia Register.

/s/ Gerald L. Baliles
Date: December 22, 1989

* * * * *

Title of Regulation: VR 359-02-02. Regulations Governing the Regional Health Planning Boards.

Governor's Comments:

I recommend that the Board clarify the statutory reference in the proposed definition of "provider." The State and Local Conflict of Interests Act contains two different definitions of "personal interest", at Section 2.1-639.2 and Section 2.1-639.15:1. Final approval of these regulations will be contingent upon a review of the public's comments as well as a response to this recommendation.

/s/ Gerald L. Baliles
Date: December 22, 1989

* * * * *

Title of Regulation: VR 359-03-01. Administration of State Funding for Regional Health Planning.

Governor's Comment:

I recommend that these regulations specify the time period covered by the grants applications and awards to regional health planning agencies. I also recommend that the regulations incorporate a reference to the Commonwealth's rules and procedures for disbursing and accounting for state funds, including those of the State Comptroller. Final approval will be contingent upon a review of the response to this and the public's comments.

/s/ Gerald L. Baliles
Date: December 29, 1989

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-04-12. Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law.** The purpose of the proposed action is to reduce ozone-producing evaporative volatile organic compound emissions, by limiting gasoline volatility during the ozone season (May through September), for the protection of public health and welfare. Such reductions will contribute to the attainment of the National Ambient Air Quality Standards for ozone.

This regulatory initiative is being undertaken in consultation with the Department of Air Pollution Control.

Statutory Authority: §§ 59.1-153 and 59.1-156 of the Code of Virginia.

Written comments may be submitted until 5 p.m., February 28, 1990.

Contact: W. P. Zentmeyer, Supervisor, Fertilizer and Motor Fuel Section, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3511

BOARD FOR BRANCH PILOTS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Branch Pilots intends to consider amending regulations entitled: **VR 535-01-01. Branch Pilot Regulations.** The purpose of the proposed action is to review and seek public comments on this regulation and to amend or repeal as needed.

Statutory Authority: § 54.1-902 of the Code of Virginia.

Written comments may be submitted until February 15, 1990.

Contact: Florence R. Brassier, Deputy Director for Regulatory Programs, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8574 or toll-free 1-800-552-3016

DEPARTMENT OF FORESTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Forestry intends to consider amending regulations entitled: **VR 312-01-02. Standards for Classification of Real Estate as Devoted to Forest Use Under the Virginia Land Use Assessment Law.** The purpose of the proposed action is to establish standards for forest land use taxation and a standardized commitment document for use by the applicant.

Statutory Authority: §§ 58.1-3230 and 58.1-3240 of the Code of Virginia.

Written comments may be submitted until February 15, 1990.

Contact: James D. Starr, Chief, Forest Management, P. O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-2. Virginia Tradesmen Certification Standards, 1987 Edition.** The purpose of the proposed action is to amend current standards for local certification of plumbers, building-related mechanical workers, electricians and divisions within those trade areas.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

Statutory Authority: § 15.1-11.4 of the Code of Virginia.

Written comments may be submitted until April 15, 1990.

Contact: Robert Gregory, Administrator, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-4857

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† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **394-01-4. Virginia Uniform Statewide Building Code, Amusement Device Regulations.** The purpose of the proposed action is to protect the health, safety and welfare of amusement device users.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Written comments may be submitted until April 15, 1990.

Contact: Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-6. Virginia Statewide Fire Prevention Code.** The purpose of the proposed action is to provide mandatory statewide regulation for protection of life and property from the hazards of fire or explosion.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

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

Written comments may be submitted until April 15, 1990.

Contact: Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-8. Virginia Liquefied Petroleum Gas Regulations.** The purpose of the proposed action is to require safe use and storage of L-P gases in order to protect individuals and property from fire and explosion hazards.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

Statutory Authority: § 27-87 of the Code of Virginia.

Written comments may be submitted until April 15, 1990.

Contact: Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-21. Virginia Uniform Statewide Building Code Volume I, New Construction Code.** The purpose of the proposed action is to provide mandatory, statewide uniform regulation for construction of new buildings.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Written comments may be submitted until April 15, 1990.

Contact: Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-22. Virginia Uniform Statewide Building Code Volume II, Building Maintenance Code.** The purpose of the proposed action is to provide mandatory, statewide uniform regulation for maintenance and use of buildings.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Written comments may be submitted until April 15, 1990.

Contact: Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider promulgating regulations entitled: **VR 394-01-23. Standards Governing Operation of Individual and Regional Code Academies.** The purpose of the proposed action is to promulgate current standards for governing operation of individual and regional code academies.

General Notices/Errata

Statutory Authority: § 36-137 of the Code of Virginia.

Written comments may be submitted until April 15, 1990.

Contact: Robert Gregory, Administrator, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-4857

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-31. Virginia Uniform Statewide Building Code, Industrialized Building and Manufactured Home Safety Regulations.** The purpose of the proposed action is to provide uniform statewide safety standards for industrialized buildings and manufactured homes.

The purpose of the intended regulatory action is to develop a 1990 edition of the existing regulation.

Statutory Authority: § 36-80 of the Code of Virginia.

Written comments may be submitted until April 15, 1990.

Contact: Gregory H. Revels, Program Manager, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

LIBRARY BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Library Board intends to consider amending regulations entitled: **Requirements Which Must be Met in Order to Receive Grants-In-Aid.** The purpose of the proposed action is to consider changes to the local minimum expenditure requirement and to other criteria libraries must meet in order to receive grant-in-aid.

Statutory Authority: § 42.1-52 of the Code of Virginia.

Written comments may be submitted until February 20, 1990.

Contact: Ella Gaines Yates, State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332

MARINE RESOURCES COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Marine Resources Commission intends to consider amending regulations

entitled: **Coastal Primary Sand Dunes/Beaches Guidelines.** The purpose of the proposed amendment is to implement the policy set forth in § 62.1-13.21 and to assist localities in the regulation of coastal primary sand dunes and beaches. The guidelines are also used by the public in evaluating the acceptability and consequences of proposed uses or development of these dunes and beaches.

Statutory Authority: § 62.1-13.24 of the Code of Virginia.

Written comments may be submitted until February 1, 1990.

Contact: Robert W. Grabb, Chief, Habitat Management Division, P. O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-2252

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 promulgating regulations entitled: **Medical assistance provisions of the Family Support Act of 1988.** The purpose of the proposed action is to implement the requirements of the federal statute as approved by Congress and enacted by the President.

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

Written comments may be submitted until February 1, 1990, to Ann E. Cook, Eligibility and Regulatory Consultant, Policy Division, 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

DEPARTMENT OF PERSONNEL AND TRAINING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Personnel and Training intends to consider promulgating regulations entitled: **Guidelines for Public Participation in Regulation Development and Promulgation.** The purpose of the proposed regulation is to establish Department of Personnel and Training guidelines for soliciting and incorporating public participation in the development and promulgation of regulations.

Statutory Authority: §§ 2.1-20.1 and 2.1-20.1:02 of the Code

of Virginia.

Written comments may be submitted until March 9, 1990.

Contact: Anthony C. Graziano, Manager of State Benefits, Department of Personnel and Training, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2170

VIRGINIA RACING COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Racing Commission intends to consider promulgating regulations entitled: **Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering**. The purpose of the proposed regulation is to establish procedures for the Virginia Breeders' Fund, establish medication guidelines, and post-race testing procedures, and licensure of limited horse race meetings.

Statutory Authority: § 59.1-364 of the Code of Virginia.

Written comments may be submitted until February 1, 1990, to Chairman, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

Contact: William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363

GENERAL NOTICES

DEPARTMENT OF LABOR AND INDUSTRY

† Notice to the Public

DELAY IN EXCAVATION STANDARD - VR 425-02-89

On October 31, 1989, OSHA published in the Federal Register (54 FR 45894) its final rule for Excavation, 29 CFR Part 1926, Subpart P. The final rule was scheduled to become effective on January 2, 1990, 60 days after publication. Since the final rule was published, OSHA received a request from Mr. Jay Matricciani, President of the National Utility Contractors Association, for a delay of the effective date of the standard in order to allow time for the development and delivery of training seminars and publications intended to assist employers in complying with the new standard and to assure that competent persons are properly trained. The request was presented at the December 13, 1989, meeting of the Advisory Committee on Construction Safety and Health (ACCSH) and that Committee unanimously recommended that the delay be granted.

After careful consideration of the request and the reasons

therefor, OSHA has determined that there is good cause to delay the effective date beyond the original date of January 2, 1990. Accordingly, the requirements of the revised excavation standard, 29 CFR Part 1926, Subpart P, will become effective March 5, 1990. The existing standard will continue in effect during the delayed implementation period for the revised standard.

The Virginia Safety and Health Codes Board adopted the revised Federal OSHA excavation standard, 29 CFR 1926, Subpart P, at their November 15, 1989, meeting with an effective date of February 6, 1990.

In view of the action taken by Federal OSHA as described above, enforcement of the revised excavation standard in Virginia by the Department of Labor and Industry will begin on March 5, 1990. The existing excavation standard will continue in effect during the delayed implementation period for the revised standard.

MARINE RESOURCES COMMISSION

† Notice of Proposed Regulatory Action

The Marine Resources Commission invites public comment on proposed Regulation 450-01-0057, "Pertaining to the Harvest of American Shad." The restrictions proposed in the regulation are:

(1) Closure of state waters to Shad fishing for the following time periods:

January 1, 1990 to March 11, 1990
May 20, 1990 to May 31, 1990

During these time periods shad may not be commercially harvested.

(2) To reduce shad bycatch prior to March 22, 1990, gill nets fished in the waters of the State between January 1, 1990 and March 12, 1990, shall not have a stretched mesh size greater than four inches.

(3) Staked shad nets shall not be placed on stakes prior to March 1 and shall not be used for fishing until after March 11, 1990.

(4) All gill net vessels shall be limited to a maximum of 3,000 yards of gill net during the time period from March 12, 1990 to May 19, 1990.

For further information, please contact Jack G. Travelstead, Chief of Fisheries Management, Marine Resources Commission, 2600 Washington Avenue, Newport News, Virginia 23607.

NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

General Notices/Errata

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

and should read:

"2. Operator's license: A nonrefundable fee of \$100 times the number of..."

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT OF PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

ERRATA

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Title of Regulation: **Regulations Governing the Privacy and Security of Criminal History Record Information Checks for Firearm Purchase.**

Publication: 6:6 VA.R. 1010 December 18, 1989

Correction to the Notice of Intended Regulatory Action:

The correct expiration date of the emergency regulations referenced in this notice should be October 31, 1990, not October 13, 1990, as published.

VIRGINIA RACING COMMISSION

Title of Regulation: **Regulations of the Virginia Racing Commission.**

Publication: 6:6 VA.R. 887-921 December 18, 1989

Correction to the Proposed Regulation:

Page 904, § 2.20, language was omitted and should read:

"...a nonrefundable application fee to the commission's designee at the time of application by a certified..."

Page 906, § 2.22, subdivision 2, language was omitted

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE

COMMISSION

EXECUTIVE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

† May 16, 1990 - 10 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Room 204,
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 adopt a method of sale and standards of fill, as determined by weight, for clams, mussels, oysters, and other mollusks.

STATEMENT

Basis: The Board of Agriculture and Consumer Services may issue regulations for the enforcement of the Weights and Measures Act of Virginia. These regulations may include (i) methods of sale of commodities and (ii) standards of net weight, measure, and count, and standards of fill, for any commodity in package form. The board's proposed amendment to the regulation establishes both a standard for the method of sale for clams, mussels, oysters, and other mollusks and a standard of fill limiting the amount of water contained in packaged clams, mussels, oysters, and other mollusks.

The lack of standards has had an adverse effect on the

marketability of Virginia's shellfish products and has placed many Virginia producers in an unfair trade position. Consumers of shellfish products in this state and nationally are left unprotected in the absence of these standards.

Purpose: This amendment establishes standards for the method sale and standards of fill, as determined by weight for clams, mussels, oysters, and other mollusks. Adoption of this amendment will establish standards to assure equity, protecting both the industry and the consumer. The amendment is necessary to establish fair competition in the marketplace.

Substance: Adoption of this proposed regulation will require the producers of clams, mussels, oysters, and other mollusks to meet specific standards. Standards specifying the method of sale will assure that all dealings related to the sales of clams, mussels, oysters, and other mollusks will be in like terms. Standards of fill will require the producers of clams, mussels, oysters, and other mollusks to limit the amount of liquid present in package form.

Issues:

- Lack of standards adversely affects the marketability of Virginia's shellfish products.
- Lack of standards has adverse effect on interstate distributors.
- Lack of standards leaves the Virginia consumer unprotected.

Estimated impact:

1. Number and types of regulated entities or persons affected - This regulation will have a positive effect on the 200 businesses involved in the production of Virginia's shellfish products and all consumers of these products.
2. Projected cost to regulated entities for implementation and compliance - none.
3. Projected cost to VDACS for implementation and enforcement - Fiscal Year 1990-91 - \$6,500 annually
Fiscal Year 1991-92 and thereafter - \$4,000 to \$5,000 annually
4. Source of funding - general fund.

Statutory Authority: § 3.1-926 of the Code of Virginia.

Calendar of Events

Written comments may be submitted until April 2, 1990.

Contact: J. Alan Rodgers, 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

DEPARTMENT OF AIR POLLUTION CONTROL

February 6, 1990 - 7 p.m. – Briefing

February 6, 1990 - 7:30 p.m. – Public Hearing

Louisa Courthouse, Circuit Courtroom, Main Street, Louisa, Virginia

A permit application has been submitted by the Luck Stone Corporation to construct and operate a stone crushing plant and quarry. This facility to be located one mile west of Route 522 on State Route 613.

Contact: Northeastern Regional Office, 300 Central Rd., Suite B, Fredericksburg, VA 22401, telephone (703) 899-4600

† **February 7, 1990 - 7 p.m.** – Public Hearing

Montgomery County Courthouse, Court Room B, 3rd Floor, Christiansburg, Virginia

A public hearing to consider a permit for ACCO Stone Company to construct and operate a limestone crushing and screening facility and a limestone sand plant.

Contact: Donald L. Shepherd, Regional Director, Valley of Virginia Regional Office, 5338 Peters Creek Rd., Roanoke, VA 24019, telephone (703) 857-7328

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

† **April 12, 1990 - 10 a.m.** – Public Hearing

Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects intends to repeal existing regulations and adopt new regulations entitled: **VR 130-01-2. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.** The purpose of the proposed action is to regulate the practice of architecture, professional engineering, land surveying and landscape architecture, as well as the professional corporations and business entities offering those professional services.

STATEMENT

Statement of basis, purpose, substance, issues and impact: The proposed regulations establish the requirements for licensure, certification or registration of architects, professional engineers, land surveyors, landscape architects and the professional corporations and business entities offering such professional services. Standards of practice and conduct are also set forth.

Statutory Authority: § 54.1-404 of the Code of Virginia.

Written comments may be submitted until March 31, 1990.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8514 or toll-free 1-800-552-3016

Board for Architects

† **February 22, 1990 - 9 a.m.** – Open Meeting

Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes from November 8, 1989, meeting; (ii) review correspondence; (iii) review applications; and (iv) review enforcement files.

Board for Engineers

† **February 13, 1990 - 9 a.m.** – Open Meeting

Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes from November 16, 1989, meeting; (ii) review applications; (iii) review general correspondence; and (iv) review enforcement files.

Board for Land Surveyors

† **February 8, 1990 - 9 a.m.** – Open Meeting

Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes from November 30, 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., 5th Floor, Richmond, VA 23230, telephone (804) 367-8514 or toll-free 1-800-552-3016

ARLINGTON COUNTY/CITY OF FALLS CHURCH LOCAL EMERGENCY PLANNING COMMITTEE

February 15, 1990 - 7:30 p.m. – Open Meeting

Arlington County Water Pollution Control Plant, 3401 South Glebe Road, Arlington, Virginia. ☐ (Interpreter for deaf provided if requested)

A regular meeting.

Contact: Thomas M. Hawkins, Jr., Chairman, 2100 Clarendon Blvd., Suite 400, Fire Department Administration, Arlington, VA 22201, telephone (703) 358-3365 or (703) 558-2096/TDD ☎

BOARD OF AUDIOLOGY AND SPEECH PATHOLOGY

† February 15, 1990 - 9 a.m. - Open Meeting
† February 16, 1990 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☎

A work session for regulatory review.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9111

BOARD FOR BARBERS

† February 5, 1990 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A meeting to (i) review applications; (ii) review correspondence; (iii) review enforcement cases; (iv) discuss barber examination; and (v) conduct 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)

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

February 1, 1990 - 5:30 p.m. - Open Meeting
March 1, 1990 - 5:30 p.m. - Open Meeting
† April 5, 1990 - 5:30 p.m. - Open Meeting
Chesterfield County Administration Building, 10001 Ironbridge Road, Chesterfield, Virginia. ☎

The committee will meet to discuss the requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Dept., P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236

CHILD DAY-CARE COUNCIL

February 8, 1990 - 9 a.m. - Open Meeting
March 8, 1990 - 9 a.m. - Open Meeting
Koger Executive Center, West End, Blair Building,

Conference Rooms A and B, 8007 Discovery Drive, Richmond, Virginia. ☎ (Interpreter for deaf provided if requested)

A meeting to discuss issues, concerns and programs that impact licensed child care centers. A public comment period is scheduled at 9 a.m. The contingency snow dates are February 16, 1990, and March 16, 1990.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217

DEPARTMENT FOR CHILDREN

Consortium on Child Mental Health

† February 7, 1990 - 9 a.m. - Open Meeting
† March 7, 1990 - 9 a.m. - Open Meeting
† April 4, 1990 - 9 a.m. - Open Meeting
† May 2, 1990 - 9 a.m. - Open Meeting
Eighth Street Office Building, 805 East Broad Street, 11th Floor Conference Room, Richmond, Virginia. ☎

A regular meeting.

Contact: Wenda Singer, Chair, Department for Children, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-2208

COORDINATING COMMITTEE FOR INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

February 16, 1990 - 8:30 a.m. - Open Meeting
March 16, 1990 - 8:30 a.m. - Open Meeting
Office of the Coordinator, Interdepartmental Licensure and Certification, 1603 Santa Rosa Drive, Tyler Building, Suite 210, Richmond, Virginia. ☎

A regularly scheduled meeting to consider such administrative and policy issues as may be presented to the committee. A period for public comment is provided at each meeting.

Contact: John J. Allen, Jr., Coordinator, Interdepartmental Licensure and Certification, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124

BOARD OF COMMERCE

February 1, 1990 - 11 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☎

Calendar of Events

A regular quarterly meeting of the board. The director will report on legislation under consideration by the General Assembly that would affect the regulatory operations of the Department of Commerce.

Contact: Alvin D. Whitley, Policy Analyst, Director's Office, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8564, toll-free 1-800-552-3016 or SCATS 367-8519

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

† February 7, 1990 - 10:30 a.m. – Open Meeting
Virginia Institute of Marine Science, Director's Conference Room, Gloucester Point, Virginia

A regular meeting.

Contact: Jack E. Frye, Shoreline Programs Bureau Manager, Shoreline Programs Bureau, P. O. Box 1024, Gloucester Point, VA 23062, telephone (804) 642-7121 or SCATS 842-7121

DEPARTMENT OF CONSERVATION AND RECREATION

Falls of the James Scenic River Advisory Board

February 16, 1990 - noon – Open Meeting
Assistant City Manager's Conference Room, City Hall, 3rd Floor, Richmond, Virginia. ☒

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132

BOARD FOR CONTRACTORS

January 31, 1990 - 10 a.m. – Open Meeting
Holiday Inn Downtown, Williamsburg Holidome, 814 Capital Landing Road, Williamsburg, Virginia

The board will meet to conduct a formal hearing:

File Numbers 87-00501, 87-01020, Board for Contractors v. Marion T. Poythress, Jr. t/a Poythress Builders.

† February 15, 1990 - 10 a.m. – Open Meeting
Office of the City Manager, Council Chambers, Room 210, Waynesboro, Virginia

The board will meet to conduct a formal hearing:

File Number 88-01375, Board for Contractors v. Melvin R. Marshall.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524

VIRGINIA CORN BOARD

† March 5, 1990 - 1:30 p.m. – Open Meeting
† March 6, 1990 - 1:30 p.m. – Open Meeting
Williamsburg Hilton and Conference Center, Williamsburg, Virginia

The board will review project reports on projects that were funded for fiscal 1989-90 and will receive project proposals for fiscal 1990-91.

Contact: W. Rosser Cobb, IV, Secretary, P. O. Box 26, Warsaw, VA 22572, telephone (804) 333-3710 or SCATS 371-2163

BOARD OF CORRECTIONS

February 7, 1990 - 10 a.m. – Open Meeting
Board of Corrections Board Room, 6900 Atmore Drive, Richmond, Virginia. ☒

A regular monthly meeting.

Contact: Vivian Toler, Secretary of the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235

BOARD FOR COSMETOLOGY

† February 7, 1990 - 11 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia

The board will meet to conduct a formal hearing:

File Number 88-00994, Board for Cosmetology v. Leon Forte.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524

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February 18, 1990 – 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 for Cosmetology intends to amend regulations entitled: **VR 235-01-02. Board for Cosmetology Regulations.** The regulation reestablishes a requirement for the cosmetology schools to report the number of hours and performances of a student upon termination for any reason.

Statutory Authority: § 54.1-201 5 of the Code of Virginia.

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Written comments may be submitted until February 18, 1990.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

CRIMINAL JUSTICE SERVICES BOARD

April 4, 1990 - 9:30 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 240-01-4. Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courtroom Security Officers and Process Service Officers.** The proposed rules set forth optimum tasks and the minimum acceptable level of proficiency for entry level jailors, custodial officers, courtroom security officers and process service officers.

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

Written comments may be submitted until March 5, 1990, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Executive Assistant, Criminal Justice Services Board, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000

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April 4, 1990 - 9:30 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 240-01-12. Rules Relating to Certification of Criminal Justice Instructors.** The proposed amendments revise qualifications, requirements and minimum standards for the certification and recertification of criminal justice instructors.

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

Written comments may be submitted until March 5, 1990, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Executive Assistant, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000

April 4, 1990 - 10:30 a.m. - Public Hearing
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Criminal Justice Services intends to adopt regulations entitled: **VR 240-04-1. McGruff House Program Regulations.** These proposed regulations outline procedures for the designation and operation of McGruff House Programs and McGruff Houses.

Statutory Authority: §§ 9-170 and 9-173.4 of the Code of Virginia.

Written comments may be submitted until March 16, 1990.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8730

BOARD OF DENTISTRY

March 10, 1990 - 10 a.m. - Open Meeting
Sheraton-Fredericksburg, I-95, Route 3, Fredericksburg, Virginia

A legislative committee meeting to discuss regulations.

Contact: N. Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9906

EASTERN SHORE ASAP POLICY BOARD

† January 31, 1990 - 11:30 a.m. - Open Meeting
The Towne House Restaurant, Onancock, Virginia

A regular business meeting.

Contact: Stephen J. Hearne, Director, Eastern Shore ASAP, Box 433, Accomac, VA 23301, telephone (804) 787-5850

BOARD OF EDUCATION

† February 15, 1990 - 9 a.m. - Open Meeting
† February 16, 1990 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☐ (Interpreter for deaf provided if requested)

The Board of Education and the Board of Vocational Education will hold its regularly scheduled meeting. The agenda is available upon request.

Contact: Margaret Roberts, Director, Community Relations

Calendar of Events

Office, Department of Education, P.O. Box 6Q, Richmond, VA 23216, telephone (804) 225-2540

DEPARTMENT OF EDUCATION (BOARD OF)

February 5, 1990 – Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Education intends to repeal existing regulations and promulgate new regulations entitled: **VR 270-01-0033. Regulations Governing Driver Education.** The current Board of Education Regulations need to be clarified in the Code of Virginia to specify what is a “standardized program of driver education for public and nonpublic schools” and for commercial schools, how “comparable content and quality” is defined.

Statutory Authority: § 22.1-205 of the Code of Virginia.

Written comments may be submitted until February 5, 1990.

Contact: Jeane L. Bentley, Associate Director, Health, Physical Education and Driver Education, Department of Education, P.O. Box 6Q, Richmond, VA 23216, telephone (804) 225-2866

* * * * *

March 5, 1990 - 7 p.m. – Public Hearing
Mills E. Godwin High School, Richmond, Virginia

March 5, 1990 - 7 p.m. – Public Hearing
Hampton High School, Hampton, Virginia

March 5, 1990 - 7 p.m. – Public Hearing
Pulaski High School, Pulaski, Virginia

March 5, 1990 - 7 p.m. – Public Hearing
Osborn High School, Manassas, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Education intends to amend regulations entitled: **VR 270-01-0012. Standards for Accrediting Public Schools in Virginia.** These standards provide a foundation for quality education and provide guidance and direction to assist schools in their continuing efforts to offer educational programs to meet the need, interests, and aspirations of students.

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

Written comments may be submitted until March 5, 1990.

Contact: Robert B. Jewell, Associate Director, Department of Education, P. O. Box 6-Q, Richmond, VA 23216-2060, telephone (804) 225-2105

VIRGINIA FIRE SERVICES BOARD

† **February 9, 1990 - 9 a.m.** – Open Meeting
Radisson Hotel, 555 East Canal Street, Richmond, Virginia. ☒

A regular business meeting open to the public for their input and comments.

Fire/EMS Education and Training Committee

† **February 8, 1990 - 1 p.m.** – Open Meeting
Radisson Hotel, 555 East Canal Street, Richmond, Virginia. ☒

A committee meeting to discuss fire training and fire policies. The meeting is open to the public for their input.

Fire Prevention and Control Committee

† **February 8, 1990 - 9 a.m.** – Open Meeting
Radisson Hotel, 555 East Canal Street, Richmond, Virginia. ☒

A committee meeting to discuss fire training and fire policies. The meeting is open to the public for their input.

Legislative Committee

† **February 8, 1990 - 1 p.m.** – Open Meeting
Radisson Hotel, 555 East Canal Street, Richmond, Virginia. ☒

A committee meeting to discuss fire training and fire policies. The meeting is open to the public for their input.

Contact: Robert N. Monroe, Manager, Planning and Program Development, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2681

BOARD OF FORESTRY

† **February 6, 1990 - 3 p.m.** – Open Meeting
† **February 7, 1990 - 8:30 a.m.** – Open Meeting
Upper Brandon Plantation, 1802 Upper Brandon Road, Spring Grove, Virginia. ☒

A general business and planning meeting.

Contact: Barbara A. Worrell, Administrative Staff Assistant, Department of Forestry, P. O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555/▲DD ☎ or SCATS 487-1230

DEPARTMENT OF FORESTRY

† **March 1, 1990 - 10 a.m.** - Public Hearing
Department of Forestry, Alderman and McCormick Road,
Conference Room, Charlottesville, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Forestry intends to amend regulations entitled: **VR 312-01-02. Standards for Classification of Real Estate as Devoted to Forest Use Under the Virginia Land Use Assessment Law.** The purposes of the proposed action is to provide a standardized form for a written commitment by landowners to preserve forest land use.

STATEMENT

Basis: To be adopted pursuant to regulations which were issued under § 58.1-3229.

Purpose: This regulatory action will amend the Standards for Classification concerning qualification for forest land use taxation. The current Standards for Classification § 2 B require a "signed commitment" or a plan prepared by a professional forester. This amendment would add a format and standards for the commitment document. The landowner could then fill in the blanks and sign the commitment document instead of submitting a plan prepared by a professional forester.

Impact: The proposed amendments are not expected to significantly alter the administrative requirement to qualify for forest land use taxation. The amendment only provides a standard format for the commitment form.

Statutory Authority: § 58.1-3229 of the Code of Virginia.

Written comments may be submitted until March 1, 1990.

Contact: James D. Starr, Chief, Forest Management, Department of Forestry, P. O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **February 5, 1990 - 7 p.m.** - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

An establishment and license managers study committee meeting.

February 6, 1990 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

9 a.m. - Examination session

9 a.m. - Preneed committee meeting to review

applications for Preneed Contracts only

1 p.m. - General board meeting and discussion of proposed regulations and preneed regulations

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907

DEPARTMENT OF GENERAL SERVICES

Division of Consolidated Laboratory Services

† **February 2, 1990 - 9:30 a.m.** - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia. ☒

The Advisory Board will discuss issues, concerns and programs that impact the Division of Consolidated Laboratory Services and its user agencies.

Contact: Dr. Tiedemann, Director, Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, VA 23219, telephone (804) 786-7905

HANOVER COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

January 30, 1990 - 9 a.m. - Open Meeting
Hanover County Fire Company #5, Route 1004, Hanover, Virginia

A meeting to (i) nominate a chairperson for LEPC; (ii) conduct LEPC update; and (iii) receive public comment.

Contact: John F. Trivellin, Hazardous Materials Coordinator, P. O. Box 470, Hanover, VA 23069, telephone (804) 798-8535 or 730-6195

HAZARDOUS MATERIALS TRAINING COMMITTEE

February 13, 1990 - 10 a.m. - Open Meeting
Holiday Inn Conference Center, Koger Center South, 1021 Koger Center Boulevard, Richmond, Virginia

The first meeting of the committee to discuss curriculum, course development, and review existing hazardous materials courses.

Contact: Larry A. Logan, Chairman, Fire and Emergency Services, 3568 Peters Creek Rd., N.W., Roanoke, VA 24019, telephone (703) 561-8070

BOARD OF HEALTH PROFESSIONS

February 8, 1990 - 11 a.m. - Open Meeting

Calendar of Events

Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

The board will consider the final report of its evaluation of the health professional enforcement system in addition to the conduct of routine business.

Contact: Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9918

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **February 27, 1990 - 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: G. Edward Dalton, Deputy Director, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6371/TDD ☎

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March 7, 1990 - 10 a.m. – Public Hearing
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Health Services Cost Review Council intends to amend regulations entitled: **VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.** These amendments will bring nursing homes under the financial reporting requirements of the council and require an audited consolidated financial statement from each hospital that reports to the council or any corporation that controls a hospital.

Statutory Authority: § 9-169 of the Code of Virginia.

Written comments may be submitted until 3 p.m., March 5, 1990.

Contact: G. Edward Dalton, Deputy Director, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371

STATE COUNCIL OF HIGHER EDUCATION

† **February 7, 1990 - 9:30 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor, Richmond, Virginia. ☒

A regular monthly meeting. The agenda is available upon request.

Contact: Dr. Barry M. Dorsey, Associate Director, Council of Higher Education, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2632

HOPEWELL INDUSTRIAL SAFETY COUNCIL

February 6, 1990 - 9 a.m. – Open Meeting
March 6, 1990 - 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 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

† **March 2, 1990 - 10 a.m.** – Public Hearing
City Council Chambers, 215 Church Street, S.W., Roanoke, Virginia. ☒

† **March 5, 1990 - 10 a.m.** – Public Hearing
Human Services Center Auditorium, 5249 Olde Towne Road, Williamsburg, Virginia. ☒

† **March 7, 1990 - 10 a.m.** – Public Hearing
County Administration Building, 1 County Court Complex, Prince William, Virginia. ☒

A hearing to receive public comments regarding the Board of Housing and Community Development's intent to develop 1990 editions of the Uniform Statewide Building Code, Volume I, New Construction Code; Volume II, Building Maintenance Code; Virginia Uniform Statewide Code, Industrialized Building and Manufactured Home Safety Regulations; Virginia Statewide Fire Prevention Code; Virginia Liquefied Petroleum Gas Regulations; Virginia Uniform Statewide Building Code, Amusement Device Regulations; Virginia Tradesmen Certification Standards; Standards Governing Operation of Individual and Regional Code Academies.

Contact: Gregory H. Revels, Program Manager, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

COUNCIL ON HUMAN RIGHTS

March 28, 1990 - 10 a.m. – Public Hearing
James Monroe Building, 101 North 14th Street, 1st Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Council on Human Rights intends to adopt regulations entitled: **VR 402-01-02. Regulations to Safeguard Virginia's Human Rights From Unlawful Discrimination.** The purpose of these regulations is to supplement the Virginia Human Rights Act (§ 2.1-714 et seq.) which safeguards all individuals within the Commonwealth from unlawful discrimination.

Statutory Authority: § 2.1-720.6 of the Code of Virginia.

Written comments may be submitted until February 18, 1990, to Sandra D. Norman, P.O. Box 717, Richmond, Virginia 23206.

Contact: Lawrence J. Dark, Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2292 or toll-free 1-800-633-5510

JOHN TYLER ASAP POLICY BOARD

† **February 1, 1990 - 6:30 p.m.** – Open Meeting
Meadowbrook Country Club, 3700 Cogbill Road, Chesterfield, Virginia

Proposed agenda:

1. Commission on VASAP welcomes a New Executive Director
2. Law-enforcement trainings sponsored by the Colonial ASAP Council
3. Annual report
4. Financial status report
5. Revised salary policy
6. Upcoming training session for local attorneys

Contact: Carolyn J. Boone, Executive Director, 9520 Ironbridge Road, Chesterfield, VA 23832, telephone (804) 748-3365

LIBRARY BOARD

February 4, 1990 – 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 Library Board intends to adopt regulations entitled: **VR 440-01-149.2. Certification of Librarians.** The purpose of this regulation is to establish qualifications for certification of professional librarians in certain public libraries and establish fees.

Statutory Authority: § 42.1-15.1 of the Code of Virginia.

Written comments may be submitted until February 4, 1990.

Contact: Ella Gaines Yates, State Librarian, Virginia State

Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332

Executive Committee

February 5, 1990 - 10 a.m. – Open Meeting
Virginia State Library and Archives, 11th Street at Capitol Square, 2nd Floor, State Librarian's Office, Richmond, Virginia. ☐

A conference call meeting to enact final regulations regarding the Certification of Librarians (VR 440-01-149.2). Additional conference call locations are the offices of:

Mr. John W. A. Parsons, Chairman
National Commission on Libraries &
Information Science
1111 18th Street, N.W.
Suite 302
Washington, D.C. 20036
(202) 254-5100

and

Mr. Robert C. Nusbaum, Vice-Chairman
1700 Dominion Tower
P. O. Box 3460
Norfolk, VA 23514
(804) 622-3366

Contact: Ella Gaines Yates, State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332

COMMISSION ON LOCAL GOVERNMENT

† **March 12, 1990 - 10 a.m.** – Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

A regular meeting.

Contact: Barbara Bingham, Commission on Local Government, 702 Eighth Street Office Bldg., Richmond, VA 23219, telephone (804) 786-6508

LONGWOOD COLLEGE

Executive Committee

† **February 23, 1990 - 1:30 p.m.** – Open Meeting
Lankford Building, Longwood College, Farmville, Virginia. ☐

A meeting to conduct business pertaining to the governance of the institution.

Contact: William F. Dorrill, President, Longwood College,

Calendar of Events

Farmville, VA 23901, telephone (804) 395-2001

MARINE RESOURCES COMMISSION

† February 27, 1990 - 9:30 a.m. - Open Meeting
Marine Resources Commission, 2600 Washington Avenue,
4th Floor, Room 403, Newport News, Virginia. ☒

The commission will meet to hear and decide cases on fishing licensing, oyster ground leasing, environmental permits in wetlands bottomlands, coastal sand dunes and beaches. The commission hears and decides appeals made on local wetlands board decisions.

Fishery management and conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days and is empowered to take specialized marine life harvesting and conservation measures within five days.

Contact: Cathy W. Everett, Secretary to the Commission, 2600 Washington Ave., Room 303, Newport News, VA 23607-0756, telephone (804) 247-8088

BOARD OF MEDICINE

February 23, 1990 - 9 a.m. - Public Hearing
Department of Health Professions, 1601 Rolling Hills Drive,
Board Room 2, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to adopt regulations entitled: **VR 465-08-01. Regulations for Certification of Occupational Therapists.** These proposed regulations will establish educational requirements, examination, and application fee for certification to practice as an Occupational Therapist.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until March 15, 1990, to Hilary H. Conner, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia 23229-5005.

Contact: Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9925

March 22, 1990 - 8 a.m. - Open Meeting

March 23, 1990 - 8 a.m. - Open Meeting

March 24, 1990 - 8 a.m. - Open Meeting

March 25, 1990 - 8 a.m. - Open Meeting

Department of Health Professions, 1601 Rolling Hills Drive,
Surry Building, Board Room 1, 1st Floor, Richmond,
Virginia. ☒

The board will meet on March 22, 1990, in open session to conduct general board business and discuss any other items which may come before the board. The board will meet on March 23-25, 1990, to review reports, interview licensees and make decisions on discipline matters.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Bldg., Richmond, VA 23229-5005, telephone (804) 662-9925

Ad Hoc Committee on Optometry

February 2, 1990 - 1 p.m. - Open Meeting

NOTE: CHANGE IN MEETING TIME

Department of Health Professions, 1601 Rolling Hills Drive,
Surry Building, 2nd Floor, Board Room 1, Richmond,
Virginia. ☒

The committee will review and discuss the post graduate training programs and the development of an examination for certification of optometrists to treat certain diseases of the human eye with certain therapeutic pharmaceutical agents, and other items which may come before the committee.

Ad Hoc Committee on X-Ray Technicians

† February 23, 1990 - 2 p.m. - Open Meeting

Department of Health Professions, 1601 Rolling Hills Drive,
Surry Building, Board Room 1, Richmond, Virginia. ☒

The committee will begin to develop regulations regarding the utilization of x-ray technicians in response to House Documents No. 24 and No. 31.

Advisory Committee on Acupuncture

† February 28, 1990 - 6 p.m. - Open Meeting

Department of Health Professions, 1601 Rolling Hills Drive,
Board Room 4, Richmond, Virginia. ☒

The committee will meet to (i) conduct general business; (ii) review educational programs, regulations and other state laws; and (iii) discuss such other items which may come before this committee.

Credentials Committee

† February 3, 1990 - 8:15 a.m. - Open Meeting

Department of Health Professions, 1601 Rolling Hills Drive,
Surry Building, 1st Floor, Board Room 1, Richmond,
Virginia. ☒

The committee will meet to (i) conduct general business; (ii) interview and review medical credentials of applicants applying for licensure in Virginia in open and executive sessions; and (iii) discuss any other items which may come before this committee.

Executive Committee

February 2, 1990 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Board Room 1, Richmond, Virginia. ☒

The committee will meet in open session to review closed cases, cases/files requiring administrative actions and consider any other items which may come before the committee.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925

Informal Conference Committee

† **February 2, 1990 - 2:30 p.m. - Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive, Board Room 3, Richmond, Virginia. ☒

† **February 7, 1990 - 9:30 a.m. - Open Meeting**
The Radisson Hotel-Lynchburg, 601 East Main Street, Lynchburg, Virginia. ☒

† **February 8, 1990 - 9 a.m. - Open Meeting**
Sheraton-Fredericksburg Resort and Conference Center, Route 3 and I-95, Fredericksburg, Virginia. ☒

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed session pursuant to § 2.1-344 A 6 of the Code of Virginia.

Contact: Karen D. Waldron, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-7006

Advisory Board on Physician's Assistants

February 2, 1990 - 2:30 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 public comments received on proposed regulations VR 465-04-01 and prepare a report for the full board in March, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Mental Retardation Advisory Council

February 9, 1990 - 10 a.m. - Open Meeting
James Madison Building, 109 Governor Street, 13th Floor, Richmond, Virginia. ☒

A quarterly meeting to conduct business relative to the council's responsibility for advising the board on issues pertaining to mental retardation. Agenda will be available February 2, 1990.

Contact: Stanley J. Butkus, PhD, Director of Mental Retardation Services, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-1746

Substance Abuse Advisory Council

February 22, 1990 - 10 a.m. - Open Meeting
James Madison Building, 109 Governor Street, 13th Floor Board Room, Richmond, Virginia. ☒

A meeting to discuss issues relative to the planning and delivery of substance abuse services in Virginia.

Contact: Wayne Thacker, Director, Office of Substance Abuse Services, 109 Governor St., Richmond, VA 23219, telephone (804) 786-3906 or (804) 786-2991/TDD ☎

University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education, Office of Continuing Legal Education and Office of Continuing Medical Education

March 13, 1990 - Open Meeting

March 14, 1990 - Open Meeting

Patrick Henry Inn, Best Western, Colonial Williamsburg, Virginia. ☒

The 13th Annual Symposium on Mental Health and the Law to address issues related to mental health and the law. 9 hours in Category 1 CME, 9 CEU and 9 CLE credits applied for.

Contact: Carolyn Engelhard, Institute of Law, Psychiatry and Public Policy, Box 100, Blue Ridge Hospital, Charlottesville, VA 22901, telephone (804) 924-5435

DEPARTMENT OF MOTOR VEHICLES

† **April 13, 1990 - 10 a.m. - Public Hearing**
Department of Motor Vehicles, 2300 West Broad Street, Monticello Room, Room 133, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to amend regulations entitled: **VR 485-60-8401. Evidence Required to Permit**

Calendar of Events

Registration of Reregistration of Vehicles for Which Proof of Tax Payment and of State Corporation Commission Registration is Required. The purpose of the proposed amendment is to eliminate the requirement for the owner of a vehicle, with a registered gross weight of 33,000 pounds or more, to complete a certification of tax paid.

STATEMENT

The intent of the Code is to give localities a method of collecting delinquent personal property tax on vehicles with a registered gross weight of 33,000 pounds or more. Under the current regulations the owner is required to certify, by signing a form, that all taxes have been paid and the vehicle is properly registered with the State Corporation Commission or is exempt from registration.

Since the legislation's inception, DMV has provided a list, biannually, of certain vehicles that weigh 33,000 pounds or more to all Commissioners of Revenue and Treasurers. The commissioners and treasurers check the list and notify DMV if tax has not been paid on a vehicle. DMV then places an indicator on the vehicle record and the owner cannot renew the license plates until proof of payment of the tax is received.

The State Corporation Commission also notifies DMV, on a weekly basis, of tax delinquencies and payments.

Although an owner may sign a form that all taxes have been paid, if there is an indicator on the record, proof of payment is still required.

Since there is a process in place that complies with the intent of the legislation, there is no need for an owner to certify to the payment of tax. Also, elimination of this form would be in keeping with the 1987 Governor's Commission on Efficiency in Government and the State Coordinated Reduction of Reporting Requirements and Paperwork (SCRERP). The current process of DMV placing indicators on the record of a delinquent taxpayer, when reported by the Commissioner of Revenue or Treasurer, will remain in place.

Statutory Authority: §§ 46.2-203 and 46.2-649 of the Code of Virginia.

Written comments may be submitted until April 10, 1990.

Contact: Jerry M. Fern, Program Manager, Motor Carrier Services, Department of Motor Vehicles, P. O. Box 27412, Richmond, VA 23269, telephone (804) 367-0469

Medical Advisory Board

† **February 7, 1990 - 1:30 p.m.** – Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Richmond, Virginia. ☒

A regular business meeting.

Contact: Karen Ruby, Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-0406

BOARD OF NURSING

January 29, 1990 - 9 a.m. – Open Meeting
January 30, 1990 - 9 a.m. – Open Meeting
January 31, 1990 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regular meeting of the board to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement, and other matters under the jurisdiction of the board.

Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909 or toll-free 1-800-533-1560

BOARD OF NURSING HOME ADMINISTRATORS

† **February 28, 1990 - 8 a.m.** – Open Meeting
† **March 1, 1990 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

National and state examinations will be given to applicants for licensure for Nursing Home Administrators.

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9111

DEPARTMENT OF PERSONNEL AND TRAINING

February 20, 1990 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Personnel and Training intends to adopt regulations entitled: **VR 525-01-02. Commonwealth of Virginia Health Benefits Program.**

Statutory Authority: §§ 2.1-20.1 and 2.1-20.1:02 of the Code of Virginia.

Written comments may be submitted until February 20, 1990.

Contact: Anthony C. Graziano, Manager of State Benefits, Department of Personnel and Training, 101 N. 14th St.,

Richmond, VA 23219, telephone (804) 225-2170

BOARD OF PROFESSIONAL COUNSELORS

February 8, 1990 - 1 p.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

A formal hearing.

February 9, 1990 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

A meeting to conduct general board business including committee reports, response to correspondence, and regulatory review.

Contact: Joyce D. Williams, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9912

VIRGINIA RACING COMMISSION

February 19, 1990 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to amend regulations entitled: **VR 662-01-02. Regulation Pertaining to Horse Racing with Pari-Mutuel Wagering.** The purpose of the proposed amendment is to request approval of racing days, transfer and acquisition of an interest in a license, appeals of licensing decisions, pari-mutuel wagering, and purse distribution.

Statutory Authority: § 59.1-364 of the Code of Virginia.

Written comments may be submitted until February 19, 1990, to Chairman, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

Contact: William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363

REAL ESTATE BOARD

† **February 20, 1990 - 11 a.m. – Open Meeting**
Department of Social Services, Pembroke Office Park,
Pembroke IV, Suite 300, Conference Room A, Virginia
Beach, Virginia

The board will conduct a formal hearing:

File Number 88-00054, The Real Estate Board v. Cottle, William B.

† **February 21, 1990 - 10 a.m. – Open Meeting**
County Administration Building, Board Chambers, Main
Floor, Third Street, Pulaski, Virginia

The board will conduct a formal hearing:

File Number 88-00754, The Real Estate Board v. Thomas K. and Dorothy N. Morton.

† **February 27, 1990 - 10 a.m. – Open Meeting**
City Council Conference Room, Municipal Building, 215
Church Avenue, 4th Floor, Roanoke, Virginia

The board will conduct a formal hearing:

File Number 88-00865, The Real Estate Board v. Donald W. Hall and Julia W. Mawyer.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8524

BOARD OF REHABILITATIVE SERVICES

February 22, 1990 - 9:30 a.m. – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The board will receive department reports, consider regulatory matters and conduct the regular business of the board.

Finance Committee

February 21, 1990 - 2 p.m. – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will (i) review monthly financial reports (ii) review budgetary projections, (iii) receive update on status of biennial budget request, and (iv) develop calendar for FY 92 budget development.

Legislation and Evaluation Committee

February 21, 1990 - 4 p.m. – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review pending federal and state legislation and develop criteria for evaluation of department programs.

Program Committee

February 21, 1990 - 3 p.m. – Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review vocational rehabilitation

Calendar of Events

regulation proposals and explore options for developing amendments to current VR regulations. The committee will also review Client Service Program Information, Independent Living Report and WWRC Program Information.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0319, toll-free 1-800-552-5019/TDD ☎ or (804) 367-0280/TDD ☎

RICHMOND EMERGENCY PLANNING COMMITTEE

† **February 8, 1990 - 6:30 p.m.** – Open Meeting
City Hall, Room 701, Richmond, Virginia. ☒

A meeting to discuss planning and other recent developments pertaining to the committee.

Contact: Thomas E. Price, Captain, 501 N. 9th St., Room 134, Richmond, VA 23219, telephone (804) 780-6660

DEPARTMENT FOR RIGHTS OF THE DISABLED

Protection and Advocacy for Mentally Ill Individuals Advisory Council

† **February 22, 1990 - 10 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ☒

A regularly scheduled meeting.

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 ☎ or toll-free 1-800-552-3962/TDD ☎

STATE BOARD OF SOCIAL SERVICES

February 14, 1990 - 2 p.m. – Open Meeting
February 15, 1990 - 9 a.m. – Open Meeting (If Necessary)
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☒

A work session and formal business meeting of the board.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9236

VIRGINIA SOIL AND WATER CONSERVATION BOARD

March 5, 1990 – Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia Soil and Water

Conservation Board intends to amend regulations entitled: **VR 625-03-00. Flood Prevention and Protection Assistance Fund.** This regulation is intended to provide administration of the Flood Prevention and Protection Fund and to provide guidance and assistance to local public bodies applying for a loan or grant.

Statutory Authority: § 10.1-603.18 of the Code of Virginia.

Written comments may be submitted until 3 p.m., March 5, 1990, to Leon E. App, Executive Assistant, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, Virginia 23219.

Contact: L. S. Button, Jr., Manager, Bureau of Dam Safety and Floodplain Management, Department of Conservation and Recreation, 203 Governor St., Suite 238, Richmond, VA 23219, telephone (804) 371-7536

DEPARTMENT OF TAXATION

February 20, 1990 - 2 p.m. – Public Hearing
Department of Taxation, Central Office Training Room, 2200 West Broad Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-2-335. Individual Income Tax: Virginia Tax Reform Credit.** The purpose of the proposed action is to inform individual income taxpayers of the correct procedures for claiming the Virginia Tax Reform Credit enacted by the 1989 General Assembly.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until February 20, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010

TRANSPORTATION SAFETY BOARD

January 31, 1990 - 1:30 p.m. – Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ☒

A meeting to discuss various subjects which pertain to transportation safety.

Contact: John T. Hanna, Deputy Commissioner for Transportation Safety, 2300 W. Broad St., Richmond, VA 23269, telephone (804) 367-6620 or (804) 367-1752/TDD ☎

TREASURY BOARD

February 21, 1990 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Conference Room, 3rd Floor, Richmond, Virginia. ☒

A regular monthly meeting.

Contact: Laura Wagner-Lockwood, Senior Debt Manager, Department of the Treasury, P. O. Box 6-H, Richmond, VA 23215, telephone (804) 225-4931

BOARD OF VETERINARY MEDICINE

† **February 14, 1990 - 8:30 a.m. - Open Meeting**
Kingsmill Resort and Conference Center, 1010 Kingsmill Road, Randolph Room, Williamsburg, Virginia. ☒
(Interpreter for deaf provided if requested)

A meeting to conduct general board business and formal hearings.

Contact: Terri H. Behr, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9915

VIRGINIA VOLUNTARY FORMULARY BOARD

February 1, 1990 - 10 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Formulary delete drugs and drug products from the Formulary that became effective on November 15, 1988, and the most recent supplement to that revision. Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia 23219. Written comments sent to the above address and received prior to 5 p.m. on February 1, 1990, will be made a part of the hearing record and considered by the board.

† **March 6, 1990 - 10:30 a.m. - Open Meeting**
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

A meeting to review (i) public hearing comments; (ii) correspondence and (iii) other information submitted by pharmaceutical manufacturers for products being considered for inclusion in or deletion from the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, 109 Governor St., Richmond, VA 23219,

telephone (804) 786-4326

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

February 14, 1990 - 10 a.m. - Open Meeting
Jefferson-Sheraton Hotel, Richmond, Virginia

February 15, 1990 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☒

February 14, 1990 - 10 a.m. - committee meetings.
1:30 p.m. - business session
3:15 p.m. - work session

February 15, 1990 - 10 a.m. - meeting with the Virginia Board of Education.

Contact: George S. Orr, Jr., Executive Director, Virginia Council on Vocational Education, 7420-A Whitepine Road, Richmond, VA 23237, telephone (804) 275-6218

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

February 9, 1990 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to adopt regulations entitled: **VR 672-50-01. Regulations for the Development of Solid Waste Management Plans.** The regulations require each city, county and town, acting individually or as a designated region, to prepare plans for solid waste management within their jurisdictions. They describe plan contents and recycling goals.

Statutory Authority: Chapter 14 (§ 10.1-1400 et seq. and specifically § 10.1-1411) of Title 10.1 of the Code of Virginia.

Written comments may be submitted until February 9, 1990.

Contact: Robert G. Wickline, Department of Waste Management, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2667

January 31, 1990 - 7:30 p.m. - Public Hearing
Wise County Courthouse, Board of Supervisors Room, Wise, Virginia

Pursuant to the requirements of Part VII of the Solid Waste Management Regulations (§ 7 E, VR 672-20-10), the draft permit for the Wise County Sanitary Landfill, proposed by Wise County Board of Supervisors is available for public review and comment.

Calendar of Events

The Department of Waste Management will hold a public hearing on this draft permit; persons wishing to speak should contact A.C. McNeer, Hearing Officer, Department of Waste Management, Division of Administration, 11th Floor, James Monroe Building, 101 North 14th Street, Richmond, VA 23219, (804) 225-2837.

The comment period shall extend until 5 p.m. on February 12, 1990. Comments on this draft should be in writing and directed to Karol A. Akers, Technical Services Chief, Department of Waste Management, Division of Technical Services, 11th Floor, James Monroe Building, 101 North 14th Street, Richmond, VA 23219.

Contact: E. D. Gillespie, Environmental Engineer Consultant, Department of Waste Management, 11th Floor, James Monroe Bldg., 101 N. 14th, Richmond, VA 23219, telephone (804) 225-2851, toll-free 1-800-552-2075 or (804) 371-8737/TDD 5

STATE WATER CONTROL BOARD

February 12, 1990 - 2 p.m. – Public Hearing
Newport News City Council Chambers, City Hall, 2400 Washington Avenue, Newport News, Virginia

February 26, 1990 - 10:30 a.m. – Public Hearing
Rockbridge Regional Library, 128 South Main Street, Lexington, Virginia

March 19, 1990 - 3 p.m. – Formal Hearing
General Assembly Building, Capitol Square, Senate Room B, 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 680-21-01. Standards with General, Statewide Application.** The proposed amendment would add a new section, VR 680-21-01.15 - Dioxin for Surface Waters, to the Water Quality Standards.

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

Written comments may be submitted until March 5, 1990, to Doneva Dalton, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Durwood Willis, Office of Environmental Research and Standards, State Water Control Board, P. O. Box 11143, Richmond, VA 23230, telephone (804) 367-6714

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February 22, 1990 - 2 p.m. – Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-16-16. Richmond-Crater Interim Water Quality Management Plan.** The purpose of the proposed amendment is to provide a basis for long-term implementation of a Combined Sewer Overflow Control Plan for the City of Richmond.

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

Written comments may be submitted until February 22, 1990, to Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Curt Linderman, Piedmont Regional Office, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-1006

† **March 19, 1990 - 9 a.m.** – Open Meeting
† **March 20, 1990 - 9 a.m.** – Open Meeting
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☒

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, P. O. Box 11143, Richmond, VA 23230, telephone (804) 367-6829

THE COLLEGE OF WILLIAM AND MARY

Board of Visitors

† **February 1, 1990 - 3 p.m.** – Open Meeting
† **February 2, 1990 - 7:30 a.m.** – Open Meeting
Campus Center, Jamestown Road, Williamsburg, Virginia. ☒

A regularly scheduled meeting to (i) review quarterly operations of the College and Richard Bland College; (ii) receive reports from several committees of the board, and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

Contact: William N. Walker, Director, University Relations, Office of University Relations, James Blair Hall, Room 308, College of William and Mary, Williamsburg, VA 23185, telephone (804) 221-2624

VIRGINIA WINEGROWERS ADVISORY BOARD

† January 31, 1990 - 10 a.m. - Open Meeting
Linden Row Inn, First and Franklin Street, Richmond,
Virginia

The board will meet to (i) review projects since last meeting; (ii) hear project monitor reports; and (iii) discuss goals of sponsored programs for 1990.

Contact: Annette Ringwood, Secretary, 1100 Bank St.,
Room 1010, Richmond, VA 23219, telephone (804) 786-0481
or 371-7685

LEGISLATIVE

Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempt from publication in The Virginia Register of Regulations. You may call Legislative Information for information on standing committee meetings. The number is (804) 786-6530.

CHRONOLOGICAL LIST

OPEN MEETINGS

January 29

Nursing, Board of

January 30

Hanover County Local Emergency Planning Committee
Nursing, Board of

January 31

Contractors, Board for
† Eastern Shore ASAP Policy Board
Nursing, Board of
Transportation Safety Board
† Winegrowers Advisory Board, Virginia

February 1

Chesterfield County, Local Emergency Planning Committee
Commerce, Board of
† John Tyler ASAP Policy Board
† William and Mary, The College of
- Board of Visitors

February 2

† General Services, Department of

- Division of Consolidated Laboratory Services
Medicine, Board of
- Ad Hoc Committee on Optometry
- Executive Committee
† - Informal Conference Committee
- Advisory Board on Physician's Assistants
† William and Mary, The College of
- Board of Visitors

February 3

† Medicine, Board of
- Credentials Committee

February 5

† Barbers, Board for
† Funeral Directors and Embalmers, Board of
Library Board

February 6

Air Pollution Control, Department of
† Forestry, Board of
Funeral Directors and Embalmers, Board of
Hopewell Industry Safety Council

February 7

† Children, Department for
- Consortium on Child Mental Health
† Conservation and Development of Public Beaches
Board on
Corrections, Board of
† Cosmetology, Board for
† Forestry, Board of
† Higher Education, State Council of
† Medicine, Board of
- Informal Conference Committee
† Motor Vehicles, Department of
- Medical Advisory Board

February 8

† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Land Surveyors
Child Day-Care Council
† Fire Services Board, Virginia
- Fire/EMS Education and Training Committee
- Fire Prevention and Control Committee
- Legislative Committee
Health Professions, Board of
† Medicine, Board of
- Informal Conference Committee
Professional Counselors, Board of
† Richmond Emergency Planning Committee

February 9

† Fire Services Board, Virginia
Mental Health, Mental Retardation and Substance
Abuse Services, Department of
- Mental Retardation Advisory Council
Professional Counselors, Board of

February 13

Calendar of Events

† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Engineers
Hazardous Materials Training Committee

February 14

Social Services, State Board of
† Veterinary Medicine, Board of
Vocational Education, Council on

February 15

Arlington County/City of Falls Church Local
Emergency Planning Committee
† Audiology and Speech Pathology, Board of
† Contractors, Board for
† Education, Board of
Social Services, State Board of
Vocational Education, Council on

February 16

† Audiology and Speech Pathology, Board of
Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for Children
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Education, Board of

February 20

† Real Estate Board
Taxation, Department of

February 21

† Real Estate Board
Rehabilitative Services, Board of
- Finance Committee
- Legislation and Evaluation Committee
- Program Committee
Treasury Board

February 22

† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Architects, Board for
Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Substance Abuse Advisory Council
Rehabilitative Services, Board of
† Rights of the Disabled, Department for
- Protection and Advocacy for Mentally Ill
Individuals Advisory Council

February 23

† Longwood College
- Executive Committee
† Medicine, Board of
- Ad Hoc Committee on X-Ray Technicians

February 27

† Health Services Cost Review Council
† Marine Resources Commission

† Real Estate Board

February 28

† Medicine, Board of
- Advisory Committee on Acupuncture
† Nursing Home Administrators, Board of

March 1

Chesterfield County, Local Emergency Planning
Committee of
† Nursing Home Administrators, Board of

March 5

† Corn Board, Virginia
† Housing and Community Development, Department
of

March 6

† Corn Board, Virginia
Hopewell Industrial Safety Council
† Voluntary Formulary Board, Virginia

March 7

† Children, Department for
- Consortium on Child Mental Health
† Housing and Community Development, Department
of

March 8

Child Day-Care Council

March 10

Dentistry, Board of

March 12

† Local Government, Commission on

March 13

Mental Health, Mental Retardation and Substance Abuse Services, Department of
- University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education, Office of Continuing Legal Education and Office of Continuing Medical Education

March 14

Mental Health, Mental Retardation and Substance Abuse Services, Department of
- University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education, Office of Continuing Legal Education and Office of Continuing Medical Education

March 16

Children, Coordinating Committee for
Interdepartmental Licensure and Certification of
Residential Facilities for Children

March 19

† Water Control Board, State

- March 20**
† Water Control Board, State
- March 22**
Medicine, Board of
- March 23**
Medicine, Board of
- March 24**
Medicine, Board of
- March 25**
Medicine, Board of
- April 4**
† Children, Department for
- Consortium on Child Mental Health
- April 5**
† Chesterfield County, Local Emergency Planning
Committee
- May 2**
† Children, Department for
- Consortium on Child Mental Health
- March 2**
† Housing and Community Development, Department
of
- March 5**
Education, Department of
- March 7**
Health Services Cost Review Council, Virginia
- March 28**
Human Rights, Council on
- April 4**
Criminal Justice Services Board
- April 12**
† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- April 13**
† Motor Vehicles, Department of
- May 16**
† Agriculture and Consumer Services, Department of

PUBLIC HEARINGS

- January 31**
Waste Management, Department of
- February 1**
Voluntary Formulary Board, Virginia
- February 5**
Education, Department of
- February 7**
† Air Pollution Control, Department of
- February 12**
Water Control Board, State
- February 20**
Taxation, Department of
- February 22**
Water Control Board, State
- February 23**
Medicine, Board of
- February 26**
Water Control Board, State
- March 1**
† Forestry, Department of

Calendar of Events
