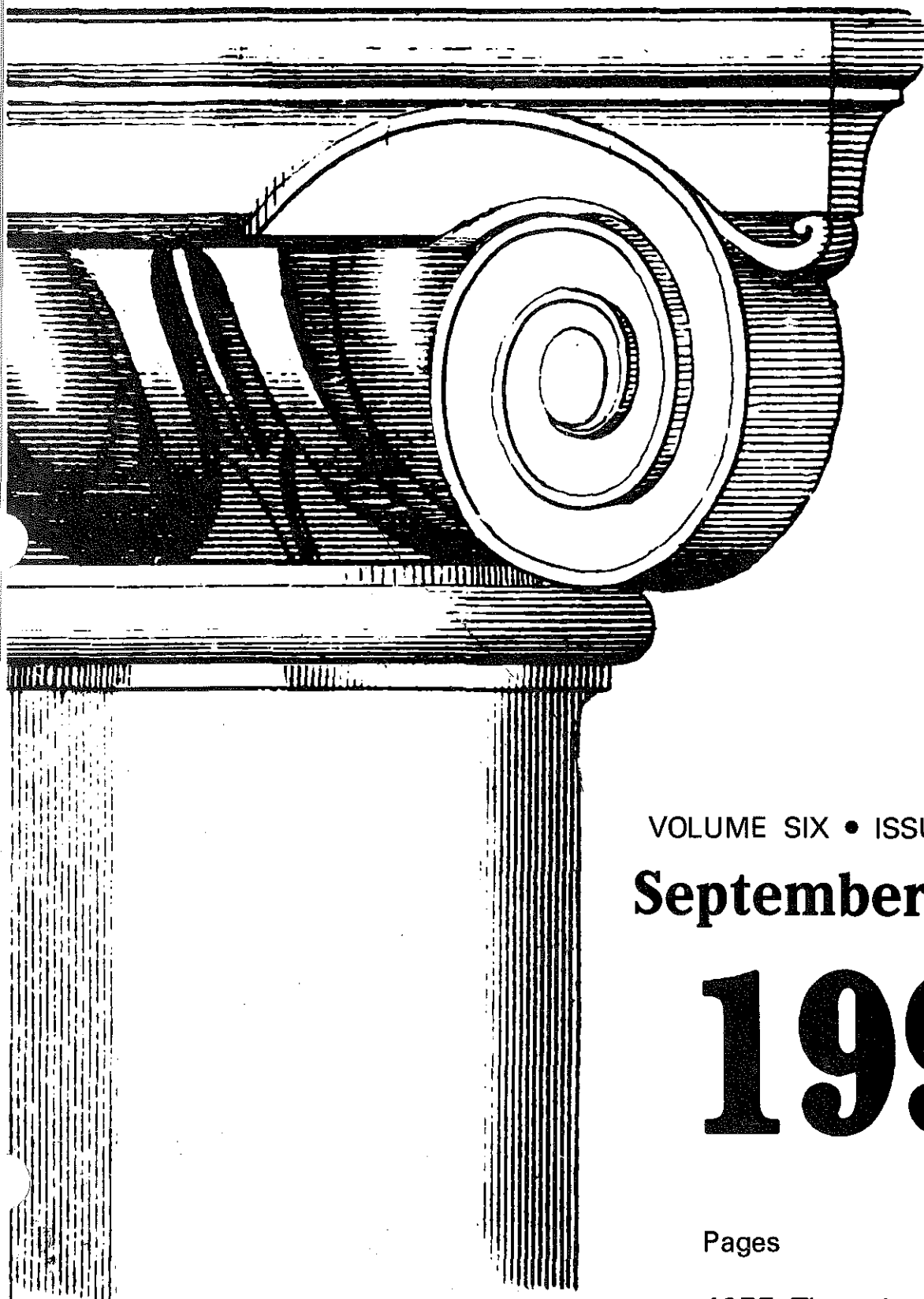


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# THE VIRGINIA REGISTER

OF REGULATIONS

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**September 10, 1990**

# 1990

Pages

4077 Through 4180

## 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.

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# PROPOSED REGULATIONS

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## Symbol Key

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

## BOARD FOR BRANCH PILOTS

### Title of Regulation: VR 535-01-01. Branch Pilot Regulations.

Statutory Authority: § 54.1-902 of the Code of Virginia.

Public Hearing Date: September 13, 1990 - 9 a.m.  
(See Calendar of Events section for additional information)

### Summary:

*The proposed regulations apply directly to 49 licensed branch pilots who pilot vessels in the waters of the Commonwealth. Substantive changes in the regulations include the addition of fees for initial licensure and renewal of license (these fees were formerly in the Code) with an increase in these fees in order to bring the board into compliance with the requirements of § 54.1-113 of the Code of Virginia. Additional requirements include the provision of evidence of a satisfactory physical examination, including a screen for controlled substances and alcohol, within 60 days prior to application for an initial license or renewal of an existing license; and a change in the procedures for renewal of a Limited Branch Pilot License stating that a valid federal license is not required until the third renewal of the Virginia license. The Standards of Conduct section of the regulations has also been revised to specify where incident reports are to be filed and how soon after the event, and to require screening for alcohol or any controlled substance when a pilot is involved in "a collision, grounding or other incident resulting in a personal injury, death, environmental hazard or damage to a vessel in excess of \$100,000." Further revisions state that refusal to comply with this requirement shall result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code. Finally, this section requires provision of a copy of the test of the Board Administrator within 48 hours of the administration of the test.*

VR 535-01-01. Branch Pilot Regulations.

### PART I. INITIAL LICENSE.

#### § 1.1. Initial licensing.

A. Any person wishing to obtain a license as a Limited Branch Pilot shall meet the following qualifications:

1. Satisfactorily complete a two year apprenticeship in a program approved by the board;

2. Satisfactorily complete a comprehensive examination which shall be approved by the board and administered by the examining committee of the board. The examination shall be in two parts:

a. Written

b. Practical oral examination; ~~and~~

3. ~~Satisfactory performance by complying~~ *Comply* with the board's regulations and Chapter 9 (§ 54.1-900 et seq.) of Title 54.1 of the Code of Virginia ; ;

4. *Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination must include a screen for all controlled substances and alcohol; and*

5. *Pay a licensing fee of \$175. Each check or money order shall be made payable to the Treasurer of Virginia. All fees are nonrefundable.*

B. Any limited branch pilot wishing to obtain a full branch pilot license shall meet the following qualifications:

1. Satisfactorily complete a five year apprenticeship in a program approved by the board;

2. Hold a limited branch pilot license in good standing;

3. Pass a practical examination approved by the board and administered by the board's Examining Committee;

4. ~~Hold an unrestricted, unlimited Inland Masters License and a First Class Pilot License issued by the United States Coast Guard. Possess a valid unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as his branch. A copy of this license shall be filed with the clerk of the board immediately; and~~

5. *Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination must include a screen for all controlled substances and alcohol.*

# Proposed Regulations

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5. Qualify in accordance with § 54.1-905 of the Code of Virginia ; and

7. Pay a licensing fee of \$175. Each check or money order is to be made out to the Treasurer of Virginia. All fees are nonrefundable.

## PART II. LICENSE RENEWAL.

### § 2.1. License renewal.

Each pilot seeking renewal of his license shall complete a renewal application, comply with the following regulations and appear before the board or its License Renewal Committee which shall determine if he possesses the qualifications to be renewed.

A. Any limited branch pilot license renewal seeking to renew his license shall meet the following standards:

1. Possess a valid First Class Pilot License issued by the United States Coast Guard for the same waters as his limited branch; and Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination must include a screen for all controlled substances and alcohol.

2. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 12 months. After three years of licensure as a limited branch pilot, possess a valid First Class Pilot License issued by the United States Coast Guard for the same waters as his limited branch.

3. Pay a license renewal fee of \$155. Each check or money order is to be made payable to the Treasurer of Virginia. All fees are nonrefundable.

B. Any full branch pilot license renewal seeking to renew his license shall meet the following standards:

1. Possess a valid unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as his branch.

2. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 12 months; 60 days. This examination must include a screen for all controlled substances and alcohol.

3. Furnish to the board evidence that he has transited the waters embraced by his license during the preceding 12 month months period for which the license is issued ;

4. Upon the showing of good cause, the board may

waive the requirements of subdivision 3 above when in its judgment the pilot is otherwise qualified; and

5. Qualify in accordance with § 54.1-906 of the Code of Virginia ; and

6. Pay a license renewal fee of \$155. Each check or money order is to be made payable to the Treasurer of Virginia. All fees are nonrefundable.

## PART III. CHANGE OF LICENSE.

### § 3.1. Change of license.

In order to extend a license, an applicant must satisfactorily complete 12 or more round trips with a currently licensed pilot of the branch for which the applicant seeks licensure, receive a First Class Pilot License issued by the United States Coast Guard for that additional area and pass a practical examination approved by the board and administered by the board's Examination Committee.

## PART IV. STANDARDS OF CONDUCT.

### § 4.1. Grounds for denial of licensure, denial of renewal, or discipline.

The board shall have the authority to deny initial licensure, deny an extension of license, or deny renewal as well as to discipline existing licensees, whether limited or not, for the following reasons:

1. Having been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of any felony or a misdemeanor involving moral turpitude there being no appeal pending therefrom or the time for appeal having been elapsed. Any plea of nolo contendere shall be considered conviction for the purposes of this paragraph. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction;

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

3. Failing to report to the board in writing the results of any disciplinary action taken by the United States Coast Guard or reports of the National Transportation Safety Board within 30 days of that action;

4. Refusing or in any other way failing to carry out an order from the pilot officers for reasons other than the public's health, safety, and welfare;

# Proposed Regulations

5. Negligence in the performance of duties;
6. Violating or cooperating with others in violating any provision of Chapter 9 (§ 54.1-900 et seq.) of the Title 54.1 of the Code of Virginia, as amended, or any regulation of the board;
7. Failing to, as soon as possible under the circumstances, report to the pilot officers his finishing time and other required information relating to the particulars of the ship;
8. Failing to file immediately with the board president or vice president of the board with a copy of the board administrator a complete written account of any violation of the statutes of Virginia or of the United States relating to pilotage or failing to report in writing to the board president or vice president of the board with a copy to the board administrator a account of all collisions, groundings, or other maritime mishaps of any description that may occur during the discharge of the pilot's duties ; . This report shall be received no later than seven days after such an incident;
9. Failing to submit evidence to the board within 30 days after the board's request that the licensee is free of any physical, emotional, or psychological impairments which may affect his ability to perform the duties of a pilot;
10. Failing to submit to the board within 14 days the written results of an appropriate medical test which shows the licensee to be free of the influence of alcohol or any medication (controlled substance or otherwise) and which was accomplished within 24 hours after any vessel which a Virginia licensed pilot was piloting was involved in a collision, grounding or other incident involving personal injury, death, environmental hazard or damage to a vessel in excess of \$100,000; Refusal to comply with the board's requirement for a medical test to determine the presence of alcohol or any controlled substance. Such test is required immediately and no later than 12 hours after involvement in a collision, grounding or other incident resulting in personal injury, death, environmental hazard or damage to a vessel in excess of \$100,000. Refusal to comply with this requirement shall result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code.
11. Failure to send the test required by § 4.1 10 to the president or vice president of the board with a copy to the board administrator within 48 hours of the administration of the test;
12. An indication of impairment on a test furnished under § 4.1 11 ;
- 13 . Performing or attempting to perform any of the duties of his office while under the influence of

alcohol, or any medication (controlled substance or otherwise) to the extent that he is unfit for the performance of the duties of his office ; or .

12. An indication of impairment on a test furnished under subdivision 10 above.

All previous regulations of the Board for Branch Pilots are repealed upon the effective date of these regulations.

These regulations shall be effective November 30, 1989 January 3, 1991.

## BOARD FOR BRANCH PILOTS BRANCH PILOT LICENSE RENEWAL APPLICATION FORM

This form must be completed by each Branch Pilot and provided to the Board before renewal of license may be considered. Return the completed application to the Clerk of the Board at 3129 Shore Drive, # 204, Virginia Beach, Virginia 23451.

Name \_\_\_\_\_  
(Last) (First) (Middle Initial)

Home Address \_\_\_\_\_  
\_\_\_\_\_

I hereby apply to the Board for Branch Pilots for renewal of my Branch Pilot License.

In support of this application I have attached the following:

\_\_\_\_\_ A copy of my current Unaffiliated Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as my branch.

\_\_\_\_\_ A statement signed by a physician that I have satisfactorily completed a physical examination within the immediately preceding 60 days including a screen for all controlled substances and alcohol.

I hereby certify that I have/have not transited the waters embraced by my Branch Pilot License during the preceding 12 month period.

SIGNATURE OF APPLICANT \_\_\_\_\_

I hereby certify that all of the information provided by me as a part of this application is true and complete to the best of my knowledge and belief.

Date \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

AFFIDAVIT

STATE OF \_\_\_\_\_

City/County of \_\_\_\_\_

Subscribed and sworn to before me, the undersigned Notary Public in and for the State and City or County aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires \_\_\_\_\_

Office Official  
Soil Here

Notary Public \_\_\_\_\_

I, the Chairman of the Board for Branch Pilots License Renewal, certify that the above named individual has personally appeared before me, that he/she has been interviewed with a Notary Public and that the Notary Public has examined the evidence of compliance with the requirements of the Board for Branch Pilots License Renewal and that the above named individual is APPROVED/DISAPPROVED for renewal of his license for the upcoming 12 month period.

\_\_\_\_\_  
CHAIRMAN OF THE BOARD



# Proposed Regulations

## BOARD OF CORRECTIONS

### BOARD FOR BRANCH PILOTS LIMITED BRANCH PILOT LICENSE RENEWAL APPLICATION FORM

This form must be completed by each Limited Branch Pilot and provided to the Board before renewal of license may be considered. Return the completed application to the Clerk of the Board at 3329 Shore Drive, # 604, Virginia Beach, Virginia 23451.

Name \_\_\_\_\_  
(Last) (First) (Middle Initial)

Home Address \_\_\_\_\_

I hereby apply to the Board for Branch Pilots for renewal of my Limited Branch Pilot License

In support of this application I have attached the following:

\_\_\_\_\_ A copy of my current First Class Pilot License issued by the United States Coast Guard for the same branch as my limited branch. **NOTE:** This item is only required after 3 years of licensure as a Limited Branch Pilot.

\_\_\_\_\_ A statement signed by a physician that I have satisfactorily completed a physical examination within the immediately preceding 60 days including a screen for all controlled substances and alcohol.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

I hereby certify that all of the information provided by me as a part of this application is true and complete to the best of my knowledge and belief.

Date \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

\_\_\_\_\_  
AFFIDAVIT

STATE OF \_\_\_\_\_

City/County of \_\_\_\_\_

Subscribed and sworn to before me, the undersigned Notary Public in and for the State and City or County aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires \_\_\_\_\_

Affix Official  
Seal Here

\_\_\_\_\_  
Notary Public

I, the Chairman of the Board for Branch Pilots License Renewal Committee, state that the above named individual has personally appeared before my Committee which, being duly convened with a quorum present, and, after careful examination of the evidence of qualification for licensure presented, recommends to the Board for Branch Pilots that the above named individual be APPROVED/DISAPPROVED for renewal of his license for the upcoming 12 month period.

DATE \_\_\_\_\_ SIGNATURE OF CHAIRMAN \_\_\_\_\_

**Title of Regulation:** VR 230-30-008. Regulations for State Reimbursement of Local Correctional Facility Construction Costs.

**Statutory Authority:** §§ 53.1-5 and 53.1-80 through 53.1-82 of the Code of Virginia.

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

### Summary:

*Sections 53.1-80 through 53.1-82 of the Code of Virginia requires the Board of Corrections to promulgate regulations to ensure the fair and equitable distribution of state funds for reimbursement of localities for construction, enlargement or renovation of local or regional jail facilities. Regulations include criteria used to assess need, establish priorities, and serve as guidelines for evaluating reimbursement requests.*

*These regulations apply to all localities requesting state reimbursement of local correctional facility construction costs.*

*The regulations have been promulgated by the Board of Corrections to carry-out its statutory requirements. They address (i) requirements for Board of Corrections approval: (a) needs assessment (b) planning study (c) locality resolutions, including estimate of amount being requested; (ii) schedule for filing reimbursement requests; (iii) security staffing levels; (iv) basis for determining economy of construction; (v) priorities for consideration of reimbursement requests; and (vi) requirements for Governor's approval for disbursement of funds.*

*They are accompanied by procedures for receiving state reimbursement for local correctional facility construction, enlargement or renovation, and jail design examples.*

VR 230-30-008. Regulations for State Reimbursement of Local Correctional Facility Construction Costs.

### PART I. INTRODUCTION.

#### § 1.1. Definitions.

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

*"Board" means the Virginia Board of Corrections.*

*"Board standards" means Guide for Minimum Standards*

in Design and Construction of Jail Facilities, and Minimum Standards for Local Jails and Lockups.

"Department" means the Virginia Department of Corrections.

"Enlargement/expansion" means to expand the current local correctional facility by the construction of additional area(s) as may be determined by need or as required by law or regulation.

"Local correctional facility" means any jail, jail farm, or other place used for the detention or incarceration of adult offenders, excluding a lock-up, which is owned, maintained, or operated by any political subdivision or combination of political subdivisions of the Commonwealth.

"Needs assessment" means an evaluation of trends and factors at the local or regional level which may affect current and future local or regional correctional facility needs, and the assessment of local or regional correctional facilities available to meet such needs which is used as the basis for a locality's request for reimbursement of local correctional facility construction costs.

"New construction" means to erect a local correctional facility, to replace an outdated local correctional facility, or to establish a local correctional facility as may be determined by need or required by law or regulation.

"Operating capacity" means operating capacity as established by the Department of Corrections and as reported on the Population Survey of Local Correctional Facilities (Tuesday Report).

"Procedures" means Procedures For Receiving State Reimbursement For Local Correctional Facility Construction, Enlargement or Renovation.

"Renovation" means the alteration or other modification of an existing local correctional facility or piece of stationary equipment for the purpose of modernizing or changing the use or capability of such local correctional facility or stationary equipment as may be determined by need or required by law or regulation. Renovation does not include work on or replacement of a local correctional facility or stationary equipment which may be generally associated with normal wear and tear and included in routine maintenance. Renovation renders the facility, item, or area superior to the original.

"Replacement" means the construction of a local correctional facility in place of a like local correctional facility or the purchasing of stationary equipment to replace stationary equipment which has been so damaged or outlived its useful life that it cannot be economically renovated or repaired.

"Reviewing authority" means a department, division or agency delegated by the Governor to act in his behalf in reviewing projects for reimbursement approval.

"Routine maintenance" means the normal and usual type of repair or replacement necessary as the result of periodic maintenance inspections or normal wear and tear of a local correctional facility or equipment.

"Stationary equipment" means built-up equipment or fixtures normally included in a structure at the time of construction.

## PART II. AUTHORITY AND PURPOSE.

### § 2.1. Legal basis.

The State Board of Corrections is charged with the responsibility for approving all requests from localities for financial assistance relative to construction, enlargement, or renovation of a local correctional facility. These regulations have been promulgated by the board for the purpose of carrying out the provisions of §§ 53.1-80 through 53.1-82 of the Code of Virginia in order to:

1. Include criteria which may be used to assess need and establish priorities;
2. Serve as guidelines in evaluating requests for such reimbursement; and
3. Ensure the fair and equitable distribution of state funds provided for such purpose.

Section 53.1-83 of the Code of Virginia sets the limitations of money that the Commonwealth can reimburse localities for construction, enlargement or renovation of jails.

These requirements supersede the "Guide for Minimum Requirements to Obtain State Board of Corrections' Approval for Financial Assistance and Method for Receiving Reimbursement," approved by the Board of Corrections on October 13, 1983.

## PART III. APPROVAL PROCEDURES.

### § 3.1. Requirements for Board of Corrections approval.

A. Each locality wishing to apply for reimbursement of local correctional facility construction, enlargement or renovation costs shall submit to the Board of Corrections:

1. A Needs Assessment completed in accordance with "Procedures for Receiving State Reimbursement for Local Correctional Facility Construction, Enlargement or Renovation";
2. A Resolution from the locality(s) requesting approval of reimbursement which includes an estimate of the amount being requested;
3. In the case of regional facilities, a copy of the

# Proposed Regulations

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agreement between the localities to operate the facility; and

4. A planning study completed in accordance with "Procedures for Receiving State Reimbursement for Local Correctional Facility Construction, Enlargement or Renovation."

B. These documents shall be submitted in accordance with the procedures, to the Department of Corrections for presentation to the board, and the board will evaluate the need for the project and the cost and operational cost-efficiency of the facility. Based upon submission of the documents the board may recommend to the Governor that funds for state reimbursement to the locality be included in the budget.

C. Localities wishing to be considered for funding shall submit requests for reimbursement by June 1 for submission to the next General Assembly session. Submission by June 1 will allow time for board review and approval for inclusion in the department's budget request to the Governor. Incomplete submissions or submissions received after that date will not be included in that request. Appropriations are subject to the Governor's recommendation and legislative approval.

## § 3.2. Preliminary review of Needs Assessment.

Localities wishing a preliminary review at the needs assessment stage may submit only the Needs Assessment to the Department of Corrections for referral to the board. Upon review of the Needs Assessment, the board will notify the locality whether or not it appears to the board that they are ready to proceed with the planning study stage.

## § 3.3. Basis for Board of Corrections approval.

### A. Security staffing levels.

When reviewing requests for reimbursement, the board shall take into consideration the cost efficiency of the interior design of the facility with special concern for the number of security staff required to operate the facility. Facility design must achieve satisfactory levels of supervision and security given the staffing levels specified. Inefficient designs requiring excessive staffing levels may not be approved for reimbursement. The Department of Corrections standard for minimum staffing efficiency is a ratio of one security staff member to three inmates. Any proposed facility which will require a less efficient staffing ratio must be justified in order to be considered for reimbursement.

### B. Cost of construction.

Economy of construction shall be determined based on the use of adjusted median cost of local jails as described in the procedures. Projects which exceed these costs without valid justification may not be funded or may be

funded based on the adjusted median cost rather than actual construction costs.

### C. Phased projects.

When localities wish to meet the requirements outlined in the Needs Assessment in phases, the board may approve reimbursement based on the total estimated cost of the project as if it were to be completed as a single endeavor; however, reimbursement will be in amounts proportional to the phases of construction.

### D. Regional projects.

The board will ordinarily give preference to requests for reimbursement for regional jail facilities over similar requests for local jail facilities.

### E. Priorities.

The following criteria listed in order of importance shall serve as a guide for determining the level of priority given to requests for reimbursement:

1. Unsafe physical plant which fails to meet life, health, safety standards; or court-ordered renovation, expansion or new construction;
2. Replacement or renovation of existing bedspace lost due to fire, earthquake or other disaster;
3. Existing local correctional facility is experiencing a sustained pattern of overcrowding (generally, operational capacity plus an additional 25%) and such overcrowding is expected to continue based on inmate population forecasts;
4. Locality with no present local correctional facility;
5. Addition to or renovation of inadequate support facilities;
6. Phased projects;
7. Cost overruns; and
8. Localities having received reimbursement within the last five years for beds of nonsecure construction anticipated to have a limited lifespan. These localities may not receive approval for replacement of those beds with another secure or nonsecure facility.

## § 3.4. Requirements for Governor's approval of disbursement of funds.

A. The Board of Corrections shall submit to the Governor or his designee such information as the Governor may require with respect to a request for approval of reimbursements pursuant to these regulations, and shall provide the Governor or his designee with its recommendation and the rationale therefor. No such

reimbursement shall be had unless the plans and specifications, including the need for additional personnel, shall have been submitted to, and has been approved by the Governor or his designee. The Governor or his designee shall base his approval in part on the expected operating cost-efficiency of the interior design of the facility.

B. The steps of the reimbursement process are as follows:

1. Review and approval of preliminary construction documents (architectural and engineering plans, and specifications) and a construction cost estimate;
2. Review and approval of final construction documents and a revised construction cost estimate;
3. Monitoring of the construction process and acceptance of the completed project based on final inspection;
4. Submission of and verification of all required close-out documentation; and
5. Authorization by the Governor or his designee for payment of the reimbursement amount.

C. If the final amount of reimbursement requested is higher than the reimbursement amount initially approved, the higher amount must be justified by the locality and resubmitted to the board and the Governor or his designee for special approval. Cost increases in excess of 10% may not be approved.

D. If during the project development stage any substantive change in the scope of the project, any increase in the estimated cost of construction, or any change in the security staff requirements occurs, the review process will be suspended until the project is resubmitted to the board for further review for possible change in the status of approval.

E. Failure to comply with these regulations will delay the review process and recommendation for disbursement of funds, and may result in the denial of reimbursement.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**Title of Regulation:** VR 320-01-03. Regulations for Preneed Funeral Planning.

**Statutory Authority:** §§ 54.1-2400 and 54.1-2803(10) of the Code of Virginia.

**Public Hearing Date:** September 20, 1990 - 10 a.m.  
(See Calendar of Events section for additional information)

**Summary:**

The proposed regulations are designed to ensure public protection by establishing standards to regulate the sale of preneed funeral arrangements and sale of preneed funerals, preneed funeral contracts and preneed funeral trust accounts.

VR 320-01-03. Regulations for Preneed Funeral Planning.

## PART I. GENERAL INFORMATION.

### § 1.1. Definitions.

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

"At need" means at the time of death or while death is imminent.

"Board" means the Board of Funeral Directors and Embalmers.

"Capper" means a person who serves as a lure or decoy to entice another to purchase a product. A skill.

"Cash advance item" means any item of service or merchandise described to a purchaser as a "cash advance," "accommodation," "cash disbursement," or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the behalf of the contract buyer. Cash advance items may include, but are not limited to, the following items: cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates.

"Consideration" means money, property, or any other thing of value provided to be compensation to a contract seller or contract provider for the funeral services and funeral goods to be performed or furnished under a preneed funeral contract. Consideration does not include finance charges, late payment penalties, payments required to be made to a governmental agency at the time the contract is entered into, and income earned on the funds.

"Contract" means a written, preneed funeral contract and all documents pertinent to the terms of the contract under which, for consideration paid to a contract seller or a contract provider by or on behalf of a contract buyer prior to the death of the contract beneficiary, a person promises to furnish, make available, or provide funeral services or funeral goods after the death of a contract beneficiary.

"Contract beneficiary" means the individual for whom the funeral services and supplies are being arranged.

"Contract buyer" means the purchaser of the preneed contract.

# Proposed Regulations

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"Contract provider" means the funeral establishment designated by the contract buyer and contracting with the contract buyer to provide for funeral services and supplies in the preneed funeral contract.

"Contract seller" means the funeral service licensee who makes the preneed arrangements with the contract buyer for the funeral service and who makes the financial arrangements for the service and the goods and supplies to be provided.

"Contract price" means the same as consideration.

"Department" means the Department of Health Professions.

"Designee" means the individual selected by the contract beneficiary to arrange a preneed funeral plan on behalf of the contract beneficiary.

"Executive director" means the administrator of the Board of Funeral Directors and Embalmers.

"Funding source" means the trust agreement, insurance policy, annuity, personal property, or real estate used to fund the preneed plan.

"Funds" means the same as "consideration."

"Funeral supplies and services" means the items of merchandise sold or offered for sale or lease to consumers which will be used in connection with a funeral or an alternative to a funeral or final disposition of human remains including caskets, combination units, and catafalques. Funeral goods does not mean land or interests in land, crypts, lawn crypts, mausoleum crypts, or niches that are sold by a cemetery which complies with § 57-35.11 et seq. of the Code of Virginia. In addition, "funeral supplies and services" does not mean cemetery burial vaults or other outside containers, markers, monuments, urns, and merchandise items used for the purpose of memorializing a decedent and placed on or in proximity to a place of interment or entombment of a casket, catafalque, or vault or to a place of inurnment which are sold by a cemetery operating in accordance with § 57-35.11 et seq. of the Code of Virginia.

"Funeral service establishment" means any main establishment, branch, or chapel where any part of the profession of funeral directing or the act of embalming is performed.

"General advertising" means advertisement directed to a mass market including, but not limited to, direct mailings; advertisements in magazines, flyers, trade journals, newspapers; advertisements on television and radio; bulk mailings; and direct mailing to a mass population.

"Guaranteed contract price" means the amount paid by the contract buyer, and income derived from that amount, on a preneed funeral contract for specified funeral goods

and services selected.

"Income" means the amount of gain received in a period of time from investment of consideration paid for a preneed contract.

"In-person communication" means face-to-face communication and telephonic communication.

"Nonguaranteed contract price" means the costs of items on a preneed funeral contract that are not fixed for the specified funeral goods or funeral services selected and nonguaranteed costs may increase from the date of the contract to the death of the contract beneficiary and the family or estate will be responsible for paying at the time of need for the services and supplies that were nonguaranteed. Cash advance items are not guaranteed.

"Preneed" means at any time other than at-need.

"Preneed funeral contract" means any agreement where payment is made by the contract buyer prior to the receipt of services or supplies contracted for, which evidences arrangements prior to death for: (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Preneed funeral planning" means the making of arrangements prior to death for: (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Solicitation" means initiating contact with consumers with the intent of influencing their selection of a funeral plan or a funeral service provider.

"Steerer" means an individual used to direct the course of action and choice of the buyer in a preneed funeral contract sale.

## § 1.2. Legal base.

The following legal base describes the responsibility of the Board of Funeral Directors and Embalmers to promulgate regulations governing preneed funeral planning and plans in the Commonwealth of Virginia:

Title 54.1, Chapter 28, Article 1, 54.1-2803 and Article 5, § 54.1-2820 et seq. of the Code of Virginia.

## § 1.3. Purpose.

These regulations establish the standards to regulate preneed funeral contracts and preneed funeral trust accounts as prescribed in Chapter 28 of Title 54.1 of the Code of Virginia.

## § 1.4. Applicability.

Subject to these regulations are (i) funeral service licensees, (ii) funeral establishments, and (iii) resident trainees assisting the licensee in the preneed arrangement.

All of the above shall be operating in the Commonwealth of Virginia.

*Exemptions:* These regulations do not apply to the preneed sale of cemetery services or supplies regulated under Article 3.2, Chapter 3, Title 57, § 57-35.11 et seq., of the Code of Virginia.

## PART II. SALE OF PRENEED PLANS.

### § 2.1. Qualifications of seller.

A. A person shall not engage in or hold himself out as engaging in the business of preneed funeral planning unless he is licensed for funeral service by the Board of Funeral Directors and Embalmers.

B. All individuals selling preneed funeral plans shall comply also with the Rules and Regulations for Funeral Directors and Embalmers promulgated by the board.

### § 2.2. Solicitation.

A. A licensee shall not initiate any preneed solicitation using in-person communication by the licensee, his agents, assistants, or employees.

*Exception:* General advertising and solicitation other than in-person communication is acceptable.

B. After a request to discuss preneed planning is initiated by the contract buyer or interested consumer, any contact and in-person communication shall take place only with a funeral service licensee.

C. A licensee shall not employ persons known as "cappers" or "steerers," or "solicitors," or other such persons to participate in preneed sales.

D. A licensee shall not employ directly or indirectly any agent, employee, or other person, part or full time, or on a commission, for the purpose of calling upon individuals to influence, secure, or otherwise promote preneed sales.

E. Direct or indirect payment or offer of payment of a commission to others by the licensee, his agents, or employees for the purpose of securing preneed sales is prohibited.

F. No licensee engaged in the business of preneed funeral planning or any of his agents shall accept, advertise, or offer enticements, bonuses, rebates, discounts, restrictions to, or otherwise interfere with the freedom of choice of the general public in making preneed funeral plans.

## PART III. OPERATIONAL RESPONSIBILITIES.

### § 3.1. Records: general.

A. A licensee shall keep accurate accounts, books, and records of all transactions required by these regulations.

B. Preneed contracts shall be retained on the premises of the establishment for three years after the death of the contract beneficiary.

C. Required preneed reporting documents shall be retained on the premises of the establishment for three years. (See §§ 3.2A and 6.1D)

D. All preneed records shall be available for inspection by the department.

### § 3.2. Record reporting.

A. A contract provider shall keep a chronological listing of all preneed contracts. The listing shall include the following:

1. Name of contract buyer;
2. Date of contract;
3. How contract was funded;
4. Whether up to 10% of funds are retained by the contract provider for contracts funded through trust; and
5. Whether funeral goods and supplies are stored for the contract buyer.

B. A contract provider who discontinues its business operations shall notify the board and each existing contract buyer in writing.

## PART IV. CONTRACT.

### § 4.1. Content and format.

A. A person residing or doing business within the Commonwealth shall not make, either directly or indirectly by any means, a preneed contract unless the contract:

1. Is made on forms prescribed by the board (see Appendix I); or
2. Is made on forms approved by the board prior to use (see subsection B of this section).

B. Prior to use, contracts or disclosures which are not identical in format, wording, and content to that prescribed in Appendices I and II shall be approved by the board.

C. Contracts and disclosure forms prescribed in Appendices I and II shall be received in the board office no later than 10 days prior to a regularly scheduled meeting of the board to be considered for approval by the

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board at that meeting.

D. All preneed contracts shall be in writing.

E. All information on a preneed contract and disclosure statement shall be printed in a clear and easy-to-read type, style, and in a type size not smaller than 10 points.

F. Preneed contracts and disclosure statements shall be written in clear, understandable language.

G. The contract shall identify the following:

1. The contract seller;
2. Funeral license number of the contract seller;
3. The contract buyer;
4. The contract beneficiary;
5. The date of the contract;
6. The contract number;
7. A complete description of the supplies or services purchased;
8. Whether the price of the supplies and services purchased is guaranteed;
9. Whether the price of the supplies and services purchased is not guaranteed;
10. Any penalties or restrictions:
  - a. Geographic restrictions including maximum number of miles traveled without charging an extra fee;
  - b. Geographic restrictions including maximum number of miles the establishment is willing to travel;
  - c. The inability of the provider to perform the request of the buyer on merchandise, services, or prearrangement guarantees;
11. All disclosure requirements imposed by the board (see Appendix II); and
12. The designee agreement when applicable.

H. The contract or the disclosure statement as a part of the contract shall contain the name, address, and telephone number of the board and list the board as the regulatory agency which handles consumer complaints.

I. All preneed contracts shall be signed by the contract seller and the contract buyer.

## PART V. FUNDING.

### Article 1. General.

#### § 5.1. Cancellation of contract.

Any person who makes payment under this contract may terminate the agreement at any time prior to the time for which the services or supplies are furnished.

##### A. Cancellation within 30 days of contract date.

If the contract buyer terminates the contract within 30 days of the execution of the contract, the contract buyer shall be refunded:

1. All consideration paid or delivered; and
2. Any interest or income accrued thereon.

##### B. Cancellation after 30 days of contract date.

If the purchaser uses a funding source other than an insurance or annuity policy and terminates the contract after 30 days of the execution of the contract, the contract buyer shall be refunded:

1. All consideration paid or delivered on nonguaranteed items;
2. At least 90% of all consideration paid for guaranteed items; and
3. All interest or income accrued thereon.

#### § 5.2. Escrow account.

Within two banking days after the day of receipt of any money from the contract buyer and until the time the money is invested in a trust, life insurance, or annuity policy, the contract seller or the contract provider shall deposit the money into an escrow account in a bank or savings institution approved to do business in the Commonwealth.

#### § 5.3. Real estate.

When the consideration consists in whole or in part of any real estate, the following shall occur:

1. The preneed contract shall be recorded as an attachment to the deed whereby the real estate is conveyed; and
2. The deed shall be recorded in the clerk's office in the circuit court of the city or county in which the real estate being conveyed is located.

#### § 5.4. Personal property.

When the consideration consists in whole or in part of any personal property, the following shall occur:

1. Personal property shall be transferred by:
  - a. Actual delivery of the personal property; or
  - b. Transfer of the title to the personal property.
2. Within 30 days of receiving the personal property or the title to the personal property, the licensee or person delivering the property shall:
  - a. Execute a written declaration of trust setting forth the terms, conditions, and considerations upon which the personal property is delivered; and
  - b. Record the trust agreement in the clerk's office of the circuit court of the locality in which the person delivering the property is living; or
  - c. Record the preneed contract in the clerk's office of the circuit court of the locality in which the person delivering the property or trust agreement is living provided that the terms, conditions, and considerations in § 5.4 2 a are included in the preneed contract.

**§ 5.5. Right to change contract provider.**

The contract buyer shall have the right to change the contract provider and the trustee at any time prior to the furnishing of the services or supplies contracted for under the preneed contract.

**§ 5.6. Exemption from levy, garnishment or distress.**

Any money, personal property, or real estate paid, delivered, or conveyed subject to §§ 54.1-2822 through 54.1-2823 shall be exempt from levy, garnishment, or distress.

**Article 2.  
Trust Accounts.**

**§ 5.7. Trust accounts.**

A. If funds are to be trusted, the following information shall be disclosed in writing to the contract buyer:

1. The amount to be trusted;
2. The name of the trustee;
3. The disposition of the interest;
4. The fees, expenses, and taxes which may be deducted from the interest;
5. Whether up to 10% is retained by the contract provider; and

6. A statement of the contract buyer's responsibility for taxes owed on the interest.

B. If the contract buyer chooses a trust account as the funding source, within 30 days following the date of the receipt of any money paid for a trust-funded preneed contract or interest or income accrued (see § 5.3), the licensee shall transfer the money from the escrow account and deposit the following amount in a trust account in a bank or saving institution doing business in Virginia:

1. Nonguaranteed prices. All consideration shall be deposited for a preneed funeral contract in which prices of supplies and services are not guaranteed.
2. Guaranteed prices. At least 90% of all consideration shall be deposited for a preneed contract in which the prices of goods and services are guaranteed.

C. The trust funds shall be deposited in separate, identifiable accounts setting forth:

1. Name of depositor;
2. Contract beneficiary;
3. Trustee for contract beneficiary; and
4. Name of establishment who will provide the goods and services.

**Article 3.  
Life Insurance or Annuity.**

**§ 5.8. Life insurance or annuity.**

If a life insurance or annuity policy is used to fund the preneed funeral contract, the following shall be disclosed in writing:

1. The fact that a life insurance policy or annuity contract is involved or is being used to fund the preneed contract;
2. The following information:
  - a. Name of the contract provider;
  - b. Name of contract seller;
  - c. Funeral license number of contract seller;
  - d. Place of employment of contract seller;
  - e. Name of insurance agent;
  - f. Identification as to whether insurance agent is funeral service licensee, if so, license number;
  - g. Insurance agent's insurance license number;



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- h. Insurance agent's employer;*
- i. Insurance company represented by insurance agent.*
- 3. The relationship of the life insurance policy or annuity contract to the funding of the preneed contract;*
- 4. The nature and existence of any guarantees relating to the preneed contract from the policy or annuity;*
- 5. The impact on the preneed contract of:*
  - a. Any changes in the life insurance policy or annuity contract including changes in the assignment, contract provider, or use of the proceeds;*
  - b. Any penalties to be incurred by the policy holder as a result of failure to make premium payments;*
  - c. Any penalties to be incurred or moneys to be received as a result of cancellation or surrender of the life insurance policy or annuity contract; and*
  - d. All relevant information concerning what occurs and whether any entitlements or obligations arise if there is a difference between the proceeds of the life insurance policy or annuity contract and the amount actually needed to fund the preneed contract.*

## PART VI. BONDING.

### § 6.1. Bonding.

A. A performance bond shall be required on the following:

- 1. The contract provider which retains up to 10% of the consideration invested in a trust account; and*
- 2. The retail price of funeral goods and supplies which are stored by the contract provider for the contract beneficiary prior to the death of the contract beneficiary.*

B. The establishments described in subsection A of this section shall arrange for their own bonding and shall contract with a performance bond company which is registered with the State Corporation Commission.

C. The amount of bond required shall be based upon the risk of loss determined by the bonding company.

D. The following information concerning the bond shall be maintained at the funeral establishment: (See § 3.1 A, C and D)

- 1. Amount of the bond;*
- 2. Company holding the bond;*
- 3. Documentation that company holding the bond is registered with the State Corporation Commission; and*
- 4. Renewal requirements of the bond.*

## PART VII. SUPPLIES AND SERVICES.

### § 7.1. General.

A. If the contract seller will not be responsible for furnishing the supplies and services to the contract buyer, the contract seller shall attach to the preneed funeral contract a copy of the contract seller's agreement with the contract provider.

B. If any funeral supplies are sold and delivered prior to the death of the contract beneficiary, and the contract seller, contract provider, or any legal entity in which he or a member of his family has an interest thereafter stores these supplies, the risk of loss or damage shall be upon the contract seller or contract provider during such period of storage.

C. If the particular supplies and services specified in the contract are unavailable at the time of delivery, the contract provider shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship.

D. The representative of the deceased shall have the right to choose the supplies or services to be substituted in subsection C of this section.

## PART VIII. DESIGNEE AGREEMENT.

### § 8.1. Designee.

A. A designee agreement shall be used only when the contract beneficiary is mentally alert and capable of appointing his own designee.

B. Any person may designate through the use of the designee agreement a designee who shall make arrangements for the contract beneficiary's burial or the disposition of his body for burial.

C. The designee agreement shall be:

- 1. In writing;*
- 2. Accepted in writing by designee and the designee's signature is notarized; and*
- 3. Attached to the preneed contract as a valid part of the contract.*

# Proposed Regulations

**APPENDIX I.**

**PRENEED FUNERAL CONTRACT PRESCRIBED BY THE BOARD.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PRENEED FUNERAL CONTRACT  
for**

(Name of Recipient of Services)

\_\_\_\_\_  
- (Zip) -

**I. SUPPLIES AND SERVICES PURCHASED**

The prices of goods and services below **MAY BE GUARANTEED** provided the total is paid in full and all interest earned is allowed to accumulate in your account. If any of the prices are guaranteed, no additional cost will incur for your family or estate even though the actual prices of goods and services may increase between the date of this contract and the time of need. (Please see the disclosure document).

Services Purchased

Minimum services of staff	\$.....
Optional staff services	\$.....
Basic facilities	\$.....
Facilities for viewing	\$.....
Facilities for ceremony	\$.....
Other facilities/equipment	\$.....
Embalming	\$.....
Other preparation of body	\$.....
Alternate care	\$.....
Transfer of remains	\$.....
Funeral coach	\$.....
Flower car	\$.....
Lead/service car	\$.....
Mileage @ \$..... (Outside service area)	
Other	\$.....
<b>Sub-Total Cost of (Guaranteed) Services Purchased: \$.....</b>	

Supplies Purchased

Casket (Describe)	\$.....
Outer burial container (Describe)	\$.....
Alternative container	\$.....
Cremation urn	\$.....
Shipping container	\$.....
Clothing	\$.....
Temporary marker	\$.....
Acknowledgment cards @ .....	\$.....
Register/attendance books @ .....	\$.....
Memorial folders @ .....	\$.....
Other	\$.....

*Sub-Total Cost of (Guaranteed) Supplies Purchased:*  
\$ .....

*The actual prices of goods and services below are NOT GUARANTEED. These items may include, but not be limited to, obituary notices; death certificates; cemetery fees; flowers; sales tax; etc. The prices are estimated and the estimates will be included in the Grand Total Contract Price. The differences between the estimated prices below and the actual cost will be settled with your family or estate at the time of need:*

.....	\$ .....
.....	\$ .....
.....	\$ .....
.....	\$ .....
.....	\$ .....
.....	\$ .....
.....	\$ .....
.....	\$ .....
.....	\$ .....
.....	\$ .....
.....	\$ .....

*Sub-Total estimated cost of Non-guaranteed items*  
\$ .....

**GRAND TOTAL FOR PRENEED ARRANGEMENTS**

*1. Total cost of (Guaranteed) Services Purchased (Total taken from p 1)* \$.....

# Proposed Regulations

2. Total cost of (Guaranteed) Supplies Purchased  
(Total taken from p 2) \$.....

3. Total Estimated cost of non-guaranteed Items (Total taken from p 2) \$.....

**GRAND TOTAL** \$.....

The only warranties, express or implied, granted in connection with the goods sold in this preneed funeral contract, are the express written warranties, if any, extended by the manufacturers thereof. No other warranties and no warranties of MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE are extended by the (funeral home) .....

## II. GENERAL INFORMATION

In order that the Buyer may understand the relationship of all parties involved in this preneed arrangement and contract, the following is provided:

A. Buyer: .....

B. Funeral Home Providing Services: .....

C. Preneed Arranger: .....

Employed by: (Funeral Home) .....

Licensed Funeral Director in Virginia:  
.....yes .....no

Funeral Director License Number: # .....

The following information will be given if an insurance policy or annuity contract is used to fund this agreement:

A. Buyer: .....

B. Insurance Company: .....

C. Insurance Agent: .....

Employed by: (Insurance Company) .....

Licensed Funeral Director in Virginia:  
.....yes ..... no

Funeral Director License Number  
(If Applicable): # .....

Employed by (If Applicable):  
(Funeral Home) .....

Method of Funding

A. Insurance .....

B. Trust .....

1. Amount to be trusted: .....

2. Name of trustee: .....

3. Disposition of Interest: .....

4. Fees, expenses, taxes deducted from earned interest: .....

5. Buyer's responsibility for taxes owned on interest: .

## III. CONSUMER INFORMATION

The Board of Funeral Directors and Embalmers is authorized by § 54.1-2800 et. seq. of the Code of Virginia to regulate the practice of preneed funeral planning. Consumer complaints should be directed to:

The Board of Funeral Directors and Embalmers  
1601 Rolling Hills Drive  
Suite 200  
Richmond, Virginia 23229-5005  
Telephone Number 804-662-9907  
Toll Free Number 1-800-533-1560

## IV. DISCLOSURES

The Disclosure statements will be available for your review. The General Price List shall be furnished to you by the preneed arranger. These contain information that you must receive by law and/or the authority of the Board of Funeral Directors and Embalmers. You are entitled to receive all information in clear and simple language including the language of the funding agreement for this preneed arrangement.

If any law, cemetery, or crematory requires the purchase of any of those items listed in Part I, the requirements will be explained in writing.

By signing this contract, buyer acknowledges availability of and opportunity to read a copy of all of the required documents.

## V. TERMINATION OF CONTRACT

This person who funds this contract through a trust agreement may terminate this preneed contract at any time prior to the furnishing of the services or supplies contracted for:

### Within 30 days

If you terminate this preneed contract within thirty days of the date of this contract, you will be refunded all payments of whatever type you have made, plus any interest or income you may have earned.

### More than 30 days

If you terminate this preneed contract more than thirty days after the date on this contract, you will be refunded whatever amount was required to be placed in a revocable trust fund, plus any interest or income it has earned.

Any person who funds this contract through a trust fund which is irrevocable or through an insurance/annuity policy or through the transfer of real estate/personal property may not be eligible for a refund.

**VI. STATEMENT OF GUARANTEE**

By signing this contract, (Funeral Home) ..... agrees to the statement checked below (check one):

..... Pre-financing guarantees that no additional payment will be required from the family or estate for guaranteed services and supplies provided the Grand Total of these arrangements is paid in full and the interest is allowed to accumulate in your account (see page 4 for Grand Total amount). Payment of the difference will be required for the non-guaranteed estimated items if they increase in price.

..... The prices for items under supplies and services are not guaranteed.

**VII. AGREEMENT**

In witness whereof, the Buyer and the Funeral Home have executed this contract, intending its terms to be in accordance with the Code of Virginia and any regulations implementing the Code. By signing this contract you acknowledge that you have been provided access to and the opportunity to read the Disclosure Statements.

..... (Designee of Funeral Home) (Buyer)

..... (Funeral Home) (Contract Date)

**VIII. PENALTIES OR RESTRICTIONS**

The (funeral home) ....., has the following penalties or restrictions on the provisions of this contract.

1. (Insert geographic restrictions);
2. (Insert an explanation of the Funeral Home's inability to perform the request(s) of the Buyer);
3. (Insert a description of any other circumstances which apply).
4. (Insert information that if particular goods and services specified in the contract are unavailable at the time of need):

A. The funeral home shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship and

B. The representative of the deceased shall have the right to choose the supplies or services to be substituted.

**Addendum to Preneed Contract**

**DESIGNEE AGREEMENT**

I designate ..... of (address) ..... to assist with the preneed arrangements in my behalf. This individual is also authorized to work with the funeral home after my death to ensure that these arrangements are fulfilled. The relationship of my designee to me is .....

Buyer: ..... Date: .....

I accept the request of (buyer) ..... to assist with his/her preneed arrangements and to work with the funeral home after his/her death to ensure that these arrangements are fulfilled.

Designee: ..... Date: .....

The foregoing was acknowledged before me this .... day of ....., 19....

Notary: .....

Date Commission Expires: .....

**APPENDIX II.**

**DISCLOSURE STATEMENTS PRESCRIBED BY THE BOARD.**

**DISCLOSURES**

We are required by law and/or the Virginia Board of Funeral Directors and Embalmers to provide access to and the opportunity for you to read the following information to assist you in preplanning. A question and answer format is used for clarity and includes the most commonly asked questions.

**PRENEED CONTRACTS**

- Is there more than one type of preneed agreement?

Yes.

Guaranteed contracts mean that the costs of certain individual items or the cost of the total package will never be more to your family or estate. Non-guaranteed means just the opposite. (See the section entitled "General Funding Information" for more information on guaranteed and non-guaranteed costs.)

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*Contracts may be funded by insurance/annuity policies, trusts, or transfer of real estate/personal property.*

– *What are my protections?*

*You should take your completed preneed contract home before you sign it and review it with your family or your legal advisor. You have a right to this review before you sign the contract or pay any money.*

*You should also read carefully the information in this disclosure statement. If you have any questions, contact the seller for more information or contact your legal advisor.*

## CANCELLATION

– *Can I cancel my preneed agreement if I change my mind? Will I get my money back?*

*You may cancel payment for supplies or services within 30 days after signing the agreement. If you funded your preneed arrangement through a trust, the preneed arranger will refund all the money you have paid plus any interest or income you have earned.*

*If you funded your preneed arrangement through a revocable trust and you cancel the preneed contract AFTER the 30 day deadline, you will be refunded all of your money on the items that are not guaranteed and 90% of all your money on the items that are guaranteed. You will also receive any interest or income on that amount. A revocable trust is a trust that you can cancel.*

*There may be a penalty to withdraw money from a revocable trust account which has already been established in your name. If there is, your contract will give you this information. (See the first question under the section entitled "Payment" below.)*

*If you have funded your preneed arrangement through an irrevocable trust you will not be able to cancel the trust agreement or receive a refund. An irrevocable trust is one that cannot be cancelled.*

*If you funded your preneed arrangement through an insurance policy/annuity contract which will be used at the time of your death to purchase the supplies and services you have selected, you will need to pay careful attention to the cancellation terms and conditions of the policy. You may not be eligible for a refund.*

## PAYMENT

– *What happens to my money after the contract is signed?*

*Your money will be handled in one of several ways. It may be deposited in a separate trust account in your name. The trust account will list a trustee who will be responsible for handling your account. The funeral home*

*you have selected as your beneficiary will also be listed. You have the right to change the funeral home and the trustee of your account prior to receiving the supplies and services under the preneed contract.*

*Your money may be used to purchase a preneed life insurance policy which may be used to pay for your arrangements upon your death. The proceeds of the policy will be assigned to the funeral home of your choice. You may change the funeral home assignment at any time prior to receiving the supplies and services under the preneed contract.*

*You may decide to choose a life insurance policy or a trust account that requires regular premium payments and not have to make an up-front, lump sum payment.*

– *May I pay for goods and services with real estate or personal property?*

*Yes. When you pay for these supplies and services in whole or in part with any real estate you may own, the preneed contract that you sign will be attached to the deed on the real estate and the deed will be recorded in the clerk's office of the circuit court in the city or county where the real estate is located.*

*If you pay for goods and services with personal property other than cash or real estate, the preneed arranger, will declare in writing that the property will be placed in a trust until the time of your death and will give you written information on all the terms, conditions, and considerations surrounding the trust. The preneed arranger will confirm in writing that he has received property.*

*You may decide not to transfer the title of the personal property to the preneed arranger of your preneed contract. In this situation, you will have to submit information to the preneed arranger in writing that you are giving him the property without a title, and describe the property and where it will be kept until the time of your death.*

*In either case, the written statements will be recorded in the clerk's office of the circuit court of the city or county in which you live. The written statement does not have to be separate document.*

## GENERAL FUNDING INFORMATION

– *If the prices of the goods and services are affected by inflation between now and my death, will the funding I choose be adjusted accordingly?*

*There is a possibility that the funding may fail to keep up with inflation. This could mean that the funding you choose could have insufficient value to cover all expenses.*

– *What happens if my funding is not enough to cover the full cost of these arrangements?*

If the entire funeral or specific items in the agreement are guaranteed by the preneed arranger, you family or estate will not have to pay any more for those items provided that you have paid the Grand Total in full and all interest earned is allowed to accumulate in your account. However, if you have not paid the account in full and have not allowed the interest to accumulate in the account, and any items increase in price, your family or estate would be responsible for the extra amount if the funds are not sufficient. In some situations where you pay toward your funding with regular premiums rather than in one lump sum, your account may not be enough at the time of your death to cover everything.

– What happens to the extra money if my funding is more than what is needed to pay for these arrangements?

Sometimes, as explained in the answer above, your funding account may not have had the time to grow sufficiently before your death to cover items which are guaranteed in price to you, yet have increased in price for the funeral home.

Sometimes after funeral expenses are paid, there may be money left over. Because of the on-going risk that a funeral home takes in guaranteeing prices for you, the funeral home may not be required to return this excess money.

Some funding agreements and funeral homes, however, require that extra money be returned to the estate or family. Others do not. You should obtain information concerning this in writing before signing the preneed contract.

The answers to the following questions will depend upon the terms and conditions of the individual's funding and preneed agreements. Please review your preneed contract and/or funding agreement for answers to these questions.

– What happens to my preneed contract if I change my assignment from one funeral home to another?  
(Place answer here)

– What happens to my preneed contract if I change the beneficiary of my funding or the use of my proceeds from the funding.

If you make such changes, it could void your contract. You should request specific information from the preneed arranger and the funding arrangement.

– What will happen to my preneed contract if I fail to make agreed to premium payments to my funding source?  
(Place answer here)

– Do I get any money back if I surrender or cancel my funding arrangements?  
(Place answer here)

## TRUST ACCOUNT

– If my money goes into a trust account, what information will I receive about that account?

If you want your money to go into a trust fund, the trust agreement must furnish you with information about the amount to be deposited into the account; the name of the trustee; information about what happens to the interest your trust account will earn; and information about your responsibility to file and pay taxes on that interest.

If there are filing expenses connected with your trust account, you will be notified as to what the expenses are and whether you or the preneed arranger is the responsible party for paying those.

– What happens to the interest earned by the trust?

You should be aware that the interest earned by the trust may be handled in different ways by different trust arrangements. The interest may have to go back into your account if items on your contract are guaranteed. You may be responsible for reporting that interest to the Internal Revenue Service and paying taxes on it. You will be responsible to pay any taxes on the interest earned even if you cancel your trust account. Some trust accounts cannot be cancelled.

There may be special fees deducted from your interest. However, you may still be responsible for paying taxes on the entire amount of interest earned before the fees were deducted. Please ask your preneed arranger for a written list of any fees so you will have a clear understanding about them before you sign the contract.

– If I pay my trust in premium payments, what happens if I die before the Grand Total of the funeral has been placed in trust?  
(Place answer here)

## LIFE INSURANCE POLICY OR ANNUITY CONTRACT

The following question applicable to your policy will be answered in writing. The answer will depend upon the terms and conditions of the individual's policy and/or preneed contract.

– If I die during the period of time when my insurance policy only guarantees to pay back my premiums plus the interest, will that amount be considered payment in full for my preneed contract?  
(Place answer here)

## CLAIMS AGAINST THIS CONTRACT

– Can someone to whom I owe money make a claim against the money, personal property, or real estate that I have used to pay for this contract?

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No. This money or property cannot be used to settle a debt, a bankruptcy, or resolve a claim. These funds cannot be garnished.

– Can the money or property be taxed?

No. Currently, interest earned on the money you deposit in a trust, savings account, or the value of the property you used for payment can be taxed but not the original amount which you invested. Interest earned on annuities is generally deferred until withdrawal.

## GENERAL GOODS AND SERVICES

– If I choose goods and services that might not be available at the time of my death, what is the provider required to do?

The funeral home which you selected is required to furnish supplies and services that are similar in style and equal in value and quality if what you choose is no longer made or is not available at the time of your death. Your representative or next-of-kin will have the right to choose the supplies or services to be substituted. However, if the substitute is more expensive than the item originally selected by you, your designee or next-of-kin would be responsible for paying the difference. Under no circumstances will the funeral establishment be allowed to substitute lesser goods and services than the ones you chose.

If, before your death, the funeral home were to go out of business or were otherwise unable to fulfill their obligation to you under the preneed contract, you have the right to use the proceeds at the funeral home of your choice.

If the inability to provide services does not become apparent until the time of your death, the individual that you named as your designee could use the funds for services at another funeral home.

– May I choose the exact item I want now and have the funeral home store it until my death?

If the funeral home or supplier has a storage policy you may ask for this service. If the funeral home or preneed arranger agrees to store these items, the risk of loss or damage shall be upon the funeral home during the storage period.

For example, what would happen if you select a casket which is in-stock at the time you make these arrangements and the funeral home or supplier agrees to store it for you in their warehouse and: (1) damage occurs, (2) the funeral home or supplier goes out of business (3) the funeral home or supplier is sold, etc? You need to be assured in writing of protection in these types of situations.

– What happens if I choose to have a unique service that

is not customary or routine in my community? Must the funeral home comply with my wishes?

The funeral home which you have chosen to conduct your service may be able to only provide certain types of services. They may not be able to fulfill your request. If there is a restriction on what they can provide, you will be notified in writing before you sign the preneed contract.

If the funeral home agrees in writing before you sign the contract to perform such services, the funeral home shall provide you a written, itemized statement of penalties (fees) which you will be charged.

– Will the funeral home agree to transport my body to another area for burial?

Again, the funeral home may have restrictions on the distance they are willing to travel to conduct a burial. If restrictions apply, you will be notified in writing.

If the funeral home agrees in writing before you sign the contract to honor your wishes, the funeral home shall provide you a written, itemized statement of any penalties (fees) which you will be charged.

– I may die and be buried in a city other than one where the funeral home that I select for my goods and services is located. Will the funeral home that I select under this contract deliver my merchandise to the city where I die and am to be buried?

This is entirely up to the funeral home to decide. If the funeral home has restrictions on this, they will notify you in writing. If they agree to ship merchandise to another area for your funeral, you will be notified before signing this contract of the penalties (fees) involved if they can be determined and guaranteed at this time.

However, the preneed contract arrangements and funding may be considered portable. This means that they are usually available for transfer from one locality to another. It is unusual for actual goods and merchandise to be transferred.

## PRICING

– How will I know that the prices of items which I select are the same for everyone?

The funeral home maintains a general price list and a casket and outer burial container price list. Your preneed arranger will give this to you before you begin talking about arrangements. After your discussion is finished, you will be given a copy of your preneed contract on which charges will be listed. Charges will only be made for the items you select. If there are any legal or other requirements that mandate that you must buy any items you did not specifically ask for, the preneed arranger will explain the reason for the charges to you in writing.

You may ask a funeral home to purchase certain items or make special arrangements for you. If the funeral home charges you for these services, you will receive an explanation in writing. The charges to you for these services may be higher than if you or your family purchased them directly.

At the time of your death, your family or estate will be given an itemized statement which will list all of the specific charges. This is a requirement of the Federal Trade Commission. Although not required to do so, some funeral homes may also choose to give you an itemized statement when you make these arrangements.

– What is meant by guaranteed and non-guaranteed prices?

Some preneed arrangers may agree that certain prices are guaranteed. Some may guarantee the price of the total package. Other funeral homes may not guarantee any prices.

Guaranteed prices are those that will not increase for your family or estate at the time of your death. Basically, this means that your funeral arrangement for those items will be covered by and will not exceed your funding and the interest it earns. Non-guaranteed prices are those which might increase or decrease. The non-guaranteed prices may be written in at the time of this contract with your understanding that the price is an estimate only and may increase or decrease. A settlement to that effect may have to be made with your family or representative after your death.

– Can the preneed arranger and I negotiate a projected charge for the non-guaranteed items based on the rate of inflation?

It is entirely up to the preneed arranger to inform you of the funeral home policy in that regard.

## CASKETS AND CONTAINERS

– Do I have to buy a vault or a container to surround the casket in the grave?

In most areas of the country, state and local laws do not require that you buy a container to surround the casket in the grave. However, many cemeteries ask that you have such a container to support the earth above the grave. Either a burial vault or a grave liner will satisfy if such requirements exist.

– Is a casket required?

A casket is not required for direct cremation. If you want to arrange a direct cremation, you may use an unfinished wood box or an alternative container made of heavy cardboard or composition materials. You may choose a canvas pouch.

– Do certain cemeteries and crematoriums have special requirements?

Particular cemeteries and crematoriums may have policies requiring that certain goods and services be purchased. If you decide not to purchase goods and services required by a particular cemetery or crematorium, you have the right to select another location that has no such policy.

## EMBLAMING

– Is emblaming always required?

Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements such as viewing or visitation with an open casket. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If the funeral home must charge to conduct an embalming, your designee will be notified of the reasons in writing.

## ASSISTANCE

– This is all very confusing to me. May I pick someone close to me to help with all of this? May this person also work with the funeral home to ensure that my wishes as written in the preneed contract are carried out?

You may designate in writing a person of your choice to work with the funeral home and preneed arranger either before or after your death to ensure that your wishes are fulfilled. You must sign the statement and have it notarized. The person that you designate must agree to this in writing. Under the laws governing preneed contracts, the individual whom you designate has final authority at the time of your death.

– Where can I complain if I have a problem concerning my preneed contract, the preneed arranger, or the funeral home?

You may direct your complaints or concerns to:

The Board of Funeral Directors and Embalmers  
Department of Health Professions  
1601 Rolling Hills Drive, Suite 200  
Richmond, Virginia 23229-5005  
Telephone Number (804) 662-9941  
Toll Free Number 1-800-533-1560



# 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.

## VIRGINIA STATE BAR

**NOTICE:** The Virginia State Bar (the "Bar") is exempt from the provisions of the Administrative Process Act as an agency of the Supreme Court. The regulations set forth below have been adopted by the Bar and are published here for informational purposes only.

**Title of Regulation:** VR 167-01-01. Regulations Governing Virginia Legal Aid Societies.

**Statutory Authority:** § 54.1-3916 of the Code of Virginia.

**Effective Date:** July 22, 1977, as amended June 13, 1990.

In compliance with Chapter 47 of the Extra Session of the General Assembly of 1956 (§ 54.1-3916, Code of Virginia), the Council of the Virginia State Bar promulgates the following Rules and Regulations governing the function and operation of legal aid societies.

The bar recognizes the need to provide equal access to the system of justice in the Commonwealth for individuals who seek redress of grievances, to provide high quality legal assistance to those who would otherwise be unable to afford adequate legal counsel, to preserve attorney-client relationships and to protect the integrity of the adversary process.

1. The function of a legal aid society is to provide free legal assistance to those requiring such assistance but who are unable to pay therefor.

2. Only a nonprofit corporation can function as a legal aid society in the Commonwealth.

3. A legal aid society is defined as a nonprofit organization providing free legal assistance exclusively to those requiring such assistance but who are unable to pay therefor.

4. No legal aid society can function in the Commonwealth without being licensed by the Secretary-Treasurer of the Virginia State Bar.

5. Upon application of a legal aid society, with supporting documents, the Secretary-Treasurer of the Virginia State Bar shall issue a license if:

A. The State Corporation Commission has issued a certificate of incorporation to the society.

B. A majority of the members of the society's Board

of Directors are active members of the Virginia State Bar.

C. No member of the Virginia State Bar devoting his or her full time to, or receiving any compensation from, the society shall be a voting member of its Board.

D. The provisions of paragraphs 5(B) and (C) shall be included in the bylaws of the society at all times.

6. No payment for the provision of legal assistance shall be received from clients by the society or its employees, except for necessary expenses or court costs.

7. Guidelines and procedures shall be established and maintained to insure that legal assistance is provided only to those who are unable to pay therefor. *Legal assistance to elderly persons meeting standards of eligibility under the Older Americans Act and regulations thereto is deemed consistent with this requirement.*

8. A legal aid society may appear before and practice in all the courts, administrative agencies and legislative bodies of the Commonwealth and all political subdivisions thereof, only through attorneys who are members of the Virginia State Bar or other persons who are permitted by law to so appear and practice.

9. A legal aid society holding a license issued by the Secretary-Treasurer of the Virginia State Bar is deemed to be approved by the Virginia State Bar. Each licensee shall make an annual report and file it with the Secretary-Treasurer of the Virginia State Bar. The annual report shall contain the following information:

A. Source of funding

B. Cost of operation

C. Number of cases handled

D. Type of cases handled

E. Number of lawyers employed and/or assisting

F. Any changes in the Articles of Incorporation of bylaws made since the last annual report.

10. A license shall be revoked by the Secretary-Treasurer of the Virginia State Bar on his own motion or on the motion of any other person if it is found, after investigation and after giving the licensee reasonable notice and an opportunity to be heard, that the

licensee has violated the law, the Code of Professional Responsibility or these Rules and Regulations, or has been inactive for a period of one year or more or has failed to adhere to its charter or bylaws.

11. From any decision of the Secretary-Treasurer of the Virginia State Bar in granting, or refusing or revoking or refusing to revoke a license, any interested person may appeal to the Council of the Virginia State Bar.

12. These Rules and Regulations, as amended, are effective on and after July 1, 1977.

13. The Council of the Virginia State Bar reserves the right to amend these Rules and Regulations from time to time.

## DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

**Title of Regulation:** VR 240-02-02. Regulations Governing the Privacy and Security of Criminal History Record Information Checks for Firearm Purchases.

**Statutory Authority:** §§ 9-170 21 and 18.2-308.2:2 of the Code of Virginia.

**Effective Date:** November 1, 1990.

### Summary:

*The regulations exist to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police to firearms dealers. The regulations, as adopted, provide dealers with clear guidelines regarding form handling and maintenance and the proper procedures for requesting criminal history record checks.*

*The final regulations reflect one substantive change from the proposed draft. This change is reflected in the audit section. The language in the audit section was expanded to delineate procedures for corrective action should an audit reveal violations of the regulations.*

VR 240-02-02. Regulations Governing the Privacy and Security of Criminal History Record Information Checks for Firearm Purchases.

### PART I. GENERAL.

*Pursuant to the provisions of § 18.2-308.2:2 of the Code of Virginia, criminal history record information checks are required prior to the sale, rental, trade or transfer of certain firearms. A criminal history record information check shall be requested by licensed dealers from the Department of State Police to determine the legal eligibility of a prospective purchaser to possess or transport certain firearms under state or federal law. The*

*Department of Criminal Justice Services hereby promulgates the following regulations governing these criminal history record information checks as required under § 18.2-308.2:2 H of the Code of Virginia. The purpose of these regulations is to ensure that criminal history record information checks are conducted in a manner which ensures the integrity of criminal history record information, guarantees individual rights to privacy, and supports the needs of law enforcement, while allowing nearly instantaneous sales of firearms to the law abiding public.*

### § 1.1. Definitions.

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

*"Antique handgun or pistol" means any handgun or pistol, including those with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898, and any replica of such a handgun or pistol, provided such replica: (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.*

*"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals, consisting of notations of arrests, detentions, indictments, informations, or other formal charges and any disposition arising therefrom.*

*"Criminal history record information check" (also "criminal record check" and "record check") means a review of a potential purchaser's criminal history record information, to be conducted by the Department of State Police at the initiation of a dealer in order to establish a prospective purchaser's eligibility to possess or transport a firearm, as defined herein, under state or federal law.*

*"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.*

*"Dealer identification number" (DIN) means a unique identifying number assigned by the Department of State Police to each individual dealer as defined in § 18.2-308.2:2 G of the Code of Virginia, in order to identify such dealers when they request criminal history record information to determine the eligibility of a prospective purchaser to possess or transport a firearm.*

*"Department" means the Virginia Department of State Police.*

*"Firearm" means (i) any handgun or pistol having a barrel length of less than five inches which expels a projectile by action of an explosion, or (ii) any*

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semi-automatic centerfire rifle or pistol which expels a projectile by action of an explosion and is provided by the manufacturer with a magazine which will hold more than 20 rounds of ammunition, or is designed by the manufacturer to accommodate a silencer or bayonet or is equipped with a bipod, flash suppressor or folding stock.

"Handgun" means any firearm including a pistol or revolver designed to be fired by the use of a single hand.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any member of the Regulatory Division of the Department of Alcoholic Beverage Control vested with police authority, any police agent appointed under § 56-353 of the Code of Virginia (provides railroad officials with the authority to appoint police agents), or any game warden who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Prospective purchaser" means an individual who intends to buy, rent, trade, or transfer a firearm or firearms as defined herein, and has notified a dealer of his intent.

"Resident of Virginia" means a person who resides and has a present intent to remain within the Commonwealth, as shown by an ongoing physical presence and a residential address within Virginia. If a person does not reside in Virginia, but is on active duty as a member of the U.S. Armed Forces and Virginia is the person's permanent duty station, the person shall, for the purpose of these regulations, be considered a resident of Virginia.

"Transfer" means to sell, rent, trade, or transfer a firearm as defined herein.

"Virginia Firearms Transaction Record Form" means the form issued by the Department of State Police provided to dealers and required for obtaining a criminal history record check, also known as "SP-65," the "VFTR form" or the "VFTR."

## PART II. REGULATIONS.

§ 2.1. Applicability of regulations concerning criminal history record checks for firearm purchase.

A. These regulations apply to:

1. All licensed dealers in firearms; and

2. The Department of State Police.

B. These regulations shall not apply to:

1. Transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.;
2. Purchases by or sale to any law-enforcement officer or agent of the United States, Commonwealth or any local government;
3. Antique handguns or pistols; or
4. Transactions in any county, city or town that has a local ordinance adopted prior to January 1, 1987, governing the purchase, possession, transfer, ownership, conveyance or transportation of firearms which is more stringent than § 18.2-308.2:2 of the Code of Virginia.

§ 2.2. Responsibilities of dealers.

It shall be the responsibility of dealers that transfer firearms in Virginia to comply with the following:

1. Register with the department and obtain from the department a dealer identification number (DIN) and the toll-free telephone number to participate in the criminal history record check program.
2. Prior to [ ~~selling, renting, trading or~~ ] transferring [ ~~(hereinafter referred to as transfer)~~ ] any firearm, determine if the firearm is a "firearm" as defined in these regulations and § 18.2-308.2:2 of the Code of Virginia.
3. Complete the VFTR form.
4. Request a criminal history record information check prior to the transfer of any such firearm.
5. Maintain required forms and records according to the procedures outlined in these regulations.
6. Deny the transfer of a firearm if advised by the Department of State Police that the prospective purchaser is ineligible to possess such a firearm and the department disapproved the transfer of a firearm to the prospective purchaser.
7. Allow the Department of Criminal Justice Services access to all forms and records required by these regulations.

§ 2.3. Responsibilities of the Department of State Police.

A. The Department of State Police shall operate a telephone and mail response system to provide dealers in firearms (as defined herein) with information on the legal eligibility of prospective purchases to possess or transport

firearms covered under these regulations. This information shall be released only to authorized dealers. Prior to the release of the information, the identity of the dealer and the prospective purchaser can be reasonably established.

B. In no case shall the department release to any dealer actual criminal history record information as defined herein. The dealer shall only receive from the department a statement of the department's approval or disapproval of the transfer, and an approval code number, if applicable, unique to the transaction. A statement of approval or disapproval shall be based on the department's review of the prospective purchaser's criminal history record information and restrictions on the transfer of firearms to felons enumerated in § 18.2-308.2 of the Code of Virginia or federal law. This statement shall take one of the following two statuses: (i) approval with an approval code number, or (ii) disapproval with no approval code number.

C. The department shall provide to dealers a supply of VFTR forms, a DIN, and a toll-free number to allow access to the telephone criminal history record check system available for approval of firearms purchases by Virginia residents.

D. The department shall supply all dealers in the Commonwealth with VFTR forms in a manner which allows the department to use the forms to identify dealers and monitor dealers' use of the system to avoid illegal access to criminal history records and other department information systems.

E. The department shall hire and train such personnel as are necessary to administer criminal history record information checks, ensure the security and privacy of criminal histories used in such record checks, and monitor the record check system.

F. Allow the Department of Criminal Justice Services access to all forms and record required by these regulations.

## § 2.4. Preparing for a criminal history record check.

### A. General procedures.

1. If any firearm which a prospective purchaser intends to obtain in transfer is a firearm as defined herein, the dealer shall request that the Department of State Police conduct a criminal history record check on the purchaser. The dealer may obtain the required record check from the department for purchasers who are residents of Virginia by telephoning the department, using the provided toll-free number, and requesting the record check. For purchasers who are out-of-state residents, the dealer may only request the record check from the department by mail [ or delivery ]. However, Virginia residents may, if they elect, request the dealer to obtain a record check by mail. The initial required steps of completion of the VFTR, obtaining consent of

the purchaser, determining residency and verifying identity are common to both telephone and mail methods of obtaining the record check.

2. The dealer shall request a criminal history record check and obtain the prospective purchaser's signature on the consent portion of the form for each new transfer of a firearm or firearms to a given purchaser. One record check is sufficient for any number of firearms in a given transfer, but once a transaction has been completed, no transfer to the same purchaser shall proceed without a new record check.

3. A criminal history record check shall be conducted prior to the actual transfer of a firearm.

B. Completing section A of the Virginia firearms transaction record: Obtaining consent for a criminal history record information check for firearms purchase.

As a condition of any sale, the dealer shall advise the prospective purchaser to legibly complete and sign section A of a VFTR form.

1. The dealer shall require the prospective purchaser to complete section A of the VFTR form in the prospective purchaser's own handwriting, and without the dealer's assistance. The purchaser shall answer the questions listed and shall complete the items that establish residency and describe identity, including name, sex, height, weight, race, date of birth and place of birth.

2. If the prospective purchaser cannot read or write, section A of the VFTR form may be completed by any person other than the dealer or any employee of the dealer according to the procedures specified on the reverse side of the VFTR form.

3. The dealer shall also obtain the prospective purchaser's signature or, if he cannot read or write, his mark, following the consent paragraph at the bottom of section A, which shall certify that the information supplied by the purchaser in section A is true and correct.

C. Completing section B of the Virginia firearms transaction record: Establishing purchaser identity and residency and dealer identity.

Prior to making a request for a criminal history record information check, the dealer shall complete all of section B of the VFTR form for which the dealer is responsible. Information recorded on the VFTR form shall be sufficient to: (i) reasonably establish a prospective purchaser's identity and determine the residency of the prospective purchaser; and (ii) identify the dealer.

1. Identify prospective purchaser and determine residency.

# Final Regulations

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a. The dealer shall determine residency and verify the prospective purchaser's identity as required in section B of the VFTR, by requiring at least two forms of identification. Only the forms of identification listed below shall be acceptable forms of identification. At least one of the following forms of identification shall include a recent photograph of the prospective purchaser. Accordingly, the dealer shall require the prospective purchaser to furnish one form of identification that contains a recent photograph of the prospective purchaser and at least one other form of identification included in the list below:

(1) A valid and current Virginia driver's license or photo identification card provided by the Virginia Department of Motor Vehicles or another state's issuing authority;

(2) A military identification card;

(3) An immigration card;

(4) An employment identification card, provided the card shows at least the prospective purchaser's name and place of employment;

(5) A passport;

(6) A voter registration card;

(7) Evidence of paid personal property tax or real estate taxes;

(8) A current automobile registration;

(9) A hunting or fishing license;

(10) A social security card; or

(11) Other identification allowed as evidence of residency by Part 178.124 of Title 27, Code of Federal Regulations, and ATF Ruling 79-7.

b. The dealer will ensure that the forms of identification support the listing of the identifying characteristics and the resident's address as supplied by the prospective purchaser in section A.

c. If the dealer discovers any unexplained discrepancy between the two forms of identification (different birth dates, different names), the dealer shall not request a criminal history record check until the prospective purchaser can be adequately identified with two acceptable forms of identification as required.

d. The dealer shall name and identify on the VFTR form the documents used to verify the prospective purchaser's identity and residence, and shall record all pertinent identifying numbers on the VFTR form.

e. While the dealer is required to collect sufficient information to establish the prospective purchaser's identity and residency from the documents listed above, in no case is the dealer authorized to collect more information on the prospective purchaser than is reasonably required to establish identity and state of residence.

2. Identify dealer. The dealer or his employee shall note on section B of the form:

a. The dealer's or employee's signature;

b. His position title (owner, employee);

c. The trade or corporate name and business address; and

d. The dealer's federal firearms license number.

§ 2.5. Procedures for requesting a criminal history record information check by telephone (Virginia residents only).

A. Once the prospective purchaser has completed section A of the VFTR form and the dealer has completed the necessary portions of the VFTR form and determined that the prospective purchaser is a resident of Virginia, the dealer shall call the Department of State Police and request a criminal history record information check by telephone for the firearm transfer. The dealer shall use the toll-free number provided by the Department of State Police. However, no provision of these regulations shall prohibit a Virginia resident from obtaining a written record check through the dealer for any firearm transfer.

B. The dealer shall identify himself to the department by providing his DIN and the printed number on the upper right-hand corner of the VFTR form prepared by the prospective purchaser.

C. The dealer shall allow the department to verify this identifying information. The Department of State Police may disapprove a firearm purchase if the department determines that the identifying information supplied by the dealer is incomplete, incomprehensible or in error, raises a reasonable doubt as to the origin of the call, or is otherwise unusable.

D. The dealer shall then supply to the department over the telephone all identifying data on the prospective purchaser which is recorded on section A of the VFTR, in the order requested by the department. This information shall be transmitted to the department in a discreet and confidential manner, assuring to the extent possible that the identifying data is not overheard by other persons in the dealer's place of business. If the dealer cannot provide sufficient information to allow the department to conduct a criminal history record check, the department will not accept the request on the basis of insufficient information to conduct a check. The department may adopt procedures to appropriately address such occurrences.

E. The Department of State Police will respond to the dealer's request for a criminal history record check by consulting the criminal history record information indexes and files, during the dealer's call. In the event of electronic failure or other difficulties, the department shall immediately advise the dealer of the reason for such delay and provide to the dealer an estimate of the length of such delay.

F. If no evidence of a criminal record or other information is found that would preclude the purchaser from possessing or transporting a firearm under state or federal law, the department will immediately notify the dealer that the transfer may proceed, and will provide the dealer with a unique approval code number, which the dealer shall enter in a clear, visible, and convenient manner on the original of the VFTR form.

G. If the initial search discloses that the prospective purchaser may not be eligible to possess a firearm, the department will notify the dealer that a further check must be completed before the end of the dealer's next business day, to determine if the prospective purchaser has a criminal record that makes him ineligible to possess or transport a firearm under state or federal law. This statement of ineligibility shall then be communicated by the dealer to the prospective purchaser in a discrete and confidential manner, recognizing the individual's rights to the privacy of this information.

H. In any circumstance in which the department must return the dealer's telephone call, whether due to electronic or other failure or in order to allow a further search, the dealer shall await the department's call and make no transfer of a firearm to the individual whose record is being checked until:

1. The dealer receives notification of approval of the transfer by telephone from the department; or
2. The department fails to disapprove the transaction of the prospective purchaser before the end of the next business day.
3. Exception: If the department knows at the time of the dealer's telephone call that it will not be able to respond to the request by the end of the dealer's next business day, it will so notify the dealer. Upon receiving notification, the dealer shall note in a clear and visible manner on the VFTR that the department was unable to respond. The dealer may in such cases complete the transfer immediately after his telephone call.

I. In the event that the department is unable to immediately respond to the dealer's request for a criminal history record check and the prospective purchaser is also unable to await the department's response to the dealer's request and the department ultimately approves of the transfer, the dealer may transfer any firearm or firearms, as listed on the VFTR form that initiated the request for a

record check, to the prospective purchaser, after the receipt of the approval of the transfer from the department. The actual transfer of the firearm shall be accomplished in a timely manner. A second record check shall not be required provided that the actual transfer of the firearm occurs within a time period specified by the department.

J. If the dealer is notified by the department that the prospective purchaser is not eligible to possess or transport a firearm or firearms under state or federal law, and the transfer is disapproved, and if he is so notified before the end of the next business day after his accepted telephone request, the dealer shall not complete the transfer.

K. Within 24 hours of any transfer of a firearm covered by these regulations to a resident of Virginia on the basis of a telephone inquiry, the dealer shall send by mail or shall deliver to the department [ ~~two~~ the appropriate ] copies of the VFTR other than the original, with sections A and B properly completed. No information on the type, caliber, serial number, or characteristics of the firearms transferred shall be noted on the copies of the VFTR submitted to the department, but the forms shall otherwise be complete. The dealer shall note the date of mailing on the form, or shall have the form date stamped or receive a dated receipt if the dealer delivers the form.

L. After sale check.

1. Following the receipt of the required [ ~~two~~ ] copies of a completed VFTR form recording a transfer to a Virginia resident, the department shall immediately initiate a search of all data bases in order to verify that the purchaser was eligible to possess or transport the firearm(s) under state or federal law.

2. If the search discloses that the purchaser is ineligible to possess or transport a firearm, the department shall inform the chief law-enforcement officer in the jurisdiction where the transfer occurred and the dealer of the purchaser's ineligibility without delay. The department shall mark "disapproved" on [ ~~one~~ a ] copy of the VFTR submitted by the dealer after the transfer and return the form by mail to the dealer.

§ 2.6. Procedures for requesting a criminal history record check by mail (required for all non-Virginia residents).

A. All transfers of firearms to non-Virginia residents require a written request for a record check. For non-Virginia residents, a criminal history record check for firearm transfer cannot be conducted by telephone. However, at the request of a Virginia resident, a dealer may request a record check by mail for any firearm transfer. In either case, the dealer shall follow the procedures as set forth below.

B. If a prospective purchaser is not a resident of Virginia or cannot supply sufficient information to establish

# Final Regulations

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or verify residency, the dealer shall obtain a record check by mailing or delivering a completed VFTR form to the department.

C. The dealer shall mail or deliver to the department the appropriate [ ~~two~~ ] copies of the completed VFTR form according to procedures established by the department (which shall not describe, list, or note the actual firearms to be transferred) within 24 hours of the prospective purchaser's signing and dating of the consent paragraph in section A of the VFTR form. This shall be evidenced by the dealer's notation of the mailing date on the VFTR, if mailed, or the date stamp of the department on the VFTR form or a receipt provided to the deliverer, if delivered. The original of the completed VFTR form shall be retained at the dealer's place of business.

D. The department will initiate a search only upon receipt of the appropriate [ ~~two~~ ] copies of the VFTR form at department headquarters. The department may challenge and refuse to accept any VFTR form if there is an unreasonable, extended time period between the date of the mailing and the date of receipt of the copies of the form at the department.

E. Following its search of Virginia and national criminal history record indexes and files, the department will return to the dealer a copy of the VFTR form, marked "approved," or "not approved." When a dealer receives approval, he may transfer any firearm or firearms, as listed on the VFTR form that initiated the request for a record check, to the prospective purchaser, after his receipt of the approval. The actual transfer of the firearm shall be accomplished in a timely manner. A second record check shall not be required provided that the actual transfer of the firearm occurs within a time period specified by the department. If the transfer is disapproved, he is not authorized to transfer any firearm to the prospective purchaser.

F. In the case of written requests for criminal history record check, initiated by the submission of VFTR forms, the dealer shall wait up to 10 days after the mailing date (noted on the form) or delivery date stamp (if not mailed) of the request for written approval from the department, prior to transferring a firearm as defined herein.

G. However, if 10 days elapse from the date the VFTR form was mailed (as noted on the VFTR form) or delivered to the Department of State Police (as indicated by the date stamped by the department), and the department has not responded to the request initiated by the form by approving or disapproving the transaction proposed, the dealer may complete the transfer to the prospective purchaser on his next business day, after the tenth day, or thereafter, and not be in violation of the law or these regulations. After completion of the transfer in this case, as in all cases, any new or further transfer of firearms not listed on the VFTR form that initiated the request for a record check to the same purchaser will

require a new criminal history record check.

§ 2.7. Proper use of the components of the criminal history record check system: Forms, records, toll-free telephone number and DIN.

A. The VFTR forms will be provided to the dealer by the department. VFTR forms shall not be transferred from one dealer to another. All VFTR forms partially completed, torn, defaced or otherwise rendered unusable shall be marked "VOID" and disposed of in a manner which will not allow their reuse. All unused forms shall remain the property of the Department of State Police and shall be returned to the department in the event that a dealer ceases to engage in the transfer of firearms in a manner which is regulated by the Department of Criminal Justice Services.

B. The dealer will retain the original of the VFTR form for his own files.

C. The dealer shall keep all blank and completed VFTR originals, and all returned copies in a secure area, which will restrict access to the information contained on the VFTR forms to authorized employees only.

D. The department shall retain a copy of all VFTR forms received from dealers according to the procedures outlined below.

1. Approved transfers. Thirty days after the department has notified the dealer of an approved transfer, the department shall destroy the VFTR form still in its possession and all identifiable information collected pertaining to a prospective purchaser.

2. Disapproved transfers. VFTR forms recording a transfer that was not approved shall be maintained by the department in a separate file, maintained by name of prospective purchaser.

a. The information contained in these forms shall be used by the department for legitimate law-enforcement purposes only, and shall be governed by existing regulations concerning the privacy and security of criminal history record information.

b. The department may maintain any other printouts or reports with these copies of the VFTR form, provided they are treated as criminal history record information.

E. The Department of State Police shall maintain a running log of all requests for criminal history record information checks for firearms transfer, which shall include the following:

1. DIN and name of requester;
2. Dealer's transaction number;

3. Approval code number, if sale is approved;
4. Date of telephone request or mailing or delivery date of mail request;
5. Notation of type of record request - either telephone or mail request;
6. Approved or not approved status; and
7. Date of clearance from department file through mailing of VFTR form to the dealer or other final action.

F. A log shall be retained at the department on each request which leads to approvals of firearm transfers for 12 months from the date of each request.

G. Requests which lead to disapprovals shall be maintained by the department on a log for a period of two years from the date the request was accepted by the department for processing.

H. The department shall monitor and distribute all VFTR forms in an appropriate manner to ensure their proper control and use. This includes designing, redesigning, numbering, distributing, tracking, and processing all VFTR forms.

I. No dealer shall provide his DIN or the toll-free number to another party for any reason.

J. The DIN's and the toll-free number may be changed periodically to ensure that these numbers are not improperly used by unauthorized dealers or unauthorized parties.

## § 2.8. Audits.

A. The Department of State Police shall continuously observe compliance with requirements regarding VFTR form completion, notification of the Department of State Police following firearm transfers, form management and storage, and confidentiality and proper use of the DIN and the toll-free telephone number for Virginia resident telephone record checks.

B. The Department of State Police shall notify the Department of Criminal Justice Services if a dealer has used or may have used the criminal history record information check system improperly in a manner that may jeopardize the confidentiality and security of criminal history record information systems.

C. Upon such notification, the Department of Criminal Justice Services shall audit the dealership in question and recommend corrective action without delay.

[ 1. Pending the outcome of an audit, the department may invalidate a particular DIN to ensure the continuous integrity of the criminal history record

information. Prior to such invalidation, the department shall notify the dealer orally, telephonically or in writing of the reasons for such invalidation and allow the dealer the opportunity to respond. The department shall also notify the Department of Criminal Justice Services when a DIN has been invalidated.

2. Should the results of an audit reveal that the provisions of these regulations have not been violated, the Department of Criminal Justice Services shall advise the department to immediately reinstate the invalidated DIN.

3. Should the results of an audit reveal minor violations of the provisions of these regulations, the Department of Criminal Justice Services may notify the department to monitor all future requests of the dealer for criminal history record checks for a period not to exceed 90 days. In the event that the DIN of the dealer has been invalidated, the Department of Criminal Justice Services shall also notify the department to reinstate the invalidated DIN. Any additional violations that may occur during this time period shall be reported to the Department of Criminal Justice Services. Occurrences of additional violations shall invoke the provisions of these regulations for the handling of major or repeated violations, as outlined below, and may result in a subsequent audit of the dealer.

4. Should the results of an audit reveal major or repeated violations of the provisions of these regulations, the Department of Criminal Justice Services shall advise the department to invalidate the DIN if not invalidated previously and that the invalidated DIN should not be reinstated until the dealer submits a written request to the Department of Criminal Justice Services for reinstatement of the DIN. The request shall demonstrate to the reasonable satisfaction of the Department of Criminal Justice Services that corrective action has been taken by the dealer to comply with the provisions of these regulations.

5. Should the results of an audit reveal that the privacy and security of criminal history record information have been compromised, the Department of Criminal Justice Services shall send written notification to the dealer, the office of the local commonwealth's attorney and the department. ]

D. The Department of Criminal Justice Services shall annually audit the Department of State Police to ensure the following:

1. That records, VFTR's and other materials, except for the maintenance of the log as outlined above, on purchasers found to be eligible to possess or transport firearms (approved) are being routinely destroyed 30 days from the notification, mailing or delivery date of the accepted request for a record check; be ineligible



# Final Regulations

to purchase a firearm (disapproved) are governed by the regulations for criminal history record information; and

3. That logs recording the approvals and disapprovals of firearm transfers are being correctly maintained according to the provisions of these regulations.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

**REGISTRAR'S NOTICE:** This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Mines, Minerals and Energy will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** VR 480-03-19. Coal Surface Mining Reclamation Regulations.

**Statutory Authority:** §§ 45.1-1.3 and 45.1-230 of the Code of Virginia.

**Effective Date:** October 10, 1990.

### Summary:

The Department of Mines, Minerals and Energy is proposing to amend its Coal Surface Mining and Reclamation Regulations to be consistent with changes in the rules promulgated under the authority of the federal Surface Mining Control and Reclamation Act of 1977 (PL 95-87). A limitation in the federal rules on a mine operator's duty to correct or compensate the owner of surface structures damaged by subsidence to the extent required by state law was remanded by the U.S. District Court for the District of Columbia on February 12, 1990. The U.S. Department of the Interior, Office of Surface Mining notified the department on June 22, 1990, that the same limitation in the agency's requirements for subsidence control plans and subsidence control performance standards must also be removed. The effect of these changes will be to give mine operators the obligation to repair or compensate the owner for subsidence-caused material damage to structures without regard to any limitations placed on this liability by state law.

VR 480-03-19. Coal Surface Mining Reclamation Regulations.

§ 480-03-19.784.20. Subsidence control plan.

The permit application shall include a survey which shall show whether structures or renewable resource lands exist within the proposed permit area and adjacent area and whether subsidence, if it occurred, could cause material damage or diminution of reasonably foreseeable use of such structures or renewable resource lands. If the survey shows that no such structures or renewable resource lands exist, or no such material damage or diminution could be caused in the event of mine subsidence, and if the division agrees with such conclusion, no further information need be provided in the application under this section. In the event the survey shows that such

DEPARTMENT OF STATE POLICE  
**VIRGINIA FIREARMS TRANSACTION RECORD**  
 All entries on this form must be in ink.

TRANSFEROR'S TRANSACTION  
 Serial Number: A00001  
 Fee Collected: \$2.00 Phone Request: \$3.00 Mail Request: \$3.00

**SECTION A - MUST BE COMPLETED PERSONALLY BY TRANSFEREE (BUYER)** (See Notices and Instructions on back)

1. TRANSFEREE'S (Buyer's) NAME (Last, First, Middle)  
 Male  Female

2. HEIGHT  
 3. WEIGHT  
 4. RACE

5. RESIDENCE ADDRESS (No., Street, City, County, State, ZIP Code)  
 6. DATE OF BIRTH (MONTH, DAY, YEAR)  
 7. PLACE OF BIRTH (City, State or District, and County)

8. CERTIFICATION OF TRANSFEREE (Buyer) - An untruthful answer may subject you to criminal prosecution. Each question must be answered with a "Yes" or a "No" entered in the box at the right of the question.

a. Are you under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year? (A formal accusation of a crime made by a prosecuting attorney, as distinguished from an indictment presented by a grand jury.)	i. Are you a fugitive from justice?
b. Have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year? (NOTE: A "yes" answer is required if the judge could have given a sentence of more than one year. A "yes" answer is not required if you have been pardoned for the crime or the conviction has been expunged or set aside, or you have had your civil rights restored and, under the law while the conviction occurred, you are not prohibited from receiving or possessing any firearm.)	ii. Are you ever been adjudicated mentally defective or have you ever been committed to a mental institution?
	iii. Have you ever been discharged from the Armed Forces under dishonorable discharge?
	iv. Are you an alien illegally in the United States?
	v. Are you a person who, having been a citizen of the United States, has renounced his/her citizenship?

I hereby certify that the answers to the above are true and correct. I understand that a person who answers "Yes" in any of the above questions is prohibited from purchasing and/or possessing a firearm, except as otherwise provided by Federal and State law. I also understand that the making of any false oral or written statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony. I hereby consent to having the Transferor (seller) obtain criminal history record information about me in connection with this transaction.

TRANSFEREE (Buyer's) SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**SECTION B - TO BE COMPLETED BY TRANSFEROR (SELLER)** (See Notices and Instructions on back)

9. TYPE OF IDENTIFICATION AND NUMBER (Social Security or driver's license or other identification number which shows name, date of birth, place of residence, and signature.)  
 Social Security Number \_\_\_\_\_  
 Driver's License Number \_\_\_\_\_  
 Other (Specify Type) Number \_\_\_\_\_

On the basis of (1) the statements in Section A; (2) the verification of identity noted in Section B; and (3) the information in the current list of Published Offenders it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) described below to the person listed in Section A.

10. TYPE (Pistol, Revolver, Rifle)	11. MODEL (Name and Number)	12. GAUGE	13. SERIAL NO.	14. BARREL LENGTH	15. MANUFACTURER
1.					
2.					

16. TRADE/CORPORATE NAME AND ADDRESS OF TRANSFEROR (Seller) (Hand stamp may be used)  
 17. FEDERAL FIREARMS LICENSE NO. (Hand stamp may be used)

**THE PERSON MAKING THE ACTUAL FIREARMS SALE MUST COMPLETE ITEMS 13 THROUGH 20**

13. TRANSFEROR'S (Seller's) SIGNATURE \_\_\_\_\_  
 19. TRANSFEROR'S TITLE \_\_\_\_\_  
 20. TRANSACTION DATE \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE. To be completed by State Police

APPROVED  NOT APPROVED (§ 18-2-20.1)

\_\_\_\_\_  
 Superintendent of Deputies

COPY 21

structures or renewable resource lands exist, or that subsidence could cause material damage or diminution of value or foreseeable use of the land, or if the division determines that such damage or diminution could occur, the application shall include a subsidence control plan which shall contain the following information:

(a) A description of the method of coal removal, such as longwall mining, room-and-pillar removal, hydraulic mining, or other extraction methods, including the size, sequence, and timing for the development of underground workings.

(b) A map of underground workings which describes the location and extent of areas in which planned-subsidence mining methods will be used and which includes all areas where the measures described in subsection (d) of this section will be taken to prevent or minimize subsidence and subsidence-related damage.

(c) A description of the physical conditions, such as depth of cover, seam thickness, and lithology, which affect the likelihood or extent of subsidence and subsidence-related damage.

(d) Except for those areas where planned subsidence is projected to be used, a detailed description of the subsidence control measures that will be taken to prevent or minimize subsidence and subsidence-related damage, including, but not limited to:

- (1) Backstowing or backfilling of voids;
- (2) Leaving support pillars of coal;
- (3) Leaving areas in which no coal is removed, including a description of the overlying area to be protected by leaving the coal in place;
- (4) Taking measures on the surface to prevent material damage or lessening of the value or reasonably foreseeable use of the surface; and
- (5) Monitoring, if any, to determine the commencement and degree of subsidence so that other appropriate measures can be taken to prevent or reduce material damage.

(e) A description of the anticipated effects of planned subsidence, if any.

(f) A description of the measures to be taken in accordance with § 480-03-19.817.121(c) to mitigate or remedy any subsidence-related material damage to, or diminution in value or reasonably foreseeable use of:

- (1) The land, or
- (2) Structures or facilities to the extent required under State law

(g) Other information specified by the division as necessary to demonstrate that the operation will be conducted in accordance with the performance standards of § 480-03-19.817.121 for Subsidence control.

\* \* \* \* \*

§ 480-03-817.121. Subsidence control.

(a) The permittee shall either adopt measures consistent with known technology which prevent subsidence from causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of surface lands; or adopt mining technology which provides for planned subsidence in a predictable and controlled manner. Nothing in this part shall be construed to prohibit the standard method of room-and-pillar mining.

(b) The permittee shall comply with all provisions of the approved subsidence control plan prepared pursuant to § 480-03-19.784.20.

(c) The permittee shall:

(1) Correct any material damage resulting from subsidence caused to surface lands, to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses which it was capable of supporting before subsidence; and

(2) To the extent required under State law, either correct material damage resulting from subsidence caused to any structures or facilities by repairing the damage or compensate the owner of such structures or facilities in the full amount of the diminution in value resulting from the subsidence. Repair of damage includes rehabilitation, restoration, or replacement of damaged structures or facilities. Compensation may be accomplished by the purchase prior to mining of a noncancellable premium-prepaid insurance policy.

(d) Underground mining activities shall not be conducted beneath or adjacent to: (1) public buildings and facilities; (2) churches, schools, and hospitals, or (3) impoundments with a storage capacity of 20 acre-feet or more or bodies of water with a volume of 20 acre-feet or more, unless the subsidence control plan demonstrates that subsidence will not cause material damage to, or reduce the reasonably foreseeable use of, such features or facilities. If the division determines that it is necessary in order to minimize the potential for material damage to the features or facilities described above or to any aquifer or body of water that serves as a significant water source for any public water supply system, it may limit the percentage of coal extracted under or adjacent thereto.

(e) If subsidence causes material damage to any of the features or facilities covered by subsection (d) of this section, the division may suspend mining under or

# Final Regulations

adjacent to such features or facilities until the subsidence control plan is modified to ensure prevention of further material damage to such features or facilities.

(f) The division shall suspend underground mining activities under urbanized areas, cities, towns, and communities, and adjacent to industrial or commercial buildings, major impoundments, or perennial streams, if imminent danger is found to inhabitants of the urbanized areas, cities, towns, or communities.

(g) Within a schedule approved by the division, the permittee shall submit a detailed plan of the underground workings. The detailed plan shall include maps and descriptions, as appropriate, of significant features of the underground mine, including the size, configuration, and approximate location of pillars and entries, extraction ratios, measures taken to prevent or minimize subsidence and related damage, areas of full extraction, and other information required by the division. Upon request of the permittee, information submitted with the detailed plan may be held as confidential, in accordance with the requirements of § 480-03-19.773.13(d).

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-08-01. Virginia Energy Assistance Program.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Effective Date: November 1, 1990.

### Summary:

*The amendments incorporate changes to the Fuel Assistance and Crisis Assistance Components. In Fuel Assistance, the maximum income level used in the determination of eligibility will be 130% of the Federal Poverty Income Guidelines. A generic uniform benefit amount will be used in Fuel Assistance. The Crisis Assistance Component will begin statewide November 1. Minor repairs to heating equipment will be limited to a maximum of \$200. Replacement of heating equipment that is inoperable, unsafe or does not exist and rebuilding of furnaces will be limited to a maximum of \$700.*

VR 615-08-01. Virginia Energy Assistance Program.

### PART I. DEFINITIONS.

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

*"Department"* means the Department of Social Services.


*"Disabled person"* means a person receiving Social Security disability, Railroad Retirement Disability, 100% Veterans Administration disability, Supplemental Security Income as disabled, or an individual who has been certified as permanently and totally disabled for Medicaid purposes.

*"Elderly person"* means anyone who is 60 years of age or older.

*"Energy-related," "weather-related," or "supply shortage emergency"* means a household has: no heat or an imminent utility cut-off; inoperable or unsafe heating equipment; major air infiltration of housing unit; or a need for air conditioning because of medical reasons.

*"Household"* means an individual or group of individuals who occupies a housing unit and functions as an economic unit by: purchasing residential energy in common (share heat); or, making undesignated payments for energy in the form of rent (heat is included in the rent).

*"Poverty guidelines"* means the Poverty Income Guidelines as established and published annually by the Department of Health and Human Services.

  
COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION  
General Assembly Building

August 17, 1990

JOHN W. SMITH  
REGISTRAR OF REGULATIONS

POST OFFICE BOX 243  
RICHMOND, VIRGINIA 23204  
(804) 778-7011

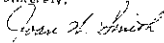
O. Gene Dishner, Director  
Department of Mines, Minerals and Energy  
The Bookbinder Building  
2201 West Broad Street  
Richmond, Virginia 23220

Re: VR 480-03-19. Coal Surface Mining Reclamation Regulations

Dear Mr. Dishner:

This will acknowledge receipt of the above-referenced regulations from the Department of Mines, Minerals and Energy.

As required by § 9-6.14:4.1 C.A.(c), of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by Federal law.

Sincerely,  
  
John W. Smith  
Registrar of Regulations

JWS:sll

"Primary heating system" means the system that is currently used to heat the majority of the house.

"Resources" means cash, checking accounts, savings account, saving certificates, stocks, bonds, money market certificates, certificates of deposit, credit unions, Christmas clubs, mutual fund shares, promissory notes, deeds of trust, individual retirement accounts, prepaid funeral expenses in excess of \$900, or any other similar resource which can be liquidated in not more than 60 days.

## PART II. FUEL ASSISTANCE.

§ 2.1. The purpose of the Fuel Assistance component is to provide heating assistance to eligible households to offset the costs of home energy that are excessive in relation to household income.

### A. Eligibility criteria.

1. Income limits. Maximum income limits shall be at or below ~~150%~~ 130% of the Poverty Guidelines. In order to be eligible for Fuel Assistance, a household's income must be at or below the maximum income limits.

2. Resource limits. The resource limit for a household containing an elderly or disabled person shall be \$3,000. The resource limit for all other households shall be \$2,000. In order to be eligible for Fuel Assistance, a household's resources must be at or below the amount specified.

3. Alien status. Any alien who has obtained the status of an alien lawfully admitted for temporary residence is ineligible for a period of five years from the date such status was obtained. This shall not apply to a Cuban or Haitian entrant or to an alien who is an aged, blind or disabled individual.

### B. Resource transfer.

Any applicant of fuel assistance shall be ineligible for that fuel season if he improperly transfers or otherwise improperly disposed of his legal or equitable interest in nonexempt liquid resources without adequate compensation within one year of application for Fuel Assistance.

Compensation that is adequate means goods, services or money that approximates the value of the resources.

This policy does not apply if any of the following occur:

1. The transfer was not done in an effort to become eligible for Fuel Assistance;
2. The resource was less than the allowable resource limit;
3. The disposition or transfer was done without the

person's full understanding.

### § 2.2. Benefits.

Benefit levels shall be established based on income in relation to household size, fuel type, and geographic area, with the highest energy need.

Geographic areas are the six climate zones for Virginia recognized by the National Oceanic and Atmospheric Administration and the United States Department of Commerce. The six climate zones are: Northern, Tidewater, Central Mountain, Southwestern Mountain, Eastern Piedmont, and Western Piedmont.

Each year, the Division of Energy within the Department of Mines, Minerals and Energy will supply data on the average costs of various fuels.

Each year the benefit amounts for each geographic area shall be determined by the following method:

A. A projection will be made of the number of households who will apply for Fuel Assistance. The projection will be based on the number of households who applied the previous year increased by the additional number of people who applied the year before.

B. An average grant per household will be determined based on the estimated amount of funds that will be available for benefits.

$$\frac{\$ \text{ available}}{\text{no. of households}} = \text{average grant}$$

C. The benefits for each geographic area will be determined by using the average grant as a base figure and obtaining the highest and lowest benefits by using a ratio for each area based on degree days and the cost of various fuel types.

*D. The generic benefit amount for statewide use will be determined by averaging the regional average benefit amounts for each fuel type.*

## PART III. CRISIS ASSISTANCE.

§ 3.1. The purpose of the Crisis Assistance component is to assist households with energy-related, weather-related or supply shortage emergencies. This component is intended to meet energy emergencies that cannot be met by the Fuel Assistance component or other local resources.

### A. Eligibility criteria.

In order to be eligible for Crisis Assistance, a household shall meet the following criteria:

1. All of the Fuel Assistance criteria as set forth in Part II, § 2.1;

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2. Have an energy-related, weather-related or supply shortage emergency as defined in Part I;
3. Other resources cannot meet the emergency (including Fuel Assistance);
4. Did not receive Crisis Assistance during the current federal fiscal year: ~~October 15~~ *November 1* - March 15.

## B. Benefits.

An eligible household can receive no more than \$200 for Crisis Assistance during any federal fiscal year, unless the assistance is for the ~~major repair of~~ [ *rebuilding or* ] replacement of heating equipment [ *or purchase of heating equipment where none exists* ], in which case the maximum amount of assistance shall be \$700.

The following forms of assistance shall be provided:

1. Repairs [ ~~or~~ , ] replacement [ *or rebuilding* ] of inoperable or unsafe heating equipment.
2. Payment of electricity when it is needed to operate the primary heating equipment. Payment will be limited to \$200 maximum. Assistance may be provided once every five years.
3. A one-time-only payment per fuel type of a heat-related utility security deposit.
4. Providing space heaters.
5. Providing emergency shelter.

## PART IV. COOLING ASSISTANCE.

§ 4.1. Cooling Assistance program is an optional component of the Energy Assistance Program that is designed to provide help to persons medically in need of cooling assistance due to the heat.

Local agencies who choose this option will be given a separate allocation that will be based on a percentage of their crisis allocation and will provide the assistance no earlier than June 15 through no later than August 31.

### A. Eligibility criteria.

In order to be eligible for cooling assistance, a household must meet all of the fuel assistance eligibility criteria and must be in critical medical need of cooling.

### B. Benefits.

The assistance is limited to: no more than \$200 for repairing or renting a fan or air conditioner, purchasing a fan, or paying an electric bill or security deposit; or no more than \$400 for purchasing an air conditioner.

## PART V. ADMINISTRATIVE COSTS.

§ 5.1. Local administrative expenditures for the implementation of the Energy Assistance Program shall not be reimbursed in excess of 7.0% of the program grant allocation.

## MARINE RESOURCES COMMISSION

**NOTE:** The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:1 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

Title of Regulation: VR 450-01-0042. Pertaining to Containerized Relaying of Shellfish.

Statutory Authority: §§ 28.1-23 and 28.1-180 of the Code of Virginia.

Effective Date: August 1, 1990.

### Preamble:

*This regulation establishes the procedures for the containerized relaying of hard clams from polluted waters. Required specifications for cage construction, loading and deployment, and harvesting are described.*

VR 450-01-0042. Pertaining to Containerized Relaying of Shellfish.

§ 1. Authority, prior regulation, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23 and 28.1-180 of the Code of Virginia.

B. ~~No prior regulations pertain to the containerized relaying of shellfish~~ *This regulation amends VR 450-01-0042 which was promulgated by the Marine Resources Commission and made effective April 1, 1987.*

C. The effective date of this regulation is ~~April 1, 1987~~ *August 1, 1990*.

§ 2. General provisions.

Shellfish to be relayed within containers or cages shall be limited to the hard clam, *Mercenaria mercenaria*, and the American oyster, *Crassostrea virginica*.

B. Any person, firm or corporation wishing to use containers for *shellfish* relaying shall petition the Marine Resources Commission demonstrating their ability to handle containers, describing the area where containers will be deployed and providing a description of the containers to be used.

C. Permission to use containers shall be determined on

a case-by-case basis and also shall require approval from by the VMRC and the Virginia Department of Health. Permit issuance shall be controlled so as to insure proper monitoring and enforcement as required by the National Shellfish Sanitation Program Manual of Operations, Part I.

D. Any person, firm or corporation wishing to use containers for relaying shall meet the criteria set forth in § 28.1-179 of the Code of Virginia and Part I, National Shellfish Sanitation Program Manual of Operations and "Shellfish Shipper with Wet Storage" requirements as outlined in Part II, National Shellfish Sanitation Manual applicable portions of the National Shellfish Sanitation Program Manual of Operations, Part I, Section D, 1989 Revision. In addition, any dealer utilizing a vehicle, vessel, property, or premises where shellfish are transported, held, stored, processed, packed, or repacked in preparation for marketing shall meet the applicable criteria set forth in the National Shellfish Sanitation Program Manual of Operations, Part II, 1989 Revision, as determined by the Virginia Department of Health .

E. Any person, firm or corporation harvesting shellfish from polluted waters for containerized relaying to approved areas shall land at designated VMRC condemned shellfish landing areas, or make arrangements with the VMRC Marine Patrol Officer to meet at approved relaying grounds so that relaying operation is carried out under VMRC supervision.

### § 3. Container construction.

A. Container size shall not exceed four feet by four feet by one foot.

B. Containers shall not be solid-walled, but shall be constructed of a mesh material of sufficient size not to restrict water flow.

1. Mesh size shall not be less than one inch measured diagonally across the longest axis of square, rectangular, or diamond shaped mesh nor less than one inch diameter for circular mesh.

2. Construction material shall be nontoxic and not retard shellfish pumping rates.

3. Containers shall be frequently cleaned and maintained in such a manner that fouling does not accumulate to such a degree that water flow through the container is impeded or fill line markers are obscured .

C. Container height (excluding any legs or skids) shall be no greater than 12 inches. The container shall be marked permanently on the inside surface supporting the shellfish at the six inch level (measured from the bottom) around the entire circumference of the cage in such manner as to be clearly visible.

D. Each container shall be fitted with skids or legs to

hold the container off-bottom and constructed in a manner that will not restrict water flow under the container.

1. Skids shall be no smaller than four inches by four inches; legs shall be no shorter than four inches.

2. Skids or legs may be larger to assure that container does not rest on-bottom, but cannot be so large as to place the container at a depth that could constitute a hazard to navigation.

E. Access to each container shall be designed so that it can be secured with a standard VMRC seal and so that the container cannot be opened without breaking the seal.

### § 4. Loading and deployment.

A. Areas where containers are to be relayed shall be clearly marked and easily identified as required in § 28.1-179 (6).

B. Loading of containers and their deployment shall be conducted under VMRC supervision. Landing of polluted shellfish, loading of vehicles and containers, and container deployment and harvest shall be conducted under VMRC supervision. Scheduling of loading and unloading of vehicles and containers shall be determined by VMRC Marine Patrol area supervisors .

C. Containers shall be deployed in such a manner and spacing so that different lots are separated and easily identified.

1. Spacing between adjacent groups of containers shall be a minimum of 25 feet.

2. Individual containers shall be no closer than six feet to any other container within the group.

D. The volume of clams maximum height of shellfish loaded into any one container shall not exceed a six inch depth inches, measured from the bottom of the container, excluding skids or legs.

E. Each container deployed shall be sealed with a VMRC standard seal and the seal number recorded. Shellfish harvested from polluted waters for containerized relaying shall be under VMRC seal before sunset. VMRC Marine Patrol officers are the only persons authorized to seal vehicles and containers and break the seals on vehicles and containers used in the transporting and relaying of shellfish from polluted areas.

### § 5. Harvest.

A. All containers shall remain in the relaying area for a minimum of 15 days with in water temperature temperatures above 50°F to assure effective cleansing through active pumping, and in salinities sufficient to assure effective cleansing through active pumping. In the event a relay area is closed due to a pollution event

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during the relay process, the 15-day relay period shall start over when the area is reopened.

B. Requests to harvest specific containers shall be made in the same manner as on-bottom relaying with the inclusion on the request form of the VMRC seal numbers to be released for harvest.

C. No shellfish shall be reharvested until a Permit to Remove Shellfish is received from the Virginia Department of Health. Upon reharvesting release, the seal on each container to be harvested shall not be broken by anyone except a VMRC Virginia Marine Resources Commission Marine Patrol Officer. Violation of this regulation shall be grounds for immediate revocation of the permit to cage relay shellfish.

D. After the seal is broken, the reharvested shellfish shall be moved into the certified shellstock storage facility (if provided) for washing, grading, bagging, tagging, and storage prior to shipment. Shellfish packed on boats, monitors or barges shall be immediately transferred to a certified shellstock storage facility or an enclosed vehicle for shipment to market or other certified dealers. No shellfish shall be washed, graded, bagged, or stored onshore or on a dock unless protected facilities are provided and approved by the Virginia Department of Health.

## § 6. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt  
Commissioner

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**Title of Regulation:** VR 450-01-0061. Pertaining to Hampton Roads Management Area.

**Statutory Authority:** § 28.1-23 of the Code of Virginia

**Effective Date:** August 1, 1990.

## Preamble:

*This regulation is designed to reduce conflict between hook and line fishermen and gill net fishermen. This regulation establishes a prohibition on the use of gill nets in the Hampton Roads Management Area, between 7 a.m. and 5 p.m., from the Friday preceding Memorial Day through Labor day.*

VR 450-01-0061. Pertaining to Hampton Roads Management Area.

## § 1. Authority, prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in § 28.1-23 of the Code of Virginia.

B. VR 450-01-0062, Pertaining to Eastern Shore Bayside Management Areas, establishes a prohibition on the use of gill nets in four Eastern Shore Bayside Creek Management Areas, between June 1 and November 1.

C. The effective date of this regulation is August 1, 1990.

## § 2. Purpose.

The purpose of this regulation is to reduce conflict between charter boats, recreational fishermen and gill net fishermen in the Hampton Roads area.

## § 3. Hampton Roads Management Area established.

The Hampton Roads Management Area is established as that area defined as follows:

Beginning at the mean low water line of Newport News Point at its intersection with the northbound lanes of I-664; thence following the mean low water line of Hampton Roads and its tributaries and Chesapeake Bay in an easterly direction to the Fort Monroe Officers' Club Pier; thence in an easterly direction to the white and orange buoy "G"; thence in an easterly direction to the black and white buoy in "B1"; thence in a southerly direction to buoy G "17"; thence in a southwesterly direction to the black and white buoy N "C17"; thence in a southwesterly direction to the trestle of the westbound lanes of I-64 Hampton Roads Bridge Tunnel at its intersection with the south island; thence following the westbound lanes of Hampton Roads Bridge Tunnel to its intersection at the mean low water line of Willoughby Spit; thence following the mean low water line of Willoughby Spit in a southerly direction to the flashing light "11"; thence in a southwesterly direction approximately 2800 feet to the bulkhead corner of the U. S. Naval Reservation Heliport; thence following the mean low water line of Hampton Roads in a westerly and southerly direction to a point opposite of the grain elevator south of Pier A of the municipal terminal; thence in a westerly direction to buoy G "11"; thence in a westerly direction to buoy R "12"; thence in a southwesterly direction to the black and white buoy N "H1"; thence in a southwesterly direction to the mean low water line at the northeastern corner of Craney Island Disposal Area; thence in a westerly direction along the mean low water line to the northwest corner of Craney Island Disposal Area; thence in a northwesterly direction to the black and white buoy N "H5"; thence in a northwesterly direction to the black and white buoy N "H7"; thence following the buoy line in a northwesterly direction to the intersection with the northbound lanes of I-664; thence in a northwesterly direction along the northbound lanes of I-664 to its intersection with the mean low water line at Newport News Point, being the point of beginning.

§ 4. *Gill net prohibition.*

*From the Friday immediately preceding Memorial Day to Labor Day, both days inclusive, and during the hours of 7 a.m. to 5 p.m., it shall be unlawful for any person, firm or corporation to place, set, or fish any gill net, including licensed staked gill nets within the Hampton Roads Management Area.*

§ 5. *Penalty.*

*As set forth in § 28.1-23 of the Code of Virginia, any person, firm or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.*

/s/ William A. Pruitt  
Commissioner



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# EMERGENCY REGULATIONS

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## MARINE RESOURCES COMMISSION

**Title of Regulation:** VR 450-01-0063. Pertaining to the use of Longlines and Trotlines.

**Statutory Authority:** § 28.1-25 of the Code of Virginia.

**Effective Dates:** July 25, 1990 to August 24, 1990.

**Preamble:**

*This regulation establishes, by emergency action, a 30 day prohibition on the use of fish longlines and trotlines for the harvesting of saltwater species in Virginia tidal waters. This regulation is promulgated in response to the threat of overfishing of sharks in Virginia waters.*

VR 450-01-0063. Pertaining to the use of Longlines and Trotlines.

**§ 1. Authority, effective date, termination date.**

*A. This regulation is promulgated pursuant to the authority contained in § 28.1-25 of the Code of Virginia.*

*B. The effective date of this regulation is July 25, 1990.*

*C. This regulation shall terminate on August 24, 1990.*

**§ 2. Purpose.**

*The purpose of this regulation is to prevent the over harvesting of sharks in Virginia waters until such time as management provisions and regulations can be established to allow for their controlled harvest. Recent evidence indicates that sharks are susceptible to overfishing by longline gear in Virginia waters due to their slow growth, low reproduction rate, attainment of sexual maturity at ages 10 to 15 years, and the presence of nursery grounds.*

**§ 3. Gear prohibition.**

*A. It shall be unlawful for any person to place, set, or fish any fish trotline or any fish longline in Virginia waters for the purpose of taking saltwater species.*

*B. Nothing in this section shall prohibit the harvest of catfish by licensed fish trotline.*

**§ 4. Penalty.**

*As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of the regulation shall be guilty of a Class 1 misdemeanor.*

/s/ William A. Pruitt  
Commissioner

# STATE CORPORATION COMMISSION

## STATE CORPORATION COMMISSION

### Bureau of Insurance

August 17, 1990

Administrative Letter 1990-14

TO: All Continuing Care Retirement Communities ("CCRCs") Approved in Virginia

RE: Clarification of Virginia Insurance Code § 38.2-4904 - Annual Disclosure Statements

Section 38.2-4904(A) of the Code of Virginia stipulates that within four months following the end of the provider's fiscal year, each provider shall file with the Commission and make available by written notice to each resident at no cost an annual disclosure statement which shall contain the information required for the initial disclosure statement. In addition, Virginia Code § 38.2-4904(D) states that any amendments to a filed disclosure statement must be filed with the Commission before it is delivered to any resident or prospective resident and that the provider must notify each resident of the existence of the amendments.

Accordingly, each resident is entitled, without charge, to his or her own copy of the annual disclosure statement, including any amendments, upon request by the resident of the provider. Upon the provider giving written notice to each resident advising that the annual disclosure statement is available and after a request by the resident for a copy thereof, the provider must furnish the resident with a gratis copy of the statement.

We hope that this letter will clarify the requirements of Virginia Code § 38.2-4904. Should you have any questions regarding the contents of this letter, please direct them, in writing, to:

Andy R. Delbridge, CFE, CIE, FLMI  
Supervisor, Company Licensing  
& Regulatory Compliance  
Financial Regulation Division  
P. O. Box 1157  
Richmond, VA 23209

/s/ Steven T. Foster  
Commissioner of Insurance

\* \* \* \* \*

AT RICHMOND, AUGUST 10, 1990

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS900288

Ex Parte: In the matter of adopting

Rules Governing Minimum Standards for  
Medicare Supplement Policies

### ORDER TO TAKE NOTICE

WHEREAS, the Bureau of Insurance has proposed a regulation entitled "Rules Governing Minimum Standards for Medicare Supplement Policies", 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 September 11, 1990, adopting the proposed regulation, unless the Commission receives, on or before September 10, 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. Milsky 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 GOVERNING MINIMUM STANDARDS FOR MEDICARE SUPPLEMENT POLICIES

#### § 1. Authority.

This Regulation is issued pursuant to the authority vested in the Commission under §§ 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.

#### § 2. Purpose.

The purpose of this Regulation is to implement §§ 38.2-3516 through 38.2-3520, 38.2-3600 through 38.2-3609, 38.2-4214, and 38.2-4215 of the Code of Virginia with respect to Medicare supplement policies.

This Regulation is designed to:

(a) provide reasonable standardization and simplification of terms and coverages of Medicare supplement policies;

# State Corporation Commission

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(b) facilitate public understanding and comparison;

(c) eliminate provisions contained in Medicare supplement policies which may be misleading or unreasonably confusing in connection either with the purchase of such coverages or with the settlement of claims; and

(d) provide for full disclosure in the sale of Medicare supplement coverages.

## § 3. Effective Date.

A. This Regulation shall be effective on ~~September 15, 1989~~ December 1, 1990 .

B. No new policy form shall be approved on or after ~~September 15, 1989~~ December 1, 1990 , unless it complies with this Regulation.

C. No policy form shall be delivered or issued for delivery in this Commonwealth on or after ~~September 15, 1989~~ December 1, 1990 , unless it complies with this Regulation.

## § 4. Scope.

This Regulation shall apply to all Medicare supplement policies delivered or issued for delivery in this Commonwealth.

For purposes of this Regulation:

A. A "Medicare supplement policy" (hereinafter referred to as "Medicare supplement policy" or "policy") is an individual or group policy of accident and sickness insurance or an individual or group subscriber contract of health services plans, or a certificate issued under a group policy or group subscriber contract, offered to individuals who are entitled to have payment made under Medicare, which is designed primarily to supplement Medicare by providing benefits for payment of hospital, medical or surgical expenses, or is advertised, marketed or otherwise purported to be a supplement to Medicare. Such term shall not include:

(1) A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations; or

(2) A policy or contract of any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:

(a) is composed of individuals all of whom are actively engaged in the same profession, trade or

occupation;

(b) has been maintained in good faith for purposes other than obtaining insurance; and

(c) has been in existence for at least two (2) years prior to the date of its initial offering of such policy or plan to its members.

B. "Applicant" means:

(1) in the case of an individual Medicare supplement policy or subscriber contract, the person who seeks to contract for insurance benefits, and

(2) in the case of a group Medicare supplement policy or subscriber contract, the proposed certificate holder.

C. "Certificate" means any certificate issued under a group Medicare supplement policy, which policy has been delivered or issued for delivery in this Commonwealth.

Except as otherwise provided, nothing contained in this Regulation shall be construed to relieve an insurer of complying with the statutory requirements set forth in Title 38.2 of the Code of Virginia.

## § 5. Policy Definitions.

Except as provided hereafter, no Medicare supplement policy delivered or issued for delivery to any person in this Commonwealth shall contain definitions respecting the matters set forth below unless such definitions comply with the requirements of this section.

A. "Benefit Period" shall not be defined as more restrictive than as that defined in the Medicare program.

B. "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals.

(1) The definition of the term "hospital" shall not be more restrictive than one requiring that the hospital:

(a) be an institution operated pursuant to law;

(b) be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a prearranged basis and under the supervision of a staff of duly licensed physicians, medical, diagnostic and major surgical facilities for the medical care and treatment of sick or injured persons on an inpatient basis for which a charge is made; and

(c) provide 24 hour nursing service by or under the supervision of registered graduate professional nurses (R.N.'s).

(2) The definition of the term "hospital" may state that such term shall not include:

- (a) convalescent homes, convalescent, rest, nursing facilities;
- (b) facilities primarily affording custodial, educational or habilitory care;
- (c) facilities for the aged, drug addicts or alcoholics subject to the requirements of § 38.2-3412 of the Code of Virginia;
- (d) facilities affording long term care with an average length of stay per patient in excess of thirty (30) calendar days, or
- (e) any military or veterans hospital or soldiers home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for such services.

C. "Convalescent Nursing Home," "Extended Care Facility," or "Skilled Nursing Facility" shall be defined in relation to its status, facilities, and available services.

(1) A definition of such home or facility shall not be more restrictive than one requiring that it:

- (a) be operated pursuant to law;
- (b) be approved for payment of Medicare benefits or be qualified to receive such approval, if so requested;
- (c) be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;
- (d) provide continuous 24 hours a day nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and
- (e) maintain a daily medical record of each patient.

(2) The definition of such home or facility may provide that such term shall not include:

- (a) any home, facility or part thereof used primarily for rest;
- (b) a home or facility for the aged or for the care of drug addicts or alcoholics; or
- (c) a home or facility primarily used for the care and treatment of mental diseases, or disorders, or custodial or educational care.

D. "Accident," "Accidental Injury," or "Accidental Means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization.

The definition shall not be more restrictive than the following: Injury or injuries, for which benefits are provided, means accidental bodily injury sustained by the insured person which are the direct result of an accident, independent of disease or bodily infirmity or any other cause, and which occur while the insurance is in force.

Such definition may provide that injuries shall not include injuries for which benefits are provided under any workers' compensation, employers' liability or similar law, or motor vehicle no-fault plan, unless prohibited by law.

E. "Sickness" shall not be defined to be more restrictive than the following: Sickness means sickness or disease of an insured person which manifests itself after the effective date of insurance and while the insurance is in force. The definition may be modified to exclude sickness or disease for which benefits are provided under any workers' compensation, occupational disease, employers' liability or similar law.

F. "Physician" may be defined by including words such as "duly qualified physician" or "duly licensed physician" and shall include providers included in §§ 38.2-3408 and 38.2-4221.

G. "Nurses" may be defined so that the description of nurse is restricted to a type of nurse, such as registered graduate professional nurse (R.N.), a licensed practical nurse (L.P.N.), or a licensed vocational nurse (L.V.N.). If the words "nurse," "trained nurse" or "registered nurse" are used without specific description as to type, then the use of such terms requires the insurer to recognize the services of any individual who qualifies under such terminology in accordance with the applicable statutes or administrative rules of the licensing or registry board of the state.

H. "Medicare" shall be defined in the policy. Medicare may be substantially defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as Then Constituted or Later Amended," or "Title I, Part I of the Public Laws 89-97, as Enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act," as then constituted and any later amendments or substitutes thereof, or words of similar import.

I. "Mental or Nervous Disorders" shall not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind including physiological and psychological dependence on alcohol and

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drugs subject to § 38.2-3412 of the Code of Virginia.

J. "Non-Cancellable," or "Non-Cancellable and Guaranteed Renewable," as used in a renewability provision, shall not be defined more restrictively than one providing the insured the right to continue the policy in force by the timely payment of premiums as set forth in the policy. While the policy is in force the insurer has no right to make unilaterally any change in any provision of the policy.

K. "Guaranteed Renewable," as used in a renewability provision, shall not be defined more restrictively than one providing the insured the right to continue the policy in force by the timely payment of premiums as set forth in the policy. While the policy is in force the insurer has no right to make unilaterally any change in any provision of the policy except that the insurer may make changes in premium rates by class. Class should be defined by age, sex, occupation, or other broad categories in order to eliminate any possibilities of individual discrimination.

L. "Medical necessity," or words of similar meaning, shall not be defined more restrictively than all services rendered to an insured that are required by his medical condition in accordance with generally accepted principles of good medical practice, which are performed in the least costly setting and not only for the convenience of the patient or his physician.

## § 6. General Policy Requirements.

A. The term "Medicare benefit period" shall mean the unit of time used in the Medicare program to measure the use of services and availability of benefits under Part A, Medicare hospital insurance.

B. The term "Medicare eligible expenses" shall mean health care expenses of the kinds covered by Medicare, to the extent recognized as reasonable by Medicare. Payment of benefits by insurers for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity as are applicable to Medicare claims.

C. Coverage shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

D. Coverage shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be changed to correspond with such changes, subject to §§ 38.2-3501 and 38.2-3600 through 38.2-3603 of the Code of Virginia and with any rules adopted pursuant thereto.

E. A "noncancellable," "guaranteed renewable," or "non-cancellable and guaranteed renewable" policy shall not: (a) provide for termination of coverage of the spouse

solely because of the occurrence of an event specified for termination of coverage of the insured, other than nonpayment of premium; or (b) be cancelled or nonrenewed by the insurer solely on the grounds of deterioration of health. The policy shall provide that in the event of the insured's death, the spouse of the insured, if covered under the policy, shall become the insured.

F. The terms "noncancellable," "guaranteed renewable" or "noncancellable and guaranteed renewable" shall not be used without further explanatory language in accordance with the disclosure requirements of Section ~~13~~ 13 A(1).

G. Termination of the policy shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

## § 7. Prohibited Policy Provisions.

A. No policy or rider for additional coverage may be issued as a dividend unless an equivalent cash payment is offered to the policyholder as an alternative to such dividend policy or rider. No such dividend policy or rider shall be issued for an initial term of less than six (6) months. The initial renewal subsequent to the issuance of any policy or rider as a dividend shall clearly disclose that the policyholder is renewing the coverage that was provided as a dividend for the previous term and that such renewal is optional with the policyholder.

B. No policy, regardless of whether such policy is issued on the basis of a detailed application form, a simplified application form or an enrollment form, shall exclude coverage for a loss due to a preexisting condition for a period greater than six (6) months following policy issue. The policy may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.

C. No policy shall limit or exclude coverage by type of illness, accident, treatment or medical condition, except as follows:

(1) preexisting conditions or diseases subject to the requirements of Section 7B;

(2) mental or emotional disorders, alcoholism and drug addiction, subject to § 38.2-3412;

(3) illness, treatment or medical condition arising out of:

(a) war or act of war (whether declared or undeclared); participation in a felony, riot or insurrections; service in the armed forces or units

auxiliary thereto;

(b) suicide (sane or insane), attempted suicide or intentionally self-inflicted injury;

(c) aviation;

(4) cosmetic surgery, except that "cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows surgery resulting from trauma, infection or other diseases of the involved part;

(5) foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, chronic foot strain, or symptomatic complaints of the feet;

(6) care in connection with the detection and correction by manual or mechanical means of structural imbalance, distortion, or subluxation in the human body for purposes of removing nerve interference and the effects thereof, where such interference is the result of or related to distortion, misalignment or subluxation of, or in the vertebral column;

(7) treatment provided in a government hospital; benefits provided under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employers' liability or occupational disease law, or any motor vehicle no-fault law; services rendered by employees of hospitals, laboratories, or other institutions; services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance;

(8) dental care or treatment;

(9) eye glasses, hearing aids and examination for the prescription or fitting thereof;

(10) rest cures, custodial care, transportation and routine physical examinations;

(11) territorial limitations outside the United States;

(12) services or care not medically necessary.

Policies, however, may not contain when issued, limitations or exclusions of the type enumerated in items (5), (6), (10), (11) or (12) above that are more restrictive than those of Medicare. Policies may exclude coverage for any expenses to the extent of any benefit available to the insured under Medicare.

D. Waivers to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions shall not be used.

E. Policy provisions precluded in this section shall not

be construed as a limitation on the authority of the Commission to disapprove other policy provisions in accordance with § 38.2-3518.B which, in the opinion of the Commission, are unjust, unfair, or unfairly discriminatory to the policyholder, beneficiary, or any person insured under the policy.

F. No Medicare supplement insurance policy, contract, or certificate in force in the Commonwealth shall contain benefits which duplicate benefits provided by Medicare.

G. Policies shall be written on a guaranteed renewable basis. Except as authorized by the Commission, an insurer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

H. If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in subsection J, the insurer shall offer certificateholders an individual Medicare supplement policy. The insurer shall offer the certificateholder at least the following choices:

(1) an individual Medicare supplement policy which provides for continuation of the benefits contained in the group policy; and

(2) an individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards.

I. If membership in a group is terminated, the insurer shall:

(1) offer the certificateholder such conversion opportunities as are described in subsection H; or

(2) at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

J. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

## § 8. Benefit Conversion Requirements During Transition.

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.

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C. For Medicare supplement policies subject to the minimum standards adopted by the states pursuant to Medicare Catastrophic Coverage Act of 1988, the minimum benefit 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 (90%) 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 (\$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.

## § 8 9 . Medicare Supplement Minimum Benefit Standards.

No policy shall be advertised, solicited, delivered or issued for delivery in this Commonwealth as a Medicare supplement policy which does not meet the following minimum benefit standards. No policy may be marketed or labeled as a Medicare supplement policy nor may the terms "Medicare supplement," "Medigap" and words of similar import be used unless the policy meets the minimum benefit standards required by this Regulation. These are minimum benefit standards and do not preclude the inclusion of other benefits which are not inconsistent with these standards.

A. Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount.

B. Coverage for the daily copayment amount of Medicare Part A eligible expenses for the first eight (8) days per calendar year incurred for skilled nursing facility care.

C. Coverage 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 under Medicare Part A unless replaced in accordance with federal regulations.

D. (1) Until January 1, 1990, coverage for twenty percent of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of \$200 of such expenses and to a maximum benefit of at least \$5,000 per calendar year.

(2) Effective January 1, 1990, coverage for the copayment amount (20 percent) of Medicare eligible expenses excluding outpatient prescription drugs under Medicare Part B regardless of hospital confinement up to the maximum out-of-pocket amount for Medicare Part B after the Medicare deductible amount.

E. 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.

F. Effective January 1, 1990, coverage for the copayment amount (20 percent) of Medicare eligible expenses for covered home intravenous (IV) therapy drugs (as determined by the Secretary of Health and Human Services) subject to the Medicare outpatient prescription drug deductible amount, if applicable.

G. Effective January 1, 1990, coverage for the copayment amount of Medicare eligible expenses for outpatient drugs used in immunosuppressive therapy subject to the Medicare outpatient prescription drug deductible, if applicable.

A. 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:

B. Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount.

C. Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

D. Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent (90%) of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365

days;

*E. 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;*

*F. 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 (\$75).*

*G. 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. Policies shall be issued on a guaranteed renewable basis.*

#### § 9 10 . Standards for Claims Payment.

A. Every entity providing Medicare supplement policies or contracts shall comply with all provisions of Section 4081 of the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203).

B. Compliance with the requirements set forth in subsection A above must be certified on the Medicare supplement insurance experience reporting form.

#### § 10 11 . Loss Ratio Standards.

Medicare supplement policies shall return to policyholders in the form of aggregate benefits under the policy, for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience and earned premiums for such period and in accordance with accepted actuarial principles and practices:

A. At least 75 percent of the aggregate amount of premiums earned in the case of group policies, and

B. At least 60 percent of the aggregate amount of premiums earned in the case of individual policies. All filings of rates and rating schedules shall demonstrate that actual and expected losses in relation to premiums comply with the requirements of this section.

C. Every entity providing Medicare supplement policies in this Commonwealth shall file annually its rates, rating schedule and supporting documentation including ratios of incurred losses to earned premiums by number of years of policy duration demonstrating that it is in compliance with the foregoing applicable loss ratio standards and that the period for which the policy is rated is reasonable in accordance with accepted actuarial principles and

experience. For the purposes of this section as well as Rules Governing the Filing of Rates for Individual and Certain Group Accident and Sickness Policy Forms, a rate filing must be made whenever premiums are changed. Premiums may not be changed to correspond with changes in Medicare coverage without demonstrating that the loss ratio standards in subsections A and B of this section are being met.

D. As soon as practicable, but no later than sixty (60) days prior to the effective date of Medicare benefit changes required by the Medicare Catastrophic Coverage Act of 1988, every insurer, health services plan or other entity providing Medicare supplement insurance or contracts in this Commonwealth (except employers subject to the requirements of Section 421 of the Medicare Catastrophic Coverage Act of 1988) pursuant to Chapter 36 of Title 38.2 of the Code of Virginia, shall file with the Commission in accordance with the applicable filing procedures of this Commonwealth:

(1) (a) 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.

(b) Every insurer, health services plan or other entity providing Medicare supplement insurance or benefits to a resident of this Commonwealth pursuant to Chapter 36 shall make such premium adjustments as are necessary to produce an expected loss ratio under such policy or contract as will conform with minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the insurer, health services plan or other entity for such Medicare supplement insurance policies or contracts. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date. Premium adjustments shall be in the form of refunds or premium credits and shall be made no later than upon renewal if a credit is given, or within sixty (60) days of the renewal date or anniversary date if a refund is provided to the premium payer. Premium adjustments shall be calculated for the period commencing with Medicare benefit changes.

(2) Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement insurance modifications necessary to eliminate benefit duplications with Medicare. Any such riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or contract.



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## § 12. Filing Requirements for Out-of-State Policies.

Every insurer providing group Medicare supplement insurance benefits to a resident of this Commonwealth shall file an informational copy of the master policy and any certificate used in this Commonwealth in accordance with the filing requirements and procedures applicable to group accident and sickness policies issued in this Commonwealth; provided, however, that no insurer shall be required to make a filing earlier than thirty (30) days after insurance was provided to a resident of this Commonwealth under a master policy issued for delivery outside this Commonwealth.

## § 13. Permitted Compensation Arrangements.

A. An insurer or other entity may provide commission or other compensation to an agent or other representative for sale of a Medicare supplement policy or certificate only if the first year commission or other first year compensation is no more than 200 percent (200%) of the commission or other compensation paid for selling or servicing the policy or certificate in the second year or period.

B. The commission or other compensation provided in subsequent (renewal) years must be the same as that provided in the second year or period and must be provided for a reasonable number of renewal years.

C. No insurer or other entity shall provide compensation to its agents and no agent shall receive compensation greater than the renewal compensation payable by the replacing insurer or renewal policies or certificates if an existing policy or certificate is replaced unless benefits of the new policy or certificate are clearly and substantially greater than the benefits under the replaced policy.

D. For purposes of this section, "compensation" includes pecuniary or non-pecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate including but not limited to bonuses, gifts, prizes, awards and finders fees.

## § 14. Required Disclosure Provisions.

### A. General Rules for All Policies:

(1) Each policy shall include a renewal ; or continuation or nonrenewal provision. The language or specifications of such provision must be consistent with the type of contract to be issued. Such provision shall be appropriately captioned, and shall appear on the first page of the policy ; . and shall clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed.

(2) Except for riders or endorsements by which the insurer fulfills a request made in writing by the policyholder or exercises a specifically reserved right

under the policy or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the policyholder. After date of policy issue, any rider or endorsement which increases benefits or coverage with an accompanying increase in premium during the policy term must be agreed to in writing signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement insurance policies or if the increased benefit or coverage is required by law or regulation.

(3) Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy.

(4) A policy and the accompanying outline of coverage which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary," or words of similar import shall include an explanation of such terms.

(5) If a policy contains any limitations with respect to preexisting conditions such limitations must appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations."

(6) If a policy contains a conversion privilege, it shall comply, in substance, with the following:

(a) the caption of the provision shall be "Conversion Privilege," or words of similar import;

(b) the provision shall indicate the persons eligible for conversion, the circumstances applicable to the conversion privilege, including any limitations on the conversion, and the person by whom the conversion privilege may be exercised;

(c) the provision shall specify the benefits to be provided on conversion or may state that the converted coverage will be as provided on a policy form then being used by the insurer for that purpose.

(7) Insurers issuing accident and sickness policies, certificates or subscriber contracts, which provide hospital or medical expense coverage on an expense incurred or indemnity basis other than incidentally, to persons eligible for Medicare by reason of age, shall provide a Medicare supplement buyer's guide as required by this section. The buyer's guide will be in the form of the most current pamphlet developed jointly by the National Association of Insurance Commissioners and the Health Care Financing Administration and entitled "Guide to Health Insurance

for People with Medicare." Delivery of the buyer's guide shall be made whether or not such policy, certificate, or subscriber contract meets the minimum standards as set forth in this Regulation, or whether or not such policy, certificate or subscriber contract is advertised, solicited or issued as a Medicare supplement policy as defined in this Regulation. Except in the case of direct response insurers, delivery of the buyer's guide shall be made at the time of application and acknowledgement of receipt of certification of delivery of the buyer's guide shall be provided to the insurer. Direct response insurers shall deliver the buyer's guide not later than at the time the policy, certificate or subscriber contract is delivered.

## B. Notice Requirements.

(1) As soon as practicable, but no later than thirty (30) days prior to the annual effective date of any Medicare benefit changes, 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 in a format acceptable to the Commission. For the years 1980 and 1990 and if prescription drugs are covered in 1991, such notice shall be in a format prescribed by the Commission or in the format prescribed in Appendices A, B and C if no other format is prescribed by the Commission the format prescribed in the Appendix to this Regulation. In addition, such notice shall:

(a) 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; and

(b) Inform each covered person as to when any premium adjustment is to be made due to changes in Medicare.

(2) 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.

(3) (2) Such notices shall not contain or be accompanied by any solicitation.

## C. Policy Labeling.

Every Medicare supplement policy must be clearly labeled as a Medicare Supplement Policy. The label must appear on the first page of the policy. The label shall be printed in a clear contrasting ink in 18-point type of a style in general use.

## D. Notice Regarding Policies or Subscriber Contracts Which Are Not Medicare Supplement Policies.

Any accident and sickness insurance policy or subscriber contract other than a Medicare supplement policy or subscriber contract; basic hospital expense policy or subscriber contract; basic medical-surgical expense policy or subscriber contract; major medical expense policy or subscriber contract; disability income protection policy; income replacement policy or subscriber contract, or a policy issued pursuant to a contract under § 1876 of the Federal Social Security Act (42 U.S.C. § 1395 et seq.) or single premium nonrenewable policy or subscriber contract issued for delivery in this state to persons eligible for Medicare by reason of age shall notify covered insureds under the policy or subscriber contract that the policy or subscriber contract is not a Medicare supplement policy. Such notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy or subscriber contract; or if no outline of coverage is delivered, to the first page of the policy, certificate or subscriber contract delivered to insureds. Such notice shall be in not less than twelve (12) point type and shall contain the following language:

"THIS (POLICY, CERTIFICATE OR SUBSCRIBER CONTRACT) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). If you are eligible for Medicare review the Medicare Supplement Buyer's Guide available from the company."

## E. Outline of Coverage Requirements for All Medicare Supplement Policies:

(1) Insurers issuing Medicare supplement policies subject to this Regulation shall deliver an outline of coverage to the applicant at the time application is made and, except for a direct response policy, acknowledgement of receipt or certification of delivery of such outline of coverage shall be provided to the insurer; and

(2) If an outline of coverage was delivered at the time of application and the individual policy or contract is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or contract must accompany such policy or contract when it is delivered and contain the following statement, in no less than twelve (12) point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

## F. Outline of Coverage for All Medicare Supplement Policies:

An outline of coverage shall be issued in substantially the following form as prescribed below: The term "certificate" should be substituted for the word "policy"

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throughout the outline of coverage where appropriate. The items included in the outline of coverage must appear in the sequence prescribed:

(COMPANY NAME)

OUTLINE OF MEDICARE

SUPPLEMENT COVERAGE

*Use this outline to compare benefits and premiums among policies.*

(1) Read your Policy Carefully - This outline of coverage provides a very brief description of the important features of - your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth in detail the rights and obligations of both you and your insurance company. It is, therefore, important that you READ YOUR POLICY CAREFULLY!

(2) Medicare Supplement Coverage - Policies of this category are designed to supplement Medicare by covering some hospital, medical, and surgical services which are partially covered by Medicare. Coverage is provided for hospital inpatient charges and some physician charges, subject to any deductibles and copayment provisions which may be in addition to those provided by Medicare, and subject to other limitations which may be set forth in the policy. The policy does not provide benefits for custodial care such as help in walking, getting in and out of bed, eating, dressing, bathing and taking medicine (delete if such coverage is provided).

(3) (a) (for agents:)

Neither (insert company's name) nor its agents are connected with Medicare.

(b) (for direct response:)

(insert company's name) is not connected with Medicare.

(4) (A brief summary of the major benefit gaps in Medicare Parts A and B with a parallel description of supplemental benefits, including dollar amounts, and indexed copayments or deductibles, as appropriate, provided by the Medicare supplement coverage in the following order:)

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DESCRIPTION	THIS POLICY PAYS	YOU PAY
<u>I. MINIMUM STANDARDS</u>		
SERVICE		
PART A		
INPATIENT HOSPITAL SERVICES:		
Semi-Private Room & Board		
Miscellaneous Hospital Services & Supplies, such as Drugs, X-Rays, Lab Tests & Operating Room		
SKILLED-NURSING-FACILITY-CARE		
BLOOD		
<u>PARTS A-&amp; B</u>		
Home Health Services		
<u>PART B</u>		
MEDICAL EXPENSE:		
Services of a Physician/Outpatient Services		
Medical Supplies other than Prescribed Drugs		
BLOOD		
MAMMOGRAPHY-SCREENING		
OUT-OF-POCKET-MAXIMUM		
PRESCRIPTION-DRUGS		
<u>MISCELLANEOUS</u>		
Home IV-Drug Therapy		
Immunosuppressive Drugs		
Respite Care Benefits		

IN ADDITION TO THIS OUTLINE OF COVERAGE, (INSURANCE COMPANY NAME) WILL SEND AN ANNUAL NOTICE TO YOU 30 DAYS PRIOR TO THE EFFECTIVE DATE OF MEDICARE CHANGES WHICH WILL DESCRIBE THESE CHANGES AND THE CHANGES IN YOUR MEDICARE SUPPLEMENT COVERAGE.

## II. Additional Benefits

DESCRIPTION	THIS POLICY PAYS	YOU PAY
<u>Part A</u>		
Part A Deductible		
Private Rooms		
In-Hospital Private Nurses		
Skilled Nursing Facility Care		
<u>PARTS A &amp; B</u>		
Home Health Services		
<u>PART B</u>		
Part B Deductible		
Medical Charges in Excess of Medicare Allowable Expenses (Percentage Paid)		
<u>OUT-OF-POCKET MAXIMUM</u>		
<u>PRESCRIPTION DRUGS</u>		
<u>MISCELLANEOUS</u>		
Respite Care Benefits		
Expenses Incurred in Foreign Country		
Other:		
<u>TOTAL PREMIUM</u>		<u>5</u>

IN ADDITION TO THIS OUTLINE OF COVERAGE, (INSURANCE COMPANY NAME) WILL SEND AN ANNUAL NOTICE TO YOU 30 DAYS PRIOR TO THE EFFECTIVE DATE OF MEDICARE CHANGES WHICH WILL DESCRIBE THESE CHANGES AND THE CHANGES IN YOUR MEDICARE SUPPLEMENT COVERAGE.

\*\*If this policy does not provide coverage for a benefit listed above, the insurer must state "no coverage" beside that benefit in the first column.

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(5) The following charts shall accompany the outline of coverage:

Service	1969	1968	1967	1966
<b>Part A</b>				
<b>Part B</b>				
Medical Expenses, Services of Physicians or Practitioners, Outpatient Drugs	80% of reasonable charges after an annual deductible amount of \$50 deductible	80% of reasonable charges after an annual deductible amount of \$50 deductible	80% of reasonable charges after an annual deductible amount of \$50 deductible	80% of reasonable charges after an annual deductible amount of \$50 deductible
Medical Expenses, Other than Prescribed Drugs	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible
Blood	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible
Management Services	80% of covered charges	80% of covered charges	80% of covered charges	80% of covered charges
Outpatient Prescription Drugs	80% of covered charges	80% of covered charges	80% of covered charges	80% of covered charges
Home IV Drug Therapy	80% of covered charges	80% of covered charges	80% of covered charges	80% of covered charges
Emergency Services	80% of covered charges	80% of covered charges	80% of covered charges	80% of covered charges
Medical Expenses, Services of Physicians or Practitioners, Outpatient Drugs	80% of reasonable charges after an annual deductible amount of \$50 deductible	80% of reasonable charges after an annual deductible amount of \$50 deductible	80% of reasonable charges after an annual deductible amount of \$50 deductible	80% of reasonable charges after an annual deductible amount of \$50 deductible
Medical Expenses, Other than Prescribed Drugs	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible
Blood	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible	80% of cost over and above Part B of all costs applicable for 1st paid deductible amount of \$50 deductible
Management Services	80% of covered charges	80% of covered charges	80% of covered charges	80% of covered charges
Outpatient Prescription Drugs	80% of covered charges	80% of covered charges	80% of covered charges	80% of covered charges
Home IV Drug Therapy	80% of covered charges	80% of covered charges	80% of covered charges	80% of covered charges
Emergency Services	80% of covered charges	80% of covered charges	80% of covered charges	80% of covered charges

Service	1969	1968	1967	1966
<b>Part A</b>				
<b>Part B</b>				
Inpatient Hospital Services	All but \$50 deductible for an annual maximum of \$500 deductible	All but Part A deductible for an annual maximum of \$500 deductible	All but Part A deductible for an annual maximum of \$500 deductible	All but Part A deductible for an annual maximum of \$500 deductible
Semi-Private Room & Board	All but \$155 a day for 60-90th days benefit period	All but Part A deductible for an annual maximum of \$500 deductible	All but Part A deductible for an annual maximum of \$500 deductible	All but Part A deductible for an annual maximum of \$500 deductible
Skilled Nursing Facility Care	Nothing beyond 180 days	Nothing beyond 180 days	Nothing beyond 180 days	Nothing beyond 180 days
Home Health Services	Nothing beyond 180 days	Nothing beyond 180 days	Nothing beyond 180 days	Nothing beyond 180 days
Blood	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days
Outpatient Prescription Drugs	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days
Home IV Drug Therapy	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days
Emergency Services	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days
Medical Expenses, Services of Physicians or Practitioners, Outpatient Drugs	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days
Medical Expenses, Other than Prescribed Drugs	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days
Blood	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days
Management Services	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days
Outpatient Prescription Drugs	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days
Home IV Drug Therapy	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days
Emergency Services	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days	Nothing beyond 100 days

[COMPANY NAME]

NOTICE OF CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT COVERAGE - 1990

THE FOLLOWING CHART BRIEFLY DESCRIBES THE MODIFICATIONS IN MEDICARE AND IN YOUR MEDICARE SUPPLEMENT COVERAGE. PLEASE READ THIS CAREFULLY!

[A BRIEF DESCRIPTION OF THE REVISIONS TO MEDICARE PARTS A & B WITH A PARALLEL DESCRIPTION OF SUPPLEMENTAL BENEFITS WITH SUBSEQUENT CHANGES, INCLUDING DOLLAR AMOUNTS, PROVIDED BY THE MEDICARE SUPPLEMENT COVERAGE IN SUBSTANTIALLY THE FOLLOWING FORMAT.]

SERVICES	MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
	In 1989 Medicare Pays Per Calendar Year	Effective January 1, 1990, Medicare Will Pay	In 1989 Your Coverage Pays	Effective January 1, 1990 Your Coverage Will Pay
<b>MEDICARE PART A SERVICES AND SUPPLIES</b>				
Inpatient Hospital Services	Unlimited number of hospital days after \$560 deductible	All but \$592 for first 60 days/benefit period		
Semi-Private Room & Board		All but \$148 a day for 61st-90th days/benefit period		
Misc. Hospital Services & Supplies, such as drugs, X-Rays, Lab Tests & Operating Room		All but \$296 a day for 91st-150th days (if individual chooses to use 60 nonrenewable Lifetime reserve days)		
<b>BLOOD</b>	Pays all costs except payment of deductible (equal to costs for first 3 pints) each calendar year. Part A blood deductible reduced to the extent paid under Part B	Pays all costs except nonreplacement fees (blood deductible) for first 3 pints in each calendar year		
<b>SKILLED NURSING FACILITY CARE</b>	There is no prior confinement requirement for this benefit	100% of costs for first 20 days (after a 3 day prior hospital confinement)/benefit period		
	First 8 days - All but \$25.50 a day	All but \$74.00 a day for 21st-100th days/benefit period		

\* This chart may be revised annually to be consistent with changes in Medicare coverage.

SERVICES

MEDICARE BENEFITS

YOUR MEDICARE SUPPLEMENT COVERAGE

	In 1989 Medicare Pays Per Calendar Year	Effective January 1, 1990, Medicare Will Pay	In 1989 Your Coverage Pays	Effective January 1, 1990 Your Policy Will Pay
	9th through 15th day - 100% of costs	Beyond 100 days - Nothing/benefit period		
	Beyond 150 days - Nothing			
<b>MEDICARE PART B SERVICES AND SUPPLIES</b>	80% of allowable charges (after \$75 deductible)	80% of allowable charges (after \$75 deductible/calendar year)		
<b>PRESCRIPTION DRUGS</b>	Inpatient prescription drugs. 80% of allowable charges for immunosuppressive drugs during the first year following a covered transplant (after \$75 deductible/calendar year)	Inpatient prescription drugs. 80% of allowable charges for immunosuppressive drugs during the first year following a covered transplant (after \$75 deductible/calendar year)		
<b>BLOOD</b>	80% of all costs except nonreplacement fees (blood deductible) for first 3 pints in each benefit period (after \$75 deductible/calendar year)	80% of cost except nonreplacement fees (blood deductible) for first 3 pints (after \$75 deductible/calendar year)		

[Any other policy benefits not mentioned in this chart should be added to the chart in the order prescribed by the outline of coverage. If there are corresponding Medicare benefits, they should be shown.]

[Describe any coverage provisions changing due to Medicare modifications.]

[Include information about when premium adjustments that may be necessary due to changes in Medicare benefits, will be effective.]

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY [COMPANY] ONLY BRIEFLY DESCRIBES SUCH BENEFITS. FOR INFORMATION ON YOUR MEDICARE BENEFITS CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION. FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT [Policy] CONTACT:

[COMPANY OR FOR AN INDIVIDUAL POLICY - NAME OF AGENT] [ADDRESS/PHONE NUMBER]

# State Corporation Commission

(6) { Statement that the policy does or does not cover the following: }

- (a) Private duty nursing.
- (b) Skilled nursing home care costs (beyond what is covered by Medicare).
- (c) Custodial nursing home care costs.
- (d) Intermediate nursing home care costs.
- (e) Home health care (above number of visits covered by Medicare).
- (f) Physicians charges (above Medicare's reasonable charge).
- (g) Drugs (other than prescription drugs furnished during a hospital or skilled nursing facility stay).
- (h) Care received outside of U.S.A.
- (i) Dental care or dentures, checkups, routine immunizations, cosmetic surgery, routine foot care, examinations for the cost of eyeglasses or hearing aids.

(7) { A description of any policy provision which excludes, eliminates, resists, reduces, limits, delays, or in any other manner operates to qualify payment of the benefits described in (4) above, including conspicuous statements: }

- (a) (That the chart summarizing Medicare benefits only briefly describes such benefits.)
- (b) (That the Health Care Financing Administration or its Medicare publications should be consulted for further details and limitations.)

(8) { A description of policy provisions respecting renewability or continuation of coverage, including any reservation of right to change premium. }

(9) { The amount of premium for this policy. }

## § 12 15 . Requirements for Application Forms and Replacement Coverage .

A. Application forms shall include a question the following questions designed to elicit information as to whether , as of the date of the application, the applicant has another Medicare supplement insurance policy or certificate in force or whether a Medicare supplement policy or certificate the insurance to be issued is intended to replace any other accident and sickness insurance presently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent, containing such questions may be used.

(1) Do you have another Medicare supplement insurance policy or certificate in force (including health services plan contract, health maintenance organization contract)?

(2) Did you have another Medicare supplement policy or certificate in force during the last twelve (12) months?

(a) If so, with which company?

(b) If that policy lapsed, when did it lapse?

(3) Are you covered by Medicaid?

(4) Do you intend to replace any of your medical or health insurance coverage with this policy (certificate)?

B. Agents shall list any other health insurance policies they have sold to the applicant.

(1) List policies sold which are still in force.

(2) List policies sold in the past five (5) years which are no longer in force.

B C . Upon determining that a sale will involve replacement, an insurer, other than a direct response insurer, or its agent shall furnish the applicant, prior to issuance or delivery of the policy, the notice described in {C} D below. An insurer may satisfy this requirement by printing the required replacement notice on the application. One (1) copy of such notice or section of the application containing such notice signed by the applicant and the agent, except where the coverage is sold without an agent or section of the application containing such notice shall be retained by the applicant and an additional copy signed copy by the applicant shall be retained by the insurer. A direct response insurer shall deliver to the applicant upon issuance of the policy, the notice described in {D} E below.

E D . The notice required by {B} C above for an insurer, other than a direct response insurer, shall provide, in substantially the following form:

### NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT AND SICKNESS MEDICARE SUPPLEMENT INSURANCE

**SAVE THIS NOTICE! IT MAY BE IMPORTANT TO  
YOU IN THE FUTURE**

According to your application, you intend to lapse or otherwise terminate existing accident and sickness Medicare supplement insurance and replace it with a policy to be issued by (insert Company Name) Insurance Company . Your new policy provides 30 days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you

# State Corporation Commission

should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

*You should review this new coverage carefully, comparing it with all accident and sickness coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision.*

**STATEMENT TO APPLICANT BY AGENT (OR OTHER REPRESENTATIVE):** (Use additional sheets, as necessary.)

*I have reviewed your current medical or health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention:*

(1) Health conditions which you may presently have, (pre-existing conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(2) State law provides that your replacement policy or certificate, may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

~~(2)~~ (3) ~~You~~ If you are replacing Medicare supplement insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interests to make sure you understand all the relevant factors involved in replacing your present coverage.

~~(3)~~ (4) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical/health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, re-read it carefully to be certain that all information has been properly recorded.

.....  
Signature of Agent, or Other Representative  
.....

*Typed Name and Address of Agent*

The above "Notice to Applicant" was delivered to me on:

(Date)

(Applicant's Signature)

~~D E~~ . The notice required by ~~(B)~~ (C) above for a direct response insurer shall be as follows:

**NOTICE TO APPLICANT REGARDING  
REPLACEMENT OF ACCIDENT AND SICKNESS  
MEDICARE SUPPLEMENT INSURANCE**

According to your application, you intend to lapse or otherwise terminate existing accident and sickness Medicare supplement insurance and replace it with the policy delivered herewith issued by (insert Company Name) Insurance Company . Your new policy provides 30 days within which you may decide without cost whether you desire to keep the policy. For your own information and protection you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

*You should review this new coverage carefully, comparing it with all accident and sickness coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision.*

(1) Health conditions which you may presently have, (pre-existing conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(2) State law provide that your replacement policy or certificate, may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time as spent (depleted) under the original policy.

~~(2)~~ (3) If you are replacing existing Medicare supplement insurance coverage you ~~You~~ may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interests to make sure you understand all the relevant factors involved in replacing your present coverage.

~~(3)~~ (4) (To be included only if the application is attached to the policy.) If, after due consideration, you



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still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to (insert Company Name and Address) within 30 days if any information is not correct and complete, or if any past medical history has been left out of the application.

(Company Name)

## § 16 . Filing Requirements for Advertising.

Every insurer, health services plan or health maintenance organization providing Medicare supplement insurance or benefits in this Commonwealth shall file with the Commission a copy of any medicare supplement advertisement intended for use in this Commonwealth whether through written, radio or television medium.

## § 17. Standards for Marketing.

A. Every insurer, health services plan or other entity marketing Medicare supplement insurance coverage in this Commonwealth, directly or through its producers, shall:

(1) Establish marketing procedures to assure that any comparison of policies by its agents or other producers will be fair and accurate.

(2) Establish marketing procedures to assure excessive insurance is not sold or issued.

(3) Establish marketing procedures which set forth a mechanism or formula for determining whether a replacement policy or certificate contains benefits clearly and substantially greater than the benefits under the replaced policy for purposes of triggering first year commissions as authorized in § 13 of this regulation.

(4) Display prominently by type, stamp or other appropriate means, on the first page of the outline of coverage and policy the following: "Notice to buyer: This policy may not cover all of the costs associated with medical care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations."

(5) Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance.

(6) Every insurer, health services plan or entity marketing Medicare supplement insurance shall establish auditable procedures for verifying compliance with this Subsection A.

B. In addition to the practices prohibited in Chapter 5 of Title 38.2 (§§ 38.2-500 et seq.), the following acts and practices are prohibited.

(1) *Twisting.* Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or to take out a policy of insurance with another insurer.

(2) *High pressure tactics.* Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, threat, or undue pressure to purchase or recommend the purchase of insurance.

(3) *Cold lead advertising.* Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and the contact will be made by an insurance agent or insurance company.

## § 18. Appropriateness of Recommended Purchase and Excessive Insurance.

A. In recommending the purchase or replacement of any Medicare supplement policy or certificate an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

B. Any sale of Medicare supplement coverage which will provide an individual more than one Medicare supplement policy or certificate is prohibited; provided, however, that additional Medicare supplement coverage may be sold if, when combined with that individual's health coverage already in force, it would insure not more than 100% of the individual's actual medical expenses covered under the combined policies.

## § 19. Reporting to Multiple Policies.

A. On or before March 1, every insurer, health services plan or other entity providing Medicare supplement insurance coverage in this Commonwealth shall report the following information for every individual resident of this Commonwealth for which the insurer, health services plan or entity has in force more than one Medicare supplement insurance policy or certificate:

(1) Policy and certificate number, and

(2) Date of issuance.

B. The items set forth above must be grouped by individual policyholder.

## § 20. Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in

*Replacement Policies or Certificates.*

*If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods and probationary periods in the new Medicare supplement policy for similar benefits to the extent such time was spent under the original policy.*

§ 14 21 . Severability.

If any provision of this Regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the Regulation and the application of such provisions to other persons or circumstances shall not be affected thereby.

APPENDIX A

[COMPANY-NAME]

NOTICE OF CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT INSURANCE -- 1989

YOUR HEALTH CARE BENEFITS PROVIDED BY THE FEDERAL MEDICARE PROGRAM WILL CHANGE BEGINNING JANUARY 1, 1989. ADDITIONAL CHANGES WILL OCCUR ON MEDICAL BENEFITS IN FOLLOWING YEARS. THE MAJOR CHANGES ARE SUMMARIZED BELOW. THESE CHANGES WILL AFFECT HOSPITAL, MEDICAL AND OTHER SERVICES AND SUPPLIES PROVIDED UNDER MEDICARE. BECAUSE OF THESE CHANGES YOUR MEDICARE SUPPLEMENT COVERAGE PROVIDED BY [COMPANY-NAME] WILL CHANGE. ALSO, THE FOLLOWING OUTLINE BRIEFLY DESCRIBES THE MODIFICATIONS IN MEDICARE AND IN YOUR MEDICARE SUPPLEMENT COVERAGE. PLEASE READ CAREFULLY!

[A BRIEF DESCRIPTION OF THE REVISIONS TO MEDICARE PARTS A & B WITH A PARALLEL DESCRIPTION OF SUPPLEMENTAL BENEFITS WITH SUBSEQUENT CHANGES INCLUDING DOLLAR AMOUNTS, PROVIDED BY THE MEDICARE SUPPLEMENT COVERAGE IN SUBSTANTIALLY THE FOLLOWING FORMAT]

SERVICES	MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
	Medicare Now Pays Per Benefit Period	Effective January 1, 1989 Medicare Will Pay Per Calendar Year	Your 1988 Coverage Per Benefit Period	Effective January 1, 1989 Your Coverage Will Pay Per Calendar Year
MEDICARE-PART-A SERVICES-AND SUPPLIES	First 60 days - All but \$540	Unlimited number of hospital days after \$[560] deductible		
	61st to 90 day - All but \$135 a day			
	91st to 150 day - All but \$270 a day (if individual chooses to use 60 nonrenewable lifetime reserve days)			
	Beyond 150 days - Nothing			
SKILLED NURSING FACILITY CARE	Requires a 3 day prior stay and enter the facility generally within 30 days after hospital discharge	There is no prior confinement requirement for this benefit		
	First 20 days - 100% of costs	First 8 days - All but \$[22-00] a day		
	21st through 100th day - All but \$67.50 a day	9th through 150th day - 100% of costs		
	Beyond 100 days - Nothing	Beyond 150 days - Nothing		

SERVICES MEDICARE BENEFITS YOUR MEDICARE SUPPLEMENT COVERAGE

SERVICES	Medicare Now Pays Per Calendar Year	In 1989 Medicare Part B Pays the Same as in 1988	Your Policy Now Pays	Effective January 1, 1989 Your Policy Will Pay
	MEDICARE-PART-B SERVICES-AND SUPPLIES	80% of allowable charges (after \$75 deductible)	NOTE: Medicare benefits change on January 1, 1990 as follows: 80% of allowable charges (after \$75 deductible) until an annual Medicare Catastrophic Limit is met; 100% of allowable charges for the remainder of the calendar year. The limit in 1990 is \$1370 and will be adjusted on an annual basis.	
PRESCRIPTION DRUGS	Inpatient prescription drugs only.	In 1989 Medicare covers inpatient prescription drugs only.		Effective January 1, 1990 Per Calendar Year 80% of allowable charges for home intravenous (IV) therapy drugs and 80% of allowable charges for immunosuppressive drugs after \$550 in 1990 calendar year deductible is met.
				Effective January 1, 1992 Per Calendar Year inpatient prescription drugs 50% of allowable charges for all other outpatient prescription drugs after a \$600 calendar year deductible is met (the deductible will change). Coverage will increase to 60% of allowable charges in 1992 and to 80% of allowable charges from 1993 on.

\*Expenses that count toward the Part B Medicare Catastrophic Limit include the Part B deductible and copayment charges and the Part B blood deductible charges.

[ANY ADDITIONAL BENEFITS]

[Describe any coverage provisions changing due to Medicare modifications.]

[Include information about premium adjustments that may be necessary due to changes in Medicare benefits or when premium changes information will be sent.]

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY [COMPANY] ONLY BRIEFLY DESCRIBES SUCH BENEFITS. FOR INFORMATION ON YOUR MEDICARE BENEFITS CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION. FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT [POLICY] CONTACT:

--[COMPANY OR FOR AN INDIVIDUAL POLICY--NAME OF AGENT]-- [ADDRESS/PHONE NUMBER]

APPENDIX B

[COMPANY NAME]

NOTICE OF CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT INSURANCE - 1990

YOUR HEALTH CARE BENEFITS PROVIDED BY THE FEDERAL MEDICARE PROGRAM WILL CHANGE BEGINNING JANUARY 1, 1990. ADDITIONAL CHANGES WILL OCCUR IN MEDICAL BENEFITS IN FOLLOWING YEARS. THE MAJOR CHANGES ARE SUMMARIZED BELOW. THESE CHANGES WILL AFFECT HOSPITAL, MEDICAL AND OTHER SERVICES AND SUPPLIES PROVIDED UNDER MEDICARE. BECAUSE OF THESE CHANGES YOUR MEDICARE SUPPLEMENT COVERAGE PROVIDED BY [COMPANY NAME] WILL CHANGE ALSO. THE FOLLOWING OUTLINE BRIEFLY DESCRIBES THE MODIFICATIONS IN MEDICARE AND IN YOUR MEDICARE SUPPLEMENT COVERAGE. PLEASE READ THIS CAREFULLY!

[A BRIEF DESCRIPTION OF THE REVISIONS TO MEDICARE PARTS A & B WITH A PARALLEL DESCRIPTION OF SUPPLEMENTAL BENEFITS WITH SUBSEQUENT CHANGES INCLUDING DOLLAR AMOUNTS PROVIDED BY THE MEDICARE SUPPLEMENT COVERAGE IN SUBSTANTIALLY THE FOLLOWING FORMAT:]

SERVICES	MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
	Medicare Now Pays Per Calendar Year	Effective January 1, 1990 Medicare Will Pay Per Calendar Year	Your Coverage Now Pays Per Calendar Year	Effective January 1, 1990 Your Coverage Will Pay Per Calendar Year
MEDICARE PART-A SERVICES AND SUPPLIES	Unlimited number of hospital days after \$[560] deductible			
SKILLED-NURSING FACILITY CARE	There is no prior confinement requirement for this benefit			
	First 8 days - All but \$[ ] a day			
	9th through 150 day - 100% of costs			
	Beyond 150 days - Nothing			

SERVICES	MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
	Medicare Now Pays Per Calendar Year	Effective January 1, 1990 Medicare Will Pay Per Calendar Year	Your Coverage Now Pays Per Calendar Year	Effective January 1, 1990 Your Coverage Will Pay Per Calendar Year
MEDICARE PART-B SERVICES AND SUPPLIES	80% of allowable charges (after \$75 deductible)	80% of allowable charges (after \$75 deductible) until an annual Medicare Catastrophic Limit* is met; 100% of allowable charges for the remainder of the calendar year. The limit in 1990 is \$1,270 and will be adjusted on an annual basis.		

SERVICES

MEDICARE BENEFITS

YOUR MEDICARE SUPPLEMENT COVERAGE

SERVICES	Medicare Now Pays Per Calendar Year	Effective January 1, 1990 Medicare Will Pay Per Calendar Year	Your Coverage Now Pays Per Calendar Year	Effective January 1, 1990 Your Coverage Will Pay Per Calendar Year
	PRESCRIPTION DRUGS	Inpatient prescription drugs	Inpatient prescription drugs; 80% of allowable charges for home intravenous (IV) therapy drugs and 50% of allowable charges for immunosuppressive drugs after (\$550 in 1990) calendar year deductible is met.	

\*Expenses that count toward the Part B Medicare Catastrophic Limit include: the Part B deductible and copayment charges and the Part B blood deductible charges.

[ANY ADDITIONAL BENEFITS]

[Describe any coverage provisions changing due to Medicare modifications.]

[Include information about premium adjustments that may be necessary due to changes in Medicare benefits or when premium changes information will be sent.]

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY [COMPANY] ONLY BRIEFLY DESCRIBES SUCH BENEFITS. FOR INFORMATION ON YOUR MEDICARE BENEFITS CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION. FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT [Policy] CONTACT:

-- [COMPANY OR FOR AN INDIVIDUAL POLICY -- NAME OF AGENT] -- [ADDRESS/PHONE NUMBER]

APPENDIX C

[COMPANY NAME]

NOTICE OF CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT INSURANCE -- 1991

YOUR HEALTH CARE BENEFITS PROVIDED BY THE FEDERAL MEDICARE PROGRAM WILL CHANGE BEGINNING JANUARY 1, 1991. ADDITIONAL CHANGES WILL OCCUR IN MEDICAL BENEFITS IN FOLLOWING YEARS. THE MAJOR CHANGES ARE SUMMARIZED BELOW. THESE CHANGES WILL AFFECT HOSPITAL, MEDICAL AND OTHER SERVICES AND SUPPLIES PROVIDED UNDER MEDICARE. BECAUSE OF THESE CHANGES YOUR MEDICARE SUPPLEMENT COVERAGE PROVIDED BY [COMPANY NAME] WILL CHANGE ALSO. THE FOLLOWING OUTLINE BRIEFLY DESCRIBES THE MODIFICATIONS IN MEDICARE AND IN YOUR MEDICARE SUPPLEMENT COVERAGE. PLEASE READ THIS CAREFULLY!

[A BRIEF DESCRIPTION OF THE REVISIONS TO MEDICARE PARTS A & B WITH A PARALLEL DESCRIPTION OF SUPPLEMENTAL BENEFITS WITH SUBSEQUENT CHANGES INCLUDING DOLLAR AMOUNTS PROVIDED BY THE MEDICARE SUPPLEMENT COVERAGE IN SUBSTANTIALLY THE FOLLOWING FORMAT]

SERVICES	MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
	Medicare Now Pays Per-Calendar Year -	Effective January 1, 1991 Medicare Will Pay Per Per-Calendar Year -----	Your Coverage Now Pays-Per Calendar-Year	Effective January 1, 1991 Your Coverage Will Pay Per-Calendar Year -----
MEDICARE PART-A SERVICES AND SUPPLIES	Unlimited number of hospital days after \$1 deductible			
SKILLED-NURSING FACILITY-CARE	There is no prior notification require- ment for this benefit  First 8 days - All but \$1 a day  9th through 150 day - 100% of costs  Beyond 150 days - Nothing			

SERVICES	MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
	Medicare Now Pays Per-Calendar Year -	Effective January 1, 1991 Medicare Will Pay Per Calendar-Year -----	Your Coverage Now Pays-Per Calendar-Year	Effective January 1, 1991 Your Coverage Will Pay Per-Calendar Year -----
MEDICARE PART-B SERVICES AND SUPPLIES	80% of allowable charges (after \$75 deductible) until an annual Medicare Catastrophic Limit is met. 100% of allowable charges for the remainder of the calendar year. The Limit in 1990 is \$1 and will be adjusted on an annual basis.	80% of allowable charges (after \$75 deductible) until an annual Medicare Catastrophic Limit <sup>2</sup> is met. 100% of allowable charges for the remainder of the calendar year. The limit in 1991 is \$1 and will be adjusted on an annual basis.		

SERVICES	MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
	Medicare Now Pays Per-Calendar Year -	Effective January 1, 1991 Medicare Will Pay Per Calendar-Year -----	Your Coverage Now Pays-Per Calendar-Year	Effective January 1, 1991 Your Coverage Will Pay Per-Calendar Year -----
PRESCRIPTION DRUGS	Inpatient prescription drugs: 80% of allow- able charges for home IV therapy drugs and 90% of allowable charges for immunosuppressive drugs after a \$500 calendar year deductible is met.	Same as 1990 and 90% of allowable charges for all other outpatient prescription drugs after \$600 calendar year deductible is met.		

<sup>2</sup>Expenses that count toward the Part-B Medicare Catastrophic Limit include: the Part-B deductible and copayment charges and the Part-B blood deductible charges.

[ANY ADDITIONAL BENEFITS]

[Describe any coverage provisions changing due to Medicare modifications.]

[Include information about premium adjustments that may be necessary due to changes in Medicare benefits or when premium changes information will be sent.]

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY [COMPANY] ONLY BRIEFLY DESCRIBES SUCH BENEFITS. FOR INFORMATION ON YOUR MEDICARE BENEFITS CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION. FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT [Policy] CONTACT:

--[COMPANY OR FOR AN INDIVIDUAL POLICY--NAME OF AGENT]---[ADDRESS/PHONE NUMBER]

APPENDIX A

(COMPANY NAME)

NOTICE OF CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT COVERAGE - 1990

THE FOLLOWING CHART BRIEFLY DESCRIBES THE MODIFICATIONS IN MEDICARE AND IN YOUR MEDICARE SUPPLEMENT COVERAGE. PLEASE READ THIS CAREFULLY!

IA BRIEF DESCRIPTION OF THE REVISIONS TO MEDICARE PARTS A & B WITH A PARALLEL DESCRIPTION OF SUPPLEMENTAL BENEFITS WITH SUBSEQUENT CHANGES INCLUDING DOLLAR AMOUNTS PROVIDED BY THE MEDICARE SUPPLEMENT COVERAGE IN SUBSTANTIALLY THE FOLLOWING FORMAT:

SERVICES	MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
	In 1989 Medicare Pays Per Calendar Year	Effective January 1, 1990 Medicare Will Pay	In 1989 Your Coverage Pays	Effective January 1, 1990 Your Coverage Will Pay

MEDICARE PART A SERVICES AND SUPPLIES

Inpatient	Unlimited number of hospital days after \$590 deductible	All but \$592 for first 60 days / benefit period
Home Care Services		
Semi-Private Room & Board		All but \$148 a day for 61st-90th days/benefit period
Misc. Hospital Services & Supplies such as drugs, X-Rays, Lab Tests & Operating Room		All but \$296 a day for 91st-150th days (if individual chooses to use 60 nonrenewable lifetime reserve days)

BLOOD	Pays all costs except payment of deductible (equal to costs for first 3 pints) each calendar year. Part A blood deductible reduced to the extent paid under Part B	Pays all costs except nonreplacement (less (blood deductible) for first 3 pints in each calendar year
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SKILLED NURSING FACILITY CARE	There is no prior confinement requirement for this benefit	100% of costs for first 20 days (after a 3 day prior hospital confinement)/benefit period
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SERVICES MEDICARE BENEFITS YOUR MEDICARE SUPPLEMENT COVERAGE

SERVICES	MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
	In 1989 Medicare Pays Per Calendar Year	Effective January 1, 1990 Medicare Will Pay	In 1989 Your Coverage Pays	Effective January 1, 1990 Your Policy Will Pay
	9th through 150th day - 100% of costs	Beyond 100 days - Nothing/benefit period		
	Beyond 150 days - Nothing			
MEDICARE PART B SERVICES AND SUPPLIES	80% of allowable charges (after \$75 deductible)	80% of allowable charges (after \$75 deductible/ calendar year)		

PRESSCRIPTION DRUGS	Inpatient prescription drugs. 80% of allowable charges for immunosuppressive drugs during the first year following a covered transplant (after \$75 deductible/calendar year)	Inpatient prescription drugs. 80% of allowable charges for immunosuppressive drugs during the first year following a covered transplant (after \$75 deductible/calendar year)
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BLOOD	80% of all costs except nonreplacement (less (blood deductible) for first 3 pints in each benefit period (after \$75 deductible/ calendar year)	80% of cost except nonreplacement (less (blood deductible) for first 3 pints in each benefit period (after \$75 deductible/ calendar year)
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[Any other policy benefits not mentioned in this chart should be added to the chart in the order prescribed by the outline of coverage. If there are corresponding Medicare benefits, they should be shown.]

[Describe any coverage provisions changing due to Medicare modifications.]

[Include information about when premium adjustments that may be necessary due to changes in Medicare benefits will be effective.]

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY (COMPANY) ONLY BRIEFLY DESCRIBES SUCH BENEFITS. FOR INFORMATION ON YOUR MEDICARE BENEFITS CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION. FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT (POLICY) CONTACT:

(COMPANY OR FOR AN INDIVIDUAL POLICY - NAME OF AGENT) (ADDRESS/PHONE NUMBER)

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# GOVERNOR

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## EXECUTIVE ORDER NUMBER TWENTY-TWO (90)

### DELEGATION OF AUTHORITY CONFERRED BY CHAPTERS 806, 887, 921, 922, AND 972 OF THE 1990 ACTS OF ASSEMBLY

By virtue of the authority vested in me as Governor by § 2.1-39.1 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the individuals holding the positions named herein, the several powers and duties conferred upon me by the provisions of Chapters 806, 887, 921, 922, and 972 of the 1990 Acts of Assembly as detailed below:

#### I. Delegations of Authority to Officials in the Office of Administration

##### A. To the Secretary of Administration:

#### Item/Section Subject Matter

##### Appropriation Act

- 765 C.(3) Approve emergency leases by the Virginia College Building Authority when the General Assembly is not in session.
- § 2-3 Authorize transfers from the Acquisition  
C-4 Real Estate appropriation after approving the acquisition.
- § 4-4.01 o. Receive reports and comments of Department of Historic Resources, through Department of General Services, on plans for significant alterations, remodeling, redecoration, restoration on state-owned registered historic landmarks.
- § 4-4.01 q. Amend or waive project review and reporting procedures on lease agreements on state-owned property controlled by institutions of higher education and which meet the requirements of § 2.1-511, Code of Virginia.
- § 4-5.09 Approve waiver of agency requirement to certify available funds and conform to space planning procedures if lease avoids a cost increase or results in measurable benefit to the state and funds are available.
- § 4-6.04 c. Approve rates charged employees for parking spaces in state-owned facilities; determine use of parking charges paid by employees.
- § 4-8.01 c.2 Submit report on employment of special counsel in certain highway proceedings.
- § 4-8.01 c.3 Submit report on changes in the level of compensation for job class contained in compensation and classification plans.

##### B. To the Director, Department of General Services:

##### Appropriation Act

- § 2-1. C. Prescribe guidelines for purchase of equipment to be used in structures for which funds are provided.
- § 4-4.01 c. Approve preliminary requirements for capital projects.
- § 4-4.01 f. Governor's approval of use of price escalation contingencies funds in planning and project funding of agency capital projects.
- § 4-4.01 h. Approve variances to conformance with space planning guides for capital projects.
- § 4-4.01 k. Specify reporting requirements on capital projects.
- § 4-8.01 b 7. Submit monthly report on waivers of the requirements on agencies acquiring property by lease to the Chairmen of House Appropriations and Senate Finance Committees.
- § 4-8.01 d 1. Submit reports on progress of specified capital projects to House Appropriations and Senate Finance Committees.

##### C. To the Director, Department of Information Technology:

##### Appropriation Act

- § 4-5.06 e. Approve expenditure for motion picture, television and radio services production.

##### D. To the Director, Department of Personnel and Training:

##### Appropriation Act

- § 4-6.01 a. Develop compensation rules and regulations (for the approval of the Governor).
- § 4-6.01 e and f. Establish compensation and classification plans for approval of the Governor. Implement incentive award payment system to be adopted by the Governor.
- § 4-6.02 Issue rules and regulations for compensation of employee training and academic study.

#### II. Delegation of Authority to Officials in the Office of Education

##### A. To the Secretary of Education:

##### Appropriation Act

- § 4-8.01 e.2 Submit report on status of certain State Council of Higher Education exemptions to policy which prohibits use of funds for academic programs.

#### III. Delegations of Authority to Officials in the Office of Finance

A. To the Secretary of Finance:

issued or authorized in order that these funds may be reappropriated.

Appropriation Act

- § 2-1 G.4 Ensure that no advances to project accounts from the State Capital Projects Construction Fund shall continue for more than two full fiscal years.
- § 4-1.02 a. Withhold appropriations under certain conditions.
- § 4-1.06 a.2. Certifies that funds are available before payment for reappropriation is made in cases where the General Assembly provided for reappropriation payable from the general fund.
- § 4-1.06 a. 3. Provide written approval for reappropriation of general fund appropriations which are unexpended on the last day of the first year of the biennium may be reappropriated for use in the second year of the biennium.
- § 4-1.06 a. 4 and 5 Prescribe management standards for institutions of higher education and other agencies under which unexpended appropriations may be reappropriated.
- § 4-1.08 Act on appeals of agency heads regarding allotment of funds from appropriations required by this act, by § 2.1-224 of the Code of Virginia and the authorization of rates of pay required by this act.
- § 4-4.01 e. Develop guidelines for review of proposed capital projects to be financed by revenue bonds or federal loans.
- § 4-4.01 e.3 Receive capital project request, with feasibility statement from Treasurer, to initiate planning or changes in the project request after appropriation is made and which is proposed to be financed by revenue bonds or federal loans, or after the approval of revenue bond amount, project or scope.
- § 4-5.01 a. Designate operating expense appropriations for payment of claims settled pursuant to § 2.1-127, Code of Virginia.

Chapter 887, and 921, 1990 Acts of Assembly

- § 7 Certify the unexpended balance of all capital projects not listed in chapters for which indebtedness has been issued or authorized to be issued in the current biennium for reappropriation.

Chapter 922, 1990 Acts of Assembly

- § 4.C Release appropriations equal to advances from the Virginia Retirement System Capital Projects Construction Fund appropriations to be used to initiate planning or effect construction.

Appropriation Act

- 666 Secure Confinement: Supplement appropriations to permit Greensville and Keen Mt. Correctional Centers to open upon completion.
- 765 A., D. and E. Higher Education Academic, Fiscal and Facility Planning and Coordination; Make transfers for payments on leases of instructional and research equipment and approve emergency acquisitions and fulfill reporting requirements for equipment.
- 766 A. Higher Education Long-Range Planning: make appropriation transfers, in consultation with the Secretary of Education, to implement recommendations of the Commission on the University of the 21st Century after receiving recommendations of Council of Higher Education.
- 769 A. and B. Financial Assistance for Education and General Services: transfer funds from this appropriation, in consultation with the Secretary of Education, to implement the Virginia Plan for Equal Opportunity in State-Supported Institutions of Higher Education.
- § 2-1. D.5. Capital Project Expenses: authorize preliminary design during current biennium for capital projects which have appropriations for planning for the succeeding biennium as long as preliminary design expenditures are paid out of the appropriations for succeeding biennium.

B. To the Comptroller, Department of Accounts:

Appropriation Act

- § 4-8.01 f. Submit specified monthly report to the Chairmen of House Appropriations, House Finance, and Senate Finance Committees.

- § 2-1. F. Prescribe rules and regulations for expenditures for items identified as 'Major Repairs: Maintenance Reserve.'
- § 2-1. G.3. Release monthly the appropriations equal to the advance made from the State Capital Projects Construction Fund to initiate planning or effect construction.
- § 2-3. C-4 Approve use of nongeneral fund revenues for acquisition of real estate.
- § 4-1.05 b. 4. Report on increases in unappropriated nongeneral fund revenues in accordance with § 4-8.00 of this Act.
- § 4-2.01 a. 1. and 2. Issue written policies for agencies' solicitation and acceptance of donations,

C. To the Director, Department of Planning and Budget:

Chapter 806, 1990 Acts of Assembly

- § 6 Certify the unexpended balances on all capital projects not listed in chapter for which revenue bonds have been



# Governor

gifts and grants under stated conditions. Approve acceptance of such funds with certain exceptions.

- § 4-2.01 b. Approve use of agency's funds as participation or matching funds in federal programs.
- § 4-2.01 e. Receive documentation from any higher educational institution generating and retaining fees collected in excess of rates provided in § 4-2.01 d.4 and 5. of this Act.
- § 4-2.02 a.2. Transfer funds to the general fund from the sale of surplus property not subject to § 2.1-457 of the Code of Virginia.
- § 4-4.01 d. To act on behalf of the Governor and to affix the Governor's facsimile signature in the ACTION BY GOVERNOR block on Form CO-2 for written approval of architectural or engineering planning, or construction of, or purchase of capital project before it is commenced or revised, as well as, release from capital project appropriation, sums necessary to pay for preparation of plans and specification including sums exceeding appropriation.
- § 4-8.01 b.1-6 c.1, d.2., and e.1. Submit specified monthly reports to the Chairmen of House Appropriations and Senate Finance Committees.

## IV. Delegation of Authority to Officials in the Office of Public Safety

### A. To the Secretary of Public Safety:

#### Chapter 922, 1990 Acts of Assembly

- § B-12.C. Financial Assistance for Confinement in Local Facilities: authorized to withhold approval for state payment, expenditures which may cause over expenditure of items.

#### Appropriation Act

- § 4-5.03 Authorize the transfer of prison labor or farm commodities produced at any state agency to any other state agency.

Should conflicts arise concerning any action authorized by this Executive Order, the matter shall be resolved by the Governor.

The provisions in this Executive Order relating to Chapter 922, 1990 Acts of Assembly, will become effective August 25, 1990 and will remain in full force and effect until August 25, 1992, unless amended or rescinded by further executive order. All other provisions in this Executive Order will become effective upon its signing and will remain in full force and effect until June 30, 1992, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the

Commonwealth of Virginia, this 17th day of August, 1990.

/s/ Lawrence Douglas Wilder  
Governor

### GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Title of Regulation: VR 115-02-01. Rules and Regulations Pertaining to Reporting Requirements for Contagious and Infectious Diseases of Livestock and Poultry in Virginia.

#### Governor's Comment:

These proposed regulations, which establish reporting requirements for animal diseases, are intended to assist the state veterinarian and halt the spread of disease. Pending public comment, I recommend approval of the regulations.

/s/ Lawrence Douglas Wilder  
Governor  
Date: August 20, 1990

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Title of Regulation: VR 115-02-17. Rules and Regulations Establishing a Monitoring Program for Avian Influenza and Other Poultry Diseases.

#### Governor's Comment:

The proposed regulations establish procedures for monitoring and testing poultry for certain infectious and contagious diseases. Pending public comment and provided that the Department of Agriculture and Consumer Services agrees to absorb any costs associated with implementation by using existing personnel and equipment, I recommend approval of the regulations.

/s/ Lawrence Douglas Wilder  
Governor  
August 20, 1990

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Title of Regulation: VR 115-02-18. Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry.

#### Governor's Comment:

The proposed regulations establish procedures for transporting and disposing of dead poultry flocks to prevent environmental contamination and the spread of

disease. Pending public comment and provided that the Department of Agriculture and Consumer Services agrees to absorb any costs associated with implementation by using existing personnel and equipment, I recommend approval of the regulations.

/s/ Lawrence Douglas Wilder  
Governor  
Date: August 20, 1990

**- BOARD OF DENTISTRY**

**Title of Regulation: VR 255-01-1. Board of Dentistry Regulations.**

**Governor's Comment:**

I concur with the form and content of this proposal.

/s/ Lawrence Douglas Wilder  
Governor  
Date: August 15, 1990

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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## CHILD DAY-CARE COUNCIL

### † Notice of Intended Regulatory Action

Editor's Note: The Notice of Intended Regulatory Action for VR 175-02-01, Minimum Standards for Licensed Child Care Centers, published in 5:20 V.A.R. 2920 July 3, 1990, has been withdrawn and resubmitted as follows:

Notice is hereby given in accordance with this agency's public participation guidelines that the Child Day-Care Council intends to consider amending regulations entitled: **VR 175-02-01. Minimum Standards for Licensed Child Care Centers.** The purpose of the proposed regulation is to consider changes in content, clarity, and organization as regulations for other types of day care are developed; review requirements for activity space, group size, provider training, and parental involvement; and consider developing a basic standard of care upon which requirements commensurate with the program's level of care may be added.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 10, 1990.

**Contact:** Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Child Day-Care Council intends to consider promulgating regulations entitled: **VR 175-05-01. Minimum Standards for Licensed Child Day-Care Camps.** The purpose of the proposed regulation is to develop minimum standards that are appropriate for child day-care camps.

Other pertinent information: House Bill 1035, which was passed by the 1990 General Assembly session, requires licensure of child day-care camps. According to the bill, these camps will not be regulated until July 1, 1992.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 10, 1990.

**Contact:** Peggy Friedenber, Legislative Analyst,

Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Child Day-Care Council intends to consider promulgating regulations entitled: **VR 175-06-01. Minimum Standards for Licensed Preschools and Nursery Schools.** The purpose of the proposed regulation is to develop minimum standards that are appropriate for preschools and nursery schools.

Other pertinent information: House Bill 1035, which was passed by the 1990 General Assembly session, requires licensure of preschools and nursery schools. According to the bill, these schools will not be regulated until July 1, 1992.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 10, 1990.

**Contact:** Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Child Day-Care Council intends to consider promulgating regulations entitled: **VR 175-07-01. Minimum Standards for Licensed Before-School and After-School Day Care Programs.** The purpose of the proposed regulation is to develop minimum standards that are appropriate for before school and after school day care programs.

Other pertinent information: House Bill 1035, which was passed by the 1990 General Assembly session, requires licensure of before-school and after-school day care programs. The definition of these programs still needs to be determined. Effective date for regulation is July 1, 1992.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 10, 1990.

**Contact:** Peggy Friedenber, Legislative Analyst,

Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229, telephone (804) 662-9217.

## DEPARTMENT OF COMMERCE

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **VR 190-05-1. Virginia Asbestos Licensing Regulations.** The purpose of the proposed action is to amend the current regulations to include requirements created by legislative action.

Statutory Authority: § 54.1-501 of the Code of Virginia.

Written comments may be submitted until October 15, 1990.

**Contact:** Peggy J. Wood, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or toll-free 1-800-552-3106

## DEPARTMENT OF CORRECTIONS (BOARD OF)

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Corrections intends to consider amending regulations entitled: **VR 230-30-001. Minimum Standards for Jails and Lockups.** The purpose of the proposed action is to amend § 6.1 to provide for annual fire safety inspections and to require local facilities to have inspections conducted by the appropriate authority. This change is necessary to make the standard consistent with the Code of Virginia.

Statutory Authority: § 53.1-68 of the Code of Virginia.

Written comments may be submitted until October 10, 1990.

**Contact:** Cynthia J. Jackson, Methods Lead Analyst, P.O. Box 26963, Richmond, VA 23261, telephone (804) 674-3237.

## COUNCIL ON THE ENVIRONMENT

### Notice of Intended Regulatory Action

Notice is hereby given that the Council on the Environment intends to consider promulgating regulations entitled: **Public Participation Guidelines.** The purpose of the proposed action is to establish public participation guidelines governing the Council on the Environment.

Statutory Authority: §§ 10.1-1206 and 62.1-195.1 of the Code of Virginia.

Written comments may be submitted until October 1, 1990.

**Contact:** Jay Roberts, Environmental Planner, 202 N. Ninth St., Suite 900, Richmond, VA 23219, telephone (804) 786-4500.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **Regulations on Preneed Funeral Planning.** The purpose of the proposed action is to promulgate regulations for the practice of preneed funeral sales and arrangements by licensees of the Board of Funeral Directors and Embalmers. A committee meeting on the development of the regulations will be held on October 3, 1990 at 9 a.m.

Statutory Authority: § 54.1-2803 10 of the Code of Virginia.

Written comments may be submitted until September 28, 1990.

**Contact:** Meredyth P. Partridge, Executive Director of the Board, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9941

## DEPARTMENT OF HEALTH (STATE BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Health intends to consider amending regulations entitled: **VR 355-34-02. Regulations Governing Sewage Handling and Disposal.** The purpose of the proposed action is to delete portions of Article 11 related to Nonpublic Drinking Water Supply Systems Utilized in conjunction with onsite sewage disposal systems, now included in private well regulations (VR 355-34-01).

Statutory Authority: § 32.1-176.4 of the Code of Virginia.

Written comments may be submitted until September 30, 1990.

**Contact:** Donald Alexander, Director, Bureau of Sewage and Water, Virginia Department of Health, 109 Governor St., Suite 500, Richmond, VA 23219, telephone (804) 786-3559.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of

# General Notices/Errata

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Health intends to consider amending regulations entitled: **VR 355-30-01. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.** The purpose of the proposed action is to amend the existing Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations so that the regulations are consistent with amended law. These amendments appeared as Emergency Regulations in the July 30, 1990, issue of the Virginia Register.

Statutory Authority: §§ 32.1-12 and 32.1-102.1 et. seq. of the Code of Virginia.

Written comments may be submitted until October 15, 1990.

**Contact:** Marilyn H. West, Director, Division of Resources Development, Virginia Department of Health, James Madison Bldg., Room 1005, 109 Governor St., Richmond, VA 23219, telephone (804) 786-7463.

## DEPARTMENT OF LABOR AND INDUSTRY

### Safety and Health Codes Board

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Safety and Health Codes Board intends to consider amending regulations entitled: **Boiler and Pressure Vessel Rules and Regulations.** The purpose of the proposed action is to amend the Boiler and Pressure Vessel Rules and Regulations; commissioner's approval of variances; exemptions; and regulatory review.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Written comments may be submitted until September 14, 1990.

**Contact:** Anna Bradley Johnson, Statistical Analyst Senior, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-0610.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Safety and Health Codes Board intends to consider amending regulations entitled: **General Industry Safety and Health Standard: Welding, Cutting and Brazing.** The purpose of the proposed action is to set out technical amendments to VOSH's General Industry Welding, Cutting and Brazing.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Written comments may be submitted until September 14, 1990.

**Contact:** Anna Bradley Johnson, Statistical Analyst Senior, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-0610.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **Long-stay Acute Care Hospitals.** The purpose of the proposed action is to implement utilization review and develop an authorization process.

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

Written comments may be submitted until September 10, 1990, to Mary Chiles, Manager, Long-Term Care Section, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 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 SOCIAL 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 Social Services intends to consider amending regulations entitled: **VR 615-25-01. Minimum Standards for Licensing Group Family Day Care Homes.** The purpose of the proposed action is to develop appropriate regulations according to the new definition of Group Family Day Care which was changed with HB1035.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 10, 1990.

**Contact:** Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider amending regulations entitled: **VR 615-26-01. Minimum Standards for Licensed Family Day Care Systems.** The purpose of the proposed action is

to revise for improvements in content and clarity and to have consistency between System regulations and Group Family Day Care Homes.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 10, 1990.

**Contact:** Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider amending regulations entitled: **VR 615-33-01. Schedule of Fees.** The purpose of the proposed action is to review existing fees and establish fees for facilities which will become subject to licensure effective July 1, 1992.

Statutory Authority: §§ 63.1-25, 63.1-174.01 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 10, 1990.

**Contact:** Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **Aid to Dependent Children - Unemployed Parent (ADC-UP) Program Limitation of Assistance.** The purpose of the proposed action is to formally adopt emergency regulation VR 615-01-34, "Aid to Dependent Children - Unemployed Parent (ADC-UP) Program - Limitation of Assistance," which limits the number of months to which a family may receive benefits to six months in a 12-consecutive-month period.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 12, 1990, to I. Guy Lusk, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

**Contact:** Peggy Friedenber, Agency Regulatory Liaison, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **Child Protective Services Registry Information.** Above action is to change the existing procedures which establish the basis for entry and retention of name information in the child protective services central registry.

Statutory Authority: §§ 63.1-25 and 63.1-248.1 et seq. of the Code of Virginia.

Written comments may be submitted until October 10, 1990, to Janine Tondrowski, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699.

**Contact:** Margaret Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217 or toll free 1-800-552-7091.

### DEPARTMENT OF SOCIAL SERVICES (BOARD OF) AND CHILD DAY-CARE COUNCIL

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services and Child Day-Care Council intend to consider amending regulations entitled: **VR 615-30-01 and 175-03-01. General Procedures and Information for Licensure.** The purpose of the proposed action is to revise according to the requirements of HB 1035, streamline departmental procedures, and make changes for improvements in clarity and content.

Statutory Authority: §§ 63.1-174 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until October 10, 1990.

**Contact:** Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217.

### 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: Claiming Races.** The purpose of the proposed regulation is to establish conditions under which claiming races may be run and eligibility to claim

# General Notices/Errata

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horses is established.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until October 17, 1990.

**Contact:** William H. Anderson, Senior Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

## 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: Entries.** The purpose of the proposed regulation is to establish conditions under which horses may be entered for racing and their eligibility determined.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until October 17, 1990.

**Contact:** William H. Anderson, Senior Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

## 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: **VR 662-05-01. Conduct of Flat Racing.** The purpose of the proposed action is to establish conditions under which horses, ridden by jockeys over flat surfaces, shall race.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until November 21, 1990, to Donald R. Price, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

**Contact:** William H. Anderson, Senior Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

## 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: **VR 662-05-02. Conduct of Standardbred Racing.** The purpose of the proposed action is to establish the

specialized conditions under which trotting and pacing horses, hitched to sulkies, shall be driven in races.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until November 21, 1990, to Donald R. Price, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

**Contact:** William H. Anderson, Senior Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

## 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: **VR 662-05-03. Conduct of Steeplechase Racing.** The purpose of the proposed action is to establish the specialized conditions under which horses, ridden by jockeys and racing over fences, shall be conducted.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until November 21, 1990, to Donald R. Price, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

**Contact:** William H. Anderson, Senior Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

## 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: **VR 662-05-04. Conduct of Quarter Horse Racing.** The purpose of the proposed action is to establish the specialized conditions under which Quarter Horses, ridden by jockeys, shall be raced.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until November 21, 1990, to Donald R. Price, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

**Contact:** William H. Anderson, Senior Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

## VIRGINIA STATE LIBRARY AND ARCHIVES

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

public participation guidelines that the Virginia State Library and Archives intends to consider amending regulations entitled: **VR 440-01-137.1 Standards for the Microfilming of Public Records for Archival Retention.** The purpose of the proposed action is to update the current standard as part of the general five-year review.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Written comments may be submitted until February 1, 1991.

**Contact:** Dr. Louis Manarin, State Archivist, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-5579.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Library and Archives intends to consider amending regulations entitled: **VR 440-01-137.2. Archival Standards for Recording Deeds and other Writings by a Procedural Microphotographic Process.** The purpose of the proposed action is to update the current standard as part of the general five-year review.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Written comments may be submitted until February 1, 1991.

**Contact:** Dr. Louis Manarin, State Archivist, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-5579.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Library and Archives intends to consider amending regulations entitled: **VR 440-01-134.4. Standards for the Microfilming of Ended Law Chancery and Criminal Cases the Clerks of the Circuit Courts prior to Disposition.** The purpose of the proposed action is to update the current standard as part of the general five-year review.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Written comments may be submitted until February 1, 1991.

**Contact:** Dr. Louis Manarin, State Archivist, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-5579.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Library and Archives intends to consider amending regulations entitled: **VR 440-01-137.5. Standards for Computer Output Microfilm (COM) for Archival Retention.** The purpose of the proposed action is to update the current standard as part of the general five-year review.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Written comments may be submitted until February 1, 1991.

**Contact:** Dr. Louis Manarin, State Archivist, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-5579.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Library and Archives intends to consider amending regulations entitled: **VR 440-01-137.6. Standards for Plats.** The purpose of the proposed action is to update the current standard as part of the general five-year review.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Written comments may be submitted until February 1, 1991.

**Contact:** Dr. Louis Manarin, State Archivist, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-5579.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Library and Archives intends to consider amending regulations entitled: **VR 440-01-137.7. Standards for Recorded Instruments.** The purpose of the proposed action is to update the current standard as part of the general five-year review.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Written comments may be submitted until February 1, 1991.

**Contact:** Dr. Louis Manarin, State Archivist, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-5579.



# General Notices/Errata

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## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board For Waterworks and Wastewater Works Operators intends to consider amending regulations entitled: **VR 675-01-02. Board For Waterworks and Wastewater Works Operators.** The purpose of the proposed action is to consider revisions throughout its regulations, including amendments to add new classes of waterworks and wastewater works. These new classes may include consecutive water systems or groundwater systems with no treatment and consecutive water systems employing repumping or rechlorination, or both; alternative discharging sewage systems (§§ 32.1-163 and 32.1-164 of the Code of Virginia) serving single family dwellings with flows less than or equal to 1,000 gallons per day; very small water and wastewater systems employing sophisticated treatment; and wastewater systems collection and pumping systems. The board invites comments on these classes, including, but not limited to, class definition, minimum education, experience, and examination requirements for licensure.

Statutory Authority: §§ 54.1-201 and Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia.

Written comments may be submitted until October 15, 1990.

**Contact:** Mr. Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

## DEPARTMENT OF YOUTH AND FAMILY SERVICES (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given that the Board of Youth and Family Services intends to consider promulgating regulations entitled: **VR 690-01-001. Public Participation Guidelines.** The purpose of the proposed regulation is to provide consistent, written procedures that will ensure input from interested parties during the development, review, and final stages of the regulatory process.

Statutory Authority: § 66-10 of the Code of Virginia.

Written comments may be submitted until September 14, 1990.

**Contact:** Linda Nablo, Lead Analyst for Youth Services, Virginia Department of Youth and Family Services, P.O. Box 26963, Richmond, VA 23231, telephone (804) 674-3262.

## GENERAL NOTICES

### DEPARTMENT OF LABOR AND INDUSTRY

#### † Notice to the Public

A Quarterly Briefing for the Department of Labor and Industry is scheduled for Tuesday, October 9, 1990. The briefing will be held from 9 a.m. to 12:30 p.m. at the Department of Information Technology's Fourth Floor Auditorium, located in the Richmond Plaza Building, 110 South Seventh Street, Richmond, VA.

These briefings are being held to provide information to employers, associations, and employee representatives on recent occupational safety and health standards, regulations, policies, and program initiatives affecting Virginia's workplaces. Major topics to be covered at this briefing will be Ergonomics, Child Labor Laws, and Operation Worksafe, a new initiative aimed at reducing workplace fatalities.

For additional information contact:

Lilia M. Williams, Director  
Public Services and Information  
Department of Labor and Industry  
P.O. Box 12064  
Richmond, VA 23241  
Telephone (804) 786-8011

\* \* \* \* \*

#### † Notice to the Public

The Virginia State Plan for the enforcement of occupational safety and health laws (VOSH) commits the Commonwealth to adopt regulations identical to, or as effective as those promulgated by the U. S. Department of Labor, Occupational Safety and Health Administration.

Accordingly, public participation in the formulation of such regulations must be made during the adoption of such regulations at the federal level. Therefore, the Virginia Department of Labor and Industry is issuing the following notice:

U. S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

(Docket S-026)

RIN 1218-AB20

Process Safety Management of Highly Hazardous Chemicals

**AGENCY:** Occupational Safety and Health Administration (OSHA)

**ACTION:** Notice of proposed Federal rulemaking.

**SUMMARY:** This announcement provides notice of proposed federal rulemaking specifying requirements for the management of hazards associated with processes using highly hazardous chemicals. This proposal establishes procedures for process safety management that would protect employees by preventing or minimizing the consequences of chemical accidents involving highly hazardous chemicals. Employees have been and continue to be exposed to the hazards of toxicity, fire or explosion from major industrial accidents. The requirements in this standard are intended to eliminate or mitigate the consequences of such accidents.

**TEXT:** full text of the proposed rulemaking can be found in Volume 55, No. 137, pg. 29150, of the Federal Register. Written requests for a copy should be made to: Director of Enforcement Policy, Virginia Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241-0064.

**DATES:** Comments and notices of intention to appear at hearing: Postmarked by October 15, 1990.

Testimony and documentary evidence for the hearing: Postmarked by November 5, 1990.

**Public hearing:** OSHA will commence a hearing on November 27, 1990, which may continue for more than one day based on the number of notices of intention to appear.

**ADDRESSES:** Comments. Comments on the proposal should be submitted in quadruplicate to the Docket Officer, Docket S-026, U.S. Department of Labor, Occupational Safety and Health Administration, room N2625, 200 Constitution Avenue, NW, Washington, DC 20210.

An additional copy should be submitted to the Director of Enforcement Policy, Virginia Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia, 23241-0064.

Notices of intention to appear, and testimony and documentary evidence. Notice of intention to appear at the hearing, and testimony and documentary evidence which will be introduced into the hearing record, must be submitted in quadruplicate to Mr. Tom Hall, Division of Consumer Affairs, room N3649, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, Washington, DC 20210.

**Public hearing.** A hearing will be held in Washington, DC, beginning at 9:30 a.m. on November 27, 1990, in the Auditorium of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Proposal. Mr.

James A. Foster, U.S. Department of Labor, Occupational Safety and Health Administration, room N3637, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523-8615.

## NOTICE TO SUBSCRIBERS OF THE VIRGINIA REGISTER OF REGULATIONS

The Virginia Code Commission at its meeting on June 12, 1990, agreed to increase the annual subscription rate for the Virginia Register of Regulations to \$100 per year. This increase is the first since the Register began in October 1984. The increase will become effective on October 1, 1990.

## NOTICES TO STATE AGENCIES

**RE:** Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

### FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01  
NOTICE OF COMMENT PERIOD - RR02  
PROPOSED (Transmittal Sheet) - RR03  
FINAL (Transmittal Sheet) - RR04  
EMERGENCY (Transmittal Sheet) - RR05  
NOTICE OF MEETING - RR06  
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08  
DEPARTMENT OF PLANNING AND BUDGET (Transmittal Sheet) - DPBR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

## ERRATA

### BOARD OF NURSING HOME ADMINISTRATORS

Title of Regulation: VR 500-01-2:1 Regulations of the

## General Notices/Errata

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### **Board of Nursing Home Administrators.**

Publication: 6:21 VA.R. 3341-3358 July 16, 1990.

#### Correction to Final Regulation:

Page 3348, § 8.6 is identical to § 8.11. Section 8.6 should be deleted and §§ 8.7 through 8.11 should be renumbered as §§ 8.6 through 8.10.

# 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)

**September 26, 1990 - 10 a.m. – Public Hearing**  
Virginia Department of Agriculture and Consumer Services Board Room, Washington Building, Room 204, 1100 Bank Street, 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 155-04-09. Rules and Regulations for the Enforcement of the Virginia Seed Law.** The purpose of this amendment is to add Serrated tussock, Nassella trichotoma, to the list of prohibited noxious weed seeds.

Statutory Authority: § 3.1-271 of the Code of Virginia.

Written comments may be submitted until September 19, 1990.

**Contact:** D. E. Brown, Supervisor, Seed Section, Virginia Department of Agriculture and Consumer Services, PAIR Division, 1100 Bank St., Room 505, P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-3797.

\* \* \* \* \*

**September 26, 1990 - 10:30 a.m. – Public Hearing**  
Virginia Department of Agriculture and Consumer Services

Board Room, Washington Building, Room 204, 1100 Bank Street, 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 155-04-12. Rules and Regulations for the Enforcement of the Gasoline and Motor Fuels Law.** The regulation amendments (i) change the volatility limit for gasoline from 11.5 pounds per square inch (psi) to 9.0 psi Reid vapor pressure (RVP) for the months of May, June, July, August, and September of each year, to be implemented May, 1991, contingent upon obtaining approval from the U.S. Environmental Protection Agency (EPA); (ii) change the distillation specifications to accommodate a new volatility limit; (iii) require the use of EPA-approved test methods for gasoline volatility measurement when the 9.0 psi RVP standard is in effect; and (iv) provide for a 1.0 psi RVP allowance for gasoline-ethanol blends.

Statutory Authority: §§ 59.1-153 and 59.1-156 of the Code of Virginia.

Written comments may be submitted until 5 p.m., September 18, 1990.

**Contact:** W. Penn Zentmeyer, Supervisor, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-3511.

\* \* \* \* \*

**December 6, 1990 - 2 p.m. – Public Hearing**  
1100 Bank Street, Room 204, Washington Building, 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 115-06-01. Rules Governing the Solicitation of Contributions.** The proposed amendments to the regulation are for the purpose of bringing the regulation into conformity with amendments in the statute; to define certain terms contained in the statute regarding exemption from annual registration; to specify, pursuant to § 57-55.2(1) of the Code of Virginia, the name or names by which a professional solicitor may identify himself and his employer; to standardize documentation required for filing with the Commissioner of the Department of Agriculture and Consumer Services; to establish procedures for compliance with the statute; to establish certain evidence deemed adequate to lift a

## Calendar of Events

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suspension of registration; to consider other measures to enforce laws governing the solicitation of contributions in Virginia (§ 57-48 et seq. of the Code of Virginia), hereinafter referred to as the "Virginia Solicitation of Contributions Law"; and to assure uniform regulation of charitable solicitations throughout the Commonwealth.

Statutory Authority: § 57-66 of the Code of Virginia.

NOTE: CHANGE IN WRITTEN COMMENT DATE

Written comments may be submitted until 2 p.m., November 12, 1990.

**Contact:** Jo Freeman, Chair, Revisions Committee, Virginia Department of Agriculture and Consumer Services, Division of Consumer Affairs, P.O. Box 1163, Richmond, VA 23209 or 1100 Bank Street, Room 204, Richmond, VA 23219, telephone (804) 786-1343 or toll-free 1-800-552-9963.

### STATE AIR POLLUTION CONTROL BOARD

† **October 2, 1990 - 9 a.m. - Open Meeting**  
The Ramada Oceanside, Virginia Beach, Virginia.

A regular business meeting in conjunction with the annual meeting of the State Advisory Board on Air Pollution.

**Contact:** Dr. Kathleen Sands, Senior Policy Analyst, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 225-2722.

\* \* \* \* \*

**October 10, 1990 - 10 a.m. - Public Hearing**  
Washington County, Board of Supervisors' Meeting Room, 205 Academy Drive, Abingdon, Virginia.

**October 10, 1990 - 10 a.m. - Public Hearing**  
Virginia Department of Transportation, Materials Lab Building, 731 Harrison Avenue, Salem, Virginia.

**October 10, 1990 - 10 a.m. - Public Hearing**  
Lynchburg Recreation Center Auditorium, 301 Grove Street, Lynchburg, Virginia.

**October 10, 1990 - 10 a.m. - Public Hearing**  
Central Rappahannock Regional Library, Administrative Offices, 705 Princess Anne Street, Fredericksburg, Virginia.

**October 10, 1990 - 10 a.m. - Public Hearing**  
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

**October 10, 1990 - 2 p.m. - Public Hearing**  
Hampton Roads Planning District Commission, Regional Building, 723 Woodlake Drive, Chesapeake, Virginia.

**October 10, 1990 - 2 p.m. - Public Hearing**

Pohick Regional Library Meeting Room, 6450 Sydenstricker Road, Burke, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The proposed regulation requires a permit to operate for all stationary sources with exemptions for some smaller facilities. Operating permits will be issued for a period not to exceed five years and will be renewed if the facility meets the standards and conditions set out in the regulation. Emission limits will be set to restrict the emissions allowed for each existing facility to some level above the actual levels currently emitted but below the levels allowed now by regulation. Permit applications for larger facilities will be subject to a public comment period of 30 days, and a public hearing may be held if there is sufficient public interest. The program will be phased in slowly over its first four years, during which time only larger existing facilities will be issued operating permits.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until October 26, 1990, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia 23208.

**Contact:** Nancy S. Saylor, Policy Analyst, Department of Air Pollution Control, Division of Program Development, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249.

### ALCOHOLIC BEVERAGE CONTROL BOARD

**October 15, 1990 - 10 a.m. - Public Hearing**  
First Floor Hearing Room, 2901 Hermitage Road, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: **VR 125-01-2. Advertising; VR 125-01-3. Tied-House; VR 125-01-5. Retail Operations; VR 125-01-6. Manufacturers and Wholesalers Operations; and VR 125-01-7. Other Provisions.** The amendments relate to the (i) expansion of size limitations and types of advertising materials that manufacturers, bottlers and wholesalers may supply to retail licensees, (ii) definition of "college student publication," (iii) prohibition of reference to brands or prices for alcoholic beverage advertising by a dining establishment in college student publications, (iv) sponsorship of government-endorsed civic events and advertising related to such events, (v) limitations on distribution of novelty and specialty items to retailers, their employees and patrons by manufacturers,

importers, bottlers, brokers, and wholesalers, (vi) restrictions on nonmember use of licensed club premises, (vii) compliance with 1990 statutory changes involving the mixed beverage food to alcoholic beverage ratio, bed and breakfast licenses and the number of additional retail establishments allowed farm wineries, and (viii) mixed licensee being left with one, unopened, 50 milliliter sample of each brand of distilled spirits being promoted by the permittee.

Statutory Authority: § 4-11 of the Code of Virginia.

Written comments may be submitted until 10 a.m., October 15, 1990.

Contact: Robert N. Swinson, Secretary to the Board, P.O. Box 27491, 2901 Hermitage Rd., Richmond, VA 23261, telephone (804) 367-0616.

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

**September 13, 1990 - 9 a.m. - Open Meeting**  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes of the May 17, 1990, meeting; (ii) review correspondence; (iii) review enforcement files; and (iv) review applications.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8515 or toll-free 1-800-552-3016.

### Board for Land Surveyors

**September 14, 1990 - 9 a.m. - Open Meeting**  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes of the August 17, 1990, meeting; (ii) review applications; (iii) review and discuss correspondence; and (iv) review enforcement files.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or toll-free 1-800-552-3016.

## COMMISSION FOR THE ARTS

† **September 18, 1990 - 9 a.m. - Open Meeting**  
Martha Washington Inn, 150 West Main Street, Abingdon, Virginia. ☐

A quarterly meeting.

Contact: Commission for the Arts, James Monroe Bldg.,

17th Floor, 101 N. 14th St., Richmond, VA 23219-3683, telephone (804) 225-3132

## ASAP POLICY BOARD - VALLEY

**September 10, 1990 - 8 a.m. - Open Meeting**  
2 Holiday Court, Staunton, Virginia. ☐

A regular meeting of the local policy board which conducts business pertaining to (i) court referrals; (ii) financial report; (iii) director's report; and (iv) statistical reports.

Contact: Mrs. Rhoda G. York, Executive Director, 2 Holiday Court, Staunton, VA 24401, telephone (703) 886-5616 or (703) 943-4405 (Waynesboro).

## ATHLETIC BOARD

† **October 30, 1990 - 10 a.m. - Open Meeting**  
3600 West Broad Street, Board Room 2, Richmond, Virginia. ☐

A meeting to discuss rules and regulations.

Contact: Doug Beavers, Assistant Director, 3600 W. Broad St., Board Room 2, Richmond, VA 23230, telephone (804) 367-8507.

## BOARD OF AUDIOLOGY AND SPEECH PATHOLOGY

† **September 13, 1990 - 10 a.m. - Open Meeting**  
8007 Discovery Drive, Blair Building, Conference Room B, Richmond, Virginia. ☐

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907.

## BOARD FOR BARBERS

† **September 17, 1990 - 10 a.m. - Open Meeting**  
Holiday Inn-Midtown, 3200 West Broad Street, Richmond, Virginia. ☐

A meeting to discuss development of written and practical examination and 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).

# Calendar of Events

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## VIRGINIA BOATING ADVISORY BOARD

† September 25, 1990 - 10:30 a.m. -- Open Meeting  
State Capitol, House Room 1, Capitol Square, Richmond,  
Virginia. ☐

Review of and action on legislation and regulations  
affecting Virginia's recreational boating public.

Contact: Wayland W. Rennie, Chairman, 8411 Patterson  
Ave., Richmond, VA 23229, telephone (804) 740-7206.

## BOARD FOR BRANCH PILOTS

† September 13, 1990 - 9 a.m. -- Public Hearing  
World Trade Center, Virginia Port Authority, Suite 600,  
Norfolk, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Board for Branch  
Pilots intends to amend regulations entitled: **VR  
535-01-2. Branch Pilot Regulations.** The proposed  
amendment is to maintain standards for initial  
licensure, renewal of license, and conduct of licensed  
branch pilots in the Commonwealth.

Pursuant to § 54.1-902 of the Code of Virginia, the  
Board for Branch Pilots proposes to amend its  
regulations. These regulations apply directly to 49  
licensed branch pilots in Virginia.

The purpose of the proposed amendments is to  
establish licensing and renewal fees in accordance  
with § 54.1-113 of the Code of Virginia, to ensure that  
applicants for initial licensure and renewal of licenses  
provide accurate information to the board in a timely  
manner regarding possible abuse of alcohol or a  
controlled substance by a pilot during the performance  
of his duties, and to require timely reporting to the  
board and staff by pilots regarding maritime mishaps  
occurring during the performance of their duties. The  
proposed new requirements will protect the public by  
ensuring the competence of pilots who direct the  
movement of vessels through the waters of the  
Commonwealth. The potential consequences of  
incompetent performance by these licensees are  
severe, involving possible injury or loss of life, costly  
damage to property, and the far-reaching  
environmental effects of possible oil or chemical spills.

### STATEMENT

1. Proposed § 1.1 A 3 is simply reworded to be  
grammatically consistent with the two preceding sections.  
There will be no impact on the department, the licensees  
or the public.
2. Proposed § 1.1 A 4 requires applicants for an initial  
license as a Limited Branch Pilot to provide to the board  
evidence of a satisfactory physical examination, including

a screen for all controlled substances and alcohol,  
conducted within the 60 days immediately preceding  
application for licensure. Although this regulation places a  
new requirement on these applicants, it is not expected to  
be especially costly or burdensome since applicants are  
already serving in an apprenticeship program which  
requires that they pass a drug screening test prior to  
acceptance and for which they must be in good physical  
condition. This regulation will not impose any increased  
costs or staff demands on the department, and the public  
will be more effectively protected by the assurance that  
pilots are physically fit to perform their duties.

3. Proposed § 1.1 A 5 requires a licensing fee of \$175 for  
initial licensure as a Limited Branch Pilot. Licensing fees  
were previously in the Code and have now been deleted  
by the General Assembly, thus allowing the board to set  
fees in regulation and come into compliance with the  
requirement of § 54.1-113 of the Code that there be a  
variance no greater than 10% between the revenues and  
expenditures for any board in the department. The  
proposed new fee will assure that the expenses of this  
board are adequately covered by revenues from licensees.  
Although this fee is an increase, it is not anticipated that  
this additional cost will be prohibitive for applicants for  
licensure. The public will not be directly affected by this  
change.

4. Proposed § 1.1 B 4 is simply reworded to state  
accurately the name of the required federal license. This  
change will have no impact except to clarify the name of  
the license in question.

5. Proposed § 1.1 B 5 requires applicants for a Full  
Branch Pilot license to meet the same requirement for a  
physical examination and drug/alcohol screening as  
applicants for a limited license. The anticipated impact of  
this regulation is the same as that outlined in item 2  
above.

6. Proposed § 1.1 B 7 requires a licensing fee of \$175 for  
initial licensure as a Full Branch Pilot. The expected  
impact of this requirement is the same as that outlined in  
item 3 above.

7. Proposed § 2.1 A 1 imposes an additional requirement  
for a physical examination including a screen for all  
controlled substances and alcohol for renewal of a Limited  
Branch Pilot license. The revision also requires that the  
examination be completed within 60 days prior to  
application for renewal. This revision places no additional  
burden on the department. It will impose an additional cost  
on the licensees and require them to schedule the physical  
examination within the specified timeframe. This  
regulation protects the public by requiring that licensees  
provide assurance that they are not impaired by use of  
any controlled substance or alcohol at the time of renewal  
of their licenses.

8. Proposed § 2.1 A 2 changes the requirement that  
Limited Branch Pilots hold a federal license so that this

standard does not take effect until the third year of licensure. This change is necessary because a federal license requires three years of apprenticeship rather than the two years needed for a limited license in Virginia. The requirement for federal license prior to renewal must, therefore, be deferred until a Virginia Limited Branch Pilot has time to complete the additional year of apprenticeship and successfully complete the federal licensing examination. This change will require the board and department staff to track this information, a minor additional workload with no fiscal impact. The revision relieves licensees of an obligation which they might not be able to meet and poses no threat to the public.

9. Proposed § 2.1 A 3 requires Limited Branch Pilots to pay a renewal fee of \$155. As previously stated with regard to initial licensing fees, these fees were previously in the Code and are now in regulation and adjusted in order to assure the board's compliance with § 54.1-113 of the Code of Virginia. There will be no additional cost or workload imposed on the department by the change. Licensees will experience an additional cost as fees are adjusted to meet the above-referenced requirement.

10. Proposed § 2.1 B 1 simply corrects the terminology referring to the federal license (see item 4 above).

11. Proposed § 2.1 B 2 adds the requirement for a screen for all controlled substances and alcohol to the physical examination already required for renewal of a Full Branch Pilot license. The regulation is also revised to require that the examination be conducted within the 60 days immediately prior to the application for renewal. See item 7 above for additional information.

12. Proposed § 2.1 B 6 requires that Full Branch Pilots pay a renewal fee of \$155. See item 9 above for additional information.

13. Proposed § 4.1 3 is revised to state accurately the nature of the activities carried out by the National Transportation Board which does not, in fact, take disciplinary actions. No impact is anticipated as a result of this change.

14. Proposed § 4.1 8 is revised to specify where incident reports are to be sent and the specific timeframe for reporting. This revision will only impose a slight additional workload on the board administrator and no additional cost. The licensees will benefit from having more specific direction as to the proper procedures to follow in making such reports. The public will be more effectively protected by the timely and proper filing of these reports which will enable the board and the department to act promptly to initiate investigation or disciplinary action when appropriate.

15. Proposed § 4.1 10 requires that a licensee have a test for all controlled substances and alcohol whenever an incident occurs in the performance of his duties involving a collision, grounding, personal injury, death,

environmental hazard or damage to a vessel in excess of \$100,000. This amendment may require some additional investigative activity by the department, but it is not anticipated that this increase will be significant in terms of staff time or cost. Licensees will be expected to obtain a test in these circumstances, but this is not a burdensome or costly requirement. The public will be better protected as this regulation specifically provides that the board may summarily suspend a license (in accordance with § 54.1-902 of the Code) if the licensee refuses to take the test as required.

16. Proposed § 4.1 11 requires that the licensee report the results of the test required by § 4.1 10 to the appropriate parties within 48 hours of the administration of the test. No significant increase in workload at the department is anticipated as a result of this revision. Licensees will simply need to provide information within the specified time. The public will be better protected because the board will be able to act quickly should investigation or disciplinary action be warranted.

All changes, deletions and additions to the proposed regulations not discussed in this document are not substantive in nature but are made for purposes of organization, clarification and consistency.

Statutory Authority: § 54.1-902 of the Code of Virginia.

Written comments may be submitted until November 13, 1990.

**Contact:** Florence R. Brassier, Deputy Director for Regulatory Programs, Virginia Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2194.

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**September 13, 1990 - 1 p.m. - Open Meeting**  
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☐

The board will consider local government program progress. Public comment will be heard at the end of the meeting.

**Contact:** Tina Halsted, Staff Specialist, 701 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☐

## COUNCIL ON CHILD DAY CARE AND EARLY CHILDHOOD PROGRAMS

† **October 4, 1990 - 10 a.m. - Open Meeting**  
Virginia Employment Commission Board Room, 3rd Floor, 703 East Main Street, Richmond, Virginia.

A regular business meeting. Public comments will not



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be received at the meeting.

**Contact:** Linda Sawyers, Director, Virginia Council on Child Day Care and Early Childhood Programs, 1100 Bank St., Washington Bldg., Suite 1116, Richmond, VA 23219, telephone (804) 371-8603.

## DEPARTMENT FOR CHILDREN

### Consortium on Child Mental Health

**October 3, 1990 - 9 a.m. - Open Meeting**  
Eighth Street Office Building, 11th Floor Conference Room, 805 East Broad Street, Richmond, Virginia. ☐

A regular business meeting open to the public, followed by an executive session, for purposes of confidentiality, to review applications for funding of services to individuals.

**Contact:** Wenda Singer, Chair, Department for Children, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-2208.

## COORDINATING COMMITTEE FOR INTERDEPARTMENTAL REGULATION OF RESIDENTIAL FACILITIES FOR CHILDREN

† **September 21, 1990 - 8:30 a.m. - Open Meeting**  
† **October 19, 1990 - 8:30 a.m. - Open Meeting**  
Office of the Coordinator, Interdepartmental Regulation, 1603 Santa Rosa Road, Tyler Building, Suite 208, Richmond, Virginia. ☐

Regularly scheduled meetings 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 Regulation, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124.

## DEPARTMENT OF COMMERCE

**September 26, 1990 - 9 a.m. - Public Hearing**  
Department of Commerce, 3600 West Broad Street, Conference Room 1, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Commerce intends to consider amending regulations entitled: **VR 190-05-1. Asbestos Licensing Regulations.** The amendments to the Virginia Asbestos Licensing Regulations include the licensure of RFS Inspectors, Project Monitors, Asbestos Analytical Laboratories, Conflict of Interest within the Asbestos Industry and adjustments of all fees.

Statutory Authority: §§ 54.1-500 through 54.1-517 of the Code of Virginia.

Written comments may be submitted until October 26, 1990.

**Contact:** Peggy J. Wood, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or toll-free 1-800-552-3016.

## STATE BOARD FOR COMMUNITY COLLEGES

**September 19, 1990 - time to be determined - Open Meeting**  
101 North 14th Street, Monroe Building, 15th Floor, Board Room, Richmond, Virginia.

A working session. The State Board committee meetings will convene following the working session.

**September 20, 1990 - 9 a.m. - Open Meeting**  
101 North 14th Street, Monroe Building, 15th Floor, Board Room, Richmond, Virginia.

A meeting of the board. The agenda is unavailable at this time.

**Contact:** Mrs. Joy Graham, 101 North 14th Street, Monroe Building, Richmond, VA 23219, telephone (804) 225-2126.

## BOARD FOR CONTRACTORS

**September 12, 1990 - 9 a.m. - Open Meeting**  
3600 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ☐

A special called meeting of the board to adopt final regulations.

**Contact:** Kelly G. Ragsdale, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8557 or toll-free 1-800-552-3016.

## Complaints Committee

**September 12, 1990 - 11 a.m. - Open Meeting**  
3600 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ☐

A meeting to review and consider complaints filed by consumers against licensed contractors.

**Contact:** A. R. Wade, Recovery Fund/Complaints Administrator, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561 or toll-free 1-800-552-3016.

**COMMUNITY CORRECTIONS RESOURCES BOARD - MIDDLE VIRGINIA**

**October 4, 1990 - 7 p.m. - Open Meeting**  
**November 1, 1990 - 7 p.m. - Open Meeting**  
502 South Main Street, No. 4, Culpeper, Virginia.

From 7 p.m. until 7:30 p.m. the Board of Directors will hold a business meeting to discuss DOC contract, budget, and other related business. Then the CCRB will meet to review cases before for eligibility to participate with the program. It will review the previous month's operation (budget and program related business).

**Contact:** Lisa Ann Peacock, Program Director, 502 S. Main St., No. 4, Culpeper, VA 22701, telephone (703) 825-4562.

**DEPARTMENT OF CONSERVATION AND RECREATION**

**Upper James Scenic River Advisory Board**

† **September 12, 1990 - 6 p.m. - Open Meeting**  
Westvaco, Covington, Virginia.

A meeting to review river issues and programs.

**Falls of the James Scenic River Advisory Board**

† **September 21, 1990 - noon - Open Meeting**  
City Hall, 9th and Broad Streets, 5th Floor, Planning Commission Conference Room, Richmond, Virginia.

A meeting to review river issues and programs.

**Contact:** Richard G. Gibbons, Environmental Programs Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or (804) 786-2121/TDD ☎

**BOARD OF CORRECTIONS**

**NOTE: CHANGE IN TIME AND LOCATION OF MEETING**  
**September 12, 1990 - 2 p.m. - Open Meeting**  
Greensville Correctional Center, State Route 646, Jarratt, Virginia. ☒

**October 10, 1990 - 10 a.m. - Open Meeting**  
Board of Corrections Board Room, 6900 Atmore Drive, Richmond, Virginia. ☒

A regular monthly meeting.

**Contact:** Ms. Vivian Toler, Secretary of the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

\* \* \* \* \*

† **October 10, 1990 - 10 a.m. - Public Hearing**  
Department of Corrections, 6900 Atmore Drive, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Corrections intends to consider adopting regulations entitled: **VR 230-30-008. Regulations for State Reimbursement of Local Correctional Facility Construction Costs.** These regulations provide instructions for local correctional facilities to apply for reimbursement for construction, enlargement, or renovation costs.

**STATEMENT**

**Impact:** These regulations will apply to all localities seeking state reimbursement for local or regional correctional facility construction, enlargement or renovation.

**Basis:** Sections 53.1-80 through 53.1-82 of the Code of Virginia require the Board of Corrections to promulgate regulations for the reimbursement of local correctional facility construction, enlargement or renovation.

**Purpose:** These regulations have been promulgated by the Board of Corrections to carry out its statutory requirement.

**Issues:** These regulations have been promulgated to ensure the fair and equitable distribution of state funds provided for state reimbursement of local correctional facility construction costs. The increased levels of funding which may be allocated for such reimbursement have been accompanied by requirements for localities to provide information to the Board of Corrections to enable the board to assess need, evaluate priorities, and use as guidelines for evaluating locality requests.

Issues surrounding the reimbursement of local correctional facility construction costs to date have included locality proposals that reimbursement caps be revised to allow reimbursement to large localities in a manner similar to that currently designated for regional facilities, and for localities to be able to access funds prior to completion of construction.

**Substance:** The Commonwealth of Virginia has increased the limits of reimbursement that localities may receive for the construction of local correctional facilities. The regulations provide for a fair and equitable review of proposed expenditures, and clarify the priorities which will be used to determine how reimbursement will be granted. The absence of these rules may result in the use of inconsistent criteria to determine reimbursement approval.

**Statutory Authority:** §§ 53.1-5 and 53.1-80 through 53.1-82 of the Code of Virginia.

Written comments may be submitted until November 10, 1990.

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**Contact:** A. T. Robinson, Local Facilities Administrator, P.O. Box 26963, Richmond, VA 23261, telephone (804) 674-3251.

(804) 662-9906.

## BOARD FOR COSMETOLOGY

† **September 16, 1990 - 2 p.m.** – Open Meeting  
Holiday Inn-Midtown, 3200 West Broad Street, Richmond, Virginia. ☒

A meeting to discuss practical and written examination with the chief examiners.

† **September 17, 1990 - 9 a.m.** – Open Meeting  
Holiday Inn-Midtown, 3200 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) review correspondence; (ii) review applications; (iii) review enforcement cases; (iv) discuss regulatory review; 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 1-800-552-3016 (VA only).

## BOARD OF DENTISTRY

**September 12, 1990 - 2 p.m.** – Open Meeting  
Omni Hotel, 777 Waterfront Drive, Brandon Room, Norfolk, Virginia. ☒

Informal conferences. No public comment will be heard.

**September 13, 1990 - 9 a.m.** – Open Meeting  
Omni Hotel, 777 Waterfront Drive, Brandon Room, Norfolk, Virginia. ☒

9 a.m. Endorsement Committee meeting.

4 p.m. Executive Committee meeting.

No public comment will be heard.

**September 14, 1990 - 1:30 p.m.** – Open Meeting  
**September 15, 1990 - 9 a.m.** – Open Meeting  
**September 16, 1990 - 9 a.m.** – Open Meeting  
Omni Hotel, 777 Waterfront Drive, Brandon Room, Norfolk, Virginia. ☒

The meeting will consist of (i) board business; (ii) formal hearing; and (iii) committee reports relating to endorsement, RFP, advertising, executive, budget, legislative, and exams. Public comment will be heard at the conclusion of the meeting.

**Contact:** Nancy Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone

## BOARD OF EDUCATION

**September 27, 1990 - 9 a.m.** – Open Meeting  
**September 28, 1990 - 9 a.m.** – Open Meeting  
**October 25, 1990 - 9 a.m.** – Open Meeting  
**October 26, 1990 - 9 a.m.** – Open Meeting  
General Assembly Building, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The Board of Education and the Board of Vocational Education will hold a regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request.

**Contact:** Margaret Roberts, Executive Director, Board of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 225-2540.

## GOVERNOR'S COMMISSION ON EDUCATIONAL OPPORTUNITY FOR ALL VIRGINIANS

**September 26, 1990 - 9:30 a.m.** – Open Meeting  
† **December 5, 1990 - 9:30 a.m.** – Open Meeting  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

A full commission meeting.

**October 3, 1990 - 4 p.m.** – Public Hearing  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

A commission public hearing.

**Contact:** Kris Ragan, Staff, P.O. Box 1422, Ninth Street Office Bldg., Room 329, Richmond, VA 23211, telephone (804) 786-1688.

## LOCAL EMERGENCY PLANNING COMMITTEE - ALEXANDRIA

**September 12, 1990 - 6 p.m.** – Open Meeting  
Chesapeake and Potomac Telephone Company, 4242 Duke Street, Alexandria, Virginia.

A regular meeting. A tour of the facility will be conducted after the meeting.

**Contact:** Chap Coleman, Emergency Preparedness Coordinator, Fire Department, 900 Second St., Alexandria, VA 22314-1395, Telephone (703) 838-3825.

## LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

**October 4, 1990 - 5:30 p.m.** - Open Meeting  
Chesterfield County Administration Building, 10,001  
Ironbridge Road, Chesterfield, Virginia. ☒

Local emergency preparedness committee meeting as  
required by SARA Title III.

**Contact:** Lynda G. Furr, Assistant Emergency Services  
Coordinator, Chesterfield Fire Department, P.O. Box 40,  
Chesterfield, VA 23832, telephone (804) 748-1236.

## LOCAL EMERGENCY PLANNING COMMITTEE - FAIRFAX COUNTY, THE CITY OF FAIRFAX AND THE TOWNS OF HERNDON AND VIENNA

† **September 20, 1990 - 10 a.m.** - Open Meeting  
John C. Wood Municipal Center, Lee Highway, Fairfax,  
Virginia.

Local emergency preparedness committee meeting as  
required by SARA Title III.

**Contact:** David Duncan, 4031 University Dr., Fairfax, VA  
22030, telephone (703) 246-3971.

## LOCAL EMERGENCY PLANNING COMMITTEE - COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG

† **September 11, 1990 - 3 p.m.** - Open Meeting  
Montgomery County Courthouse, 3rd Floor, Board of  
Supervisors Room, Christiansburg, Virginia. ☒

Development of a Hazardous Materials Emergency  
Response Plan for Montgomery County and the Town  
of Blacksburg.

**Contact:** Steve Via, New River Valley Planning District  
Commission, P.O. Box 3726, Radford, VA 24143, telephone  
(703) 639-9313 or SCATS 676-4012.

## LOCAL EMERGENCY PLANNING COMMITTEE - COUNTY OF PRINCE WILLIAM, CITY OF MANASSAS, AND CITY OF MANASSAS PARK

† **September 17, 1990 - 1:30 p.m.** - Open Meeting  
† **October 15, 1990 - 2:30 p.m.** - Open Meeting  
1 County Complex Court, Prince William, Virginia. ☒

Local emergency preparedness committee meeting as  
required by SARA Title III.

**Contact:** Thomas J. Hajduk, Information Coordinator, 1  
County Complex Court, Prince William, VA 22192-9201,  
telephone (703) 335-6800.

## LOCAL EMERGENCY PLANNING COMMITTEE - RICHMOND

† **September 13, 1990 - 10 a.m.** - Open Meeting  
City Hall, 900 East Broad Street, Observation Deck (18th  
Floor), Richmond, Virginia. ☒

A meeting to discuss nominations and recent  
developments pertaining to the committee.

**Contact:** Thomas E. Price, Captain, Richmond Fire Bureau,  
501 N. 9th St., Room 134, Richmond, VA 23219, telephone  
(804) 780-6660.

## VIRGINIA EMPLOYMENT COMMISSION

### Advisory Board

† **October 9, 1990 - 1 p.m.** - Open Meeting  
† **October 10, 1990 - 3 p.m.** - Open Meeting  
Radisson Hotel, 555 East Canal Street, Richmond, Virginia.  
☒

A regular meeting to conduct general business.

**Contact:** Ron Montgomery, 703 E. Main St., Richmond, VA  
23219, telephone (804) 786-1070.

## FAMILY AND CHILDREN'S TRUST FUND OF VIRGINIA

### Board of Trustees

**October 12, 1990 - 10 a.m.** - Open Meeting  
**November 9, 1990 - 10 a.m.** - Open Meeting  
**December 7, 1990 - 10 a.m.** - Open Meeting  
Koger Executive Center, West End, Blair Building,  
Conference Room C, 8007 Discovery Drive, Richmond,  
Virginia. ☒

The board will plan and evaluate its fund raising  
campaign. It will carry out all the activities necessary  
for implementation of this project.

**Contact:** Molly Moncure Jennings, Executive Director,  
Family and Children's Trust Fund, 8007 Discovery Dr.,  
Richmond, VA 23229-8699, telephone (804) 662-9217.

## DEPARTMENT OF FORESTRY

### Reforestation of Timberlands Board

† **September 26, 1990 - 10 a.m.** - Open Meeting  
Lumber Manufacturers' Association of Virginia, Inc., 220  
East Williamsburg Road, Sandston, Virginia. ☒

Semi-annual meeting of the board to review  
accomplishments and budget.

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**Contact:** Phil T. Grimm, Assistant Chief Forest Management, Department of Forestry, Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555/TDD ☎ or SCATS 487-1230

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **September 11, 1990 - 9 a.m.** – Open Meeting  
† **September 12, 1990 - 9 a.m.** – Open Meeting  
Givens Funeral Home, 110 Woodrum Street, Pearisburg, Virginia. ☒

Trainee/Education Committee meeting.

† **September 18, 1990 - 9 a.m.** – Open Meeting  
† **September 18, 1990 - 5 p.m.** – Open Meeting  
1601 Rolling Hills Drive, Richmond, Virginia. ☒

9 a.m.: FDE Informals - Conference Room 3.  
5 p.m.: Trainee/Education Committee meeting - Conference Room 2.

**September 19, 1990 - 9 a.m.** – Open Meeting  
1601 Rolling Hills Drive, Richmond, Virginia. ☒

A regularly scheduled board meeting.

† **September 19, 1990 - 10 a.m.** – Open Meeting  
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

FDE board meeting.

† **September 19, 1990 - 4 p.m.** – Open Meeting  
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

Workshop committee meeting.

### NOTE: CHANGE IN TIME OF MEETING

**September 20, 1990 - 10 a.m.** – Public Hearing  
1601 Rolling Hills Drive, Richmond, Virginia. ☒

A public hearing to seek public comments regarding proposed regulations for preneed funeral arrangements.

† **September 20, 1990 - 10 a.m.** – Public Hearing  
† **September 20, 1990 - 1 p.m.** – Open Meeting  
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

10 a.m.: FDE Preneed Public Hearing.  
1 p.m.: FDE Executive Committee meeting.

† **October 4, 1990 - 11 a.m.** – Open Meeting  
1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

Trainee/Education Committee meeting.

† **October 10, 1990 - 11 a.m.** – Open Meeting  
1601 Rolling Hills Drive, Conference Room 3, Richmond, Virginia. ☒

FDE reciprocity committee meeting.

† **October 16, 1990 - 8 a.m.** – Open Meeting  
1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

FDE informal conference.

† **October 17, 1990 - 9 a.m.** – Open Meeting  
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

FDE legislative committee meeting.

† **October 17, 1990 - 10 a.m.** – Open Meeting  
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

FDE regularly scheduled board meeting.

**Contact:** Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9111.

\* \* \* \* \*

† **September 20, 1990 - 10 a.m.** – Public Hearing  
1601 Rolling Hills Drive, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to adopt regulations entitled: **VR 320-01-03. Regulations for Preneed Funeral Planning.** The proposed regulations establish standards for the sale of preneed funeral arrangements by licensing of the Board of Funeral Directors and Embalmers in Virginia.

### STATEMENT

**Basis:** Sections 54.1-2400 and 54.1-2803(10) of the Code of Virginia provide the statutory basis for promulgation of the Preneed Regulations of the Board of Funeral Directors and Embalmers.

**Purpose:** The proposed regulations establish standards for the practice of preneed funeral arrangements and sales including qualifications of the seller, solicitation requirements, record keeping responsibilities, contract content and format, funding regulations, and bonding requirements. The regulations are designed to ensure the public protection by providing standards flexible enough to accommodate public needs while being responsive to changes within the industry during the lifetime of the regulation.

To comply with the Virginia Acts of Assembly, Chapter

684, effective July 1, 1989, a comprehensive review of the amended Code sections was initiated in July, 1989 and emergency regulations were developed by the Board of Funeral Directors and Embalmers to prescribe and govern the preneed contract used by the funeral establishment in arranging and selling a preneed funeral plan to the consumer. The emergency regulations were effective November 27, 1989.

The proposed regulations will replace the emergency regulations.

**Estimated impact:** The proposed regulations impose additional burdens or restrictions on regulated entities beyond the emergency regulations which have been in effect since November, 1989. The emergency regulations were included in their entirety into these proposed regulations. All documents related to this proposal are available on request from the board office.

Listed below is an explanation of the regulations which may impact the licensees and the public.

#### A. Regulated Entities (Number and Type)

Full Funeral Service Licensees (1176)  
Funeral Directors (314)  
Establishments (453)

#### B. Projected Costs to Regulated Entities

The following are provisions that will increase costs for those licensees who elect to sell preneed funeral arrangements in the Commonwealth. All costs are avoidable; a current licensee may elect not to qualify as a preneed service provider.

1. Subsections A through F of § 2.2 require that initial contact with the consumer be limited to general advertising and mass mailings. A licensee is not allowed by these regulations to initiate any preneed solicitation using in-person communication by the licensee, his agents, assistants, or employees. After a request to discuss preneed planning is initiated by the consumer, any contact and in-person communication is limited to a licensed funeral director or full service licensee. This prevents the licensee from employing cappers or steerers or others for the purpose of calling upon individuals to influence, secure, or otherwise promote preneed sales.

These regulations will involve hands-on participation in the preneed sales by the licensee and may restrict the number of preneed sales that can be made at any one time depending upon the number of licensees in an establishment. The smaller establishment with only one licensee may find that the time demands on the licensed staff are substantial. Preneed sales may have to be limited or restricted when at-need demands take priority.

2. Section 3.1 A through C: Record keeping responsibilities are minimal and only require that accurate accounts be kept and retained on the premises of the establishment for three years after the death of the contract beneficiary. All preneed records shall be available for inspection by the department. These record keeping regulations mirror the Rules and Regulations for Funeral Service and will impose only a minor impact on the licensee.

3. Section 4.1 sets the requirements for the content and format of the preneed contract. Flexibility is allowed by requiring use of either a contract prescribed by the board or a contract of the licensee's choice so long as it is approved by the board prior to use. Legislation is quite explicit as to what must be included in the contract as well as mandating that the contract be in easy-to-read type and style. The majority of the companies which fund preneed contracts have had their forms approved by the board and distribute these forms to the licensee at no additional expense. The prescribed form of the board has been sent to each licensee for duplication which would be the only expense. The multiple requirements make the forms lengthy and somewhat cumbersome and the quantity of disclosures make the preneed arrangement a lengthy process.

4. Part V, Article 1 establishes the general funding requirements. Because preneed fraud is of major concern to the General Assembly, funding requirements are restrictive. The licensee has to allow cancellation of a contract and has to refund moneys as prescribed. Considerable record-keeping is required of the licensee, including accrual of interest on accounts. Regulations are prescribed which govern the filing of titles and deeds with the circuit court when a preneed contract is funded by real estate or personal property. These banking and investment decisions and filing of deeds and titles can prove burdensome for the licensee. However, all regulations reflect requirements established by the Code.

5. Part V, Article 2 establishes the requirements if consideration paid to the establishment for a preneed contract is to be trusted. Trust deposits do not have to be made to the funding source for 30 days after the contract is signed. However, § 5.7 B requires that until moneys are invested in a trust account, the moneys must be placed in an interest bearing escrow account. This allows the moneys to draw interest and prevents the licensee from commingling preneed monies into the general operating accounts of the establishment. This requires an additional banking step which may be burdensome to the licensee.

6. Part V, Article 3 establishes the requirements if consideration paid to the establishment for a preneed contract is to be placed into a life insurance or annuity policy. Because many licensees use more than one type of funding source, including several types of

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life insurance/annuities and trust accounts, keeping abreast of the requirements for each type of funding can be burdensome for the licensee. However, all requirements in this section are taken directly from the Code.

7. Part VI establishes the bonding requirements. The General Assembly gave the board the authority to require reasonable bonds to insure performance of preneed contracts. After careful review and considerable input from the public, the board is prescribing that a bond be required only under two circumstances: (1) When a licensee keeps up to 10% of the moneys to be trusted as operating expense of the establishment; and (2) when a licensee stores goods and supplies for the consumer. These were considered by the board to involve the greatest risk of loss to the consumer and will not burden the licensee who chooses to invest 100% for the consumer and who does not store goods and supplies. Many small firms with cash flow concerns, often keep 10% of the moneys to be trusted. Any firm with a cash flow concern would be burdened by the additional cost of bonding as would the firm which does not have a cash flow problem but which routinely stores selected items for the consumer as a service and a marketing strategy.

## Explanation of need:

Preneed contracts are contracts for funeral arrangements executed while the individual whose funeral is being arranged is alive. The number of preneed funeral plans being sold is steadily increasing. In 1960 approximately 20,000 preneed funeral plans were sold nationwide; in 1985 the number had increased to 600,000; and in 1986, 700,000 were sold nationwide. In 1989, \$30+ million dollars in preneed sales took place in Virginia. According to industry trade journals, preneed sales and preventing preneed fraud will be the largest focus of the funeral industry from 1990 forward. The Federal Trade Commission projects that the steady growth of preneed contracts will continue and that a major shift in funeral purchasing behavior may be underway.

The regulations are needed to ensure consumer and industry protection and to meet the mandate of the 1989 Virginia General Assembly. Strengthened standards for regulation of preneed arrangements and sales provides protection from deceptive practices and inept care to a vulnerable population.

The proposed regulations are also needed to make permanent the emergency regulations which have been effective since November 27, 1989.

The 1989 General Assembly enacted detailed requirements governing solicitation and in the areas of refunds, commingling of trust funds, revocable versus irrevocable trusts and assignments, guaranteed versus nonguaranteed prices, penalties for nondelivery of services, delivery of

damaged merchandise, comparability of merchandise, disclosures, and items to be contained on the contract. The board has not used discretionary power in writing regulations on these areas; instead, the language of the statutory requirements has been repeated in the proposed regulations.

One area in which the board elected to develop optional regulations is § 5.7 B in which the regulations require that moneys not invested in life insurance/annuity or a trust account within two banking days, be invested in an escrow account to prevent commingling of funds and to assure public protection through refund plus interest in the first 30 days after the contract was signed.

A second area are regulations in Part VI relative to bonding, in which the board decided that consumers are not subject to undue risk except in the instances in which the licensee kept 10% of the funds invested in trust to use as general operating funds, and when the licensee stored specific goods and services until the death of the contract beneficiary. Bonding will be required in these areas as the consumer is likely to experience a loss if the company is no longer able to operate or the goods are damaged.

## Forms and reports mandated:

The proposed regulations will establish a method of contracting for preneed funeral arrangements, funeral merchandise and services offered by a funeral home to include:

1. Preneed contract;
2. Disclosure document.

Statutory Authority: §§ 54.1-2400 and 54.1-2803(10) of the Code of Virginia.

Written comments may be submitted until November 9, 1990.

**Contact:** Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9941.

## DEPARTMENT OF GENERAL SERVICES

### Division of Consolidated Laboratory Services

† **September 14, 1990 - 9:30 a.m.** – Open Meeting  
James Monroe Building, 1 North Ninth Street, Conference Room E, Richmond, Virginia.

The Advisory Board will discuss issues, concerns, and programs that impact the division and its user agencies.

**Contact:** Dr. A. W. Tiedemann, Jr., 1 N. 14th. St., Richmond, VA 23219, telephone (804) 786-7905.

## State Insurance Advisory Board

† **September 26, 1990 - 10 a.m.** – Open Meeting  
Department of General Services, 209 Ninth Street,  
Director's Conference Room, Richmond, Virginia.

A quarterly meeting.

**Contact:** Don W. LeMond, Eighth Street Office Bldg., Suite 805, Richmond, VA 23219, telephone (804) 225-4619.

## BOARD FOR GEOLOGY

**September 21, 1990 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☐

A meeting to (i) approve minutes from May 8, 1990, meeting; (ii) review applications; and (iii) review correspondence.

**Contact:** Peggy J. Wood, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

## HAZARDOUS MATERIALS TRAINING COMMITTEE

† **September 26, 1990 - 1 p.m.** – Open Meeting  
Radisson Hotel-Virginia Beach, 1900 Pavilion Drive,  
Virginia Beach, Virginia.

A meeting to discuss curriculum course development and review existing hazardous materials courses.

**Contact:** Mr. Larry Logan, Deputy Chief, Fire and Emergency Services, 3568 Peters Creek Rd., N.W., Roanoke, VA 24019.

## STATE BOARD OF HEALTH

**September 13, 1990 - 9:30** – Open Meeting  
**September 14, 1990 - 10 a.m.** – Open Meeting  
Ramada Oceanside, 57th and Oceanfront, Virginia Beach,  
Virginia. ☐

A work session is planned for Thursday and a regular business meeting will be held on Friday.

**Contact:** Susan R. Rowland, Acting Legislative Analyst, 109 Governor St., Suite 400, Richmond, VA 23219, telephone (804) 786-3561.

\* \* \* \* \*

**October 15, 1990 - 10 a.m.** – Public Hearing  
James Madison Building, Main Floor Conference Room,  
109 Governor Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to amend regulations entitled: **VR 355-30-01. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.** The purpose of this action is to amend the existing Virginia Medical Care Facilities Certificate of Public Need (COPN) Rules and Regulations in order to implement the COPN program consistent with amended COPN Law that became effective on July 1, 1990.

Statutory Authority: §§ 32.1-12 and 32.1-102.1 et seq. of the Code of Virginia.

Written comments may be submitted until October 26, 1990.

**Contact:** Marilyn H. West, Director, Division of Resources Development, Virginia Department of Health, James Madison Bldg., Room 1005, 109 Governor St., Richmond, VA 23219, telephone (804) 786-7463.

## DEPARTMENT OF HEALTH PROFESSIONS

### Advisory Board on Physical Therapy

**October 5, 1990 - 9 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Room 2, Richmond, Virginia. ☐

The advisory board will review and discuss regulations, bylaws, procedural manuals, receive reports, and other items. The advisory board will not receive public comments.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, Department of Health Professions, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925.

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

**September 25, 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., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371/TDD ☐

## BOARD FOR HEARING AID SPECIALISTS

**September 17, 1990 - 8:30 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☐



# Calendar of Events

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An open board meeting to (i) administer examinations to eligible candidates; (ii) review enforcement cases; (iii) sign certificates; and (iv) consider other matters which require board action.

**Contact:** Mr. Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534 or toll-free 1-800-552-3016.

## STATE COUNCIL FOR HIGHER EDUCATION OF VIRGINIA

† **October 3, 1990 - 9:30 a.m.** – Open Meeting  
James Monroe Building, Council Conference Room, 9th Floor, Richmond, Virginia. ☒

A general business meeting. Contact the council for more information.

**Contact:** Barry Dorsey, Associate Director, 101 N. 14th St., James Monroe Bldg., 9th Floor, Richmond, VA 23219, telephone (804) 225-2629.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### Regulatory Effectiveness Advisory Committee

**September 26, 1990 - 1 p.m.** – Open Meeting  
**September 27, 1990 - 9 a.m.** – Open Meeting  
Virginia Housing Development Authority, 601 Belvidere Street, Training Room, Richmond, Virginia. ☒

A meeting to develop proposed changes to the BOCA model codes for the 1991 code change cycle.

**Contact:** Carolyn R. Williams, Building Code Supervisor, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772 or (804) 786-5405/TDD ☎

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **September 18, 1990 - 9 a.m.** – Open Meeting  
Boar's Head Inn, Charlottesville, Virginia. ☒

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week

prior to the date of the meeting.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

## COUNCIL ON INDIANS

**October 10, 1990 - 2 p.m.** – Open Meeting  
Koger Executive Complex, Blair Building, 8007 Discovery Drive, Conference Room C, Richmond, Virginia.

A regular meeting to conduct general business and to receive reports from the council standing committees.

**Contact:** Mary Zoller, Information Director, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9285 or toll-free 1-800-552-7096.

## COUNCIL ON INFORMATION MANAGEMENT

† **September 14, 1990 - 9 a.m.** – Open Meeting  
Washington Building, Suite 901, 1100 Bank Street, Richmond, Virginia. ☒

A regular business meeting.

**Contact:** Linda Hening, Administrative Assistant, Washington Bldg., Suite 901, 1100 Bank St., Richmond, VA 23219, telephone (804) 225-3622 or (804) 225-3624/TDD ☎

## DEPARTMENT OF LABOR AND INDUSTRY

### Safety and Health Codes Board

**September 12, 1990 - 7 p.m.** – Open Meeting  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

**September 19, 1990 - 7 p.m.** – Open Meeting  
Department of Motor Vehicles, Military Circle Branch Office, 5754 Poplar Hall Drive, Norfolk, Virginia.

**September 26, 1990 - 7 p.m.** – Open Meeting  
Fairfax City Council Chambers, 10455 Armstrong Street, Fairfax, Virginia.

### NOTE: CHANGE IN MEETING DATE

**October 10, 1990 - 7 p.m.** – Open Meeting  
Roanoke County Administration Building, 3738 Brambleton Avenue, S.W., Roanoke, Virginia.

In accordance with this agency's Public Participation Guidelines, comments on the proposed changes to the proposed regulation concerning Licensed Asbestos Contractor Notification, Asbestos Project Permits and Permit Fees (VR 425-01-74) will be accepted at the open meetings listed. The proposed regulation appears

in this issue of the Register. Oral comments to be presented must be accompanied by a written copy. Written copies will be accepted at the meetings or by mail prior to the meeting date.

**September 18, 1990 - 10 a.m. - Open Meeting**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

The preliminary agenda consists of: (i) amendment to the Boiler and Pressure Vessel Rules and Regulations; (ii) commissioner's approval of variances, exemptions, regulatory review; (iii) amendment to Construction Standard for Sanitation; (iv) amendment to Control of Hazardous Energy Source (Lockout/Tagout); and (v) technical amendments to General Industry Safety and Health Standards: Welding, Cutting and Brazing.

**Contact:** John J. Crisanti, Director, Office of Enforcement Policy, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2384.

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**September 18, 1990 - 10 a.m. - Public Hearing**  
General Assembly Building, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia or the requirements of federal law that the Department of Labor and Industry intends to amend regulations entitled: **VR 425-02-71. The Control of Hazardous Energy (Lockout/Tagout).** The proposed amendment eliminates reference which permit an employee to tagout rather than lockout energy isolating devices in order to disable machinery or equipment during maintenance or servicing.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Written comments may be submitted until July 8, 1990

**Contact:** John J. Crisanti, Senior Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2384

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**September 18, 1990 - 10 a.m. - Public Hearing**  
General Assembly Building, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to amend regulations entitled: **VR 425-02-72. Virginia Occupational Safety and Health Standards for the Construction Industry, Sanitation.** This action will amend the current Sanitation Standard for Construction Industry, § 1926.51 to include additional sanitary requirements for potable water and toilet and handwashing facilities.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Written comments may be submitted until July 8, 1990.

**Contact:** John J. Crisanti, Senior Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2384

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**January 8, 1991 - 10 a.m. - Public Hearing**  
Virginia Housing and Development Authority Conference Center, 601 South Belvidere Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to amend regulations entitled: **VR 425-01-74. Licensed Asbestos Contractor Notification, Asbestos Project Permits and Permit Fees.** The proposed regulation provides a procedure for notification to the Department of Labor and Industry of asbestos projects and establishes permit fees for those projects.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Written comments may be submitted until October 15, 1990.

**Contact:** John J. Crisanti, Director, Office of Enforcement Policy, P.O. Box 12064, Richmond, VA 23241-0064, telephone (804) 786-2384.

**STATE LAND EVALUATION ADVISORY COUNCIL**

**September 10, 1990 - 10 a.m. - Open Meeting**  
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. ☒

To adopt ranges of values to be recommended to localities for application to agricultural, horticultural, forest, and open-space land participating in use-value assessment programs.

**Contact:** David E. Jordan, Assistant Director, Property Tax Division, Department of Taxation, P.O. Box 1-K, Richmond, VA 23201, telephone (804) 367-8020.

**LIBRARY BOARD**

**September 12, 1990 - 9:30 a.m. - Open Meeting**  
Jefferson-Madison Regional Library, 201 East Market Street, Charlottesville, Virginia. ☒

A meeting to discuss administrative matters.

**Contact:** Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

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## LOCAL GOVERNMENT ADVISORY COUNCIL

**September 10, 1990 - 1 p.m. - Open Meeting**  
Colonial Williamsburg Conference Center, The Lodge Auditorium, Williamsburg, Virginia.

Agenda items include public comment by Virginia Municipal League officials; report on the Commission on Population Growth and Development; the Register Act and Administrative Process Act; and a report from the Commission on Local Government.

Persons desiring to participate in the council's public comment period and require special accommodations or interpreter services should contact the council's offices by September 4, 1990.

**Contact:** Robert H. Kirby, Secretary, 702 Eighth Street Office Bldg., 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

## STATE LOTTERY BOARD

**September 26, 1990 - 10 a.m. - Open Meeting**  
**October 24, 1990 - 10 a.m. - Open Meeting**  
**November 28, 1990 - 10 a.m. - Open Meeting**  
**December 19, 1990 - 10 a.m. - Open Meeting**  
State Lottery Department, 2201 West Broad Street, Conference Room, Richmond, Virginia. ☒

A regular monthly meeting to conduct business according to items listed on agenda which has not yet been determined. Two periods for public comment are scheduled.

**Contact:** Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

## MARINE RESOURCES COMMISSION

† **September 25, 1990 - 9:30 a.m. - Open Meeting**  
VMRC Headquarters, 2600 Washington Avenue, Room 403, 4th Floor, Newport News, Virginia.

9:30 a.m. - The commission will hear and decide marine environmental matters: permit application for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues.

2 p.m. - The commission will hear and decide fishery management items: regulatory proposals; fishery management plans; fishery conservation issues; licensing; shellfish leasing.

Meeting are open to the public. Testimony is taken under oath from parties addressing agenda items on permits, licensing. Public comments are taken on

resource matters, regulatory issues, and items scheduled for public hearing.

The commission is empowered to promulgate regulations in the areas of marine environmental management and marine fishery management.

**Contact:** Cathy W. Everett, Secretary to the Commission, P.O. Box 756, Room 1006, Newport News, VA 23607, telephone (804) 247-8088.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

### Transdermal Patch Study Team

† **September 14, 1990 - 10 a.m. - Open Meeting**  
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☒

Discussion of a clinical study design to review the effects of discontinuing reimbursement for transdermally delivered medications and review of data.

**Contact:** S. Rebecca Miller, Pharmacy Consultant, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8850 or SCATS 371-8853.

## GOVERNOR'S ADVISORY BOARD ON MEDICARE AND MEDICAID

**September 11, 1990 - 2 p.m. - Open Meeting**  
Marriott Hotel, 500 East Broad Street, Richmond, Virginia. ☒

A meeting to consider (i) Medicaid update on future cost containment initiatives; and (ii) update on private sector initiatives for long-term care, Blue Cross/Blue Shield of Virginia.

**Contact:** Paige Jones, Executive Secretary Senior, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099 or (804) 343-0634/TDD ☎

## BOARD OF MEDICINE

### Credentials Committee

**September 15, 1990 - 8:15 a.m. - Open Meeting**  
Department of Health Professions, Surry Building, 1st Floor, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The committee will meet to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and executive session and discuss any other items which may come before this committee.

The committee will not receive public comments.

## Chiropractic Test Committee

† **September 27, 1990 - 1 p.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

The committee will meet in executive and closed session to develop test items for chiropractic examination. Public comment will not be received.

## Executive Committee

**September 14, 1990 - 9 a.m.** – Open Meeting  
Department of Health Professions, Surry Building, 1st Floor, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The committee will meet in open session to review closed cases, cases/files requiring administrative actions, procedures for examination for optometry, and consider any other items which may come before the committee.

The committee will not receive public comments.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925

## Informal Conference Committee

**September 21, 1990 - 9:30 a.m.** – Open Meeting  
Fort Magruder Inn, Route 60 East, Williamsburg, Virginia. ☒

**September 28, 1990 - 9 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

**October 11, 1990 - 9 a.m.** – Open Meeting  
Fredericksburg Resort and Conference Center, I-95 and Rt. 3, Fredericksburg, Virginia. ☒

The committee will 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 sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

**Contact:** Karen D. Waldron, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9908 or 662-9943/TDD ☒

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

**September 25, 1990 - 6 p.m.** – Open Meeting

**September 26, 1990 - 9:30 a.m.** – Open Meeting  
Dickenson County Community Services Board, Clintwood, Virginia. ☒

September 25  
6 p.m. - Committee meeting.  
8:30 p.m. - Informal Session.

September 26  
7:30 a.m. - Legislative Breakfast.  
9:30 a.m. - Regular Session. See agenda for location.

The agenda will be published on September 19 and can be obtained by calling Jane Helfrich.

**Contact:** Jane Helfrich, Board Administrator, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921.

## Mental Retardation Advisory Council

† **September 13, 1990 - 9:30 a.m.** – Open Meeting  
Department for the Visually Handicapped, 397 Azalea Avenue, Conference Rooms 1 and 2, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A quarterly meeting to conduct business relative to the council's responsibility for advising the State Mental Health, Mental Retardation and Substance Abuse Services on issues pertaining to mental retardation. Agenda will be available September 1, 1990.

**Contact:** Stanley J. Butkus, Ph.D., Director, MR Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-1746.

## TASK FORCE TO STUDY THE EFFECTS OF METHYLPHENIDATE (RITALIN)

**September 12, 1990 - 6 p.m.** – Public Hearing  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

In response to HJR 146, a special task force to study the effects of Methylphenidate (Ritalin) in the treatment of Attention Deficit Hypotensive Disorder (ADD or ADHD) invites written or oral comments. Testimony should be limited to five minutes and may be accompanied by written submissions. Written comments must be received by October 1, 1990.

**Contact:** George J. Stukenborg, Research Associate, Department of Health Professions, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9956.

**September 13, 1990 - 10 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

The task force will meet to continue its study pursuant

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to HJR 146 of the General Assembly.

**Contact:** Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9918.

## DEPARTMENT OF MINORITY BUSINESS ENTERPRISE

**September 28, 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 Minority Business Enterprise intends to adopt regulations entitled: **VR 486-01-01. Public Participation Guidelines.** These proposed regulations will outline the procedure in which the Department of Minority Business Enterprise will involve interested persons in developing or amending agency regulations.

Statutory Authority: § 2.1-64.35:8 of the Code of Virginia.

Written comments may be submitted until September 28, 1990.

**Contact:** Garland W. Curtis, Deputy Director, Department of Minority Business Enterprise, Ninth Street Office Bldg., Suite 200-202, Richmond, VA 23219, telephone (804) 786-5560 or toll-free 1-800-223-0671.

## BOARD OF NURSING

† **September 24, 1990** - 9 a.m. – Open Meeting  
† **September 25, 1990** - 9 a.m. – Open Meeting  
† **September 26, 1990** - 9 a.m. – Public Hearing  
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A regular meeting 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.

September 24, 11 a.m.: Public comment on other matters will be received during an open forum session.

September 26, 10 a.m.: The board will conduct a public hearing to receive proposed regulations related to the authority of licensed practical nurses to teach nurse aides.

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**September 26, 1990** - 10 a.m. – Public Hearing  
Department of Health Professions, 1601 Rolling Hills Drive, Board Room 1, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled: **VR 495-01-1.**

**Board of Nursing Regulations.** The purpose of these regulations is to amend the requirements for instructional personnel in nurse aide education programs by establishing standards for licensed practical nurses to teach nurse aides.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Written comments may be submitted until October 27, 1990.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909 or toll-free 1-800-533-1560.

## Education Advisory Committee

† **October 23, 1990** - 10 a.m. – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to consider matters related to educational programs approved by the board and make recommendations to the board as needed. Public comment will be accepted at 1 p.m.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

## BOARD OF NURSING HOME ADMINISTRATORS

**September 5, 1990** - 8 a.m. – Open Meeting  
**September 6, 1990** - 9 a.m. – Open Meeting  
1601 Rolling Hills Drive, Richmond, Virginia. ☒

National and state examinations will be given to applicants for licensure for Nursing Home Administrators on September 5.

A regularly scheduled board meeting will be held on Thursday.

**Contact:** Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9111.

## BOARD OF OPTOMETRY

† **September 26, 1990** - 8 a.m. – Open Meeting  
1601 Rolling Hills Drive, Conference Room 4, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Committee informational review and informal conferences.

**Contact:** Lisa J. Russell, Executive Director, 1601 Rollings Hills Dr., Richmond, VA 23229-5005, telephone (804)

662-9942.

## VIRGINIA OUTDOORS FOUNDATION

† September 26, 1990 - 10:30 a.m. - Open Meeting  
State Capitol, House Room 1, Capitol Square, Richmond,  
Virginia. ☒

A general business meeting.

Contact: Tyson B. Van Auken, Executive Director, 221  
Governor St., Richmond, VA 23219, telephone (804)  
786-5539.

## PERINATAL SERVICES ADVISORY BOARD

September 13, 1990 - 12:30 p.m. - Open Meeting  
James Madison Building, Main Floor Auditorium,  
Richmond, Virginia. ☒

A regular meeting of the board. Subcommittees of the  
board will be meeting in various rooms throughout the  
Madison Building beginning at 10:30 a.m. Please  
contact the Division of Maternal and Child Health for  
additional information.

Contact: Alice S. Linyear, M.D., M.P.H., Director, Division  
of Maternal and Child Health, 109 Governor St., Richmond,  
VA 23219, telephone (804) 786-7367.

## VIRGINIA PESTICIDE CONTROL BOARD

September 12, 1990 - 10 a.m. - Open Meeting  
Lancaster Farms, Inc., 5800 Knotts Neck Road, Suffolk,  
Virginia.

Depart from the Radisson Hotel - Hampton for a tour  
of the Lancaster Farms. Beginning at 1 p.m. the board  
will hold committee meetings and conduct general  
business at the Radisson Hotel - Hampton.

September 13, 1990 - 9 a.m. - Open Meeting  
Radisson Hotel - Hampton, 700 Settlers Landing, Hampton,  
Virginia. ☒

The board will hold committee meetings and conduct  
general business from the previous day.

Contact: Dr. Marvin A. Lawson, Program Manager, Office  
of Pesticide Management, P.O. Box 1163, Room 403,  
Richmond, VA 23209, telephone (804) 371-6558.

## BOARD OF PHARMACY

September 12, 1990 - 9 a.m. - Public Hearing  
September 13, 1990 - 9 a.m. - Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,

Conference Rooms 1 and 2, Richmond, Virginia. ☒

September 12 - A public hearing on regulatory review  
and board meeting (conference room 1).

September 13 - A routine board business meeting  
(conference room 2).

September 12, 1990 - 9 a.m. - Public Hearing  
Department of Health Professions, 1601 Rolling Hills Drive,  
Conference Room 1, Richmond, Virginia. ☒

Pursuant to its Public Participation Guidelines, the  
Board of Pharmacy will hold a public hearing to  
receive public comments on all existing regulations as  
to their effectiveness, efficiency, necessity, clarity and  
cost of compliance.

Interested parties may appear at the hearing and offer  
oral or written comments. Written comments may be  
submitted directly to the board office until September  
17, 1990.

Contact: Jack B. Carson, Executive Director, Board of  
Pharmacy, 1601 Rolling Hills Dr., Richmond, VA 23229,  
telephone (804) 662-9911.

## BOARD OF PROFESSIONAL COUNSELORS

September 14, 1990 - 9 a.m. - Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒

Informal conferences - Public comment will not be  
accepted.

Contact: Evelyn B. Brown or Joyce D. Williams, 1601  
Rolling Hills Dr., Richmond, VA 23229, telephone (804)  
662-9912.

## BOARD FOR PROFESSIONAL SOIL SCIENTISTS

September 18, 1990 - 9:30 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Conference Room 2, Richmond, Virginia. ☒

A meeting to (i) approve minutes from the May 24,  
1990 meeting; (ii) review applications; and (iii) review  
correspondence.

Contact: Peggy J. Wood, Assistant Director, Department of  
Commerce, 3600 W. Broad St., Richmond, VA 23230,  
telephone (804) 367-8595.

## BOARD OF PSYCHOLOGY

† September 13, 1990 - 9 a.m. - Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,

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Richmond, Virginia. ☒

A general board business meeting and regulatory review. Public comments will be received at the beginning of the meeting.

**Contact:** Evelyn B. Brown, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9913.

## RAPPAHANNOCK-RAPIDAN DIVISION OF COURT SERVICES EXECUTIVE BOARD

† September 17, 1990 - 6:30 p.m. - Open Meeting  
155 West Davis Street, Room 206, Culpeper, Virginia.

A quarterly business meeting of the District Nine Virginia Alcohol Safety Action Program. Items for review: budget, personnel, activities and VASAP Commission update.

**Contact:** R. Dean Irvine, Director, 155 W. Davis St., Culpeper, VA 22701, telephone (703) 825-4550.

## REAL ESTATE BOARD

† October 17, 1990 - 10 a.m. - Open Meeting  
Hampton City Council Chambers, 22 Lincoln Street, Hampton, Virginia.

The board will meet to conduct a formal hearing: Real Estate Board v. Donna R. Goodson, file number 90-00137.

† October 17, 1990 - 1 p.m. - Open Meeting  
Hampton City Council Chambers, 22 Lincoln Street, Hampton, Virginia.

The board will meet to conduct a formal hearing: Real Estate Board v. Benjamin E. Garrett, Jr., file number 90-01440.

**Contact:** Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8524.

## Fair Housing Liaison Committee

† September 28, 1990 - 9 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to discuss draft fair housing regulations.

**Contact:** Florence R. Brassier, Deputy Director for Regulatory Programs, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2194.

## VIRGINIA RESOURCES AUTHORITY

† September 11, 1990 - 10 a.m. - Open Meeting  
The Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia.

The board will meet to: (i) approve minutes of the meeting of August 14, 1990; (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

**Contact:** Mr. Shockley D. Gardner, Jr., 909 E. Main St., Suite 707, Mutual Bldg., Richmond, VA 23219, telephone (804) 644-3100, FAX number (804) 644-3109.

## STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

September 12, 1990 - 9 a.m. - Open Meeting  
September 13, 1990 - 9 a.m. - Open Meeting  
General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia. ☒

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

**Contact:** Deborah E. Randolph, 109 Governor St., Room 500, Richmond, VA 23219, telephone (804) 786-3559.

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

September 16, 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 of Social Services intends to amend regulations entitled: **VR 615-01-32. Aid to Dependent Children (ADC) Program - Deprivation Due to Continued Absence.** The purpose of this amendment is to clarify policy regarding the determination of deprivation when the continued absence of a parent is due to separation.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 16, 1990, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

**Contact:** Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

## VIRGINIA SOIL AND WATER CONSERVATION BOARD

**September 20, 1990 - 9 a.m. - Open Meeting**  
Colonial Farm Credit Office, Mechanicsville, Virginia.

A regular bi-monthly meeting.

**Contact:** Donald L. Wells, Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-2064.

## DEPARTMENT OF TAXATION

**September 18, 1990 - 10 a.m. - Open Meeting**  
General Assembly Building, House Room D, Capitol Square, 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 630-6-4006. Virginia Income Tax Withholding: Lottery Winnings.** This regulation will establish the application of withholding requirements on lottery prizes of the Virginia State Lottery Department.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 18, 1990.

**Contact:** Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Department of Taxation, Richmond, VA 23282, telephone (804) 367-8010.

\* \* \* \* \*

**September 18, 1990 - 10 a.m. - Open Meeting**  
General Assembly Building, House Room D, Capitol Square, 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 amend regulations entitled: **VR 630-10-31. Retail Sales and Use Tax: Dealer's Returns and Payment of the Tax.** This regulation sets forth the sliding scale dealer's discount that ranges from 2.0% to 4.0% based upon dealers' monthly sales volume.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 18, 1990.

**Contact:** Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Department of Taxation, Richmond, VA 23282, telephone (804) 367-8010.

## VIRGINIA'S TRANSITION TASK FORCE

**September 13, 1990 - 10 a.m. - Open Meeting**  
The James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

Virginia's Transition Task Force comprised of representatives from 13 state agencies and the community will meet to develop strategies for implementing transition planning and service statewide for youth and young adults with disabilities. Public comment is invited between 11:30 a.m. and 12:30 p.m.

**Contact:** Sharon deFur, Coordinator of Transition Services, Virginia Department of Education, P.O. Box 6-Q, Monroe Building, 23rd Floor, Richmond, VA 23216, telephone (804) 225-2880, toll-free 1-800-422-2083 or 1-800-422-1098/TDD ☒

## COMMONWEALTH TRANSPORTATION BOARD

**September 20, 1990 - 2 p.m. - Open Meeting**  
Virginia Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. (Interpreter for deaf provided if requested)

Monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions.

**Contact:** Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-9950.

## TRANSPORTATION SAFETY BOARD

**September 14, 1990 - 9:30 a.m. - Open Meeting**  
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ☒

A meeting to discuss the distribution of the USDOT Highway Safety Funds.

**Contact:** William H. Leighty, Deputy Commissioner for Transportation Safety, 2300 W. Broad St., Richmond, VA 23269-0001, telephone (804) 367-6614 or (804) 367-1752/TDD ☒



# Calendar of Events

## TREASURY BOARD

NOTE: CHANGE IN MEETING TIME

**September 19, 1990 - 1 p.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, 3rd Floor,  
Treasury Board Conference Room, Richmond, Virginia. ☒

A monthly meeting of the board.

**Contact:** Laura Wagner-Lockwood, Senior Debt Manager,  
Department of the Treasury, P.O. Box 6-H, Richmond, VA  
23215, telephone (804) 225-4931.

## COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

**September 12, 1990 - 10 a.m. - Public Hearing**  
Manassas Park, City Hall, Manassas Park, Virginia.

**October 15, 1990 - 10 a.m. - Public Hearing**  
**October 16, 1990 - 10 a.m. - Public Hearing**  
Richmond, Virginia (Site to be determined).

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Commission on the  
Virginia Alcohol Safety Action Program intends to  
amend regulations entitled: **VR 647-01-02. Commission  
on VASAP Policy and Procedure Manual.** These  
regulations describe policies and direction for  
operation of local ASAPs and procedures to be utilized  
when conforming to policy directives.

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code  
of Virginia.

Written comments may be submitted until September 28,  
1990, to William T. McCollum, Commission on VASAP, 1001  
E. Broad St., Suite 245, Box 28, Old City Hall Bldg.,  
Richmond, VA 23219.

**Contact:** Kimberly A. Morris, Executive Assistant,  
Commission on VASAP, 1001 E. Broad St., Suite 245, Old  
City Hall Bldg., Box 28, Richmond, VA 23219, telephone  
(804) 786-5895.

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**September 12, 1990 - 10 a.m. - Public Hearing**  
Manassas Park, City Hall, Manassas Park, Virginia.

**October 15, 1990 - 10 a.m. - Public Hearing**  
**October 16, 1990 - 10 a.m. - Public Hearing**  
Richmond, Virginia (Site to be determined).

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Commission on the  
Virginia Alcohol Safety Action Program intends to  
amend regulations entitled: **VR 647-01-03. VASAP Case  
Management Policy and Procedure Manual.** These  
regulations provide policy and guidance to local ASAP

programs and the process for handling offenders  
referred for education and treatment of convictions  
for driving under the influence (DUI).

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code  
of Virginia.

Written comments may be submitted until September 28,  
1990, to William T. McCollum, Commission on VASAP, 1001  
E. Broad St., Suite 245, Box 28, Old City Hall Bldg.,  
Richmond, VA 23219.

**Contact:** Kimberly A. Morris, Executive Assistant,  
Commission on VASAP, 1001 E. Broad St., Suite 245, Old  
City Hall Bldg., Box 28, Richmond, VA 23219, telephone  
(804) 786-5895.

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**September 12, 1990 - 10 a.m. - Public Hearing**  
Manassas Park, City Hall, Manassas Park, Virginia.

**October 15, 1990 - 10 a.m. - Public Hearing**  
**October 16, 1990 - 10 a.m. - Public Hearing**  
Richmond, Virginia (Site to be determined).

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Commission on the  
Virginia Alcohol Safety Action Program intends to  
amend regulations entitled: **VR 647-01-04. Certification  
Requirements Manual.** All programs are established  
under § 18.2-271.1 of the Code of Virginia and are  
required to be certified by the Commission on VASAP.  
These regulations provide guidance for meeting the  
certification requirements.

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code  
of Virginia.

Written comments may be submitted until September 28,  
1990, to William T. McCollum, Commission on VASAP, 1001  
E. Broad St., Suite 245, Box 28, Old City Hall Bldg.,  
Richmond, VA 23219.

**Contact:** Kimberly A. Morris, Executive Assistant,  
Commission on VASAP, 1001 E. Broad St., Suite 245, Old  
City Hall Bldg., Box 28, Richmond, VA 23219, telephone  
(804) 786-5895.

## VIRGINIA RACING COMMISSION

† **September 19, 1990 - 9:30 a.m. - Open Meeting**  
VSRS Building, 1204 East Main Street, Richmond, Virginia.  
☒

A regular commission meeting.

**Contact:** William H. Anderson, Senior Policy Analyst,  
Virginia Racing Commission, P.O. Box 1123, Richmond, VA  
23208, telephone (804) 371-7363.

\* \* \* \* \*

**September 19, 1990 - 9:30 a.m. – Public Hearing**  
VSRS Building, 1204 East Main Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to adopt regulations entitled: **VR 662-03-01. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Racing Officials.** This regulation sets forth the qualifications, duties and responsibilities of racing officials who will serve at race meetings licensed by the commission.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until September 30, 1990, to Chairman, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

**Contact:** William H. Anderson, Senior Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

## VIRGINIA VOLUNTARY FORMULARY BOARD

**September 14, 1990 - 10 a.m. – Public Hearing**  
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia.

A hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Formulary add and delete drugs and drug products to the Formulary that became effective on April 23, 1990. 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 September 14, 1990, will be made a part of the hearing record and considered by the board.

**October 4, 1990 - 10:30 a.m. – Open Meeting**  
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

A meeting to consider public hearing comments and new product data for products being considered for inclusion in the Virginia Voluntary Formulary.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, 109 Governor St., Room B 1-9, Richmond, VA 23219, telephone (804) 786-4326.

## DEPARTMENT OF VOLUNTEERISM

**September 25, 1990 - 2 p.m. – Open Meeting**  
Northern Virginia Planning District Commission, 7535 Little River Turnpike, Annandale, Virginia.

The department is conducting a public meeting to identify the current activities and concerns of the Virginia volunteer community. The department is seeking comments and suggestions from the public on: increasing volunteerism, training needs for volunteers and volunteer leaders, incentives to volunteering, barriers to volunteerism, liability issues, other subjects related to volunteerism, and Department of Volunteerism training, activities, and services.

The department encourages attendance and participation from concerned individuals and representatives of volunteer organizations, nonprofit associations, corporations, and government agencies.

The results of the meeting will be compiled and shared with those who are developing public policy which impacts the volunteer community.

Those wishing to address the meeting should submit a written request, including a short paragraph summarizing points to be covered, by September 17, 1990. Persons selected to be heard will be notified when they will be speaking and requested to submit a copy of their statement at the beginning of the meeting.

Written comments may be submitted until September 25, 1990.

**Contact:** Beth Hayes, Director, Virginia Department of Volunteerism, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-1431.

## VIRGINIA WASTE MANAGEMENT BOARD

**September 19, 1990 - 10 a.m. – Open Meeting**  
State Capitol Building, House Room 2, Capitol Square, Richmond, Virginia. ☒

A general business meeting.

**Contact:** Loraine Williams, Secretary, 101 N. 14th St., Monroe Bldg., 11th Floor, Richmond, VA 23219, telephone (804) 225-2667, (804) 225-3753/TDD ☎ or toll-free 1-800-552-2075.

## STATE WATER CONTROL BOARD

**September 11, 1990 - 2 p.m. – Public Hearing**  
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia. ☒

# Calendar of Events

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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 repeal regulations entitled: **VR 680-14-03. Toxics Management Regulation.** The purpose of this proposed regulatory action is to repeal the Toxics Management Regulation. The intent and scope of the regulation will be concurrently incorporated into the Permit Regulation through a separate rulemaking.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until 4 p.m., September 17, 1990, to Ms. Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, VA 23230.

Contact: Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6302.

## VIRGINIA WINEGROWERS ADVISORY BOARD

† **October 15, 1990 - 10 a.m.** – Open Meeting  
Birdwood Pavillion, Charlottesville, Virginia.

The board will hear committee and project monitor reports; review old and new business; and vote on project proposals for the FY 90-91.

Contact: Annette Ringwood, Secretary, 1100 Bank St., Suite 1010, Richmond, VA 23219, telephone (804) 786-0481 or (804) 371-7685.

## STATE BOARD OF YOUTH AND FAMILY SERVICES

† **September 13, 1990 - 10 a.m.** – Open Meeting  
† **October 11, 1990 - 10 a.m.** – Open Meeting  
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. ☐

A regular monthly meeting to consider such matters as may be presented to the board.

Contact: Ms. Joyce Fogg, Secretary of the board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3013.

\* \* \* \* \*

**September 14, 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 State Board of Youth and Family Services intends to adopt regulations entitled: **VR 690-01-001. Public Participation Guidelines.** These guidelines establish the procedures for public participation in the development of

regulations.

Statutory Authority: § 66-10 of the Code of Virginia.

Written comments may be submitted until September 14, 1990.

Contact: Linda Nablo, Lead Analyst, Virginia Department of Youth and Family Services, P.O. Box 26963, Richmond, VA 23261, telephone (804) 674-3262.

## LEGISLATIVE

### CHESAPEAKE AND ITS TRIBUTARIES SUBCOMMITTEE STUDYING CARRYOVER LEGISLATION

† **September 26, 1990 - 3 p.m.** – Public Hearing  
Lake Wright Motel, Colonial Room, 6280 North Hampton Boulevard, Norfolk, Virginia.

The subcommittee will conduct a public hearing to learn citizen views on carryover legislation involving House Bills 286 and 288.

Contact: Deanna Byrne, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

### HOUSE LABOR AND COMMERCE SUBCOMMITTEE STUDYING CHILD LABOR LAWS OF VIRGINIA

**September 11, 1990 - 7 p.m.** – Public Hearing  
Eastern Shore Community College, Onancock, Virginia. ☐

A public hearing to learn citizen views regarding child labor laws of Virginia.

Contact: Arlen K. Bolstad, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## VIRGINIA CODE COMMISSION

† **October 11, 1990 - 9 a.m.** – Open Meeting  
† **October 12, 1990 - 9 a.m.** – Open Meeting  
Boar's Head Inn, Route 250 West, Charlottesville, Virginia.

The commission will continue with its revisions of (i) Title 65.1 (Workers' Compensation laws) of the Code of Virginia; and (ii) the criminal tax statutes in Title 58.1.

† **November 20, 1990 - 10 a.m.** – Open Meeting  
General Assembly Building, Sixth Floor Conference Room,

910 Capitol St., Richmond, Virginia. ☒

The commission will continue with its revision of Title 65.1.

**Contact:** Joan W. Smith, Virginia Code Commission, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## JOINT SUBCOMMITTEE STUDYING CREDIT CARD FRAUD

**September 12, 1990 - 1 p.m. – Open Meeting**  
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒

An open meeting to consider SJR 131.

**Contact:** Mary P. Devine, Staff Attorney, Division of Legislative Services, General Assembly Building, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or Amy W. Rider, Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-3838.

## JOINT SUBCOMMITTEE STUDYING EARLY CHILDHOOD AND DAY CARE PROGRAMS

**October 2, 1990 - 10 a.m. – Open Meeting**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

This is the first meeting of the subcommittee. The main agenda items will be to organize, identify the subcommittee's objectives, and establish a meeting schedule for the rest of the year. HJR 124.

**Contact:** Brenda Edwards, Research Associate, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or Jeffrey A. Finch, House of Delegates, P.O. Box 406, Richmond, VA 23203, telephone (804) 786-2227.

## EDUCATION SUBCOMMITTEE

† **September 24, 1990 - 10 a.m. – Open Meeting**  
General Assembly Building, Sixth Floor Conference Room, 910 Capitol Street, Richmond, Virginia. ☒

Members of the subcommittee will meet to study HB 445 which concerns the regulation of vocational nursing education.

**Contact:** Norma Szakal, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## JOINT SUBCOMMITTEE STUDYING ELECTION LAWS

**September 24, 1990 - 10 a.m. – Open Meeting**  
**October 24, 1990 - 10 a.m. – Open Meeting**  
**November 27, 1990 - 10 a.m. – Open Meeting**  
General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia. ☒

An open meeting to consider SJR 82.

**Contact:** Mary Spain, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or John McE. Garrett, Deputy Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-4638.

## JOINT SUBCOMMITTEE STUDYING THE ENVIRONMENTAL IMPACT OF OIL AND GAS DRILLING UNDER THE CHESAPEAKE BAY

**September 19, 1990 - 1:30 p.m. – Open Meeting**  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

The joint subcommittee will have its first meeting to study the environmental impact of oil and gas drilling under the Chesapeake Bay. HJR 251.

**Contact:** John T. Heard, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## HOUSE OF DELEGATES SPECIAL GENERAL LAWS CARRYOVER SUBCOMMITTEE

† **September 14, 1990 - 10 a.m. – Open Meeting**  
State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☒

A meeting to review HB 247 which relates to the Property Owners' Association Act.

**Contact:** Maria Everett, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## SENATE SUBCOMMITTEE STUDYING HIGHER EDUCATION IN AREAS OF SUBSTANTIAL INCREASE IN ENROLLMENT

**September 13, 1990 - 10 a.m. – Open Meeting**  
General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia. ☒

Open meeting regarding SR 28.

**Contact:** Elizabeth Daley, Senate Finance Office, 10th Floor, General Assembly Bldg., 910 Capitol St., Richmond,

# Calendar of Events

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VA 23219, telephone (804) 786-4400 or Amy W. Rider, Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-3838.

## JOINT SUBCOMMITTEE STUDYING PROVISIONS OF THE CODE OF VIRGINIA RELATING TO HORSE RACING AND PARI-MUTUEL WAGERING

**October 1, 1990 - 10 a.m. - Public Hearing**  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

A public hearing is being held so that citizens may express their views relating to horse racing and pari-mutuel wagering. HJR 178.

**Contact:** Angela P. Bowser, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591. Persons wishing to speak should contact Anne N. Howard, P.O. Box 406, Richmond, VA 23203, telephone (804) 786-7681.

## VIRGINIA HOUSING STUDY COMMISSION

**September 12, 1990 - 2:30 p.m. - Public Hearing**  
Christopher Newport College, Anderson Auditorium, Newport News, Virginia. ☒

**September 25, 1990 - 10 a.m. - Public Hearing**  
University of Virginia Center for Continuing Education, Abingdon, Virginia. ☒

A public hearing relating to housing issues in Virginia and HJR 84.

**Contact:** Nancy M. Ambler, Director, VHSC, 205 N. 4th St., Richmond, VA 23219, telephone (804) 225-3797. Persons wishing to speak should contact Sharon Kelleher, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-7891.

## JOINT SUBCOMMITTEE STUDYING THE USE OF JET SKIS

**September 14, 1990 - 9 a.m. - Public Hearing**  
Marine Science Museum, 717 General Booth Boulevard, Virginia Beach, Virginia.

A public hearing to consider SJR 29.

**Contact:** Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, Va 23203, telephone (804) 786-7869. Those persons wishing to speak should contact: Deanna S. Byrne, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## JOINT SUBCOMMITTEE STUDYING LABOR FORCE NEEDS OF THE 1990's

**† October 15, 1990 - 10 a.m. - Open Meeting**  
General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia. ☒

An open meeting to consider SJR 64.

**Contact:** Mark Pratt, Research Associate, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-3838.

## LOCAL AND STATE GOVERNMENT INFRASTRUCTURE AND REVENUE RESOURCES COMMISSION

**† September 20, 1990 - 1:30 p.m. - Open Meeting**  
Sheraton Airport Inn, Conference Center, Roanoke, Virginia.

Members of the commission will hold a meeting in conjunction with the Governor's Rural Development Conference. HJR 205.

**Contact:** John A. Garka, Finance and Government Section Manager, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591

## JOINT SUBCOMMITTEE STUDYING MATERNAL AND PERINATAL DRUG EXPOSURE

**September 19, 1990 - 10 a.m. - Open Meeting**  
State Capitol Building, House Room 4, Capitol Square, Richmond, Virginia. ☒

The joint subcommittee will continue its study. HJR 41.

**Contact:** Norma Szakal, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## JOINT SUBCOMMITTEE STUDYING THE NECESSITY AND DESIRABILITY OF REVISING THE COMMONWEALTH'S COMPARATIVE PRICE ADVERTISING STATUTE

**† September 18, 1990 - 10 a.m. - Open Meeting**  
General Assembly Building, Sixth Floor Conference Room, 910 Capitol Street, Richmond, Virginia. ☒

The subcommittee will hold its initial meeting to study the necessity and desirability of revising the Commonwealth's Comparative Price Advertising

Statute. HJR 184.

**Contact:** Mary Geisen, Research Associate, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## HOUSE COMMITTEE ON PRIVILEGES AND ELECTIONS

† **September 14, 1990 - 10:30 a.m.** – Open Meeting  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

A meeting to receive an update about preparations for redistricting in 1991.

**Contact:** Mary Spain, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## SENATE EDUCATION AND HEALTH SUBCOMMITTEE STUDYING PARENTAL CONSENT FOR ABORTION

**September 17, 1990 - 10 a.m.** – Open Meeting  
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒

Senate Bill No. 151 was continued in the Senate Committee on Education and Health from the 1990 Session to the 1991 Session of the General Assembly.

**Contact:** Norma Szakal, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or Amy W. Rider, Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-3838.

## COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

**September 14, 1990 - 10 a.m.** – Open Meeting  
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

The commission is a five-year statutory commission established by Chapter 833 of the 1990 Acts of Assembly and is cited in §§ 9-145.11 through 9-145.15 of the Code of Virginia.

This meeting is for the purpose of organizing the commission, electing a chairman and vice-chairman and adopting a search and selection process for hiring an executive director.

**Contact:** Marty Farber, Research Associate, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or Jeffrey A. Finch, House of Delegates, P.O. Box 406, Richmond, VA 23203, telephone

(804) 786-2227.

## SENATE COURTS OF JUSTICE SUBCOMMITTEE STUDYING PUBLICATION OF LEGAL NOTICES IN NEWSPAPERS

**September 26, 1990 - 10 a.m.** – Public Hearing  
General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia. ☒

Senate Bill No. 198 was continued in the Senate Committee for Courts of Justice from the 1990 Session to the 1991 Session of the General Assembly.

**Contact:** Mary Devine, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591 or Thomas Gilman, Chief Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-7869.

## JOINT SUBCOMMITTEE STUDYING SCHOOL DROPOUTS AND WAYS TO PROMOTE THE DEVELOPMENT OF SELF-ESTEEM IN YOUTH AND ADULTS

† **September 12, 1990 - 10 a.m.** – Open Meeting  
General Assembly Building, House Appropriations Committee Room, 9th Floor, 910 Capitol Street, Richmond, Virginia. ☒

The subcommittee is scheduled to receive a report from the Department of Education on the school dropout prevention grant program and an update on the Self-Esteem Conference.

**Contact:** Brenda Edwards, Research Associate, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

## JOINT SUBCOMMITTEE STUDYING TRANSFERABLE DEVELOPMENT RIGHTS AND OTHER LAND-USE CARRYOVER LEGISLATION

**September 10, 1990 - 10:30 a.m.** – Open Meeting  
William and Mary, Campus Center, Conference Rooms A and B, Jamestown Road, Williamsburg, Virginia. ☒

Members of the joint subcommittee will conduct a working session.

**Contact:** C.M. Conner, Jr., Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

# Calendar of Events

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## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### September 10

ASAP Policy Board - Valley  
Land Evaluation Advisory Council, State  
Local Government Advisory Council  
Transferable Development Rights and Other Land-Use  
Carryover Legislation, Joint Subcommittee Studying

#### September 11

† Emergency Planning Committee for the County of  
Montgomery and the Town of Blacksburg, Local

† Funeral Directors and Embalmers, Board of  
Medicare and Medicaid, Governor's Advisory Board on  
† Resources Authority, Virginia

#### September 12

† Conservation and Recreation, Department of  
† - Upper James Scenic River Advisory Board  
Contractors, Board for  
- Complaints Committee  
Corrections, Board of  
Credit Card Fraud, Joint Subcommittee Studying  
Dentistry, Board of  
Emergency Planning Committee, Local - Alexandria

† Funeral Directors and Embalmers, Board of  
Labor and Industry, Department of  
- Safety and Health Codes Board  
Library Board  
Pesticide Control Board, Virginia  
† School Dropouts and Ways to Promote the  
Development of Self-Esteem in Youth and Adults, Joint  
Subcommittee Studying  
Sewage Handling and Disposal Appeals Review Board,  
State

#### September 13

Architects, Professional Engineers, Land Surveyors,  
and Landscape Architects, Board for  
† Audiology and Speech Pathology, Board of  
Chesapeake Bay Local Assistance Board  
Dentistry, Board of  
† Emergency Planning Committee of Richmond, Local  
Health, State Board of  
† Board of Psychology  
Higher Education in Areas of Substantial Increase in  
Enrollment, Senate Subcommittee Studying  
† Mental Health, Mental Retardation and Substance  
Abuse Services, Department of  
† - Mental Retardation Advisory Council  
Methylphenidate (Ritalin), Task Force to Study the  
Effects of  
Perinatal Services Advisory  
Pesticide Control Board, Virginia  
Sewage Handling and Disposal Appeals Review Board,  
State

Transition Task Force, Virginia's  
† Youth and Family Services, Board of

#### September 14

Architects, Professional Engineers, Land Surveyors,  
and Landscape Architects, Board for  
- Board for Land Surveyors  
Dentistry, Board of  
† General Laws Carryover Subcommittee, House of  
Delegates Special  
† General Services, Department of  
† - Division of Consolidated Laboratory Services  
Health, State Board of  
† Information Management, Council on  
† Medical Assistance Services, Department of  
† - Transdermal Patch Study Team  
Medicine, Board of  
- Executive Committee  
Pharmacy, Board of  
Population Growth and Development, Commission on  
† Privileges and Elections, House Committee on  
Professional Counselors, Board of  
Transportation Safety Board

#### September 15

Dentistry, Board of  
Medicine, Board of  
- Credentials Committee

#### September 16

† Cosmetology, Board for  
Dentistry, Board of

#### September 17

† Barbers, Board for  
† Cosmetology, Board for  
† Emergency Planning Committee for the County of  
Prince William, City of Manassas, and City of  
Manassas Park, Local  
Hearing Aid Specialists, Board for  
Parental Consent for Abortion, Senate Education and  
Health Subcommittee Studying  
† Rappahannock-Rapidan Division of Court Services  
Executive Board

#### September 18

† Arts, Commission for the  
  
† Funeral Directors and Embalmers, Board of  
† Housing Development Authority, Virginia  
Labor and Industry, Department of  
- Safety and Health Codes Board  
† Necessity and Desirability of Revising the  
Commonwealth's Comparative Price Advertising  
Statute, Joint Subcommittee Studying the  
Professional Soil Scientists, Board for

#### September 19

Community Colleges, State Board for  
Drug Exposure, Maternal and Perinatal, Joint  
Subcommittee Studying

Funeral Directors and Embalmers, Board of  
Labor and Industry, Department of  
- Safety and Health Codes Board

Oil and Gas Drilling Under the Chesapeake Bay,  
Environmental Impact of, Joint Subcommittee Studying  
the

† Racing Commission, Virginia  
Treasury Board

Waste Management Board, Virginia

## September 20

Community Colleges, State Board for  
† Emergency Planning Committee for Fairfax County,  
the City of Fairfax and the Towns of Herndon and  
Vienna, Local

† Funeral Directors and Embalmers, Board of  
† Infrastructure and Revenue Resources Commission,  
Local and State Government  
Soil and Water Conservation Board, Virginia  
Transportation Board, Commonwealth

## September 21

† Children, Coordinating Committee for  
Interdepartmental Regulation of Residential Facilities  
for

† Conservation and Recreation, Department of  
† - Upper James Scenic River Advisory Board

Geology, Board for  
Medicine, Board of  
- Informal Conference Committee

## September 24

† Education Subcommittee  
Election Laws, Joint Subcommittee Studying  
† Nursing, Board of

## September 25

† Boating Advisory Board, Virginia  
Health Services Cost Review Council, Virginia  
† Marine Resources Commission  
Mental Health, Mental Retardation and Substance  
Abuse Services Board, State  
† Nursing, Board of  
Volunteerism, Department of

## September 26

Educational Opportunity for All Virginians, Governor's  
Commission on

† Forestry, Department of  
† - Reforestation of Timberlands Board

† General Services, Department of  
† - State Insurance Advisory Board

† Hazardous Materials Training Committee  
Housing and Community Development, Department of  
- Regulatory Effectiveness Advisory Committee

Labor and Industry, Department of  
- Safety and Health Codes Board

Lottery Board, State

Mental Health, Mental Retardation and Substance  
Abuse Services Board, State

† Optometry, Board of  
† Outdoors Foundation, Virginia

## September 27

Education, Board of  
Housing and Community Development, Department of  
† Medicine, Board of  
† - Chiropractic Test Committee  
Publication of Legal Notices in Newspapers, Senate  
Courts of Justice Subcommittee Studying  
Regulatory Effectiveness Advisory Committee

## September 28

Education, Board of  
Medicine, Board of  
- Informal Conference Committee  
† Real Estate Board  
† - Fair Housing Liaison Committee

## October 2

† Air Pollution Control Board, State  
Early Childhood and Day Care Programs, Joint  
Subcommittee Studying

## October 3

Children, Department for  
- Consortium on Child Mental Health  
† Higher Education of Virginia, State Council for

## October 4

† Child Day Care and Early Childhood Programs,  
Council on  
Corrections Resources Board, Community - Middle  
Virginia  
Emergency Planning Committee, Local - Chesterfield  
County  
† Funeral Directors and Embalmers, Board of  
Voluntary Formulary Board, Virginia

## October 5

Health Professions, Department of  
- Advisory Board on Physical Therapy

## October 9

† Employment Commission, Virginia  
† - Advisory Board

## October 10

Corrections, Board of  
† Employment Commission, Virginia  
† - Advisory Board  
† Funeral Directors and Embalmers, Board of  
Indians, Council On  
Labor and Industry, Department of  
- Safety and Health Codes Board

## October 11

† Code Commission, Virginia  
Medicine, Board of  
- Informal Conference Committee  
† Youth and Family Services, Board of



# Calendar of Events

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## October 12

† Code Commission, Virginia  
Family and Children's Trust Fund of Virginia  
- Board of Trustees

## October 15

† Emergency Planning Committee for the County of Prince William, City of Manassas, and City of Manassas Park, Local  
† Labor Force Needs of the 1990's, Joint Subcommittee Studying  
† Winegrowers Advisory Board, Virginia

## October 16

† Funeral Directors and Embalmers, Board of

## October 17

† Funeral Directors and Embalmers, Board of  
† Real Estate Board

## October 19

† Children, Coordinating Committee for Interdepartmental Regulation of Residential Facilities for

## October 23

† Nursing, Board of  
† - Education Advisory Committee

## October 24

Election Laws, Joint Subcommittee Studying  
Lottery Board, State

## October 25

Education, Board of

## October 26

Education, Board of

## October 30

† Athletic Board

## November 1

Corrections Resources Board, Community - Middle Virginia

## November 9

Family and Children's Trust Fund of Virginia  
- Board of Trustees

## November 20

† Code Commission, Virginia

## November 27

Election Laws, Joint Subcommittee Studying

## November 28

Lottery Board, State

## December 5

† Educational Opportunity for All Virginians,

Governor's Commission on

## December 7

Family and Children's Trust Fund of Virginia  
- Board of Trustees

## December 19

Lottery Board, State

## PUBLIC HEARINGS

## September 11

Child Labor Laws of Virginia, House Labor and Commerce Subcommittee Studying  
Water Control Board, State

## September 12

Housing Study Commission, Virginia  
Methylphenidate (Ritalin), Task Force to Study the Effects of  
Pharmacy, Board of  
Virginia Alcohol Safety Action Program, Commission on the

## September 13

† Branch Pilots, Board for

## September 14

Use of Jet Skis, Joint Subcommittee Studying the Voluntary Formulary Board, Virginia

## September 18

Labor and Industry, Department of  
Taxation, Department of

## September 19

Racing Commission, Virginia

## September 20

Funeral Directors and Embalmers, Board of

## September 25

Housing Study Commission, Virginia

## September 26

Agriculture and Consumer Services, Department of  
† Chesapeake and Its Tributaries Subcommittee Studying Carryover Legislation  
Commerce, Department of  
Nursing, Board of

## October 1

Horse Racing and Pari-Mutuel Wagering, Joint Subcommittee Studying Provisions of the Code of Virginia Relating to

## October 3

Educational Opportunities for All Virginians,

Governor's Commission on

**October 10**

Air Pollution Control Board, State  
† Corrections, Board of

**October 15**

Alcoholic Beverage Control, Department of  
Virginia Alcohol Safety Action Program, Commission  
on the  
Health, Board of

**October 16**

Virginia Alcohol Safety Action Program, Commission  
on the

**December 6**

Agriculture and Consumer Services, Department of

**January 8, 1991**

Labor and Industry, Department of  
- Safety and Health Codes Board

**Calendar of Events**

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