

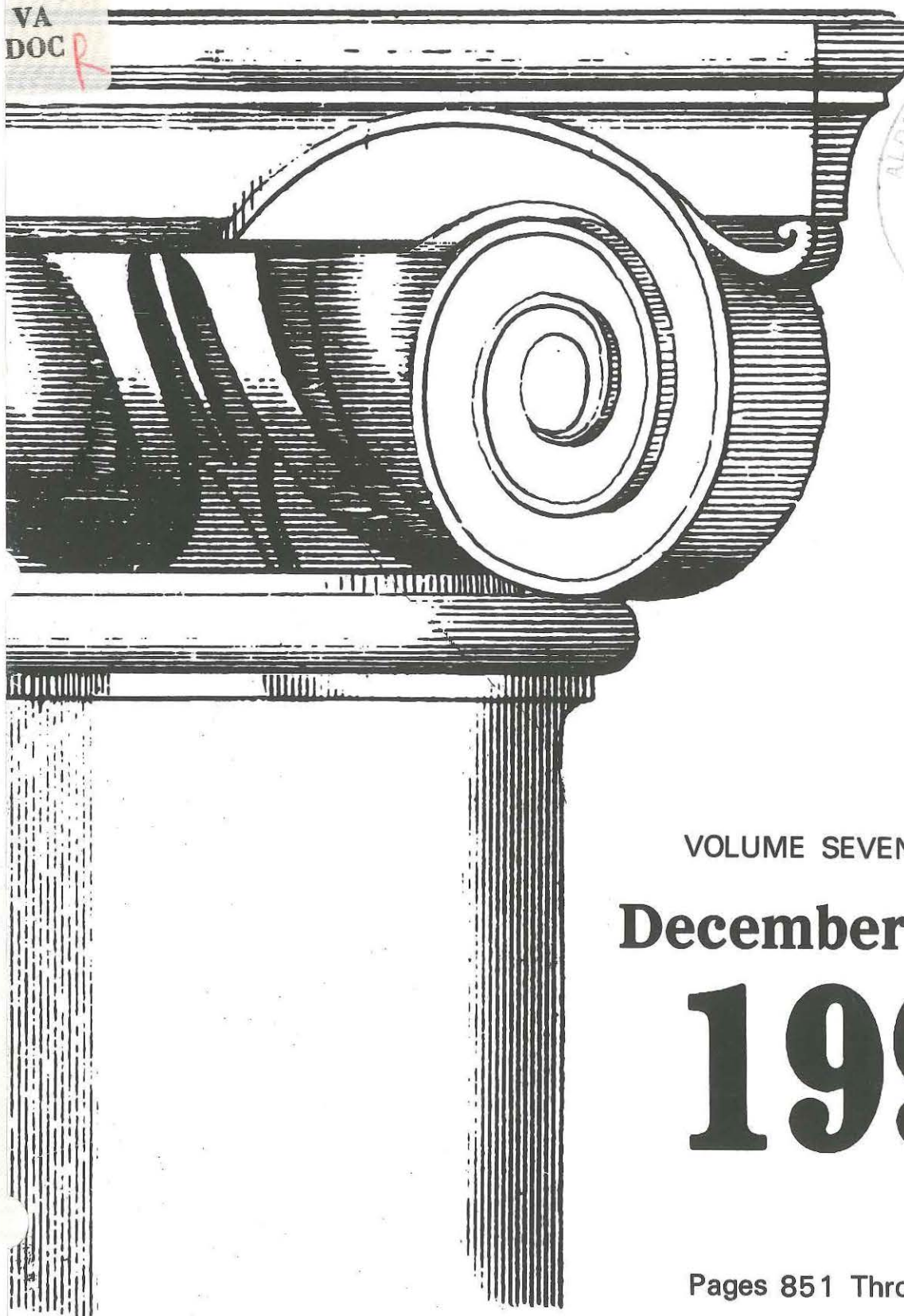
THE VIRGINIA REGISTER

OF REGULATIONS

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December 17, 1990

1990

Pages 851 Through 1026

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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

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Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Ann M. Brown, Deputy Registrar of Regulations.

VIRGINIA REGISTER OF REGULATIONS

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September 1990 through December 1991

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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.

ALCOHOLIC BEVERAGE CONTROL BOARD

Title of Regulation: VR 125-01-6. Manufacturers and Wholesalers Operations.

Statutory Authority: §§ 4-7(b) and (1), 4-11, 4-25 A 7 and 10, 4-103(b) 4-118.3 et seq. and 4-118.42 et seq. of the Code of Virginia.

Publication Date: 6:19 VA.R. 3021-3027 June 18, 1990.

NOTICE: The Department is WITHDRAWING the proposed regulation entitled "Manufacturers and Wholesalers Operations" (VR 125-01-6) published in 6:19 VA.R. 3021-3027 June 18, 1990.

BOARD FOR GEOLOGY

Title of Regulation: VR 335-01-2. Rules and Regulations of the Virginia Board for Geology.

Statutory Authority: §§ 54.1-113 and 54.1-1402 of the Code of Virginia.

Public Hearing Date: January 18, 1991 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed regulations apply directly to 611 certified geologists in Virginia. The only substantive changes in the regulations are proposed increases in all fees in order to assure the board's compliance with the requirements of § 54.1-113 of the Code of Virginia.

VR 335-01-2. Rules and Regulations of the Virginia Board for Geology.

PART I. GENERAL.

§ 1.1. Who is a Virginia Certified Professional Geologist.
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 Board for Geology.

"Geologist" means a person engaged in the public practice of geology.

"Geology" means the science dealing with (i) the earth and its history in general; (ii) the investigation, prediction, evaluation, and location of materials and structures which compose the earth; (iii) the natural processes that cause changes in the earth; and (iv) the application of knowledge of the earth, its processes, and its constituent rocks, minerals, liquids, gases and other natural materials.

"Practice of geology" means the performance of any service or work for the general public wherein the principles and methods of geology are applied.

"Qualified geologist" means an uncertified person who possesses all the qualifications specified in this chapter for certification.

"Virginia certified professional geologist" means a person who possesses all qualifications specified in this chapter for certification and whose competence has been attested by the Board through certification.

§ 1.2. Determining qualifications for applicants.

In determining the qualifications of an applicant for certification, a majority vote of members of the board shall be required.

§ 1.3. Fees.

All fees for application, examination, renewal, and reinstatement shall be established by the board pursuant to ~~§ 54-1-28-1~~ § 54.1-201 of the Code of Virginia. All fees are nonrefundable and shall not be prorated.

1. *The application fee for certification shall be \$100.*

2. *The fee for renewal of certification shall be \$100.*

3. *The fee for taking the examination or reexamination for certification shall be \$75.*

4. *The penalty fee for late renewal shall be \$50 in addition to the renewal fee.*

5. *The reinstatement fee shall be \$200.*

§ 1.4. Expiration, renewal and fee of certificate holders.

A. Certificates issued under these regulations shall expire on August 31 of the odd-numbered year following the date of issuance. Certificate holders shall be notified by mail of the fee and the procedure for certificate renewal at least 45 days before the certificate expires. Each certificate

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holder desiring to renew his certificate shall submit the renewal notice with the appropriate fee before the certificate expires.

B. Any certificate holder failing to renew the certificate one month following the date of expiration shall be required to pay a penalty fee equal to twice the renewal fee.

B. There shall be a penalty fee for late renewal assessed in addition to the renewal fee for any certificate holder failing to renew the certificate within 30 days following the date of expiration.

C. Failure to receive written notice from the Department of Commerce does not relieve the regulant from the requirement to renew his certificate. If the certificate holder fails to receive the renewal notice, a copy of the certificate may be submitted with the required fee.

D. The date a fee is received by the Department of Commerce, or its agent, will be used to determine whether a penalty fee or the requirement for reinstatement of a certificate is applicable.

E. Revoked or suspended certificates are not renewable until reinstated by the board.

§ 1.5. Reinstatements.

If the certificate holder fails to renew the certificate within six months following the expiration date, the certificate holder will be required to apply for reinstatement of the certificate. The applicant will be required to present reasons that the certificate was allowed to expire, and the board may grant reinstatement of the certificate, or require requalification or reexamination, or both. The application fee for reinstatement of a certificate shall be an amount equal to twice the renewal fee.

§ 1.6. Use of seal.

A certified professional geologist may apply a rubber stamp or preprinted seal to final and complete cover sheets and to each original sheet of plans or drawings prepared or reviewed and approved by the regulant. The seal may be applied to the cover sheet of technical reports and specifications prepared or reviewed and approved by the regulant.

1. All seal imprints on final documents shall be signed.
2. Application of the seal and signature indicates acceptance of responsibility for work shown thereon.
3. The seal shall conform in detail and size to the design illustrated below:



* The number referred to is the number, usually three or four digits, as shown on the wall certificate and is the license renewal number issued each biennium as indicated on the licensee's pocket card. The number will not change every two years, but is permanent.

PART II. ENTRY.

§ 2.1. Qualifications for certification.

Each applicant for certification as a certified professional geologist in Virginia shall meet the education, experience and examination requirements as specified in § 54-965 § 54.1-1403 of the Code of Virginia.

§ 2.2. Certification by reciprocity.

Any person certified, registered or licensed in another state, jurisdiction or territory of the United States may be granted a Virginia certificate without written examination, provided that:

1. The applicant meets all the requirements for certification in Virginia; and
2. The applicant holds a currently valid license in good standing in another jurisdiction based upon successful completion of a comparable exam.

PART III. STANDARDS OF PRACTICE AND CONDUCT.

§ 3.1. Disclosure.

A certified professional geologist:

1. Shall not submit any false statements or fail to disclose any facts requested concerning his or another's application for certification.
2. Shall not falsely or maliciously attempt to injure the reputation or business of another.
3. Shall not engage in any fraud, deceit, or

misrepresentation in advertising, in soliciting or in providing professional services.

4. Shall not knowingly sign, stamp, or seal any plans, drawings, blueprints, surveys, reports, specifications, or other documents not prepared or reviewed and approved by the certificate holder.

5. Shall make full disclosure to all parties of:

a. Any transaction involving payments made to any person for the purpose of securing a contract, assignment, or engagement; or

b. Any monetary, financial or beneficial interest he may have in any contract or entity providing goods or services, other than his professional services, to a project or engagement.

6. Shall express an opinion only when it is founded on adequate knowledge of established facts at issue, on a background of technical competence in the subject matter, and on an honest conviction of the accuracy of the testimony when serving as an expert or technical witness before any court, commission, or other tribunal.

7. Shall provide adequate representation of his qualifications and scope of responsibilities for all previous experience claimed when negotiating with prospective clients.

§ 3.2. Compliance with other laws.

A certified professional geologist:

1. Shall comply with all federal, state, and local building, fire, safety, real estate, or mining codes, as well as any other laws, codes, ordinances, or regulations pertaining to the practice of geology.

2. Shall not violate any state or federal criminal statute involving fraud, misrepresentation, embezzlement, bribery, theft, forgery, or breach of fiduciary duty relating to his professional practice.

3. Shall immediately notify the client or employer and the appropriate regulatory agency if his professional judgment is overruled and not adhered to in circumstances of a serious threat to the public health, safety, or welfare. If appropriate remedial action is not taken within a reasonable amount of time after making the report, he shall notify the appropriate governmental authority of the specific nature of the public threat.

4. Shall give written notice to the board, and shall cooperate with the board and the department in furnishing any further information or assistance needed, if he knows or believes that another geologist/firm may be violating any of the provisions

of Chapter 30 14 , Title 54 54.1 of the Code of Virginia, or these regulations.

§ 3.3. Conflicts of interest.

A certified professional geologist shall not:

1. Accept any work on any project or other professional engagement when a duty to a client or to the public would conflict with his personal interest or the interest of another client, unless immediate disclosure of all material facts of the conflict is made to each client related to the project or engagement.

2. Accept compensation for services related to the same project or professional engagement from more than one party without making prior full disclosure to all parties involved.

3. Offer, either directly or indirectly, any commission, political contribution, or other consideration in seeking work except to secure a salaried position through employment agencies.

§ 3.4. Competence for assignments.

A certified professional geologist:

1. Shall exercise reasonable care when rendering professional services and shall apply the technical knowledge and skills ordinarily applied by practicing geologists.

2. Shall not accept any professional assignment or engagement that he is not competent to perform by way of education, technical knowledge, or experience. An assignment requiring education or experience outside his field of competence may be accepted provided:

a. His professional services are restricted to those phases of the project in which he is qualified; and

b. All other phases of the project are performed by qualified associates, consultants, or employees.

§ 3.5. Grounds for suspension, revocation, or denial to renew or grant certification.

A. The board may suspend, revoke, or refuse to renew the certification of any geologist who, after a hearing as provided in the Administrative Process Act (Virginia Code § 9-6.14:1 through 9-6.14:21), is found to have committed:

1. Fraud or deceit in obtaining certification (See § 54-1.20(5)); or

2. Any violation of Part III - Standards of Practice and Conduct, other regulations of the board, or governing statutes of the board; or

Proposed Regulations

3. An act or acts of negligence, incompetence, or misconduct in the practice of geology as a certified professional geologist.

B. A person shall not be refused a certificate based solely on the prior conviction of a crime unless that conviction directly relates to the geology profession.

§ 3.6. Reissuance of certificate after revocation.

An individual whose certificate has been revoked in accordance with § 3.5 above shall file a new application and obtain approval of the board to regain the certificate.



COMMONWEALTH of VIRGINIA

Department of Commerce

DAVID R. HATHCOCK
Director

3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230-4917

RONALD K. LAYNE
Senior Deputy Director

VIRGINIA BOARD OF GEOLOGY

Dear Applicant:

Please find enclosed the application package requested. Your application package contains the following information:

1. Application check-off form.
2. One (1) letter of instruction -- DOC Form G-1.
3. One (1) application -- DOC Form G-2.
4. One (1) verification of registration -- DOC Form G-3.
5. Two (2) verification of degree granted forms -- DOC Form G-4.
6. Three (3) reference forms -- DOC Form G-5.
7. One (1) written examination schedule.
8. An envelope to return your application and fee.

If, upon inspection, you find that any of the above items are not included, please contact the office of the Virginia Board of Geology at (804) 367-8514.

Enclosures

Effective: April 11, 1991

TELEPHONE (804) 367-8500 TOLL FREE 1-800-562-2016

VIRGINIA BOARD FOR GEOLOGY

APPLICANT CHECK-OFF FORM

Dear Applicant:

Please review your application and qualifications prior to submitting your application, since your application fee is non-refundable. The following check-off sheet is provided for your convenience (not to be returned to the Board) as your application package cannot be reviewed by the Board without all the necessary information.

Prior to mailing my application package to the Board, I have made certain that the following items were complete and appropriate:

- _____ 1. Application fee of ~~\$\$\$~~\$100.00 made payable to the Treasurer of Virginia.
- _____ 2. Completed and notarized form.
- _____ 3. Sent verification of my registration if registered in another state.
- _____ 4. Requested completion of DOC Form G-4 and transcripts reflecting all college course work.
- _____ 5. All experience listed under Item C of the application verified.
- _____ 6. Three references in sealed envelopes from qualified geologists, certified geologists, or professional engineers.

VIRGINIA BOARD FOR GEOLOGY

DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-1066

APPLICATION FOR CERTIFICATION AS A
VIRGINIA CERTIFIED PROFESSIONAL GEOLOGIST

INSTRUCTIONS

- All applicants must have a thorough knowledge of the Rules and Regulations of the Board.
- Forms shall be typewritten or printed legibly in their entirety except for signatures. The applicant shall assume full responsibility for filing all required documentation, references, and verifications.
- RECIPROCITY: If you are registered or certified in another jurisdiction, reciprocity will be routinely considered. Should you be registered or certified in another state, show all states in item 2 (DOC Form G-2) in which you took a written examination. Forward Form G-3 to each state in which you are registered. Enclose a stamped, addressed envelope for return directly to this Board.
- EDUCATION: Your degree in Geology must be verified (Form G-4) and an official transcript of all college courses for which credit is sought must be submitted directly from the school.
- REFERENCES: One copy of DOC Form G-5 shall be supplied to each of the references listed in Item 5 (DOC Form G-2). All references must be Geologists or Professional Engineers. One reference must be from a qualified or certified Geologist. All completed references must be returned to the applicant in a sealed envelope signed by the person supplying the reference, or may be returned directly to the Board. References must be submitted to the Board in the original sealed envelope.
- TRAINING AND EXPERIENCE RECORD: Under Item C (DOC Form G-2) show all training and experience. USE SEPARATE SHEETS IF NECESSARY. Make concise and explicit statements giving a description of your tasks, duties and nature of work performed for each period of employment. List your experience in chronological order with the most recent engagement first. Each period of employment must be verified by a signature in Column F. This includes periods of self-employment, which may be verified by an associate or client. This may be done by copying the completed Form G-2 and submitting that copy with the required signature. However, an Experience Record is not normally required prior to 1945. All verifications must accompany the initial application form.
- FEEES: Each application must be accompanied by an application fee. Exam fees should not be sent at this time. Checks must be made payable to the Treasurer of Virginia and returned in the enclosed envelope. All fees are nonrefundable.
- All supplementary papers accompanying the application must be identified with the applicant's name.
- EXAMINATION: Enclosed in this application package is an examination schedule. Completed applications must be received in this office 90 days prior to the exam. You will be notified within 45 days as to whether you have been approved for the exam. Should you have any further questions, please call the Board office at (804) 367-8514.

VIRGINIA BOARD FOR GEOLOGY
DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-1066
VERIFICATION OF REGISTRATION

(The applicant should complete this portion.)

TO: _____

Please provide verification on the following individual:

Applicant's Name _____ Soc. Sec. No. _____
Applicant's Address _____

This portion should be completed by the State Board listed.

I. The above named person was registered as:

	Certificate No.	Date License Issued	Expiration Date
Geologist	_____	_____	_____

II. Minimum Requirements were:

- A. _____ Years of education, _____ years of experience.
B. _____ Written examination

Please specify:

- Name of examination _____
- Date of examination _____
- Number of hours _____
- Score _____
- Cut-off score _____
Cut-off score based on _____ Group Data
_____ National Data or Other (specify) _____

- C. _____ Oral Examination _____ Hours
D. _____ Reciprocity with _____
E. _____ Other: Please give details below: _____

F. Is the applicant in good standing? _____

III. By: _____ (BOARD SEAL)
Title: _____
Date: _____

DOC Form G-3

APPLICANT: Enclose a stamped, addressed envelope for return directly to the Virginia Board.

APPLICATIONS NOT COMPLETED IN ACCORDANCE WITH THESE INSTRUCTIONS WILL BE PROMPTLY RETURNED TO THE APPLICANT

DOC Form G-1

VIRGINIA BOARD FOR GEOLOGY
DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-1066

VERIFICATION OF DEGREE GRANTED AND COURSE WORK COMPLETED

Applicant shall complete the upper portion of this form.

Name in full _____
Residence Address _____
Business Address _____
Birth Date _____ Social Security Number _____
College or University Attended _____
Applicant's Signature _____

After completion of above, applicant shall send this form to the college or university from which he/she obtained a degree or did course work. Please request that the following certificate be completed if applicable and that a transcript and this form be returned directly to the Board.)

CERTIFICATE

I hereby certify that the above named applicant has been graduated from this institution with a degree of:

Major _____
on _____
Signature _____
Official Position _____
Institution _____
Date _____
(College Seal)

DOC Form G-4

APPLICANT: Enclose a stamped, addressed envelope for return directly to the Virginia Board.

VIRGINIA BOARD FOR GEOLOGY
DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-1066

VERIFICATION OF DEGREE GRANTED AND COURSE WORK COMPLETED

Applicant shall complete the upper portion of this form.

Name in full _____
Residence Address _____
Business Address _____
Birth Date _____ Social Security Number _____
College or University Attended _____
Applicant's Signature _____

After completion of above, applicant shall send this form to the college or university from which he/she obtained a degree or did course work. Please request that the following certificate be completed if applicable and that a transcript and this form be returned directly to the Board.)

CERTIFICATE

I hereby certify that the above named applicant has been graduated from this institution with a degree of:

Major _____
on _____
Signature _____
Official Position _____
Institution _____
Date _____
(College Seal)

DOC Form G-4

APPLICANT: Enclose a stamped, addressed envelope for return directly to the Virginia Board.

VIRGINIA BOARD FOR GEOLOGY
DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-1066

(To Be Completed By the Applicant)

Name: _____
Last First Middle

Address: _____

To the Referencer:

An application for certification as a Virginia Certified Professional Geologist has been filed with the Board by the above named applicant. The Virginia Board of Geology requests that you, a Geologist or Professional Engineer, provide complete information with regard to the character of the applicant in order that the Board might better assess his/her qualifications.

Please return the completed form to the applicant in a sealed envelope with your signature on the outside in order that he/she may include it with the application to the Board. You may return the reference directly to the Board at the above address.

1. Applicant's Name _____ Approx. Age _____
2. Your business/personal relationship to the applicant _____
3. Number of years you have known him/her _____
4. Do you have knowledge of the applicant's participation in professional misconduct? _____ If "Yes", please explain _____
5. How long has he/she been engaged in geological work? _____
6. In your professional opinion, has this applicant demonstrated competence and knowledge in the geology profession? _____ Please explain _____
7. Your comments and recommendations _____

Signature _____ Occupation _____
 Name _____ Registration No. _____
 (Please Type or Print)
 Address _____ State _____ Expire Date _____
 Date _____

VIRGINIA BOARD FOR GEOLOGY
DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-1066

(To Be Completed By the Applicant)

Name: _____
Last First Middle

Address: _____

To the Referencer:

An application for certification as a Virginia Certified Professional Geologist has been filed with the Board by the above named applicant. The Virginia Board of Geology requests that you, a Geologist or Professional Engineer, provide complete information with regard to the character of the applicant in order that the Board might better assess his/her qualifications.

Please return the completed form to the applicant in a sealed envelope with your signature on the outside in order that he/she may include it with the application to the Board. You may return the reference directly to the Board at the above address.

1. Applicant's Name _____ Approx. Age _____
2. Your business/personal relationship to the applicant _____
3. Number of years you have known him/her _____
4. Do you have knowledge of the applicant's participation in professional misconduct? _____ If "Yes", please explain _____
5. How long has he/she been engaged in geological work? _____
6. In your professional opinion, has this applicant demonstrated competence and knowledge in the geology profession? _____ Please explain _____
7. Your comments and recommendations _____

Signature _____ Occupation _____
 Name _____ Registration No. _____
 (Please Type or Print)
 Address _____ State _____ Expire Date _____
 Date _____

CONFIDENTIAL

BOARD FOR GEOLOGY

Form for submitting examination questions

Item Writer Use Only _____

Name _____

Date written _____

Exam Date used _____

TOPIC: _____

Answer: _____

Reference or Source: _____

VIRGINIA BOARD FOR GEOLOGY

WRITTEN EXAMINATION SCHEDULE

Date of Exam

July 19, 1989
July 18, 1990
July 17, 1991

Application Deadline

April 20, 1989
April 19, 1990
April 18, 1991

All applications must be complete and submitted to be received in the Board's office no later than the stated application deadline in order to be considered for the next scheduled exam. Applications are not considered complete unless all supporting data such as transcripts, endorsements, references and verifications are received. It is the applicant's responsibility to insure that all forms are received.

Each applicant approved for examination will be informed in writing of details concerning the examination location, time and rules.

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF COMMERCE
 POST OFFICE BOX 11066
 RICHMOND, VIRGINIA 23230-1066

APPLICATION FOR CERTIFICATION AS A
 VIRGINIA CERTIFIED PROFESSIONAL GEOLOGIST

A. GENERAL INFORMATION

NAME IN FULL: _____ SSN: _____

FIRM NAME: _____

BUSINESS ADDRESS: STREET: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____

RESIDENCE ADDRESS: STREET: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____

ADDRESS FOR CORRESPONDENCE RESIDENCE BUSINESS

CITIZENSHIP: BIRTH NATURALIZED

BIRTHDATE: _____ PLACE: _____

B. EDUCATION: (List in chronological order the name and location of each school or other institution, beyond high school, time attended, year of graduation, if any. Request Form G-4 and transcripts for all work.)

NAME OF INSTITUTION	YEARS ATTENDED	DEGREE RECEIVED	GRADUATE WORK COMPLETED	MAJOR

EFFECTIVE: 10-15-88

DOC FORM G-2

C. TRAINING AND EXPERIENCE: Record your active professional practice (include all training) in sequence under Column B, starting with your most recent position. Wherever possible, please mention important projects in which you have been engaged during any period of experience. Attach additional sheets, if necessary.

DATE (Month/Year)	TITLE OF POSITION, NAME OF EMPLOYER & BRIEF JOB DESCRIPTION	TIME SPENT (Years & Months)			Signature with type-written name, address & telephone number on this form of some responsible person familiar with each engagement, preferably employer or person to whom applicant reported or with whom associated.
		Subordinate Time - 1	Responsible Charge Time - 2	Total Time 1 + 2	
FROM	TO				

Concurrent engagement in graduate study and employment will not be counted for more than the educational requirement unless the applicant can adequately provide evidence to support full time employment in addition to the graduate hours submitted for consideration.

1. Are you currently registered/certified/licensed as a geologist in any other jurisdiction? (yes or no) _____ If yes, what state(s), registration number, and date of licensure? _____

2. In which states was your registration/certification/license granted on the basis of a written examination? _____
 (Please have the state involved submit a verification of certification, Form G-3).

3. Has any state denied you registration/certification/license, revoked or declined same? _____ If yes, please explain on a separate sheet.

4. Have you ever been convicted of a felony or misdemeanor? (yes or no) _____ If yes, please explain on a separate sheet.

5. How do you wish to qualify for certification?
 Reciprocity _____ Examination _____ Waiver _____

6. REFERENCES. At least one reference must be from a qualified or certified geologist. A total of three references are required.

NAME, ADDRESS AND PHONE NUMBER	CURRENTLY REGISTERED	
	yes	no
A. _____	<input type="checkbox"/>	<input type="checkbox"/>
B. _____	<input type="checkbox"/>	<input type="checkbox"/>
C. _____	<input type="checkbox"/>	<input type="checkbox"/>

7. Name exactly as you want it to appear on your certificate:

D. AFFIDAVIT

State of _____ County or City of _____

The undersigned being duly sworn says that he is the person who executed this application, that the statements herein contained are true, that he has not withheld or suppressed any information that might affect this application, and that he has read and understands this affidavit.

Signature of Applicant: _____

Subscribed and sworn to before me this _____ day of _____, 19 _____

Signature of Notary Public: _____

My commission expires: _____

E. BOARD MEMBER REVIEW

REASONS FOR REJECTION OF CERTIFICATION BY RECIPROCITY:

Board Member Initials and Date	Reason(s) for Rejection
_____	_____
_____	_____
_____	_____
_____	_____

APPROVED FOR RECIPROCITY WITH _____ Board initials & dates _____

REASONS FOR REJECTION FOR EXAMINATION:

Board Member Initials and Date	Reason(s) for Rejection
_____	_____
_____	_____
_____	_____
_____	_____

APPROVED FOR EXAMINATION Board initials and dates _____

WAIVED FROM EXAMINATION Board initials and dates _____

EXAMINATION RESULTS:

DATE	I.D. NUMBER	CUT OFF	PASSED	FAILED
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

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VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTICE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-01-0001. Rules and Regulations - General Provisions for Programs of the Virginia Housing Development Authority.

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

Public Hearing Date: N/A - Written comments may be submitted until January 3, 1991.

Summary:

The proposed amendment to the Rules and Regulations - General Provisions for Programs of the Virginia Housing Development Authority will expand the definition of "gross family income" to include income of all persons residing in a unit.

VR 400-01-0001. Rules and Regulations - General Provisions for Programs of the Virginia Housing Development Authority.

§ 1. Definitions.

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

"Act" means the Virginia Housing Development Authority Act, being Chapter 1.2 (§ 36-55.24, et seq.) of Title 36 of the Code of Virginia.

"Adjusted family income" means the total annual income of a person or all members of a family residing or intending to reside in a dwelling unit, from whatever source derived and before taxes or withholdings, less the total of the credits applicable to such person or family, computed in accordance with the following: (i) a credit in an amount equal to \$1,000 for each dependent family member other than such a family member qualifying under (vi) below; (ii) a credit in an amount equal to the lesser of \$1,000 or 10% of such total annual income; (iii) a credit in an amount equal to all income of such person or any such family member of an unusual or temporary nature and not related to such person's or family member's regular employment, to the extent approved by the executive director; (iv) a credit in an amount equal to all earnings of any family member who is a minor under 18 years of age or who is physically or mentally handicapped, as determined on the basis of medical evidence from a licensed physician or other appropriate evidence satisfactory to the executive director; (v) a credit in an amount equal to such person or family's medical expenses, not compensated for or covered by insurance, in

excess of 3.0% of such total annual income; and (vi) a credit in an amount equal to 1/2 of the total annual income of all family members over 18 years of age who are secondary wage earners in the family, provided, however, that such credit shall not exceed the amount of \$2,500. If federal law or rules and regulations impose limitations on the incomes of the persons or families who may own or occupy a single family dwelling unit or multi-family residential housing development, the authority may provide in its rules and regulations that the adjusted family income shall be computed, for the purpose of determining eligibility for ownership or occupancy of such single family dwelling unit or the dwelling units in such multi-family residential housing development (or, if so provided in the applicable rules and regulations of the authority, only those dwelling units in such development which are subject to such federal income limitations), in the manner specified by such federal law or rules and regulations (subject to such modifications as may be provided in or authorized by the applicable rules and regulations of the authority) rather than in the manner provided in the preceding sentence.

"Applicant" means an individual, corporation, partnership, limited partnership, joint venture, trust, firm, association, public body or other legal entity or any combination thereof, making application to receive an authority mortgage loan or other assistance under the Act.

"Application" means a request for an authority mortgage loan or other assistance under the Act.

"Authority" means the Virginia Housing Development Authority.

"Authority mortgage loan" or "mortgage loan" means a loan which is made or financed or is to be made or financed, in whole or in part, by the authority pursuant to these rules and regulations and is secured or is to be secured by a mortgage.

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

"Dwelling unit" or "unit" means a unit of living accommodations intended for occupancy by one person or family.

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

"Family" means, in the context of the financing of a single family dwelling unit, two or more individuals related by blood, marriage or adoption, living together on the premises as a single nonprofit housekeeping unit. In all contexts other than the financing of a single family dwelling unit, "family" means two or more individuals living together in accordance with law.

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"FHA" means the Federal Housing Administration and any successor entity.

"For-profit housing sponsor" means a housing sponsor which is organized for profit and may be required by the authority to agree to limit its profit in connection with the sponsorship of authority financed housing in accordance with the terms and conditions of the Act and these rules and regulations and subject to the regulatory powers of the authority.

"Gross family income" means the combined annualized gross income of a person or all members of a family all persons residing or intending to reside in a dwelling unit, from whatever source derived and before taxes or withholdings. For the purpose of this definition, annualized gross income means gross monthly income multiplied by 12. Gross monthly income is the sum of monthly gross pay; plus any additional income from overtime, part-time employment, bonuses, dividends, interest, royalties, pensions, Veterans Administration compensation, net rental income; plus other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments).

"Multi-family dwelling unit" means a dwelling unit in multi-family residential housing.

"Nonprofit housing sponsor" means a housing sponsor which is organized not for profit and may be required by the authority to agree not to receive any limited dividend distributions from the ownership and operation of a housing development.

"Person" means:

1. An individual who is 62 or more years of age;
2. An individual who is handicapped or disabled, as determined by the executive director on the basis of medical evidence from a licensed physician or other appropriate evidence satisfactory to the executive director; or
3. An individual who is neither handicapped nor disabled nor 62 or more years of age; provided that the board may from time to time by resolution (i) limit the number of, fix the maximum number of bedrooms contained in, or otherwise impose restrictions and limitations with respect to single family dwelling units that may be financed by the authority for occupancy by such individuals and (ii) limit the percentage of multi-family dwelling units within a multi-family residential housing development that may be made available for occupancy by such individuals or otherwise impose restrictions and limitations with respect to multi-family dwelling units intended for occupancy by such individuals.

"Rent" means the rent or other occupancy charge applicable to a dwelling unit within a housing development operated on a rental basis or owned and operated on a cooperative basis.

"Reservation" means the official action, as evidenced in writing, taken by the authority to designate a specified amount of funds for the financing of a mortgage loan on a single family dwelling unit.

"Single family dwelling unit" means a dwelling unit in single family residential housing.

The foregoing words and terms, when used in any other rules and regulations of the authority, shall have the same meaning as set forth above, unless otherwise defined in such rules and regulations. Terms defined in the Act and used and not otherwise defined herein shall have the same meaning ascribed to them in the Act.

§ 2. Eligibility for occupancy.

A. The board shall from time to time establish, by resolution or by rules and regulations, income limitations with respect to single family dwelling units financed or to be financed by the authority. Such income limits may vary based upon the area of the state, type of program, the size and circumstances of the person or family, the type and characteristics of the single-family dwelling unit, and any other factors determined by the board to be necessary or appropriate for the administration of its programs. Such resolution or rules and regulations shall specify whether the person's or family's income shall be calculated as adjusted family income or gross family income. To be considered eligible for the financing of a single family dwelling unit, a person or family shall not have an adjusted family income or gross family income, as applicable, which exceeds the applicable limitation established by the board. It shall be the responsibility of each applicant for the financing of a single family dwelling unit to report accurately and completely his adjusted family income or gross family income, as applicable, family composition and such other information relating to eligibility for occupancy as the executive director may require and to provide the authority with verification thereof.

B. To be considered eligible for occupancy of a multi-family dwelling unit financed by an authority mortgage loan, a person or family shall not have an adjusted family income greater than seven times the total annual rent, including utilities except telephone, applicable to such dwelling unit; provided, however, that the board may from time to time establish, by resolution or by rules and regulations, lower income limits for occupancy of such dwelling unit; and provided further that in the case of any dwelling unit for which no amounts are payable by or on behalf of such person or family or the amounts payable by or on behalf of such person or family are deemed by the board not to be rent, the income limits shall be established by the board by resolution or by rules and

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regulations.

C. It shall be the responsibility of the housing sponsor to examine and determine the income and eligibility of applicants for occupancy of multi-family dwelling units, report such determinations to the authority in such form as the executive director may require, reexamine and redetermine the income and eligibility of all occupants of such dwelling units every two years or at more frequent intervals if required by the executive director, and report such redeterminations to the authority in such form as the executive director may require. It shall be the responsibility of each applicant for occupancy of a multi-family dwelling unit, and of each occupant of such dwelling units, to report accurately and completely his adjusted family's income, family composition and such other information relating to eligibility for occupancy as the executive director may require and to provide the housing sponsor and the authority with verification thereof at the times of examination and reexamination of income and eligibility as aforesaid.

D. With respect to a person or family occupying a multi-family dwelling unit, if a periodic reexamination and redetermination of the adjusted family's income and eligibility as provided in subsection C of this section establishes that such person's or family's adjusted family income then exceeds the maximum limit for occupancy of such dwelling unit applicable at the time of such reexamination and redetermination, such person or family shall be permitted to continue to occupy such dwelling unit; provided, however, that during the period that such person's or family's adjusted family income exceeds such maximum limit, such person or family may be required by the executive director to pay such rent, carrying charges or surcharge as determined by the executive director in accordance with a schedule prescribed or approved by him. If such person's or family's adjusted family income shall exceed such maximum limit for a period of six months or more, the executive director may direct or permit the housing sponsor to terminate the tenancy or interest by giving written notice of termination to such person or family specifying the reason for such termination and giving such person or family not less than 90 days (or such longer period of time as the authority shall determine to be necessary to find suitable alternative housing) within which to vacate such dwelling unit. If any person or family residing in a housing development which is a cooperative is so required to be removed from the housing development, such person or family shall be discharged from any liability on any note, bond or other evidence of indebtedness relating thereto and shall be reimbursed for all sums paid by such person or family to the housing sponsor on account of the purchase of stock or debentures as a condition of occupancy in such cooperative and any additional sums payable to such person or family in accordance with a schedule prescribed or approved by the authority, subject however to the terms of any instrument or agreement relating to such cooperative or the occupancy thereof.

§ 3. Forms.

Forms of documents, instruments and agreements to be employed with respect to the processing of applications, the making or financing of loans under these rules and regulations, the issuance and sale of authority notes and bonds, and any other matters relating to such loans and the implementation and administration of the authority's programs shall be prepared, revised and amended from time to time under the direction and control of the executive director.

§ 4. Interest rates.

The executive director shall establish the interest rate or rates to be charged to the housing sponsor or person or family in connection with any loan made or financed under these rules and regulations. To the extent permitted by the documents relating to the loan, the executive director may adjust at any time and from time to time the interest rate or rates charged on such loan. Without limiting the foregoing, the interest rate or rates may be adjusted if such adjustment is determined to be necessary or appropriate by the executive director as a result of any allocation or reallocation of such loan to or among the authority's note or bond funds or any other funds of the authority. Any interest rate or rates established pursuant to this § 4 shall reflect the intent expressed in subdivision 3 of subsection A of § 36-55.33:1 of the Code of Virginia.

§ 5. Federally assisted loans.

When a housing development or dwelling unit financed by a loan under these rules and regulations or otherwise assisted by the authority is subject to federal mortgage insurance or is otherwise assisted or aided, directly or indirectly, by the federal government or where the authority assists in the administration of any federal program, the applicable federal law and rules and regulations shall be controlling over any inconsistent provision hereof.

§ 6. Administration of state and federal programs; acceptance of aid and guarantees.

A. The board by resolution may authorize the authority to operate and administer any program to provide loans or other housing assistance for persons and families of low and moderate income and, in furtherance thereof, to enter into agreements or other transactions with the federal government, the Commonwealth of Virginia or any governmental agency thereof, any municipality or any other persons or entities and to take such other action as shall be necessary or appropriate for the purpose of operating and administering, on behalf of or in cooperation with any of the foregoing, any such program.

B. The board by resolution may authorize the acceptance by the authority of gifts, grants, loans, contributions or other aid, including insurance and guarantees, from the federal government, the

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Commonwealth of Virginia or any agency thereof, or any other source in furtherance of the purposes of the Act, do any and all things necessary in order to avail itself of such aid, agree and comply with such conditions upon which such gifts, grants, loans, contributions, insurance, guarantees or other aid may be made, and authorize and direct the execution on behalf of the authority of any instrument or agreement which it considers necessary or appropriate to implement any such gifts, grants, loans, contributions, insurance guarantees or other aid.

C. Without limitation on the provisions of subsection B of this section, the board by resolution may authorize the acceptance by the authority of any insurance or guarantee or commitment to insure or guarantee its bonds or notes and any grant with respect to such bonds or notes, whether insured, guaranteed or otherwise, and may authorize and direct the execution on behalf of the authority of any instrument or agreement which it considers necessary or appropriate with respect thereto.

§ 7. Assistance of mortgage lenders.

The authority may, at its option, utilize the assistance and services of mortgage lenders in the processing, originating, disbursing and servicing of loans under these rules and regulations. The executive director is authorized to take such action and to execute such agreements and documents as he shall deem necessary or appropriate in order to procure, maintain and supervise such assistance and services. In the case of authority mortgage loans to be financed from the proceeds of obligations issued by the authority pursuant to § 36-55.37:1 of the Code of Virginia, the authority shall be required to utilize such assistance and services of mortgage lenders in the origination and servicing of such authority mortgage loans.

§ 8. Purchase of mortgage loans.

A. The authority may from time to time, pursuant and subject to its rules and regulations, purchase mortgage loans from mortgage lenders. In furtherance thereof, the executive director may request mortgage lenders to submit offers to sell mortgage loans to the authority in such manner, within such time period and subject to such terms and conditions as he shall specify in such request. The executive director may take such action as he shall deem necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to mortgage lenders, advertising in newspapers or other publications and any other methods of public announcement which he may select as appropriate under the circumstances. The executive director may also consider and accept offers for sale of individual mortgage loans submitted from time to time to the authority without any solicitation therefor by the authority.

B. The authority shall require as a condition of the purchase of any mortgage loans from a mortgage lender pursuant to this section that such mortgage lender within 180 days from the receipt of proceeds of such purchase

shall enter into written commitments to make, and shall thereafter proceed as promptly as practical to make and disburse from such proceeds, residential mortgage loans in the Commonwealth of Virginia having a stated maturity of not less than 20 years from the date thereof in an aggregate principal amount equal to the amount of such proceeds.

C. At or before the purchase of any mortgage loan pursuant to this section, the mortgage lender shall certify to the authority that the mortgage loan would in all respects be a prudent investment and that the proceeds of the purchase of the mortgage loan shall be invested as provided in subsection B of this section or invested in short-term obligations pending such investment.

D. The purchase price for any mortgage loan to be purchased by the authority pursuant to this section shall be established in accordance with subdivision (2) of § 36-55.35 of the Code of Virginia.

§ 9. Waiver.

The executive director may for good cause in any particular case waive or vary any of the provisions of these rules and regulations to the extent not inconsistent with the Act or with other applicable provisions of law .

§ 10. Amendment.

These rules and regulations may be amended and supplemented by the board at such times and in such manner as it may determine, to the extent not inconsistent with the Act or with other applicable provisions of law.

§ 11. Separability.

If any clause, sentence, paragraph, section or part of these rules and regulations shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

* * * * *

Title of Regulation: VR 400-02-0003. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.

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

Public Hearing Date: N/A – Written comments may be submitted until January 3, 1991.

NOTE: Documents and forms referred to herein as exhibits have not been adopted by the authority as a part of the Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate

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Income but are attached thereto for reference and informational purposes. Accordingly, such documents and forms have not been included in the amendments to the foregoing Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income. Copies of such documents and forms are available upon request at the office of the authority.

Summary:

The proposed amendments to the authority's rules and regulations applicable to its single family mortgage loan program will update requirements for its originating and servicing agents, clarify that applicants must be over 18 years old or emancipated, clarify the lot size limitation, expand the definition of "gross family income," clarify and expand maximum income requirements for assumptions of loans and make certain typographical and stylistic revisions.

VR 400-02-0003. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.

PART I. GENERAL.

§ 1.1. General.

The following rules and regulations will be applicable to mortgage loans which are made or financed or are proposed to be made or financed by the authority to persons and families of low and moderate income for the acquisition (and, where applicable, rehabilitation), ownership and occupancy of single family housing units.

In order to be considered eligible for a mortgage loan hereunder, a "person" or "family" (as defined in the authority's rules and regulations) must have a "gross family income" (as determined in accordance with the authority's rules and regulations) which does not exceed the applicable income limitation set forth in Part II hereof. Furthermore, the sales price of any single family unit to be financed hereunder must not exceed the applicable sales price limit set forth in Part II hereof. The term "sales price," with respect to a mortgage loan for the combined acquisition and rehabilitation of a single family dwelling unit, shall include the cost of acquisition, plus the cost of rehabilitation and debt service for such period of rehabilitation, not to exceed three months, as the executive director shall determine that such dwelling unit will not be available for occupancy. In addition, each mortgage loan must satisfy all requirements of federal law applicable to loans financed with the proceeds of tax-exempt bonds as set forth in Part II hereof.

Mortgage loans may be made or financed pursuant to these rules and regulations only if and to the extent that the authority has made or expects to make funds available therefor.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any mortgage loan hereunder to waive or modify any provisions of these rules and regulations where deemed appropriate by him for good cause, to the extent not inconsistent with the Act.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these rules and regulations shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority or the mortgagor under the agreements and documents executed in connection with the mortgage loan.

The rules and regulations set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the originating and administration of mortgage loans under the authority's single family housing program. These rules and regulations are subject to change at any time by the authority and may be supplemented by policies, rules and regulations adopted by the authority from time to time.

§ 1.2. Originating and servicing agents.

A. Approval/definitions.

The originating of mortgage loans and the processing of applications for the making or financing thereof in accordance herewith shall be performed through commercial banks, savings and loan associations and private mortgage bankers approved as originating agents ("originating agents") of the authority. The servicing of mortgage loans shall be performed through commercial banks, savings and loan associations and private mortgage bankers approved as servicing agents ("servicing agents") of the authority.

To be initially approved as an originating agent or as a servicing agent, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have a satisfactory rating from any state and federal agencies responsible for the regulation of the applicant;
3. Have a net worth equal to or in excess of \$100,000 or, in the case of a savings and loan association, have its deposits insured by the Federal Savings and Loan Insurance Corporation \$250,000 or such other amount as the executive director shall from time to time deem appropriate ;
4. Have a staff with demonstrated ability and

experience in mortgage loan origination and processing (in the case of an originating agent applicant) or servicing (in the case of a servicing agent applicant); and

5. 4. Such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

Each originating agent approved by the authority shall enter into an originating agreement ("originating agreement"), with the authority containing such terms and conditions as the executive director shall require with respect to the origination and processing of mortgage loans hereunder. Each servicing agent approved by the authority shall enter into a servicing agreement with the authority containing such terms and conditions as the executive director shall require with respect to the servicing of mortgage loans.

An applicant may be approved as both an originating agent and a servicing agent ("originating and servicing agent"). Each originating and servicing agent shall enter into an originating and servicing agreement ("originating and servicing agreement") with the authority containing such terms and conditions as the executive director shall require with respect to the originating and servicing of mortgage loans hereunder.

For the purposes of these rules and regulations, the term "originating agent" shall hereinafter be deemed to include the term "originating and servicing agent," unless otherwise noted. Similarly, the term "originating agreement" shall hereinafter be deemed to include the term "originating and servicing agreement," unless otherwise noted. The term "servicing agent" shall continue to mean an agent authorized only to service mortgage loans. The term "servicing agreement" shall continue to mean only the agreement between the authority and a servicing agent.

Originating agents and servicing agents shall maintain adequate books and records with respect to mortgage loans which they originate and process or service, as applicable, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the originating agents and servicing agents for originating and processing or for servicing mortgage loans hereunder shall be established from time to time by the executive director and shall be set forth in the originating agreements and servicing agreements applicable to such originating agents and servicing agents.

B. Allocation of funds.

The executive director shall allocate funds for the making or financing of mortgage loans hereunder in such manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as

he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to mortgage loan applicants on a first-come, first-serve or other basis, (ii) to originating agents and state and local government agencies and instrumentalities for the origination of mortgage loans to qualified applicants and/or (iii) to builders for the permanent financing of residences constructed or rehabilitated or to be constructed or or rehabilitated by them and to be sold to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:

1. The need for the expeditious commitment and disbursement of such funds for mortgage loans;
2. The need and demand for the financing of mortgage loans with such funds in the various geographical areas of the Commonwealth;
3. The cost and difficulty of administration of the allocation of funds;
4. The capability, history and experience of any originating agents, state and local governmental agencies and instrumentalities, builders, or other persons and entities (other than mortgage loan applicants) who are to receive an allocation; and
5. Housing conditions in the Commonwealth.

In the event that the executive director shall determine to make allocations of funds to builders as described above, the following requirements must be satisfied by each such builder:

1. The builder must have a valid contractor's license in the Commonwealth;
2. The builder must have at least three years' experience of a scope and nature similar to the proposed construction or rehabilitation; and
3. The builder must submit to the authority plans and specifications for the proposed construction or rehabilitation which are acceptable to the authority.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of funds hereunder. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to

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determine the manner and conditions under which funds of the authority are to be allocated and such other matters as he shall deem appropriate relating thereto. The authority may also consider and approve applications for allocations of funds submitted from time to time to the authority without any solicitation therefor on the part of the authority.

C. Originating guide and servicing guide.

The originating guide attached hereto as Part II is incorporated into and made a part of these rules and regulations. All exhibits and other documents referenced in the originating guide are not included in, and shall not be deemed to be a part of, these rules and regulations. The executive director is authorized to prepare and from time to time revise a servicing guide which shall set forth the accounting and other procedures to be followed by all originating agents and servicing agents responsible for the servicing of mortgage loans under the applicable originating agreements and servicing agreements. Copies of the servicing guide shall be available upon request. The executive director shall be responsible for the implementation and interpretation of the provisions of the originating guide and the servicing guide.

D. Making and purchase of new mortgage loans.

The authority may from time to time (i) make mortgage loans directly to mortgagors with the assistance and services of its originating agents and (ii) agree to purchase individual mortgage loans from its originating agents or servicing agents upon the consummation of the closing thereof. The review and processing of applications for such mortgage loans, the issuance of mortgage loan commitments therefor, the closing and servicing (and, if applicable, the purchase) of such mortgage loans, and the terms and conditions relating to such mortgage loans shall be governed by and shall comply with the provisions of the applicable originating agreement or servicing agreement, the originating guide, the servicing guide, the Act and these rules and regulations.

If the applicant and the application for a mortgage loan meet the requirements of the Act and these rules and regulations, the executive director may issue on behalf of the authority a mortgage loan commitment to the applicant for the financing of the single family dwelling unit, subject to the approval or ratification thereof by the board. Such mortgage loan commitment shall be issued only upon the determination of the authority that such a mortgage loan is not otherwise available from private lenders upon reasonably equivalent terms and conditions, and such determination shall be set forth in the mortgage loan commitment. The original principal amount and term of such mortgage loan, the amortization period, the terms and conditions relating to the prepayment thereof, and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth or incorporated in the mortgage loan commitment issued on behalf of the authority with respect to such mortgage

loan.

E. Purchase of existing mortgage loans.

The authority may purchase from time to time existing mortgage loans with funds held or received in connection with bonds issued by the authority prior to January 1, 1981, or with other funds legally available therefor. With respect to any such purchase, the executive director may request and solicit bids or proposals from the authority's originating agents and servicing agents for the sale and purchase of such mortgage loans, in such manner, within such time period and subject to such terms and conditions as he shall deem appropriate under the circumstances. The sales prices of the single family housing units financed by such mortgage loans, the gross family incomes of the mortgagors thereof, and the original principal amounts of such mortgage loans shall not exceed such limits as the executive director shall establish, subject to approval or ratification by resolution of the board. The executive director may take such action as he deems necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to originating agents and servicing agents, advertising in newspapers or other publications and any other method of public announcement which he may select as appropriate under the circumstances. After review and evaluation by the executive director of the bids or proposals, he shall select those bids or proposals that offer the highest yield to the authority on the mortgage loans (subject to any limitations imposed by law on the authority) and that best conform to the terms and conditions established by him with respect to the bids or proposals. Upon selection of such bids or proposals, the executive director shall issue commitments to the selected originating agents and servicing agents to purchase the mortgage loans, subject to such terms and conditions as he shall deem necessary or appropriate and subject to the approval or ratification by the board. Upon satisfaction of the terms of the commitments, the executive director shall execute such agreements and documents and take such other action as may be necessary or appropriate in order to consummate the purchase and sale of the mortgage loans. The mortgage loans so purchased shall be serviced in accordance with the applicable originating agreement or servicing agreement and the Servicing Guide. Such mortgage loans and the purchase thereof shall in all respects comply with the Act and the authority's rules and regulations.

F. Delegated underwriting.

The executive director may, in his discretion, delegate to one or more originating agents the responsibility for issuing commitments for mortgage loans and disbursing the proceeds hereof without prior review and approval by the authority. The issuance of such commitments shall be subject to ratification thereof by the board of the authority. If the executive director determines to make any such delegation, he shall establish criteria under which originating agents may qualify for such delegation. If such delegation has been made, the originating agents

shall submit all required documentation to the authority after closing of each mortgage loan. If the executive director determines that a mortgage loan does not comply with the processing guide, the applicable originating agreement, the Act or these rules and regulations, he may require the originating agents to purchase such mortgage loan, subject to such terms and conditions as he may prescribe.

PART II. VIRGINIA HOUSING DEVELOPMENT AUTHORITY PROCESSING GUIDE.

Article I. Eligibility Requirements.

§ 2.1. Eligible persons and families.

A. Person.

A one-person household is eligible.

B. Family.

A single family loan can be made to more than one person only if all such persons to whom the loan is made are related by blood, marriage or adoption and are living together in the dwelling as a single nonprofit housekeeping unit.

C. Citizenship.

Each applicant for an authority mortgage loan must either be a United States citizen or have a valid and current alien registration card (U.S. Department of Immigration Form 1-551 or U.S. Department of Immigration Form 1-151).

§ 2.2. Compliance with certain requirements of the Internal Revenue Code of 1986, as amended (hereinafter "the tax code").

The tax code imposes certain requirements and restrictions on the eligibility of mortgagors and residences for financing with the proceeds of tax-exempt bonds. In order to comply with these federal requirements and restrictions, the authority has established certain procedures which must be performed by the originating agent in order to determine such eligibility. The eligibility requirements for the borrower and the dwelling are described below as well as the procedures to be performed. The originating agent will certify to the performance of these procedures and evaluation of a borrower's eligibility by completing and signing the "Originating Agent's Checklist for Certain Requirements of the Tax Code" (Exhibit A(1)) prior to the authority's approval of each loan. No loan will be approved by the authority unless all of the federal eligibility requirements are met as well as the usual requirements of the authority set forth in other parts of this guide.

§ 2.2.1. Eligible borrowers.

A. General.

In order to be considered an eligible borrower for an authority mortgage loan, an applicant must, among other things, meet all of the following federal criteria:

The applicant:

1. May not have had a present ownership interest in his principal residence within the three years preceding the date of execution of the mortgage loan documents. (See § 2.2.1.B Three-year requirement);
2. Must agree to occupy and use the residential property to be purchased as his permanent, principal residence within 60 days (90 days in the case of a rehabilitation loan as defined in § 2.17) after the date of the closing of the mortgage loan. (See § 2.2.1.C Principal residence requirement);
3. Must not use the proceeds of the mortgage loan to acquire or replace an existing mortgage or debt, except in the case of certain types of temporary financing. (See § 2.2.1.D New mortgage requirement);
4. Must have contracted to purchase an eligible dwelling. (See § 2.2.2 Eligible dwellings);
5. Must execute an affidavit of borrower (Exhibit E) at the time of loan application;
6. Must not receive income in an amount in excess of the applicable federal income limit imposed by the tax code (See § 2.5 Income requirements); and
7. Must agree not to sell, lease or otherwise transfer an interest in the residence or permit the assumption of his mortgage loan unless certain requirements are met. (See § 2.10 Loan assumptions) ; and
8. *Must be over the age of 18 years or have been declared emancipated by order or decree of a court having jurisdiction.*

B. Three-year requirement.

An eligible borrower does not include any borrower who, at any time during the three years preceding the date of execution of the mortgage loan documents, had a "present ownership interest" (as hereinafter defined) in his principal residence. Each borrower must certify on the affidavit of borrower that at no time during the three years preceding the execution of the mortgage loan documents has he had a present ownership interest in his principal residence. This requirement does not apply to residences located in "targeted areas" (see § 2.3 Targeted areas); however, even if the residence is located in a "targeted area," the tax returns for the most recent taxable year (or the letter described in 3 below) must be

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obtained for the purpose of determining compliance with other requirements.

1. Definition of present ownership interest. "Present ownership interest" includes:

- a. A fee simple interest,
- b. A joint tenancy, a tenancy in common, or a tenancy by the entirety,
- c. The interest of a tenant shareholder in a cooperative,
- d. A life estate,
- e. A land contract, under which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time, and
- f. An interest held in trust for the eligible borrower (whether or not created by the eligible borrower) that would constitute a present ownership interest if held directly by the eligible borrower.

Interests which do not constitute a present ownership interest include:

- a. A remainder interest,
- b. An ordinary lease with or without an option to purchase,
- c. A mere expectancy to inherit an interest in a principal residence,
- d. The interest that a purchaser of a residence acquires on the execution of an accepted offer to purchase real estate, and
- e. An interest in other than a principal residence during the previous three years.

2. Persons covered. This requirement applies to any person who will execute the mortgage document or note and will have a present ownership interest (as defined above) in the eligible dwelling.

3. Prior tax returns. To verify that the eligible borrower meets the three-year requirement, the originating agent must obtain copies of signed federal income tax returns filed by the eligible borrower for the three tax years immediately preceding execution of the mortgage documents (or certified copies of the returns) or a copy of a letter from the Internal Revenue Service stating that its Form 1040A or 1040EZ was filed by the eligible borrower for any of the three most recent tax years for which copies of such returns are not obtained. If the eligible borrower was not required by law to file a federal income tax

return for any of these three years and did not so file, and so states on the borrower affidavit, the requirement to obtain a copy of the federal income tax return or letter from the Internal Revenue Service for such year or years is waived.

The originating agent shall examine the tax returns particularly for any evidence that the eligible borrower may have claimed deductions for property taxes or for interest on indebtedness with respect to real property constituting his principal residence.

4. Review by originating agent. The originating agent must, with due diligence, verify the representations in the affidavit of borrower (Exhibit E) regarding the applicant's prior residency by reviewing any information including the credit report and the tax returns furnished by the eligible borrower for consistency, and certify to the authority that on the basis of its review, it is of the opinion that each borrower has not had present ownership interest in a principal residence at any time during the three-year period prior to the anticipated date of the loan closing.

C. Principal residence requirement.

1. General. An eligible borrower must intend at the time of closing to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan. Unless the residence can reasonably be expected to become the principal residence of the eligible borrower within 60 days (90 days in the case of a purchase and rehabilitation loan) of the mortgage loan closing date, the residence will not be considered an eligible dwelling and may not be financed with a mortgage loan from the authority. An eligible borrower must covenant to intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan on the affidavit of borrower (to be updated by the verification and update of information form) and as part of the attachment to the deed of trust.

2. Definition of principal residence. A principal residence does not include any residence which can reasonably be expected to be used: (i) primarily in a trade or business, (ii) as an investment property, or (iii) as a recreational or second home. A residence may not be used in a manner which would permit any portion of the costs of the eligible dwelling to be deducted as a trade or business expense for federal income tax purposes or under circumstances where any portion of the total living area is to be used primarily in a trade or business.

3. Land not to be used to produce income. The land financed by the mortgage loan may not provide, other

than incidentally, a source of income to the eligible borrower. The eligible borrower must indicate on the affidavit of borrower that, among other things:

a. No portion of the land financed by the mortgage loan provides a source of income (other than incidental income);

b. He does not intend to farm any portion (other than as a garden for personal use) of the land financed by the mortgage loan; and

c. He does not intend to subdivide the property.

4. Lot size. Only such land as is reasonably necessary to maintain the basic livability of the residence may be financed by a mortgage loan. The financed land must not exceed the customary or usual lot in the area. Generally, the financed land will not be permitted to exceed two acres, even in rural areas. However, exceptions may be made *to permit lots larger than two acres, but in no event in excess of five acres*: (i) if the land is owned free and clear and is not being financed by the loan, ~~the lot may be as large as five acres~~, (ii) if difficulty is encountered locating a well or septic field, the lot may ~~exceed two acres~~ to include the additional acreage ~~required~~ *needed*, and (iii) local city and county zoning ordinances which require more acreage will be taken into consideration.

5. Review by originating agent. The affidavit of borrower (Exhibit E) must be reviewed by the originating agent for consistency with the eligible borrower's federal income tax returns and the credit report in order to support an opinion that the eligible borrower is not engaged in any employment activity or trade or business which has been conducted in his principal residence. Also, the originating agent shall review the appraiser report (Exhibit H) of an authority approved appraiser and the required photographs to determine based on the location and the structural design and other characteristics of the dwelling that the residence is suitable for use as a permanent residence and not for use primarily in a trade or business or for recreational purposes. Based on such review, the originating agent shall certify to the authority its findings and certain opinions in the checklist for certain requirements of the tax code (Exhibit A(1)) at the time the loan application is submitted to the authority for approval.

6. Post-closing procedures. The originating agent shall establish procedures to (i) review correspondence, checks and other documents received from the borrower during the 120-day period following the loan closing for the purpose of ascertaining that the address of the residence and the address of the borrower are the same and (ii) notify the authority if such addresses are not the same. Subject to the authority's approval, the originating agent may

establish different procedures to verify compliance with this requirement.

D. New mortgage requirement.

Mortgage loans may be made only to persons who did not have a mortgage (whether or not paid off) on the eligible dwelling at any time prior to the execution of the mortgage. Mortgage loan proceeds may not be used to acquire or replace an existing mortgage or debt for which the eligible borrower is liable or which was incurred on behalf of the eligible borrower, except in the case of construction period loans, bridge loans or similar temporary financing which has a term of 24 months or less.

1. Definition of mortgage. For purposes of applying the new mortgage requirement, a mortgage includes deeds of trust, conditional sales contracts (i.e. generally a sales contract pursuant to which regular installments are paid and are applied to the sales price), pledges, agreements to hold title in escrow, a lease with an option to purchase which is treated as an installment sale for federal income tax purposes and any other form of owner-financing. Conditional land sale contracts shall be considered as existing loans or mortgages for purposes of this requirement.

2. Temporary financing. In the case of a mortgage loan (having a term of 24 months or less) made to refinance a loan for the construction of an eligible dwelling, the authority shall not make such mortgage loan until it has determined that such construction has been satisfactorily completed.

3. Review by originating agent. Prior to closing the mortgage loan, the originating agent must examine the affidavit of borrower (Exhibit E), the affidavit of seller (Exhibit F), and related submissions, including (i) the eligible borrower's federal income tax returns for the preceding three years, and (ii) credit report, in order to determine whether the eligible borrower will meet the new mortgage requirements. Upon such review, the originating agent shall certify to the authority that the agent is of the opinion that the proceeds of the mortgage loan will not be used to repay or refinance an existing mortgage debt of the borrower and that the borrower did not have a mortgage loan on the eligible dwelling prior to the date hereof, except for permissible temporary financing described above.

E. Multiple loans.

Any eligible borrower may not have more than one outstanding authority mortgage loan.

§ 2.2.2. Eligible dwellings.

A. In general.

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In order to qualify as an eligible dwelling for which an authority loan may be made, the residence must:

1. Be located in the Commonwealth;
2. Be a one-family detached residence, a townhouse or one unit of an authority approved condominium; and
3. Satisfy the acquisition cost requirements set forth below.

B. Acquisition cost requirements.

1. General rule. The acquisition cost of an eligible dwelling may not exceed certain limits established by the U.S. Department of the Treasury in effect at the time of the application. Note: In all cases for new loans such federal limits equal or exceed the authority's sales price limits shown in § 2.3. Therefore, for new loans the residence is an eligible dwelling if the acquisition cost is not greater than the authority's sales price limit. In the event that the acquisition cost exceeds the authority's sales price limit, the originating agent must contact the authority to determine if the residence is an eligible dwelling.

2. Acquisition cost requirements for assumptions. To determine if the acquisition cost is at or below the federal limits for assumptions, the originating agent or, if applicable, the servicing agent must in all cases contact the authority see § 2.10 below.

3. Definition of acquisition cost. Acquisition cost means the cost of acquiring the eligible dwelling from the seller as a completed residence.

a. Acquisition cost includes:

(1) All amounts paid, either in cash or in kind, by the eligible borrower (or a related party or for the benefit of the eligible borrower) to the seller (or a related party or for the benefit of the seller) as consideration for the eligible dwelling. Such amounts include amounts paid for items constituting fixtures under state law, but not for items of personal property not constituting fixtures under state law. (See Exhibit R for examples of fixtures and items of personal property.)

(2) The reasonable costs of completing or rehabilitating the residence (whether or not the cost of completing construction or rehabilitation is to be financed with the mortgage loan) if the eligible dwelling is incomplete or is to be rehabilitated. As an example of reasonable completion cost, costs of completing the eligible dwelling so as to permit occupancy under local law would be included in the acquisition cost. A residence which includes unfinished areas (i.e. an area designed or intended to be completed or refurbished and used as living space, such as the lower level of a tri-level

residence or the upstairs of a Cape Cod) shall be deemed incomplete, and the costs of finishing such areas must be included in the acquisition cost. (See Acquisition Cost Worksheet, Exhibit G, Item 4 and Appraiser Report, Exhibit H).

(3) The cost of land on which the eligible dwelling is located and which has been owned by the eligible borrower for a period no longer than two years prior to the construction of the structure comprising the eligible dwelling.

b. Acquisition cost does not include:

(1) Usual and reasonable settlement or financing costs. Such excluded settlement costs include title and transfer costs, title insurance, survey fees and other similar costs. Such excluded financing costs include credit reference fees, legal fees, appraisal expenses, points which are paid by the eligible borrower, or other costs of financing the residence. Such amounts must not exceed the usual and reasonable costs which otherwise would be paid. Where the buyer pays more than a pro rata share of property taxes, for example, the excess is to be treated as part of the acquisition cost.

(2) The imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence.

4. Acquisition cost worksheet (Exhibit G) and Appraiser Report (Exhibit H). The originating agent is required to obtain from each eligible borrower a completed acquisition cost worksheet which shall specify in detail the basis for the purchase price of the eligible dwelling, calculated in accordance with this subsection B. The originating agent shall assist the eligible borrower in the correct completion of the worksheet. The originating agent must also obtain from the appraiser a completed appraiser's report which may also be relied upon in completing the acquisition cost worksheet. The acquisition cost worksheet of the eligible borrower shall constitute part of the affidavit of borrower required to be submitted with the loan submission. The affidavit of seller shall also certify as to the acquisition cost of the eligible dwelling on the worksheet.

5. Review by originating agent. The originating agent shall for each new loan determine whether the acquisition cost of the eligible dwelling exceeds the authority's applicable sales price limit shown in § 2.4. If the acquisition cost exceeds such limit, the originating agent must contact the authority to determine if the residence is an eligible dwelling for a new loan. (For an assumption, the originating agent or, if applicable, the servicing agent must contact the authority for this determination in all cases - see

section 2.10 below). Also, as part of its review, the originating agent must review the acquisition cost worksheet submitted by each mortgage loan applicant, and the appraiser report, and must certify to the authority that it is of the opinion that the acquisition cost of the eligible dwelling has been calculated in accordance with this subsection B. In addition, the originating agent must compare the information contained in the acquisition cost worksheet with the information contained in the affidavit of seller and other sources and documents such as the contract of sale for consistency of representation as to acquisition cost.

6. Independent appraisal. The authority reserves the right to obtain an independent appraisal in order to establish fair market value and to determine whether a dwelling is eligible for the mortgage loan requested.

§ 2.2.3. Targeted areas.

A. In general.

In accordance with the tax code, the authority will make a portion of the proceeds of an issue of its bonds available for financing eligible dwellings located in targeted areas for at least one year following the issuance of a series of bonds. The authority will exercise due diligence in making mortgage loans in targeted areas by advising originating agents and certain localities of the availability of such funds in targeted areas and by advising potential eligible borrowers of the availability of such funds through advertising and/or news releases. The amount, if any, allocated to an originating agent exclusively for targeted areas will be specified in a forward commitment agreement between the originating agent and the authority.

B. Eligibility.

Mortgage loans for eligible dwellings located in targeted areas must comply in all respects with the requirements in this § 2.2 and elsewhere in this guide for all mortgage loans, except for the three-year requirement described in § 2.2.1.B. Notwithstanding this exception, the applicant must still submit certain federal income tax records. However, they will be used to verify income and to verify that previously owned residences have not been used in a trade or business (and not to verify nonhomeownership), and only those records for the most recent year preceding execution of the mortgage documents (rather than the three most recent years) are required. See that section for the specific type of records to be submitted.

1. Definition of targeted areas.

a. A targeted area is an area which is a qualified census tract, as described in b below, or an area of chronic economic distress, as described in c below.

b. A qualified census tract is a census tract in the

Commonwealth in which 70% or more of the families have an income of 80% or less of the state-wide median family income based on the most recent "safe harbor" statistics published by the U.S. Treasury.

c. An area of chronic economic distress is an area designated as such by the Commonwealth and approved by the Secretaries of Housing and Urban Development and the Treasury under criteria specified in the tax code. PDS agents will be informed by the authority as to the location of areas so designated.

§ 2.3. Sales price limits.

A. For reservations made on or after March 1, 1989.

The authority's maximum allowable sales price for new loans for which reservations are taken by the authority on or after March 1, 1989, shall be as follows:

MAXIMUM ALLOWABLE SALES PRICES

Applicable to All New Loans for which Reservations are Taken by the Authority On or after March 1, 1989

AREA	NEW CONSTRUCTION/ EXISTING/ SUBSTANTIAL REHABILITATION
Washington, DC-MD-VA MSA (Virginia Portion) 1/	\$120,000
Norfolk-Virginia Beach- Newport News MSA 2/	\$ 81,500
Richmond-Petersburg MSA 3/	\$ 79,500
Charlottesville MSA 4/	\$ 77,000
Fauquier County	\$ 77,000
Spotsylvania and King George Counties	\$ 75,500
Balance of State	\$ 75,500

1/ Includes: Alexandria City, Arlington County, Fairfax City, Fairfax County, Falls Church City, Loudoun County, Manassas City, Manassas Park City, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Gloucester County, Hampton City, James City County, Newport News City, Norfolk City, Poquoson City, Portsmouth City, Suffolk City, Virginia Beach City, Williamsburg City, York County.

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3/ Includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

4/ Includes: Albemarle County, Charlottesville City, Fluvanna County, Greene County.

B. Effect of solar grant.

The applicable maximum allowable sales price for new construction shall be increased by the amount of any grant to be received by a mortgagor under the authority's Solar Home Grant Program in connection with the acquisition of a residence.

§ 2.4. Net worth.

To be eligible for authority financing, an applicant cannot have a net worth exceeding \$20,000 plus an additional \$1,000 of net worth for every \$5,000 of income over \$20,000. (The value of furniture and household goods shall not be included in determining net worth.) In addition, the portion of the applicant's liquid assets which are used to make the down payment and to pay closing costs, up to a maximum of 25% of the sale price, will not be included in the net worth calculation.

Any income producing assets needed as a source of income in order to meet the minimum income requirements for an authority loan will not be included in the applicant's net worth for the purpose of determining whether this net worth limitation has been violated.

§ 2.5. Income requirements.

A. Maximum gross income.

As provided in § 2.2.1.A.6 the gross family income of an applicant for an authority mortgage loan may not exceed the applicable income limitation imposed by the U.S. Department of the Treasury. Because the income limits of the authority imposed by this subsection A apply to all loans to which such federal limits apply and are in all cases below such federal limits, the requirements of § 2.2.1.A.6 are automatically met if an applicant's gross family income does not exceed the applicable limits set forth in this subsection.

For the purposes hereof, the term "gross family income" means the *combined* annualized gross income of a person or all members of a family all persons residing or intending to reside in a dwelling unit, from whatever source derived and before taxes or withholdings. For the purpose of this definition, annualized gross income means gross monthly income multiplied by 12. "Gross monthly income" is, in turn, the sum of monthly gross pay plus any additional dividends, interest, royalties, pensions, Veterans Administration compensation, net rental income plus other income (such as alimony, child support, public

assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments).

For reservations made on or after March 1, 1989, the maximum annual gross family incomes for eligible borrowers shall be determined or set forth as follows:

For Reservations made on or after March 1, 1989:

MAXIMUM ALLOWABLE GROSS FAMILY INCOME

Applicable only to loans for which reservations are taken by the authority and to assumptions for which applications are taken by an originating agent or a servicing agent on or after March 1, 1989.

The maximum allowable gross family income for each borrower shall be a percentage (based on family size) of the applicable median family income (as defined in Section 143(f)(4) of the Internal Revenue Code of 1986, (as amended) (the "Median Family Income"), with respect to the residence of such borrower, which percentages shall be as follows:

Family Size	Percentage of applicable Median Family Income (regardless of whether residence is new construction, existing or substantially rehabilitated)
1 person	70%
2 person	85%
3 or more persons	100%

However, the maximum allowable gross family income for each borrower assuming a mortgage loan made prior to March 1, 1989, shall be the amount established for a family of three or more persons, regardless of the family size of such borrowers.

The authority shall from time to time inform its originating agents and servicing agents by written notification thereto of the foregoing maximum allowable gross family income limits expressed in dollar amounts for each area of the state and each family size. The effective dates of such limits shall be determined by the executive director.

B. Minimum income (not applicable to applicants for loans to be insured or guaranteed by the Federal Housing Administration or the Veterans Administration (hereinafter referred to as "FHA or VA loans").

An applicant satisfies the authority's minimum income requirement for financing if the monthly principal and interest, tax, insurance ("PITI") and other additional monthly fees such as condominium assessments (60% of the monthly condominium assessment shall be added to the PITI figure), townhouse assessments, etc. do not

exceed 32% of monthly gross income and if the monthly PITI plus outstanding monthly installment loans with more than six months duration do not exceed 40% of monthly gross income (see Exhibit B). However, with respect to those mortgage loans on which private mortgage insurance is required, the private mortgage insurance company may impose more stringent requirements.

§ 2.6. Calculation of maximum loan amount.

Single family detached residence and townhouse (fee simple ownership) Maximum of 95% (or, in the case of a FHA or VA loan, such other percentage as may be permitted by FHA or VA) of the lesser of the sales price or appraised value, except as may otherwise be approved by the authority.

Condominiums - Maximum of 95% (or, in the case of a FHA or VA loan, such other percentage as may be permitted by FHA or VA) of the lesser of the sales price or appraised value, except as may be otherwise approved by the authority.

For the purpose of the above calculations, the value of personal property to be conveyed with the residence shall be deducted from the sales price. (See Exhibit R for examples of personal property.) The value of personal property included in the appraisal shall not be deducted from the appraised value. (See Appraiser Report, Exhibit H)

In the case of a FHA or VA loan, the FHA or VA insurance fees charged in connection with such loan (and, if a FHA loan, the FHA permitted closing costs as well) may be included in the calculation of the maximum loan amount in accordance with applicable FHA and VA requirements; provided, however, that in no event shall this revised maximum loan amount which includes such fees and closing costs be permitted to exceed the authority's maximum allowable sales price limits set forth herein.

§ 2.7. Mortgage insurance requirements.

Unless the loan is an FHA or VA loan, the borrower is required to purchase at time of loan closing full private mortgage insurance (25% to 100% coverage, as the authority shall determine) on each loan the amount of which exceeds 80% of the lesser of sales price or appraised value of the property to be financed. Such insurance shall be issued by a company acceptable to the authority. The originating agent is required to escrow for annual payment of mortgage insurance. If the authority requires FHA or VA insurance, the loan will either, at the election of the authority, (a) be closed in the authority's name in accordance with the procedures and requirements herein or (b) be closed in the originating agent's name and purchased by the authority once the FHA Certificate of Insurance or VA Guaranty has been obtained. In the event that the authority purchases an FHA or VA loan, the originating agent must enter into a purchase and sale

agreement on such form as shall be provided by the authority. For assumptions of conventional loans (i.e., loans other than FHA and VA loans), full private mortgage insurance as described above is required unless waived by the authority.

§ 2.8. Underwriting.

A. Conventional loans.

The following requirements must be met in order to satisfy the authority's underwriting requirements. However, additional or more stringent requirements may be imposed by private mortgage insurance companies with respect to those loans on which private mortgage insurance is required.

1. Employment and income.

a. Length of employment. The applicant must be employed a minimum of six months with present employer. An exception to the six-month requirement can be granted by the authority if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

b. Self-employed applicants. Note: Under the tax code, the residence may not be expected to be used in trade or business. (See § 2.2.1.C Principal residence requirement.) Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. In addition, the following information is required at the time of application:

(1) Federal income tax returns for the two most recent tax years.

(2) Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

c. Income derived from sources other than primary employment.

(1) Alimony and child support. A copy of the legal document and sufficient proof must be submitted to the authority verifying that alimony and child support are court ordered and are being received. Child support payments for children 15 years or older are not accepted as income in qualifying an applicant for a loan.

(2) Social security and other retirement benefits. Social Security Form No. SSA 2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be

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verified by receipt or retirement schedules. VA disability benefits must be verified by the VA. Educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant for a loan.

(3) Part-time employment. Part-time employment must be continuous for a minimum of six months. Employment with different employers is acceptable so long as it has been uninterrupted for a minimum of six months. Part-time employment as used in this section means employment in addition to full-time employment.

Part-time employment as the primary employment will also be required to be continuous for six months.

(4) Overtime, commission and bonus. Overtime earnings must be guaranteed by the employer or verified for a minimum of two years. Bonus and commissions must be reasonably predictable and stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

2. Credit.

a. Credit experience. The authority requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references are considered to be one of the most important requirements in order to obtain an authority loan.

b. Bankruptcies. An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years and has a poor credit history. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy and poor credit history. The authority has complete discretion to decline a loan when a bankruptcy and poor credit is involved.

c. Judgments. An applicant is required to submit a written explanation for all judgments. Judgments must be paid before an applicant will be considered for an authority loan.

3. Appraisals. The authority reserves the right to obtain an independent appraisal in order to establish the fair market value of the property and to determine whether the dwelling is eligible for the mortgage loan requested.

B. FHA loans only.

1. In general. The authority will normally accept FHA underwriting requirements and property standards for

FHA loans. However, most of the authority's basic eligibility requirements including those described in §§ 2.1 through 2.5 hereof remain in effect due to treasury restrictions or authority policy.

2. Mortgage insurance premium. Applicant's mortgage insurance premium fee may be included in the FHA acquisition cost and may be financed provided that the final loan amount does not exceed the authority's maximum allowable sales price. In addition, in the case of a condominium, such fee may not be paid in full in advance but instead is payable in annual installments.

3. Closing fees. The FHA allowable closing fees may be included in the FHA acquisition cost and may be financed provided the final loan amount does not exceed the authority's maximum allowable sales price.

4. Appraisals. FHA appraisals are acceptable. VA certificates of reasonable value (CRV's) are acceptable if acceptable to FHA.

C. VA loans only.

1. In general. The authority will normally accept VA underwriting requirements and property guidelines for VA loans. However, most of the authority's basic eligibility requirements (including those described in §§ 2.1 through 2.5 hereof) remain in effect due to treasury restrictions or authority policy.

2. VA funding fee. 1.0% funding fee can be included in loan amount provided final loan amount does not exceed the authority's maximum allowable sales price.

3. Appraisals. VA certificates of reasonable value (CRV's) are acceptable.

D. FHA and VA buydown program.

With respect to FHA and VA loans, the authority permits the deposit of a sum of money (the "buydown funds") by a party (the "provider") with an escrow agent, a portion of which funds are to be paid to the authority each month in order to reduce the amount of the borrower's monthly payment during a certain period of time. Such arrangement is governed by an escrow agreement for buydown mortgage loans (see Exhibit V) executed at closing (see § 2.15 for additional information). The escrow agent will be required to sign a certification (Exhibit X) in order to satisfy certain FHA requirements. For the purposes of underwriting buydown mortgage loans, the reduced monthly payment amount may be taken into account based on FHA guidelines then in effect (see also subsection B or C above, as applicable).

E. Interest rate buydown program.

Unlike the program described in subsection D above which permits a direct buydown of the borrower's monthly

payment, the authority also from time to time permits the buydown of the interest rate on a conventional, FHA or VA mortgage loan for a specified period of time.

§ 2.9. Funds necessary to close.

A. Cash (Not applicable to FHA or VA loans).

Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. The authority does not permit the applicant to borrow funds for this purpose. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.

B. Gift letters.

A gift letter is required when an applicant proposes to obtain funds from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available. This proof should be in the form of a verification of deposit.

C. Housing expenses.

Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed carefully to determine if there is a substantial increase. If there is a substantial increase, the applicant must demonstrate his ability to pay the additional expenses.

§ 2.10. Loan assumptions.

A. Requirements for assumptions.

VHDA currently permits assumptions of all of its single family mortgage loans provided that certain requirements are met. *For all loans closed prior to January 1, 1991, except FHA loans which were closed during calendar year 1990, the maximum gross family income for those assuming a loan shall be 100% of the applicable Median Family Income. For such FHA loans closed during 1990, if assumed by a household of three or more persons, the maximum gross family income shall be 115% of the applicable Median Family Income (140% for a residence in a targeted area) and if assumed by a household of less than three persons, the maximum gross family income shall be 100% of the applicable Median Family Income (120% for a residence in a targeted area). For all loans closed after January 1, 1991, the maximum gross family income for those assuming loans shall be as set forth in § 2.5 A of these regulations.* The requirements for each of the two different categories of mortgage loans listed below (and the subcategories within each) are as follows:

1. Assumptions of conventional loans.

a. For assumptions of conventional loans financed by the proceeds of bonds issued on or after December 17, 1981, the requirements of the following sections hereof must be met:

- (1) ~~§ 2.5 (Income requirement)~~; *Maximum gross family income requirement in this § 2.10 A*
- (2) § 2.2.1.C (Principal residence requirement)
- (3) § 2.8 (Authority underwriting requirements)
- (4) § 2.2.1.B (Three-year requirement)
- (5) § 2.2.2.B (Acquisition cost requirement requirements)
- (6) § 2.7 (Mortgage insurance requirement requirements).

b. For assumptions of conventional loans financed by the proceeds of bonds issued prior to December 17, 1981, the requirements of the following sections hereof must be met:

- (1) ~~§ 2.5 (Income requirements)~~; *Maximum gross family income requirement in this § 2.10 A*
- (2) § 2.2.1.C (Principal residence requirements)
- (3) § 2.8 (Authority underwriting requirements)
- (4) § 2.7 (Mortgage insurance requirements).

2. Assumptions of FHA or VA loans.

a. For assumptions of FHA or VA loans financed by the proceeds of bonds issued on or after December 17, 1981, the following conditions must be met:

- (1) ~~§ 2.5-A(Maximum gross family income requirement)~~ in this § 2.10.A
- § 2.2.1.C (Principal residence requirement)
- (3) § 2.2.1.B (Three-year requirement)
- (4) § 2.2.2.B (Acquisition cost requirements).

In addition, all applicable FHA or VA underwriting requirements, if any, must be met.

b. For assumptions of FHA or VA loans financed by the proceeds of bonds issued prior to December 17, 1981, only the applicable FHA or VA underwriting requirements, if any, must be met.

B. Authorization to process assumptions/Requirement that the authority to contacted.

Although the requirements listed in subsection A above

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are generally those that only originating agents are responsible for determining compliance with, in the case of assumptions, servicing agents are also authorized to make such determinations. More generally, for the purposes of this § 2.10, servicing agents may process assumption requests provided that they do so in accordance with all the requirements hereof, including those otherwise the exclusive responsibility of originating agents. Accordingly, references are made within this section to "originating agents or servicing agents" in order to reflect this additional role of servicing agents.

The originating agent or servicing agent must in each case of a request for assumption of a mortgage loan contact the authority in order to determine which category of loans described in subsection A above applies to the loan and whether or not the requirements of the applicable category are satisfied. (For example, in cases of assumptions, the originating agent or servicing agent may not rely - as it may for new loans - on the fact that the acquisition cost of the dwelling is less than the authority's sales price limits to satisfy the acquisition cost requirement. It is therefore essential that the authority be contacted in each case.)

C. Application package for assumptions.

Once the originating agent or servicing agent has contacted the authority and it has been determined which of the categories described in subsection A above applies to the loan, the originating agent or servicing agent must submit to the authority the information and documents listed below for the applicable category:

1. Assumption package for conventional loans:

a. Conventional loans financed by the proceeds of bonds issued on or after December 17, 1981:

- (1) Affidavit of borrower (Exhibit E).
- (2) Affidavit of seller (Exhibit F).
- (3) Acquisition cost worksheet (Exhibit G).
- (4) Appraiser's report (Exhibit H).
- (5) Three year's tax returns.
- (6) Originating agent's checklist (Exhibit A(1)).
- (7) 4506 form (Exhibit Q).
- (8) Originating agent's loan submission cover letter (Exhibit 0(1)).
- (9) Authority's completed application (Exhibit D).
- (10) Verification of employment (VOE's) (and other income related information).

- (11) Verification of deposit (VOD's).
- (12) Credit report.
- (13) Sales contract.
- (14) Truth-in-lending (Exhibit K) and estimate of charges.
- (15) Equal credit opportunity act (ECOA) notice (Exhibit I).
- (16) Authority underwriting qualification sheet (Exhibit B(1)).

b. Conventional loans financed by the proceeds of bonds issued prior to December 17, 1981:

- (1) Authority's completed application (Exhibit D).
- (2) Verification of employment (VOE's) (and other income related information).
- (3) Verification of deposit (VOD's).
- (4) Credit report.
- (5) Sales contract.
- (6) Truth-in-lending (Exhibit K) and estimate of charges.
- (7) Equal credit opportunity act (ECOA) notice (Exhibit I).
- (8) Authority underwriting qualification sheet (Exhibit B(2)).

2. Assumption package for FHA or VA loans.

a. FHA or VA loans financed by the proceeds of bonds issued on or after December 17, 1981:

- (1) Affidavit of borrower (Exhibit E).
- (2) Affidavit of seller (Exhibit F).
- (3) Acquisition cost worksheet (Exhibit G).
- (4) Appraiser's Report (Exhibit H).
- (5) Three year's tax returns.
- (6) Originating agent's checklist (Exhibit A(1)).
- (7) 4506 form (Exhibit Q).
- (8) Originating agent's loan submission cover letter (Exhibit 0(2) or (3)).
- (9) Authority's completed application (Exhibit D).

(10) Sales contract.

(11) Copy of the executed FHA mortgage credit analysis worksheet if the original borrowers are to be released from liability.

(12) In addition, all applicable requirements, if any, of FHA or VA must also be met.

b. FHA or VA loans financed by the proceeds of bonds issued prior to December 17, 1981: Only the applicable requirements, if any, of FHA or VA must be met.

D. Review by the authority/additional requirements.

Upon receipt from an originating agent or servicing agent of an application package for an assumption, the authority will determine whether or not the applicable requirements referenced above for assumption of the loan have been met and will advise the originating agent or servicing agent of such determination in writing. The authority will further advise the originating agent or servicing agent of all other requirements necessary to complete the assumption process. Such requirements may include but are not limited to the submission of satisfactory evidence of hazard insurance coverage on the property, approval of the deed of assumption, satisfactory evidence of mortgage insurance or mortgage guaranty including, if applicable, pool insurance and submission of an escrow transfer letter.

§ 2.11. Leasing, loan term, and owner occupancy.

A. Leasing.

The owner may not lease the property without first contacting the authority.

B. Loan term.

Loan terms may not exceed 30 years.

C. Owner occupancy.

No loan will be made unless the residence is to be occupied by the owner as the owner's principal residence.

§ 2.12. Reservations/fees.

A. Making a reservation.

The authority currently reserves funds for each mortgage loan on a first come, first serve basis. Reservations are made by specific originating agents with respect to specific applicants and properties. No substitutions are permitted. Similarly, locked-in interest rates (see subdivision 5 below) are also nontransferable. In order to make a reservation of funds for a loan, the originating agent shall:

1. First make a determination based on the information then made available to it by the applicant or otherwise that neither the applicant nor the property appears to violate any of the authority's eligibility requirements for a new loan.

2. Collect a \$100 nonrefundable reservation fee (or such other amount as the authority may require).

3. Determine what type of mortgage insurance will be required; specifically, whether the loan will be a conventional loan, an FHA loan or a VA loan.

4. Complete a reservation sheet (Exhibit C(1)).

5. Call the authority (after completing the four preceding requirements) between 9 a.m. and 5 p.m. Monday through Friday for the assignment of a reservation number for the loan, the interest rate which shall be locked in for the reserved funds and an expiration date for the reservation, all of which will be assigned after the originating agent gives to the authority the following information:

a. Name of primary applicant

b. Social security number of applicant

c. Estimated loan amount

d. PDS agent's servicer number

e. Gross family income of applicant and family, if any

f. Location of property (city or county)

g. Verification of receipt of the reservation fee

h. Type of mortgage insurance to be used (if conventional, the authority will assign the loan a suffix "C;" if FHA, the suffix will be "F;" and, if VA, it will be "V").

6. Complete the reservation card by filling in the reservation number, interest rate, expiration date and by executing it (only an authorized representative of the originating agent may sign the reservation card) and, in addition, complete a lock-in disclosure (Exhibit C(2)) and have the applicant execute it prior to submitting it with the application package.

7. Submit the complete application package to the authority (see § 2.13) along with evidence of receipt of the reservation fee within 60 days after the authority assigns the reservation number to the loan (i.e., takes the reservation). Funds will not be reserved longer than 60 days unless the originating agent requests and receives an additional one-time extension prior to the 60-day deadline.

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B. More than one reservation.

An applicant may request a second reservation if the first has expired, but in no case may the interest rate be reduced without the authority's prior approval. In addition, a second reservation fee must be collected for a second reservation.

C. The reservation fee.

Under no circumstances is this fee refundable. If the loan closes, it will be retained by the originating agent as part of its 1.0% origination fee. If (i) the application is not submitted prior to the expiration of the reservation, or (ii) the authority determines at any time that the loan will not close, this reservation fee must be submitted to the authority within 30 days after such expiration or such determination by the authority, as applicable. If, in such cases, the fee is not received by the authority within such 30-day period, the originating agent shall be charged a penalty fee of \$50 in addition to the reservation fee (see subsection D for other fees). No substitutions of applicants or properties are permitted.

D. Other fees.

1. Commitment fee. The originating agent must collect at the time of the issuance of a commitment by the authority an amount equal to 1.0% of the loan amount less the amount of the reservation fee already collected (such that the total amount received by the originating agent at that point equals 1.0% of the loan amount - please also note that for FHA loans the loan amount for the purpose of this computation is the base loan amount only). If the loan closes, the originating agent retains such 1.0% fee as its original fee. If the loan does not close the origination fee (which includes the reservation fee) must be submitted to the authority when the failure to close is due to the fault of the applicant. On the other hand, if the failure to close is not due to the fault of the applicant, then the collected commitment fee less the reservation fee may at the option of the authority be refunded to the applicant. (The reservation fee, as required in subsection C above is always submitted to the authority when a loan fails to close.)

2. Discount point. The originating agent must collect at the time of closing an amount equal to 1.0% of the loan amount from the seller. This fee is to be remitted to the authority by the originating agent.

§ 2.13. Preparation of application package for new loans.

A. Conventional loans.

The application package submitted to the authority for approval of a conventional loan must contain the following original documents:

1. Reservation sheet (Exhibit C(1)) and lock-in

disclosure (Exhibit C(2)).

2. Application - the application must be made on the authority's approved application form. (Exhibit D)

3. Preliminary underwriting form. (Exhibit B)

4. Credit report issued by local credit bureau and miscellaneous information as applicable explanation of bankruptcies, etc., (and any additional documentation).

5. Verification of employment (and any additional documentation).

6. Verification of other income.

7. Verification of deposits (and any additional documentation).

8. Gift letters (and verification).

9. Sales contract - contract must be signed by seller and all parties entering into the contract and state which parties are paying points and closing costs.

10. Appraisal (FHLMC No. 70) should be the Federal National Mortgage Association ("FNMA") or Federal Home Loan Mortgage Corporation ("FHLMC") form and should be completed by an appraiser who has been approved by FHLMC or a private mortgage insurer acceptable to the authority or who has a certification from a trade organization approved by the authority (photos and required supporting documentation).

11. Loan submission cover letter. (Exhibit O(1))

12. Appraiser's report. (Exhibit H)

13. Acquisition cost worksheet. (Exhibit G)

14. Affidavit of seller. (Exhibit F)

15. Affidavit of borrower. (Exhibit E)

16. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 6 in the affidavit of borrower and § 2.2.1.B.3 hereof.

(NOTE: If a letter from the Internal Revenue Service is to be delivered pursuant to paragraphs § 2.2.1.B.3 hereof, such letter must be enclosed instead).

17. Originating agent's checklist for certain requirements of the tax code. (Exhibit A(1))

18. Signed request for copy of tax returns. (Exhibit Q)

19. U.S. Department of Housing and Urban Development ("HUD") information booklet

acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, as amended the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), as amended, and Regulations Z (Truth-In-Lending), as amended. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.

20. Equal Credit Opportunity Act ("ECOA") notice statement to borrower of provisions of the ECOA, with borrower's acknowledgement of receipt. (Exhibit I)

21. Truth-in-lending disclosure. (Exhibit K)

B. FHA loans.

The application package submitted to the authority for approval of an FHA loan must contain the following items: (Please note that items 13 through 18 and 20 and 21 are authority forms and must be submitted as originals, not copies):

1. Reservation sheet (Exhibit C(1)) and lock-in disclosure (Exhibit C(2)).
2. Application - must be on the authority's form and can be handwritten if legible (Exhibit D).
3. Copy the HUD application (FHA form 92900).
4. Copy of the Mortgage Credit Analysis Worksheet (HUD form 92900-ws).
5. Copy of the credit report.
6. Copy of verification of employment and current pay stubs.
7. Copy of verification of other income.
8. Copy of verification of deposits.
9. Copy of gift letters (and verification).
10. Copy of sales contract.
11. Assignment letter - this must reference the case number, name of applicant.
12. Copy of appraisal - this must be on a form acceptable to FHA and must contain all supporting documentation necessary for valuation.
13. FHA Notice to Buyers (Document F-9)
14. Loan submission cover letter. (Exhibit O(2))

15. Appraiser's report. (Exhibit H)

16. Acquisition cost worksheet. (Exhibit G)

17. Affidavit of seller. (Exhibit F)

18. Affidavit of borrower. (Exhibit E)

19. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 6 in the affidavit of borrower and § 2.2.1.B.3 hereof.

(NOTE: If a letter from the Internal Revenue Service is to be delivered pursuant to paragraphs § 2.2.1.B.3 hereof, such letter must be enclosed instead).

20. Originating agent's checklist for certain requirements of the tax code. (Exhibit A(1))

21. Signed request for copy of tax returns (Exhibit Q)

22. U.S. Department of Housing and Urban Development ("HUD") information booklet - acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, as amended, the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), as amended, and Regulation Z (Truth-In-Lending), as amended. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.

23. Equal Credit Opportunity Act ("ECOA") notice statement to borrower of provisions of ECOA, with borrower's acknowledgement of receipt. (Exhibit I)

24. Truth-in-lending disclosure. (Exhibit K)

C. VA loans.

The application package submitted to the authority for approval of a VA loan must contain the following items (please note that items 15 through 18 and 20 and 21 are authority forms and must be submitted as originals, not copies):

1. Reservation sheet (Exhibit C(1)) and lock-in disclosure (Exhibit C(2)).
2. Application - must be on the authority's form and can be handwritten if legible (Exhibit D).
3. Copy the VA application (VA form 26-1802A).
4. Copy of the Loan Analysis Worksheet (VA form 6393).

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5. Copy of VA certificate of eligibility.
6. Copy of VA benefits and related indebtedness letter.
7. Copy of the credit report.
8. Copy of verification of employment (if active duty, include current LES form).
9. Copy of verification of other income.
10. Copy of verification of deposits.
11. Copy of gift letters (and verification).
12. Copy of sales contract.
13. Copy of appraisal - this must be on a form acceptable to VA and must contain all supporting documentation necessary for valuation.
14. Loan submission cover letter. (Exhibit O(3))
15. Appraiser's report. (Exhibit H)
16. Acquisition cost worksheet. (Exhibit G)
17. Affidavit of seller. (Exhibit F)
18. Affidavit of borrower. (Exhibit E)
19. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 6 in the affidavit of borrower and § 2.2.1.B.3 hereof.

(NOTE: If a letter from the Internal Revenue Service is to be delivered pursuant to paragraphs § 2.2.1.B.3 hereof, such letter must be enclosed instead).
20. Originating agent's checklist for certain requirements of the tax code. (Exhibit A(1))
21. Signed request for copy of tax returns (Exhibit Q)
22. U.S. Department of Housing and Urban Development ("HUD") information booklet - acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, as amended, the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), as amended, and Regulation Z (Truth-In-Lending), as amended. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.
23. Equal Credit Opportunity Act ("ECOA") notice statement to borrower of provisions of ECOA, with

borrower's acknowledgement of receipt. (Exhibit I)

24. Truth-in-lending disclosure. (Exhibit K)

D. Delivery of package to authority.

After the application package has been completed, it should be forwarded to:

Single Family Division
Originations Department
Virginia Housing Development Authority
601 South Belvidere Street
Post Office Box 5206
Richmond, VA. 23220-8206

§ 2.14. Commitment. (Exhibit J)

A. In general.

Upon approval of the applicant, the authority will send a mortgage loan commitment to the borrower in care of the originating agent. Also enclosed in this package will be other documents necessary for closing. The originating agent shall ask the borrower to indicate his acceptance of the mortgage loan commitment by signing and returning it to the originating agent, along with the 1.0% commitment fee, within 15 days after the date of the commitment. If the borrower does so indicate his acceptance of the commitment, the originating agent shall retain the fee in accordance with § 2.1.2.D.1. above. If the borrower fails to so indicate his acceptance of the commitment, either by failing to return an executed original thereof or by failing to submit the fee, or both, the originating agent shall, within 20 days after the date of the commitment, notify the authority in writing of such failure. If the originating agent does not do so, the authority shall deem that commitment to have been duly accepted, and the originating agent shall be liable to the authority for the uncollected commitment fee based on the loan's failure to close as described in § 2.1.2.D.1. above.

A commitment must be issued in writing by an authorized officer of the authority and signed by the applicant before a loan may be closed. The term of a commitment may be extended in certain cases upon written request by the applicant and approved by the authority. Generally, no more than one commitment will be issued to an applicant in any calendar year. However, if an applicant who received a commitment fails to close the mortgage loan transaction through no fault of his own, that borrower may be considered for one additional commitment upon proper reapplication to the authority within the one year period from the cancellation or expiration of the original commitment; provided, however, that the interest rate offered in the additional commitment, if issued, may be higher than the rate offered in the original commitment. Such new rate and the availability of funds therefor shall in all cases be determined by the authority in its discretion.

B. Loan rejection.

If the application fails to meet any of the standards, criteria and requirements herein, a loan rejection letter will be issued by the authority (see Exhibit L). In order to have the application reconsidered, the applicant must resubmit the application within 30 days after loan rejection. If the application is so resubmitted, the credit documentation cannot be more than 90 days old and the appraisal not more than six months old.

§ 2.15. Loan settlement.

A. Loan closing.

1. In general. Upon the borrower's acceptance of the mortgage loan commitment, the originating agent will send the authority's letter and closing instructions (see Exhibits M and N) and the closing papers to the closing attorney. The originating agent should thoroughly familiarize himself with the closing instructions and should fill in all blanks such as per diem interest, appraisal fee, credit report charges to be collected at closing, and any special requirements of the commitment before the closing instructions are forwarded to the closing attorney. The authority will provide the originating agent with the documents which the closing attorney is required to complete.

Once the attorney completes the preclosing package, it should be mailed to:

Single Family Division
Pre-Closing Section
Virginia Housing Development Authority
601 South Belvidere Street
Post Office Box 4593
Richmond, VA 23220-8593

After the authority reviews the closing attorney's preliminary work and has been advised by the originating agent in the case of an FHA or VA loan that all applicable FHA or VA requirements have been met, it will approve closing and, a loan proceeds check will be sent to the closing attorney or firm named in the title insurance commitment or binder as approved under the issuing company's insured closing service, along with additional closing instructions. The closing attorney may disburse loan proceeds only after he has conducted the loan closing and recorded all necessary documents, including the deed of trust securing repayment of the loan to the authority and in all other respects is in a position to disburse proceeds in accordance with the authority's letter authorizing the closing, the commitment and the instructions previously issued by the originating agent. It is the originating agent's responsibility to see that all documents and checks are received immediately after loan closings and that they are completed in accordance with the authority's requirements, Regulation Z and ECOA.

2. Special note regarding checks for buy-down points (this applies to both the monthly payment buydown program described in § 2.8.D above and the interest rate buydown program described in § 2.8.E). A certified or cashier's check made payable to the authority is to be provided at loan closing for buy-down points, if any. Under the tax code, the original proceeds of a bond issue may not exceed the amount necessary for the "governmental purpose" thereof by more than 5.0%. If buy-down points are paid out of mortgage loan proceeds (which are financed by bonds), then this federal regulation is violated because bond proceeds have in effect been used to pay debt service rather than for the proper "governmental purpose" of making mortgage loans. Therefore, it is required that buy-down fees be paid from the seller's own funds and not be deducted from loan proceeds. Because of this requirement, buy-down funds may not appear as a deduction from the seller's proceeds on the HUD-1 Settlement Statement.

B. Post-closing requirements.

All post-closing documents, including the post-closing cover letter (Exhibit P), should be forwarded as follows to:

Single Family Division
Post-Closing Section
Virginia Housing Development Authority
601 South Belvidere Street
Post Office Box 5427
Richmond, VA 23220-8427

Within five days after the closing of the loan, the originating agent must forward the fees, interest and any other money due the authority, a repayment of the authority's outstanding construction loan, if any, private mortgage insurance affidavit and all closing documents except the original recorded deed of trust and title insurance policy and hazard insurance policy.

Within 45 days after loan closing, the originating agent shall forward to the authority the original recorded deed of trust and final mortgage title insurance policy. Within 55 days after loan closing the originating agent shall forward to the authority the original hazard insurance policy.

During the 120-day period following the loan closing the originating agent shall review correspondence, checks and other documents received from the borrower for the purpose of ascertaining that the address of the property and the address of the borrower are the same, and also to ascertain any change of address during such period and shall notify the authority if such addresses are not the same or if there is any such change of address. Subject to the authority's approval, the originating agent may establish different procedures to verify compliance with the principal residence requirement in § 2.2.1.C. In the event that the originating agent receives information at

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any time that any item noted on the originating agent's checklist for certain requirements of the tax code may not be correct or proper, the originating agent shall immediately notify the authority.

§ 2.16. Property guidelines.

A. In general.

For each application the authority must make the determination that the property will constitute adequate security for the loan. The determination shall in turn be based solely upon a real estate appraisal's determination of the value and condition of the property.

In addition, manufactured housing (mobile homes) may be financed only if it is new construction and insured 100% by FHA (see subsection C). Existing manufactured housing is not eligible for authority financing.

B. Conventional loans.

1. Existing housing and new construction. The following requirements apply to both new construction and existing housing to be financed by a conventional loan: (i) all property must be located on a state maintained road (easements or rights-of-way to state maintained roads are not acceptable as access to properties); (ii) any easements which will adversely affect the marketability of the property, such as high-tension power lines, drainage or other utility easements will be considered on a case-by-case basis to determine whether such easements will be acceptable to the authority; (iii) property with available water and sewer hookups must utilize them; and (iv) property without available water and sewer hookups may have their own well and septic system; provided that joint ownership of a well and septic system will be considered on a case-by-case basis to determine whether such ownership is acceptable to the authority.

2. Additional requirements for new construction. New construction financed by a conventional loan must also meet Uniform Statewide Building Code and local code.

C. FHA or VA loans.

1. Existing housing and new construction. Both new construction and existing housing financed by an FHA or VA loan must meet all applicable requirements imposed by FHA or VA.

2. Additional requirements for new construction. If such homes being financed by FHA loans are new manufactured housing they must meet federal manufactured home construction and safety standards, satisfy all FHA insurance requirements, be on a permanent foundation to be enclosed by a perimeter masonry curtain wall conforming to standards of the Uniform Statewide Building Code, be permanently

affixed to the site owned by the borrowers and be insured 100% by FHA under its section 203B program. In addition, the property must be classified and taxed as real estate and no personal property may be financed.

§ 2.17. Substantially rehabilitated.

For the purpose of qualifying as substantially rehabilitated housing under the authority's maximum sales price limitations, the housing unit must meet the following definitions:

1. Substantially rehabilitated means improved to a condition which meets the authority's underwriting/property standard requirements from a condition requiring more than routine or minor repairs or improvements to meet such requirements. The term includes repairs or improvements varying in degree from gutting and extensive reconstruction to cosmetic improvements which are coupled with the cure of a substantial accumulation of deferred maintenance, but does not mean cosmetic improvements alone.

2. For these purposes a substantially rehabilitated housing unit means a dwelling unit which has been substantially rehabilitated and which is being offered for sale and occupancy for the first time since such rehabilitation. The value of the rehabilitation must equal at least 25% of the total value of the rehabilitated housing unit.

3. The authority's staff will inspect each house submitted as substantially rehabilitated to ensure compliance with our underwriting-property standards. An appraisal is to be submitted after the authority's inspection and is to list the improvements and estimate their value.

4. The authority will only approve rehabilitation loans to eligible borrowers who will be the first resident of the residence after the completion of the rehabilitation. As a result of the tax code, the proceeds of the mortgage loan cannot be used to refinance an existing mortgage, as explained in § 2.2.1.D (New mortgage requirement). The authority will approve loans to cover the purchase of a residence, including the rehabilitation:

a. Where the eligible borrower is acquiring a residence from a builder or other seller who has performed a substantial rehabilitation of the residence; and

b. Where the eligible borrower is acquiring an unrehabilitated residence from the seller and the eligible borrower contracts with others to perform a substantial rehabilitation or performs the rehabilitation work himself prior to occupancy.

§ 2.18. Condominium requirements.

A. Conventional loans.

1. The originating agent must provide evidence that the condominium is approved by any two of the following: FNMA, FHLMC or VA. The originating agent must submit evidence at the time the borrower's application is submitted to the authority for approval.

2. At the time the borrower's loan application is submitted for the financing of a unit in any condominium in which the authority has not previously financed the purchase of any units, Exhibit S, providing basic information about the condominium, must be completed by the Unit Owners Association. The most recent financial statement and operating budget of the condominium (or, in the case of a newly constructed or converted condominium, a copy of the projected operating budget and a copy of the most recent financial statement, if any) must also be submitted. The authority will review the above described form and financial information. If on the basis of such review the authority finds the condominium to be acceptable, the condominium will be approved and the individual loan application will be processed. Exhibit S requires that the Unit Owners Association agree to submit to the authority upon its request, the condominium's annual financial statements, operating budget and other information as the authority may require. The association is also required to agree that the authority shall have a right to inspect the condominium and its records. The form states that failure to comply with the foregoing shall be grounds for the authority's termination of its approval of the condominium.

3. Each year the authority will send Exhibit T to the Unit Owners Association requesting information concerning the condominium including a statement as to the status of the approvals of VA, FNMA and FHLMC, as applicable, and a copy of the condominium's financial statement and operating budget. The association will be advised that if the request for information is not received within 90 days from the date of the request, the authority may terminate its approval of the condominium. The authority will review the financial statement and operating budget and the questionnaire and if the condominium remains in satisfactory condition, the authority will continue to make mortgage loans on the units subject to the limitations in paragraph 4 below. In the event the authority determines a condominium is not in satisfactory condition, the Unit Owners Association will be given 60 days to correct the deficiencies. If the deficiencies are not corrected to the satisfaction of the authority, the condominium will no longer be approved for financing. The requirements and procedures in this section will also apply to condominiums previously approved by the authority.

4. If a condominium is approved by FNMA, the authority will make mortgage loans on no more than

50% of the units in the condominium. If the condominium is not approved by FNMA, the authority will make mortgage loans on no more than 25% of the units in the condominium. If a condominium is to be phased, the foregoing percentage limits will be applied to each phase until all phases are completed. If the condominium has been previously approved by the authority and exceeds the foregoing percentage limitations, the authority will make no further mortgage loans for the purchase of the units in the condominium until such time as its percentage limits are no longer violated.

B. FHA or VA loans. The authority will accept a loan to finance a condominium if the condominium is approved by FHA, in the case of an FHA loan, or by VA, in the case of a VA loan.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-22-02. Standards and Regulations for Licensed Homes for Adults.

Statutory Authority: §§ 63.1-174 and 63.1-182.1 of the Code of Virginia.

Public Hearing Dates:

January 9, 1991 - 10 a.m.

January 11, 1991 - 10 a.m.

(See Calendar or Events section for additional information)

Summary:

The proposed amendments and additions to the Standards and Regulations for Licensed Homes for Adults distinguish home for adult care from nursing home care. Specific medical conditions believed to require continuous nursing oversight are prohibited in a licensed home for adults. Additionally, the proposal addresses medical conditions which are appropriate for care when precautionary measures are taken by the operator of the home. The procedure for medication administration has been revised and a training requirement has been added for all physician-authorized individuals administering medications.

Other revisions have been proposed in several topic areas of the standards which positively impact the overall care and supervision provided to residents of licensed homes for adults. The areas addressed are (i) definitions; (ii) management and personnel; (iii) admission and discharge policies; (iv) health care; (v) the Natural Death Act; (vi) buildings and grounds; (vii) medication; and (viii) fire and emergency protection. These revisions ensure additional protection for residents of licensed homes for adults.

VR 615-22-02. Standards and Regulations for Licensed

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Homes for Adults.

PART I. INTRODUCTION.

Article 1. Definitions.

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

“Active assisted range of motion” means that, by instruction, example, and actual support of the limb when necessary, the resident is helped to move each joint through the full range of motion available. No force is used at any time; the resident is simply assisted in holding up the weight of the limb. Its purpose is to prevent contractures and limitations of movement.

“Active range of motion” means that, by instruction and example, the resident moves each joint through the full range of movement possible without assistance. Its purpose is to prevent contractures and limitations of movement.

“Administrative experience” means having management or supervisory, or both, responsibility for a business.

“Administrator” means the licensee or a person designated by the licensee who oversees the day-to-day operation of the facility, including compliance with all Standards and Regulations for Licensed Homes for Adults.

“Administer medication” means to open a container of medicine or to remove the prescribed dosage and to give it to the resident for whom it is prescribed.

Section 54.1-3408 of the Code of Virginia states that only people authorized by state law may administer drugs. People authorized to administer medicine include licensed physicians, registered nurses, licensed practical nurses, pharmacists, physicians’ assistants, and other individuals who meet the requirements of the law. In addition to these persons designated in law, a physician may choose to designate, in writing, a person who does not meet the requirements of the law to be his or her authorized agent. This permits the person to administer medicine legally to that physician’s designated patients, in accordance with such a physician’s instructions.

* *“Ambulatory”* means the condition of a person who is either independently mobile or semi-mobile as defined below.

“Assisted exit” means that in order to exit a building within three minutes in an emergency the resident must receive repeated verbal prompts or commands or be physically touched, or moved by another person or object.

“Bedfast” means the condition of a person, as certified by a physician, who is confined or restricted to bed for a

prolonged or indefinite period of time. *This definition also includes persons who are unable to get out of bed without the assistance of another person.* Persons for whom a physician has prescribed bedrest because of a short term illness (e.g. cold, flu, virus, etc.) are not considered to be bedfast. No person who is bedfast shall be admitted or retained for care. Residents who become bedfast may remain in care providing the provisions of §§ 3-8 and 5-14 of these standards and regulations are met.

“Day-care center for adults” means a facility, which is either operated for profit or which desires licensure, for four or more aged, infirm or disabled adults, which is operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere except (i) a facility or portion of a facility licensed by the State Board of Health or the State Department of Mental Health, Mental Retardation, and Substance Abuse Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage (§ 63.1-172C of the Code of Virginia). Day-care centers for adults are subject to licensure by a different set of standards.

“Department” means the Virginia Department of Social Services.

“Department’s representative” means an employee of the Virginia Department of Social Services, acting as the authorized agent in carrying out the duties specified in the Virginia Code.

“Director” means the Director of the Virginia Department of Social Services, also known as the Commissioner of Social Services.

“Discharge” means a planned, facility-initiated termination of services for a resident which results in a change of address for the resident.

“Distribute” means to give a container of medicine to a resident for whom it is prescribed so that he may take his own medicine from the container.

“Emergency” means a situation where the resident’s behavior is unmanageable to the degree an immediate danger is presented to the safety of the resident or others or a situation or condition which presents a clear and present danger to resident health and safety.

“Essential activities of daily living” means eating, walking, ascent and descent of stairs, dressing, all aspects of personal hygiene and grooming, administering medication which would normally be self-administered, getting in and out of bed, management of personal affairs, control of visitors, use of telephone, arranging for transportation, reading, writing, etc.

“Health care providers” means physicians, dentists, pharmacists, home health care agencies, hospitals, nursing homes, clinics, ambulance services, health care supplies,

etc.

"Homes for adults" means any place, establishment, or institution, public or private, including any day-care center for adults, operated or maintained for the maintenance or care of four or more adults who are aged, infirm or disabled, except (i) a facility or portion of a facility licensed by the State Board of Health or the State Department of Mental Health, Mental Retardation, and Substance Abuse Services, but including any portion of such facility not so licensed, and (ii) the home or residence of any individual who cares for or maintains only persons related to him by blood or marriage. Included in this definition are any 2 or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of 4 or more aged, infirm or disabled adults. (§ 63.1-172A of the Code of Virginia)

"Human subject research" means "any medical or psychological research which utilizes human subjects who may be exposed to the possibility of physical or psychological injury as a consequence of participation as subjects and which departs from the application of those established and accepted methods appropriate to meet the subject's or subjects' needs but does not include (i) the conduct of biological studies exclusively utilizing tissue or fluids after their removal or withdrawal from a human subject in the course of standard medical practice, (ii) epidemiological investigations, or (iii) medical treatment of an experimental nature intended to save or prolong the life of the subject in danger of death, to prevent the subject from becoming disfigured or physically or mentally incapacitated or to improve the quality of the subject's life." (§ 37.1-234 of the Code of Virginia)

"Independent living environment" means one in which the resident or residents perform all essential activities of daily living for themselves without requiring the assistance of any staff member in the home for adults.

"Independent living status" means that the resident is assessed as capable of performing all essential activities of daily living for himself without requiring the assistance of any staff member in the home for adults. (If the policy of a facility dictates that medications are administered or distributed centrally without regard for the residents' capacity this shall not be considered in determining independent status.)

* *"Independently mobile"* means the condition of a person who is mentally and physically capable of making an unassisted exit from the home in an emergency. The ability to ascend and descend stairs (if present in any necessary exit path) is an essential part of this condition. The determination of whether a person is independently mobile shall be based on information contained in the medical report. (See § 5.7.2.b(5))

"Household members" means any person domiciled in a home for adults other than residents or staff.

"Intermittent nursing care" means health services provided to an individual who does not require daily visits but who has a condition that requires services at medically predictable intervals over a period of weeks or months.

"Legal guardian" means an individual who has legal control and management of the person, or the property, or of both the person and the property of the resident. A legal guardian is appointed by a court. A legal guardian of the person is appointed to see that the resident has proper care and supervision in keeping with his needs. A legal guardian of the property is appointed to manage the financial affairs in the best interest of the resident.

"Licensee" means any person, association, partnership or corporation to whom the license is issued.

"Licensed health care professional" means an individual licensed by the Commonwealth of Virginia, under the Department of Health Professions to provide health care services. This includes doctors of medicine, registered nurses, licensed practical nurses, and others. This definition does not include certified nursing assistants.

"Maintenance or care" means protection, general supervision and oversight of the physical and mental well-being of the aged, infirm or disabled individual (§ 63.1-172B of the Code of Virginia). Assuming responsibility for the well-being of residents, either directly or through contracted agents, is considered "general supervision and oversight." This includes assistance with the activities of daily living which the recipient has difficulty performing.

"Mechanical restraint" means any device other than the body used to restrict the free movement of a resident (e.g., supportive vests) and applied in such a way that the resident cannot release himself.

* *"Nonambulatory"* means the condition of a person who, because of physical or mental impairment, requires an assisted exit from the building in an emergency. The determination of whether a person is nonambulatory shall be based on information contained in the medical report. (See § 5.7 2 b 5) or shall be determined by the demonstrated inability of a semi-mobile person to exit the building in three minutes where applicable (See § § 3-9 C and 5.7 2 b(6)). Persons who are nonambulatory may be accepted for care and residents who become nonambulatory may remain in care providing the provisions of § 3-9 3.6 of these standards and regulations are met.

"Nursing care" means intermediate or skilled nursing care routinely provided in a facility subject to licensure by the Virginia Department of Health.

"Payee" means an individual other than the legal guardian who has been designated to receive and administer funds belonging to a resident in a home for adults. A payee is not a legal guardian unless so appointed

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by the court.

"Part-time nursing care" means health services provided to an individual who does not require full-time service but who has a medical condition that requires frequent visits on consecutive days or several days within the same week.

"Permanent transfer" means when a resident is released from one caregiving facility to be admitted to another and is not expected to return. This includes releases made within a facility to another program, e.g., independent living, nursing home, etc.

"Physical restraint" means holding a resident's body with one's own body in such a way that the resident is unable to move freely.

"Post-hospitalized person" means any aged, infirm or disabled adult who is being discharged from a state program for the mentally ill or mentally retarded and for whom direct placement is sought in a home for adults by the state facility, local welfare/social services department, local community mental health and mental retardation services board, family, legal guardian, or any other responsible party.

"Relocation" means a planned, facility or resident-initiated housing reassignment of a resident, either temporary or permanent, within the licensed home for adults.

"Resident" means any aged, infirm, or disabled adult residing in a home for adults for the purpose of receiving maintenance and care.

"Respite care" means services provided for maintenance and care of aged, infirm or disabled adults for temporary periods of time, regulatory or intermittently. Homes offering this type of care are subject to these standards and regulations.

"Responsible person/party" means the legal guardian, payee, family member or any other individual who has arranged for the care of the resident and assumed this responsibility. The responsible person/party may or may not be related to the resident. A responsible person/party is not a legal guardian unless so appointed by the court.

* *"Semi-mobile"* means the condition of a person who is:

1. Mentally and physically capable in an emergency of always exiting ~~within three minutes from any area of the home available to semi-mobile residents the building or meeting the requirements of the approved fire plan within three minutes~~ with the help of a wheelchair, walker, cane, prosthetic device, or ~~with the aid of in response to a single verbal command;~~

and

2. Able to ascend and descend stairs (if present) in any necessary exit path from areas available to semi-mobile residents.

The determination of whether a person is semi-mobile shall be based upon information contained in the medical report and upon ~~timed observation of the resident's ability to exit a building within three minutes where applicable~~ *the resident's demonstration, if necessary, of his ability to exit the building or meet the requirements of the approved fire plan without the assistance of another person*. (See §§ 3.9-C and 5.7.2.b.(6))

"Staff person" means any person, 18 years old or older, other than a resident, who works for the facility and receives compensation which is subject to state and federal taxes.

"Sponsor" means an individual, association, partnership or corporation having responsibility for planning and operating a facility subject to licensure. The licensee is the sponsor of a home for adults. The sponsor may not, in all cases, be the owner of the physical plant (buildings) and/or real estate in or on which the home for adults is located. In these instances the term "sponsor" as defined here and used in these standards and regulations is considered to be the person, partnership, association or corporation who owns the enterprise less the physical plant and/or real estate.

"Transfer" means to be released from one caregiving facility to be admitted to another caregiving facility.

"Twenty-four-hour nursing care" means nursing care procedures which are provided in an institutional or group living situation to persons with long-term illnesses or disabilities and which can be provided safely only under 24-hour supervision of staff directed by a registered nurse.

"Withdrawal" means a planned resident or resident representative-initiated termination of services which results in a change of address for the resident.

*As used in these standards and regulations these are not medical definitions. They are related to the placement of aged, infirm, or disabled adults in appropriate buildings with regard to fire safety and their ability to evacuate buildings in an emergency.

Article 2. Legal Base.

§ 1.2. Chapter 9, Title 63.1, of the Code of Virginia sets forth the responsibility of the Department of Social Services for the licensure of homes for adults, including the responsibility of the State Board of Social Services for the development of regulations containing minimum standards and requirements.

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It is a misdemeanor to operate a home for adults without a license or to serve more residents than the maximum number stipulated on the license. (§ 63.1-182 of the Code of Virginia)

Article 3. Applicability.

§ 1.3. These Standards and Regulations for Licensed Homes for Adults apply to any facility:

1. That is operated or maintained for the maintenance or care of four or more adults in one or more locations who are aged, infirm or disabled.
2. That assumes responsibility, either directly or through contracted agents, for the maintenance or care of four or more adults who are aged, infirm or disabled.

§ 1.4. The following types of facilities are not subject to licensure as a Home for Adults:

1. A facility or portion of a facility licensed by the State Board of Mental Health, Mental Retardation and Substance Abuse Services.
2. The home or residence of an individual who cares for or maintains only persons related to him by blood or marriage.
3. A facility or portion of a facility, licensed as a children's residential facility under § 63.1-185 et seq. of the Code of Virginia, serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped.

PART II. MANAGEMENT AND PERSONNEL.

Article 1. The Licensee.

§ 2.1. The licensee shall be responsible for complying with all standards and regulations for licensed homes for adults and terms of the license issued by the department.

§ 2.2. The licensee shall meet the following requirements:

1. The licensee shall give evidence of financial responsibility.
2. The licensee shall be of good character and reputation.
3. The licensee shall be able to protect the physical and mental well-being of residents.
4. The licensee shall keep such records and make such reports as required by these standards and

regulations for licensed homes for adults. Such records and reports may be inspected at any reasonable time in order to determine compliance with these standards and regulations.

5. The licensee shall meet the qualifications of the administrator if he assumes those duties.

§ 2.3. A home for adults sponsored by a religious organization, a corporation or a voluntary association shall be controlled by a governing board of directors that shall fulfill the duties of the licensee.

Article 2. The Administrator.

§ 2.4. Each home shall have an administrator. This does not prohibit the administrator from serving more than one facility.

§ 2.5. Qualifications of administrator.

A. The administrator shall be at least 18 years of age.

B. He shall be able to read, to write, and to understand these standards and regulations.

C. He shall be able to perform the duties and to assume the responsibilities required by these standards and regulations.

D. Any person who assumes the duties of the administrator after January 1, 1980, shall be a high school graduate or shall have a General Education Development Certificate (G.E.D.) ; ~~or shall have completed~~ . *Additionally, after July 1, 1991, one full year of successful education in human services or administrative experience in caring for adults in a licensed group care facility, such as a home for adults, a nursing home, a hospital or a day-care center for adults.*

E. The administrator shall attend 12 hours of training related to management or operation of a residential facility for adults or client specific training needs, within each 12-month period. The training sessions may be inservice or offered outside the facility. Documentation of attendance shall be retained at the facility.

F. He shall meet the requirements stipulated for all staff in § 2.10.

§ 2.6. Duties of the administrator.

It shall be the duty of the administrator:

1. To oversee the day-to-day operation of the home, which shall include, but not be limited to, responsibility for:

- a. Services to residents;

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- b. Maintenance of buildings and grounds;
 - c. Record keeping;
 - d. Employment, training and supervision of personnel.
- 2. To protect the safety and physical, mental and emotional health of residents.
 - 3. To be familiar with and to assure compliance with these standards and regulations.
 - 4. To post the current license at all times at a place in the building that is conspicuous to the public.

§ 2.7. Either the administrator or a designated assistant who meets the qualifications of the administrator shall be awake and on duty on the premises at least 40 hours per week.

§ 2.8. In the absence of the administrator or the designated assistant, a responsible adult who is able to read and write shall be delegated the duties of the administrator, so that service to residents shall not be interrupted. This person shall be capable of protecting the physical and mental well-being of the residents. He shall not be a resident.

Article 3. Personnel.

§ 2.9. Staffing.

A. There shall be enough staff on duty at all times to assure compliance with these standards and regulations. *The administrator shall develop, implement, and maintain a written staffing schedule specifying the number and type of needed staff based on the residents' needs assessments.* This number and type shall be determined by:

- 1. The number of residents;
- 2. The physical and mental conditions of the residents;
- 3. The services to be provided;
- 4. The size and layout of the building(s); and
- 5. The capabilities and training of the employees ; ;
and
- 6. *The time of day.*

B. There shall be sufficient staff on the premises at all times to implement the emergency fire plan including evacuation of those residents who are nonambulatory if such evacuation is included in the plan. (See § 9.4)

C. A ~~responsible adult~~ *staff person capable of reading*

and writing , other than a resident, shall be in each building at all times that residents are present and shall be responsible for their care and supervision.

D. In homes licensed to care for 20 or more residents under one roof, there shall be at least one staff member awake and on duty under that roof during the night hours.

E. In homes licensed to care for 20 or more residents under one roof, the provisions of either *subdivision 1* or *2*, below shall be met.

1. Staff shall make rounds at least once each hour to monitor for emergencies. These rounds shall begin when the majority of the residents have gone to bed each evening and shall terminate when the majority of the residents have arisen each morning.

a. A written log shall be maintained showing the date and time rounds were made and the signature of the person who made rounds.

b. Logs for the past three months shall be retained.

e. ~~These logs shall be subject to inspection by the department.~~

or

2. There shall be a signaling device or intercom or a telephone which may be activated by the resident from his room or from a connecting bathroom which shall terminate at the staff station and which shall permit staff to determine the origin of the signal. (See § 7.4)

F. If emergency ambulance service is not available within 15 minutes travel time or if there is not a physician, registered nurse, or licensed practical nurse available within 15 minutes travel time, there shall be at least one staff member on the premises at all times who has certification in first aid which has been issued within the past three years by the Red Cross, a community college, a hospital, a volunteer rescue squad, a fire department, or a similarly approved program.

G. There shall be at least one staff member on the premises at all times who has certification in cardiovascular pulmonary resuscitation (CPR) issued within the current year by the Red Cross, a community college, a hospital, a volunteer rescue squad, a fire department or a similarly approved program. The CPR certificate must be renewed annually.

H. There shall be at least one staff person on duty who has received the training required in 2.11 E whenever there are residents in care with a history of aggressive behavior/agitated states or who are supportively restrained.

§ 2.10. Qualifications of all staff, including the

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administrator.

All staff members shall be:

1. Of good character;
2. Physically and mentally capable of carrying out assigned responsibilities;
3. Considerate and tolerant of aged and disabled persons;
4. Clean and well-groomed; and
5. Able and willing to accept supervision and training.

§ 2.11. Training and orientation.

A. All employees shall be made aware of:

1. The purpose of the facility;
2. The services provided;
3. The daily routines; and
4. Required compliance with standards and regulations for Licensed Homes for Adults as it relates to their duties and responsibilities.

B. All personnel shall be trained in the relevant laws, standards and regulations, and the home's policies and procedures sufficiently to implement the following:

1. Emergency plans for the facility; (See § 9.4)
2. Techniques of complying with fire and disaster plans including evacuating residents when applicable;
3. Use of the first-aid kit, and knowledge of its location;
4. Confidential treatment of personal information;
5. Observance of the rights and responsibilities of residents;
6. Procedures for detecting and reporting suspected abuse, neglect, or exploitation of residents to the appropriate local department of social services;

(NOTE: Section 63.1-55.3 of the Code of Virginia requires anyone providing full- or part-time care to adults for pay on a regular basis to report suspected adult abuse, neglect, or exploitation.)

7. Specific duties and requirements of their positions.

C. All personnel who have primary responsibilities for resident care shall be trained to have general knowledge in the care of aged, infirm or disabled adults with due

consideration for their individual capabilities and their needs.

D. The home shall provide training opportunities at least annually for employees with primary responsibility for resident care.

1. These training opportunities shall be provided through in-service training programs or institutes, workshops, classes, or conferences related to the care of aged, infirm or disabled adults.

2. A notation of this training shall be made in the employee's record, as required by § 5.26.10 of these standards and regulations.

E. Training required for staff in homes that accept/have in care residents with special needs.

1. Aggressive residents.

- a. The licensee/administrator of a facility which admits *or retains* residents with a ~~medical~~ history of aggressive behavior or of dangerously agitated states shall first provide or obtain training in methods of dealing with aggressive residents for direct care staff involved in the care of such residents.

(NOTE: Homes for adults having valid licenses on the date these standards become effective and having such residents in care shall have one year from the effective date for direct care staff to comply with this standard.)

- b. This training shall include, at a minimum, information, demonstration, and practical experience in the prevention of aggressive behavior, self-protection, and the proper application of restraints.

2. ~~Bedfast residents/supportively~~ *Supportively* restrained residents.

- a. The licensee/administrator of a facility which ~~has bedfast residents in care or who~~ admits or has in care residents who are supportively restrained shall first provide or obtain for direct care staff involved in the care of such residents appropriate training in caring for their health needs.

(NOTE: Licensed medical personnel, e.g., R.N.'s, L.P.N.'s, are not required to take this training as their academic background deals with this level or care.)

- b. This training shall include, at a minimum, information, demonstration and experience in the prevention and recognition of decubiti, in active and active assisted range of motion to prevent joint contractures, and the proper techniques for applying and monitoring supportive restraints.

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3. The training described in § 2.11.E.1 and 2 shall meet the following criteria:

a. It shall be provided by a qualified health professional.

b. A written description of the content of this training, a notation of the person(s)/agency/organization or institution providing the training and the name(s) of staff receiving the training shall be maintained by the facility.

(NOTE: If the training is provided by the department, only a listing of staff trained and the date of training is required.

4. Should a resident become aggressive or need supportive restraints or become bedfast while in the facility the training described in § 2.11.E.1 and/or 2 shall be obtained within 30 days.

5. Refresher training and/or the review of written materials/techniques with all direct care staff shall be provided at least annually or more often as needed.

a. The refresher training and/or review of written materials/techniques shall encompass the techniques described in § 2.11.E.1 and/or § 2.11.E.2. above.

b. A record of the refresher training and/or review of written materials and a description of the content of the training shall be maintained by the facility.

§ 2.12. Any resident who performs any staff duties shall meet the personnel and health requirements for that position.

§ 2.13. Relief staff.

A. A current file of names, addresses and telephone numbers of persons available for duty in the absence of regular personnel shall be maintained;

or

B. There shall be evidence of access to a nurse's aide register.

§ 2.14. Volunteers.

A. Any volunteers used shall:

1. Have qualifications appropriate to the services they render;

2. Be subject to laws and regulations governing confidential treatment of personal information.

B. Duties and responsibilities of all volunteers shall be clearly differentiated from those of persons regularly filling staff positions.

C. At least one staff member shall be assigned responsibility for overall selection, supervision and orientation of volunteers.

PART III. ADMISSION AND DISCHARGE POLICIES.

Article 1. Admission Policies.

§ 3.1. All residents shall be 18 years of age or older.

§ 3.2. No person shall be admitted until identifying information has been obtained as set forth in these standards. (See § 5.6)

§ 3.3. No person shall be admitted unless he has had a physical examination by a licensed physician within 30 days prior to the date of acceptance for admission. When a person is accepted for respite care or on an intermittent basis, the physical examination report shall be valid for six months. The report of such examination shall be on file at the home for adults and shall contain the information required by these standards. (See § 5.7)

§ 3.4. No person who is known to have tuberculosis in a communicable form shall be admitted.

~~§ 3.5.~~ § 3.4. No person who is in need of 24-hour nursing care shall be admitted.

§ 3.6. No person whose physician has stated in writing that he is incapable of self-administration of medicine shall be admitted or remain in care unless:

1. The physician has signed a statement authorizing an agent at the home to administer medicine; or

2. There is a licensed doctor, registered nurse, licensed practical nurse or physician's assistant available to the home to administer medicine.

~~§ 3.7.~~ § 3.5. No person who is bedfast shall be admitted or retained for care.

§ 3.8. No resident who becomes bedfast shall remain in the home unless all of the following requirements are met:

1. The physician signs a written statement that:

a. Nursing care is not needed, including the basis for this decision in terms of diagnosis and prognosis;

(NOTE: A nursing home license is required if a facility provides nursing care to two or more nonrelated persons.) (§ 22-208(2) of the Code of Virginia)

b. The needs of the resident can be met in the home for adults; and

2. Complete medical records are kept, including physicians' progress reports obtained at intervals of not more than 90 days (See § 5.14). The reports shall contain the same information required in the written statement described in § 3.8.1.

3. The physician's progress report shall be based on the resident having been seen and examined by a licensed physician, physician's assistant or nurse practitioner at intervals of not more than 90 days. If the examination is performed by a physician's assistant or nurse practitioner the results shall be reviewed by a licensed physician who shall evaluate and sign the required statement.

4. There shall be qualified staff on duty 24 hours a day to meet the needs of the bedfast resident.

5. The facility meets the applicable provisions of § 9.6 of these standards and regulations relating to the housing of nonambulatory residents.

§ 3.9. § 3.6. Admission and retention of nonambulatory and semi-mobile residents.

A. Nonambulatory persons, as defined by these standards, may be admitted to a home for adults when all of the provisions of the following sections of these standards and regulations are met:

1. Section 3.10 3.8, which addresses meeting the needs of the resident;
2. Section 5.7.2.a and b, which address information required in the admissions physical examination;
3. Section 6.18, which addresses building requirements to accommodate nonambulatory residents; and
4. Section 9.6, which addresses housing of nonambulatory residents.

B. Residents who become nonambulatory, as defined by these standards, may remain in care if the provisions of § 3.9.A, 1, 3, and 4 above, subdivisions A 1, 3 and 4 of this section are met, as well as the additional provisions of §§ 5.7.3 5.7 2 and 5.11 of these standards and regulations. These additional sections address medical information which is required (See § 5.7.3 5.7 2) or may be required (See § 5.11) on a recurring basis.

C. Semi-mobile residents shall be admitted to or retained in the home only when the following conditions are met:

1. In buildings with a licensed capacity greater than 20, all building code requirements and standards and regulations governing housing for nonambulatory residents shall be met.

2. In buildings with a licensed capacity of twenty or fewer:

a. The resident is permanently assigned to a bedroom that is on the first floor and no more than 50 feet from an exit that is at ground level or ramped.

b. Prior to admission, and during each required fire drill, the resident exhibits the ability to exit the building within three minutes from any area available to semi-mobile residents. This includes the ability to ascend and descend stairs if any are present in an exit path from areas normally to be used by the resident. (See § 5.7.b.(5) and (6))

c. The record of the physical examination contains a statement that the prospective resident is potentially capable of exiting a building within three minutes without adverse medical consequence. (See § 5.7.b (5))

§ 3.7. Admission and retention of residents to buildings approved to house ambulatory residents only.

A. All residents must be able to exit the building or meet the requirements of the approved fire plan within three minutes from any area of the building available to residents. This includes the ability to ascend and descend stairs if any are present in an exit path from areas normally used by residents.

B. The record of the physical examination for each resident must contain a statement that it is not medically contraindicated for the person to attempt to exit a building within three minutes. (See § 5.7 2 b (5)).

§ 3.10. § 3.8. Only those persons whose needs can be met in a home for adults may be admitted for care.

§ 3.11. § 3.9. At the time of admission, there shall be a written agreement signed by the resident/applicant for admission and/or the legal guardian, or personal representative and by the licensee or administrator. This agreement shall meet the requirements specified in § 5.17 of these standards and regulations.

§ 3.12. § 3.10. Admission of post-hospitalized persons.

The following standards shall apply when a home for adults accepts persons from a state program for the mentally ill or mentally retarded. (These standards do not apply to persons who were accepted for care in homes for adults prior to January 1, 1980.)

A. The home shall enter into a written agreement with the local community mental health and mental retardation services board, a state mental health clinic in those areas not served by such a board, or similar facility or agency within the private sector to make services available to post-hospitalized residents. This agreement shall be a one time agreement which shall cover all post-hospitalized residents who may need and/or desire such services.

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(NOTE: The direct clinical services of the local community mental health and mental retardation services board and/or the state mental health clinics are to be provided at no cost to the home for adults. Residents may be charged on a sliding scale based on their ability to pay.)

B. Services to be included in the agreement shall include at least the following:

1. Diagnostic, evaluation and referral services in order to identify and meet the needs of the resident;
2. Outpatient mental health and mental retardation services, including but not limited to recommended aftercare/follow-along services;
3. Services and support to meet emergency mental health needs of a resident.

C. A copy of this agreement shall remain on file in the home and shall be available for inspection by the department.

D. Prior to accepting a post-hospitalized person, the home shall obtain a summary of the aftercare/follow-along service recommendations which pertain to the post-hospitalized person.

(NOTE: This information will be provided by the state facility from which the person is being discharged as part of the admissions physical examination required by § 5.7.1 of these standards and regulations. The state facility will complete this physical examination and will report the results on a form provided by the department.)

E. A copy of this summary of the aftercare/follow-along service recommendations shall be filed in the resident's record, as part of the admissions physical examination report, if he is accepted for care.

F. The home shall request and obtain written progress reports on any post-hospitalized resident receiving services from the local community mental health and mental retardation services board, state mental health clinic or a treatment facility or agency in the private sector, providing release of this information is approved by the resident.

1. These progress reports shall be obtained at least every six months until it is stated in a report that aftercare/follow-along services are no longer needed.
2. This report shall contain at minimum:
 - a. A statement that continued aftercare/follow-along services are/are not needed;
 - b. Recommendation, if any, for continued after-care/follow-along services;

c. A statement that the resident's needs can continue to be met in a home for adults;

d. A statement of any recommended services to be provided by the home for adults.

3. Copies of these progress reports shall be filed in the resident's record and shall be available for inspection by the department.

G. Post-hospitalized persons shall not be accepted for care or remain in care when the home for adults is unable or unwilling to assist the resident in obtaining the services recommended in order to meet the resident's needs.

(NOTE: The resident has the option to refuse recommended aftercare/follow-along services.)

Article 2. Discharge Policies.

~~§ 3.12.~~ § 3.11. Under nonemergency conditions, the licensee or administrator shall notify the resident and/or his representative of the planned permanent, transfer, or discharge at least 14 calendar days prior to the actual transfer or discharge date.

~~§ 3.14.~~ § 3.12. Under emergency conditions, the licensee, administrator, or staff designee shall transfer or discharge the resident as appropriate for health and safety reasons.

A. The resident and/or his representative shall be informed as rapidly as possible, but within 24 hours of the move, of the reasons therefor.

(See § 4.31 for requirements regarding notification of concerned parties in case of illness and injury.)

B. The written statement required by § 3.16 shall be provided within 14 calendar days of the date of emergency transfer or discharge.

~~§ 3.15.~~ § 3.13. The licensee or administrator shall transfer or discharge a resident from the facility when:

1. The needs of the resident cannot continue to be met for any one or more of the following reasons:

a. The resident needs *24-hour* nursing care;

or

b. Sufficient qualified staff are not available to provide necessary services, such as, meet dietary needs, administer medication or provide necessary care and supervision;

or

c. Approved space is not available for

nonambulatory residents;

or

d. The resident is physically or verbally abusive to other residents;

or

e. The resident is habitually disruptive and/or creates unsafe conditions;

or

f. Any ~~semi-mobile~~ resident in a ~~home building~~ not licensed for ~~nonambulatory ambulatory~~ residents only, is unable, at any time or for any reason, to make a three minute exit from any area of the building available to residents, evacuate the building or meet the requirements of the approved fire plan within three minutes, or who at any time impedes others from making a three minute exit in an emergency or drill, doing so. (See § 9.5 H 2 of these regulations.)

g. The resident is bedfast.

2. The resident requests that other living arrangements be made.

§ ~~3-16~~. § 3.14 When a resident is permanently transferred or discharged, the licensee and/or administrator shall provide to the resident or his representative a dated signed statement which contains the following information:

1. The date on which the resident and/or his representative was notified of the planned permanent transfer or discharge and the name of the representative who was notified.
2. The reason(s) for the permanent transfer or discharge.
3. The actions taken by facility staff to assist the resident in making an orderly transfer or discharge.
4. The date of the permanent transfer or discharge from the facility and the resident's destination.

(NOTE: Primary responsibility for transporting the resident and his possessions rests with the resident and/or his representative.)

§ ~~3-17~~. § 3.15. A copy of the written statement required by § ~~3-16~~ 3.14 shall be retained in the resident's record.

§ ~~3-18~~. § 3.16. The facility shall adopt a written policy regarding the number of calendar days notice is required when a resident wishes to withdraw from the facility. Any required notice of intent to withdraw shall not exceed 45 days. Notice of this policy shall be incorporated into the

residents agreement.

§ ~~3-19~~. § 3.17. The resident insofar as he is able, and/or his representative shall participate in plans for relocation, transfer, discharge or withdrawal.

§ ~~3-20~~. § 3.18. The licensee or administrator shall provide assistance to the resident and/or his representative in planning and in preparing the resident for relocation, transfer, discharge, or withdrawal. Such preparation shall include discussing with the resident and/or his representative why the relocation, transfer or discharge is necessary and where the resident is being moved.

§ ~~3-21~~. § 3.19. When the resident is being transferred or discharged to another facility, the procedures regarding records as set forth in these standards shall be followed. (See §§ 5.5 B and 5.8)

§ 3.20. Residents requiring health care services or having a health condition as specified below are prohibited in a licensed home for adults:

1. Nasogastric tubes.
2. Injections directly into the vein including drip IVs.
3. Wound care where infection is present and irrigation or 24-hour nursing care is required.
4. Dermal ulcers, stage III or IV.
5. Active communicable disease that presents a threat to other persons in the facility.
6. Ventilator dependent person.
7. Total care: Residents who are completely dependent on others to perform all activities of daily living for them. This includes bathing, dressing, grooming, feeding, and toileting.
8. Multiple conditions requiring oversight by a registered nurse or more than intermittent or part-time nursing care.
9. Any person who presents a danger to self or others.
10. Any serious infection requiring precaution or isolation measures.

§ 3.21. Intermittent or part-time nursing care.

Residents having the intermittent or part-time nursing care needs specified below are acceptable in a licensed home for adults. Certification by a physician that the resident's needs are within the stated boundaries is required.

When there are residents in care who have medical

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conditions which appear to be outside the boundaries of this standard, the department reserves the right to request a medical opinion from a second physician not associated with the operator or resident. In addition, the safety requirements in Appendix I of these standards and regulations shall be met as applicable.

The following medical conditions and resident needs are only appropriate in a licensed home for adults when the resident meets the criteria listed and the precautions indicated are available to the resident.

1. Oxygen therapy providing:

- a. The resident can self-administer the oxygen;
- b. The resident can carry out the routine prescribed by the physician; and
- c. Oxygen delivery is with an oxygen concentrator that accumulates and distributes no more than four liters of oxygen per minute.

2. Intermittent positive pressure breathing therapy (IPPB) providing the resident can self-administer the treatment.

3. Ostomy care providing:

- a. The resident is medically stable;
- b. The ostomy is well healed; and
- c. The resident can care for the ostomy independently or care is provided by a licensed health care professional.

4. Bladder management.

- a. Indwelling catheter care providing the resident can care for the catheter independently or care is provided by a licensed health care professional.
- b. External urinary drainage systems providing the resident is capable of caring for the system independently or care is provided by a licensed health care professional.

5. Bowel management. Enemas and suppositories providing they are self-administered or administered intermittently under the supervision of a licensed health care professional.

6. Injections providing they are self-administered or administered intermittently by a licensed health care professional for maintenance of medical conditions such as allergies or diabetes. Daily injections are not allowed (exception: insulin).

7. Wound care (this includes but is not limited to lacerations, incisional sites, ulceration, and skin

breakdown) providing the resident can care for the wound independently or care is required by a licensed health care professional no more than once a day.

8. Behavior intervention providing:

- a. The behavior responds to redirection.
- b. The behavior does not require physical restraint except in an emergency situation. The use of mechanical restraint is prohibited as a behavior intervention technique in licensed homes for adults.

9. Protective supervision (for individuals who are confused) providing the resident does not require physical or mechanical restraint to protect themselves or others.

PART IV. SERVICES.

Article 1. Resident Rights.

§ 4.1. Any resident of a home for adults is entitled to the rights and has the responsibilities as provided for in § 63.1-182.1 of the Code of Virginia (Rights and Responsibilities of Residents in Homes for Adults), and as provided for in these standards and regulations.

§ 4.2. The licensee, and/or administrator shall establish and implement written policies and procedures to be followed by the home in implementing the requirements of § 63.1-182.1 of the Code of Virginia.

These policies and procedures shall be available and accessible to residents, relatives, agencies and the general public.

§ 4.3. The resident is assumed to be able to fully understand and exercise the rights and responsibilities as provided for in § 63.1-182.1 of the Code of Virginia, and these standards and regulations unless a physician determines otherwise.

§ 4.4. If a physician determines that a resident is unable to understand and exercise his rights and responsibilities, his reasons for making such a determination shall be documented in the record.

A. The licensee/administrator shall then require that a responsible person (See Definition § 1.1), of the resident's choice when possible, be made aware of the rights and responsibilities of the resident and involve him in the decisions which affect the resident in matters relating to the provisions of § 63.1-182.1 of the Code of Virginia.

B. The name of this individual shall be documented in the resident's record.

§ 4.5. The resident shall be encouraged and informed of

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appropriate means as necessary to exercise his rights as a resident and a citizen throughout the period of his stay at the home.

§ 4.6. The resident has the right to voice and/or file grievances with the home and to make recommendations for changes in the policies and services of the home. The resident shall be protected by the licensee and/or administrator from any form of coercion, discrimination, threats, or reprisal for having voiced or filed such grievances.

§ 4.7. The licensee and/or administrator shall establish and implement the procedure(s) the home will follow when a resident files a grievance with the home. The resident shall be notified of this procedure(s) and shall provide dated written acknowledgement of having been so notified.

§ 4.8. The licensee and/or administrator may not establish any rules or policies related to resident conduct and behavior which would abridge the rights of residents, unless such restrictions are clearly in the interest of resident safety and well-being and are reasonable in nature.

§ 4.9. Each home shall make available in an easily accessible place a copy of the rights and responsibilities of residents of homes for adults, as provided for in § 63.1-182.1 of the Code of Virginia.

A. The copy of the resident rights and responsibilities shall contain the following:

1. The name, title, address and telephone number of the licensing supervisor in the regional office of the Virginia Department of Social Services whose office has issued the facility's license,

and

2. The toll-free number of the Virginia Long-Term Care Ombudsman Program and any substate (local) ombudsman program serving the area.

3. The toll-free number of the Department for Rights of the ~~Disabled~~ *Virginians With Disabilities* .

4. The names, titles, addresses and telephone numbers in § 4.9.A.1 2 and 3, above, shall be posted in a conspicuous place available to residents and the general public.

B. The home shall utilize one of the following methods in making this copy available to the resident:

1. Post in a conspicuous place in the home a copy of § 63.1-182.1 of the Code of Virginia, "Rights and Responsibilities of Residents of Homes for Adults";

or

2. Provide to each resident and/or his representative a personal copy of § 63.1-182.1 of the Code of Virginia, and post a written notice in a conspicuous place in the home advising how an additional copy may be obtained.

§ 4.10. Research and experimentation.

A. Residents have the right to refuse to participate in human subject research or experimentation or to participate in any research in which their identity can be determined (See Definition, § 1.1)

B. The licensee and/or administrator may release statistical information about the residents of the home without the resident's permission only when names have been deleted and the information has been organized so that individual identities cannot be determined.

C. The licensee and/or administrator shall allow residents to be observed only when the resident and/or his legal guardian have been notified of such observation and its purpose and have given consent.

D. The licensee and/or administrator shall verify that any human subject experimentation or research involving residents is conducted in accordance with applicable state and federal laws and complies with recognized professional human subject experimentation standards.

(NOTE: The licensee/administrator has the option of denying research groups access to the facility.)

§ 4.11. No resident, for reason of mobility status, shall be denied access to the use of living areas equivalent to those available to all residents.

§ 4.12. (Vacant)

§ 4.13. (Vacant)

Article 2. Personal Care and Supervision.

§ 4.14. The resident shall be assisted to maintain his highest level of independence by being consistently encouraged to function at his highest mental, emotional, physical and social potential.

§ 4.15. Utilizing the resident's health and personal information outlined in §§ 5.6 and 5.7, the licensee and/or administrator shall assess the service needs of prospective residents for the purpose of determining whether the home can meet these needs.

(NOTE: Model checklist assessments detailing basic service needs will be supplied by the department upon request.)

§ 4.16. The completed assessment will be filed in the resident's record upon admission.

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§ 4.17. The licensee/administrator or designee shall develop individual service plans to meet the resident's service needs as identified.

(NOTE: Service plans are not required for those residents who are assessed as capable of maintaining themselves in an independent living status.)

A. The plans shall be completed within 45 days after admission and shall include the following:

1. Description of identified need,
2. Notation of actions to be taken to meet identified need and person(s) responsible.

B. The master service plan shall be filed in the resident's record; extracts from the plan may be filed in locations specifically identified for their retention; e.g. dietary plan in kitchen.

§ 4.18. Assessments and service plans shall be reevaluated continuously as the condition of the resident changes. Formal reassessment and/or plan review shall be documented in the resident's record at least annually.

§ 4.19. The resident shall be encouraged to participate in plans for his care.

§ 4.20. Facility staff shall at all times speak to and treat the resident with courtesy, respect and consideration and as a person of worth, sensitivity and dignity.

§ 4.21. The resident shall be accorded respect for ordinary privacy in every aspect of daily living, including but not limited to the following:

1. In the resident's room/bedroom or portion thereof, the resident is permitted to have guest(s) from outside the home or other residents.
2. Each resident shall be permitted to close the door of his room at any time, including during visits with other persons.
3. Employees of the home may not enter a resident's room/bedroom without making their presence known by such means as knocking on the door and/or otherwise announcing their presence and requesting permission to enter the room, except in an emergency situation and in accordance with safety and oversight requirements as found in the Standards and Regulations for Licensed Homes for Adults.
4. In a room/bedroom which is occupied by two or more residents, the licensee and/or administrator shall take care to ensure that visiting in such rooms does not unduly interfere with the privacy rights of other occupants of the room.

§ 4.22. The resident shall be allowed privacy for social or

business interviews, as well as for visits with persons of his own choice.

§ 4.23. If it is their choice, residents who are married to each other shall be allowed to share a room, space permitting. When space does not permit those residents to share a room, this fact shall be included in the written agreements required by § 5.16 of these standards and regulations.

§ 4.24. Protection from abuse, neglect and exploitation.

A. The resident shall be protected from any form of mental, emotional, physical, sexual and economic abuse or exploitation.

B. The resident shall not be confined in a room with a door secured in such a manner that he cannot open it.

C. The resident shall be protected from any acts of a threatening, degrading and/or demeaning nature.

D. The known needs of the resident shall not be neglected or ignored by the personnel of the home.

§ 4.25. Special supervision and assistance shall be given to those residents who are unable to keep themselves neat and clean. Assistance with personal hygiene shall include care of the body, mouth, teeth/dentures, fingernails, toenails, hair, beard and moustache. Provision shall be made for baths to be taken at least weekly and more often, if needed or desired.

§ 4.26. Residents shall be assisted with the tasks of daily living which they have difficulty performing and shall be accorded ordinary privacy when given assistance in caring for their intimate personal needs.

§ 4.27. Resident's clothing shall be kept clean and in good repair.

Article 3. Health Care.

§ 4.28. The following standards apply when the resident is in need of health care services (such as mental health counseling, or care of teeth, feet, eyes, ears, etc.).

A. The resident shall be assisted in making appropriate arrangements for the needed care. When mental health care is needed and/or desired by the resident, this assistance shall include securing the services of the local community mental health and mental retardation services board, state mental health clinic or similar facility or agent in the private sector.

B. When the resident is unable to participate in making appropriate arrangements, the resident's family, legal guardian, the cooperating social agency or personal physician shall be notified of the need.

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§ 4.29. No medication or diet which has been prescribed by a physician shall be started, changed or discontinued by the facility without an order by the physician. The resident's record shall contain such written order or a notation of the physician's verbal order.

§ 4.30. When the resident suffers serious accident, illness, or medical condition, medical attention shall be secured immediately. *The withholding of life prolonging, including resuscitation, is prohibited in a licensed home for adults.*

When the resident has a legally written declaration as described in the Natural Death Act, it shall be given to emergency medical personnel upon their arrival at the home and the resident's physician shall be notified.

§ 4.31. The next of kin, or other designated person, and any responsible social agency shall be notified within 24 hours of any serious illness, or accident, or medical condition. A notation shall be made in the resident's record of such notice. In addition, this notation must contain a description of the efforts made by the home to involve the resident in making plans for a medical evaluation and treatment.

§ 4.32. If a resident becomes disturbed and unmanageable, the attending physician, next of kin, and/or the responsible party shall be notified promptly.

§ 4.33. ~~Physical or mechanical restraint~~ *Restraints .*

The resident shall be free of any physical or mechanical restraint except in an emergency situation as defined in these standards and regulations or as medically necessary and authorized for the purpose of providing support to a physically weakened resident. *The use of limb restraints is prohibited for physically weakened individuals.*

~~(NOTE: Physical or mechanical restraints shall not be used as a method of behavior management except in an emergency. (See Definition § 1.1))~~

~~A. Physical support restraint.~~ § 4.34. *Support restraints for physically weakened individuals.*

A. When physical or mechanical support restraints are used, there shall be documented evidence that other interventions have been tried, and the restraint is the least restrictive procedure to prevent injury to the resident. When any type of mechanical restraint is used for support of a physically weakened resident, a physician's written order is required and the following standards must apply:

1. A copy of the physician's written order shall be placed in the resident's records;
2. ~~Additional supervision~~ *A licensed health care professional shall be provided on duty to meet provide oversight of the physical and emotional needs of the resident who is restrained;*

3. Each resident restrained for the purpose of providing physical support shall be provided the opportunity for care and exercise whenever necessary and at least once every two-hour period the restraint is used. Facility staff shall assist any resident who needs assistance with exercising limbs and changing positions and monitor blood circulation. The care and exercise period shall last for a period of not less than three minutes and shall be noted in the resident's record;

4. Complete medical records shall be kept to include physician's progress reports obtained at intervals of not more than ~~90 days~~ *three months* ; (See § 5.14)

5. The physician's progress reports shall be based on the resident being seen and examined by a licensed physician, physician's assistant or nurse practitioner at intervals of not more than ~~90 days~~ *three months* .

a. These reports shall provide the information required by § 5.14 of these standards and regulations.

b. If the examination is performed by a physician's assistant or nurse practitioner, the results shall be reviewed by a licensed physician who shall evaluate and sign the required statement.

B. Emergency restraint.

The following standards apply each time any type of physical or mechanical restraint is used to control a resident's behavior in an emergency situation (See Definitions of "Emergency" § 1.1).

1. The physician shall be notified immediately.
2. If the physician orders, as part of a treatment program, continued use of restraints for a temporary period, oral orders shall be confirmed in writing.
3. A copy of the written order shall be placed in the resident's record.
4. The resident who is in emergency restraint shall be within sight and sound of staff at all times.
5. Additional supervision shall be provided to meet the physical and emotional needs of the resident who is restrained to include monitoring the resident as needed but at least every 30 minutes to determine the condition of the resident, the proper application of the restraint, and whether there is continuing need for the restraint.
6. The legal guardian, next of kin and/or any responsible social agency shall be notified immediately of the use of such restraints and the response to treatment.

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7. Documentation of requirements regarding use of emergency restraints.

a. A notation shall be made in the resident's record showing the date(s) and the reason restraints were used, the time restraints were initially applied who was notified and when and how the notice was given.

b. A notation shall be made in the resident's record of the time and date of each monitoring check (§ 4.32.B.5).

8. If a resident does not respond within two hours to the treatment prescribed by the attending physician and continues to need emergency restraint the resident shall be transferred to a medical facility or monitored in the facility by a mental health crisis team until his condition has stabilized to the point that the attending physician documents that restraints are not necessary.

9. If the resident does not respond promptly to the treatment prescribed by the attending physician, and emergency restraint is prescribed for more than two hours a day, for seven days in a row, the resident shall be removed from the home.

~~§ 4.34. An employee who has received the training required in § 2.11.E shall be on duty in the facility whenever a resident is physically or mechanically restrained.~~

§ 4.35. Full bedside rails, for any resident, shall be used only on the written order of the attending physician. When the resident is restricted from getting out of bed through the use of full bedside rails, then all standards pertaining to physical restraints are applicable. (See § 4.33)

~~§ 4.36. Should a medical condition arise while the resident is in the home, the~~ The resident has the right to refuse recommended medical treatment. If the resident refuses, there shall be documentation in the resident's record that the resident's next of kin, or other designated person, was notified of the resident's medical condition and decision within 24 hours. ~~The~~ the licensee/administrator must then evaluate and document whether the facility can continue to meet the needs of the resident.

(NOTE: This standard shall not be construed to permit the resident to refuse life saving measures in a life threatening situation.)

§ 4.37. The resident has the right to select health care providers who are reasonably available in the community and whose services can be purchased by the resident.

§ 4.38. Residents shall be afforded ordinary privacy when they receive medical examination or health related consultation at the home.

Article 4. Medication.

~~§ 4.39. No prescription drugs shall be kept in the facility unless they have been legally dispensed and labeled by a licensed pharmacist or~~ Only legally dispensed and labeled prescription drugs shall be kept in a facility unless they are stocked in bulk in a licensed pharmacy located on the premises.

§ 4.40. A medicine cabinet, container or compartment shall be used for storage of medications prescribed for residents.

A. It shall be locked.

B. When in use, it shall be illuminated in order to read container labels, but shall remain darkened when closed.

C. It shall not be located in the kitchen, but in an area free of dampness or abnormal temperatures.

§ 4.41. A resident may be permitted to keep his own medication in a secure place in his room, if the physician's report has indicated that the resident is capable of self-administering medication. This does not prohibit the facility from storing and distributing or administering all medication provided the provisions of § § 4.42 and 4.43 are met.

~~§ 4.42. Distribution of medication.~~

~~Drugs from a locked medicine cabinet shall be distributed to the residents for whom they are prescribed by a responsible person who is capable of reading the prescription labels. It is not necessary for a physician to designate who may distribute medication.~~

~~§ 4.43. § 4.42. Administration of medication.~~

A. Drugs shall be administered to those residents whose physicians have stated in writing that they are incapable of self-administration of medications, provided the applicable portions of subsections B, C, and D, and E, below are met.

B. Only those persons authorized by state law to administer drugs shall be permitted to do so. This may include licensed doctors, registered nurses, licensed practical nurses, physician's assistants, or other individuals who have met the state requirements to perform these functions. All medications poured by these individuals must be administered to the resident, by the authorized person, within one hour after it has been removed from the pharmacy contained.

C. An agent authorized in writing by the physician may administer drugs in accordance with such physician's instructions pertaining to dosage, frequency and manner of administration when the drugs administered would be normally self-administered by a resident, as provided by §

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54.1-3408 of the Code of Virginia.

D. If a staff member is the authorized agent of a physician, such written authorizations shall be retained by the licensee.

E. Effective September 1, 1992, all staff responsible for medication administration shall have completed a state approved medication training program or be licensed by the Commonwealth of Virginia to administer medications.

§ 4.43. The attending physician shall be notified immediately of any unexpected drug reactions or medication errors. Documentation shall be made of the physician's response and the action taken.

§ 4.44. Documentation of medications administered by facility staff shall include:

- 1. Name of the resident;*
- 2. Date prescribed;*
- 3. Drug product name;*
- 4. Dosage;*
- 5. Strength of the drug;*
- 6. Route (for example, by mouth);*
- 7. How often medication is to be taken;*
- 8. Time given and identity of staff responsible;*
- 9. Dates medication discontinued or changed;*
- 10. Any medication errors or omissions;*
- 11. Unexpected drug reactions.*

§ 4.45. The facility shall develop and implement written procedures for the safe disposal of discontinued medications and infectious waste (i.e., syringes, needles, etc.). Infectious waste shall be disposed of in accordance with the Department of Waste Management policy.

§ 4.46. When a resident receives medication from more than one pharmacy there shall be a monthly review of drug profiles from each pharmacy by a licensed medical professional. This review shall be documented in a resident's record. Effective July 1, 1991, licensees shall require all new residents to select one pharmacy for prescription medications (exception: residents who use mental health clinics for some of their medications).

§ 4.47. The use of PRN (as needed) medications is prohibited, unless:

- 1. The resident is capable of determining when the medication is needed; or*

2. Licensed health care professionals are responsible for medication management; or

3. The resident's physician has provided detailed instructions or facility staff have telephoned the doctor prior to the initial dose, explained the symptoms and received an order to assist the resident in self-administration.

The physician's instructions shall include symptoms that might indicate the use of the medication, exact dosage, the exact time frames the medication is to be given in a 24-hour period, and directions as to what to do if symptoms persist.

Article 5. Food Service.

§ 4.44. § 4.48. Catering or contract food service.

A. Catering service or contract food service, if used, shall be approved by the state and/or local health department.

B. Persons who are employed by a food service contractor or catering service and who are working on the premises of the home for adults shall meet the health requirements for the home for adults' employees as specified in these standards and regulations and the specific health requirements for food handlers in that locality.

C. Catered food or food prepared and provided on the premises by a contractor shall meet the dietary requirements set forth in these standards.

§ 4.45. § 4.49. Observance of religious dietary practices.

A. The residents' religious dietary practices shall be respected.

B. Religious dietary laws (or practices) of the administrator or licensee shall not be imposed upon residents unless mutually agreed upon in the admission agreement between administrator or licensee and resident.

§ 4.46. § 4.50. Time interval between meals.

A. Time between the evening meal and breakfast the following morning shall not exceed 15 hours.

B. There shall be at least four hours between breakfast and lunch and at least four hours between lunch and supper.

§ 4.47. § 4.51. Minimum meal requirements.

A. A minimum of three meals shall be provided each day.

B. Residents with independent living status, who have

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kitchens equipped with stove, refrigerator and sink, within their individual apartments, may have the option of obtaining meals from the facility or from another source.

1. The facility must have an acceptable health monitoring plan for these residents and provides meals both for other residents and for residents identified as no longer capable of maintaining independent living status.

2. An acceptable health monitoring plan includes: assurance of adequate resources, accessibility to food, capability to prepare food, availability of meals when the resident is sick or temporarily unable to prepare meals for himself.

~~§ 4.48.~~ § 4.52. Bedtime snacks shall be made available and shall be listed on the daily menu. Vending machines shall not be used as the only source for bedtime snacks.

~~§ 4.49.~~ § 4.53. Menus for meals and snacks.

A. Food preferences of residents shall be considered when menus are planned.

B. Menus for meals and snacks shall be planned for at least two weeks in advance. At all times the menu for the following week shall be available.

C. Menus for the current week shall be dated and posted.

D. Any menu substitutions or additions shall be recorded.

E. A record shall be kept of the menus served for three months. They shall be subject to inspection by the department.

F. Minimum daily menu:

1. Unless otherwise ordered in writing by the attending physician, the daily menu, including snacks, for each resident shall provide, at least, the following:

Five-six ozs. of protein food (meat, poultry, fish, eggs, cheese, dry beans, etc.);

Two cups of milk or milk substitute (such as cheese, buttermilk, pudding, yogurt, etc.);

Four servings (1/2 to 3/4 cup each) of fruits or vegetables; (one serving each day shall be a vitamin C source and a dark green or yellow vegetable shall be served at least three times each week).

Four or more servings of whole grain or enriched breads (one slice per serving), and/or cereals (1/2 to 3/4 cups per serving).

2. Other foods may be added.

3. Extra servings shall be provided, if requested.

4. At least one meal each day shall include a hot main dish.

~~§ 4.50.~~ § 4.54. When a diet is prescribed for a resident by the attending physician, it shall be prepared and served according to the physician's orders.

~~§ 4.51.~~ § 4.55. There shall be at least a seven day supply of staple foods on hand to meet individual daily dietary requirements of residents in case of emergencies.

~~§ 4.52.~~ § 4.56. All meals shall be served in the dining area as designated by the facility. Under special circumstances, such as illness or incapacity, meals may be served in a resident's room, provided a sturdy table is used.

~~§ 4.53.~~ § 4.57. Personnel shall be available to help any resident who may need assistance in reaching the dining room or when eating.

~~§ 4.54.~~ § 4.58. Table coverings and napkins shall be clean at all times.

Article 6. Resident Activities.

~~§ 4.55.~~ § 4.59. There shall be at least 11 hours of scheduled activities available to the residents each week for no less than one hour each day. Activities shall be of a social, recreational, religious, or diversional nature. Community resources may be used to provide activities.

~~§ 4.56.~~ § 4.60. Activities shall be planned for at least one week in advance.

~~§ 4.57.~~ § 4.61. These activities shall be varied and shall be planned in consideration of the abilities, physical conditions, needs and interests of the residents.

~~§ 4.58.~~ § 4.62. The week's schedule of activities shall be written and posted in advance in a conspicuous place. Residents shall be informed of the activities program.

~~§ 4.59.~~ § 4.63. A record shall be kept of the activity schedules for the past three months. They shall be available for inspection by the department.

~~§ 4.60.~~ § 4.64. Resident participation in activities.

A. Residents shall be encouraged but not forced to participate in the program of activities.

B. At his discretion, the resident shall be permitted to meet with and participate in activities provided by social, religious and community groups, unless restrictions are imposed by the resident's physician.

C. Any restrictions imposed by a physician shall be documented in the resident's record and such restrictions

shall be based solely on reasons of medical necessity.

Article 7. Visitation.

~~§ 4.61.~~ § 4.65. Visiting in the home.

A. Daily visits to residents in the home shall be permitted.

B. If visiting hours are restricted, daily visiting hours shall be posted in a place conspicuous to the public.

~~§ 4.62.~~ § 4.66. Visiting outside the home.

Residents shall not be prohibited from making reasonable visits away from the home except when there is a written order of the legal guardian to the contrary.

Article 8. Mail.

~~§ 4.63.~~ § 4.67. Incoming and outgoing mail shall not be censored.

~~§ 4.64.~~ § 4.68. Incoming mail shall be delivered promptly.

~~§ 4.65.~~ § 4.69. Mail shall not be opened by staff except upon request of the resident or written request of the legal guardian.

Article 9. Transportation.

~~§ 4.66.~~ § 4.70. The resident shall be assisted in making arrangements for transportation.

PART V. RECORDS.

Article 1. General Requirements.

§ 5.1. Any forms used for record keeping shall contain at a minimum the information specified in these standards and regulations. Model forms, which may be copied, will be supplied by the department upon request.

§ 5.2. If any *model* form such as medical, information, etc., developed by the department is not used, the *substitute form shall be approved by the department home shall first obtain written approval of the substitute form from the department.*

§ 5.3. All records which contain the information required by these standards for both residents and personnel shall be retained at the facility and kept in a locked area.

§ 5.4. The licensee shall have the responsibility for assuring that all records are treated confidentially and that information shall be made available only when needed for

care of the resident.

(EXCEPTION: All records shall be made available for inspection by the department's representative.)

Article 2. Resident Records.

§ 5.5. When a resident is admitted to the home, a permanent individual record shall be established.

A. The record shall be kept current.

B. The complete record shall be retained until two years after the resident leaves the home.

§ 5.6. Personal and social data to be maintained in the record:

1. Name;
2. Address;
 - a. Address from which resident was received;
 - b. Last home address, if different and known;
3. Date of admission;
4. Social Security number;
5. Birthdate (If unknown, estimated age);
6. Birthplace, if known;
7. Marital status, if known;
8. Name, address and telephone number of legal guardian, committee, personal representative, or other person responsible;
9. Name, address and telephone number of next of kin, if known (two preferred);
10. Name, address and telephone number of personal physician, if known;
11. Name, address and telephone number of clergyman and place of worship, if applicable;
12. Name, address and telephone number of local welfare department and/or any other agency, if applicable (the name of caseworker, if known);
13. Previous occupation, if available;
14. Special interests and hobbies, if known;
15. Date of discharge from the home for adults and destination. In the event discharge was made under emergency conditions the name of the responsible

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party who was notified and the date of the notification.

§ 5.7. Health information to be maintained:

1. Prior to admission, the report of a physician examination, including screening for tuberculosis, shall be submitted to the home as required in § 3.3.

2. Form and content of the physical examination report by § 3.3.

a. The report shall contain the following information:

- (1) The date of the physical examination;
- (2) Any diagnoses or significant problems; and
- (3) Any recommendations for care including medication, diet and therapy.

b. Each report shall include separate statements that:

(1) The individual is free of tuberculosis in a communicable form, including the type(s) of tests used and the results;

(2) The individual does not need nursing care (i.e., intermediate or skilled nursing care routinely provided in a facility subject to licensure by the Virginia Department of Health);

(3) The individual is not bedfast;

(4) The person's needs can be met in a home for adults which is not a medical facility;

(5) The individual is considered to be independently mobile, ~~potentially~~ semi-mobile, or nonambulatory. (See Definitions, § 1.1)

(6) The individual is or is not capable of administering his own medicine.

(7) If the facility is licensed only for ambulatory residents the preadmission medical examination form shall contain a statement that:

(a) The prospective resident does not have a medical condition which would preclude making an attempt to make a three minute exit.

(b) Clarifies whether the prospective resident is independently mobile or semi-mobile as defined in these regulations.

c. Each report shall be signed by the licensed physician, the physician's designee, or an official of a local department of health.

d. When the individual is a post-hospitalized person, the report of physical examination shall include a summary of the individual's aftercare/follow-along service needs. (See § ~~3.12D~~ 3.10 D and E)

3. Subsequent evaluation for tuberculosis.

Any resident who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms, within 30 days of exposure/development, shall receive an evaluation in accord with § 5.7.2.b.(1).

§ 5.8. When a resident moves to another care-giving facility, the administrator shall provide to the receiving facility such information related to the resident as is necessary to ensure continuity of care and services to the resident. Original information pertaining to the resident shall be maintained by the home from which the resident was transferred/discharged. The home shall maintain a listing of all information shared with the receiving facility.

§ 5.9. Consent for release of information.

A. The resident or his legal guardian has the right to release information from the resident's record to person(s) or agencies outside the facility.

B. The licensee is responsible for making available to residents a form which residents may use to grant their written permission to release information to a person or agency outside the facility.

(NOTE: A model form, which may be copied, may be obtained from the department.)

§ 5.10. Only under the following circumstances is a facility permitted to release information from the resident's records and/or information regarding the resident's personal affairs without the written permission of the resident or his legal guardian:

1. When records have been properly subpoenaed;
2. When the resident is in need of emergency medical care and is unable or unwilling to grant permission to release information and/or his legal guardian is not available to grant permission;
3. As provided in § 5.8 of these regulations.
4. To representatives of the department.
5. As otherwise required by law.

§ 5.11. The department, at any time, may request a report of a current psychiatric or physical examination, giving the diagnosed and/or evaluation, for the purpose of determining whether the resident's need may continue to be met in a home for adults. When requested, this report shall be provided and shall be in the form specified by the department.

§ 5.12. Copies of the written progress reports regarding post-hospitalized residents, required by § ~~3.12~~ 3.10 F of these standards and regulations, shall be retained in the resident's records.

§ 5.13. Any physician's notes and progress reports in the possession of the home shall be retained in the resident's record.

§ 5.14. A statement signed by a physician shall be in the record of the resident ~~who is remaining in the home after becoming bedfast or~~ who is physically restrained for nonemergency situations as described in § ~~4.32~~ 4.34 A. This statement shall be obtained at intervals of not more than ~~90~~ days *three months* and shall state that:

1. The resident is not in need of *24-hour* nursing or convalescent care; ~~(The basis for this decision shall be recorded in terms of the diagnosis and prognosis.)~~

2. The resident's needs can be met in the facility; and

~~3. Continuing restraint in an emergency, is not necessary.~~

3. The restraint is for support of the physically weakened resident and not for behavior management; and

4. The restraint is the least restrictive method to prevent injury to the resident.

§ 5.15. A notation of the notification of any serious illness, accident or use of restraint shall be made in the record within 24 hours. (See §§ 4.31 and 4.32 concerning notification of next of kin.)

Article 3. Agreements.

§ 5.16. Copies of all agreements between the home and the resident or official acknowledgement of required notifications, signed by all parties involved, shall be retained in the resident's record. Copies shall be provided the resident and any responsible party.

§ 5.17. At the time of admission, these agreements/acknowledgements of notification shall include the following:

1. Financial arrangement for care.

The resident financial agreement shall specify the following understanding and agreements regarding financial arrangements for care and services:

a. The amount to be paid, including charges for specific services, the frequency of payment, and any rules relating to nonpayment;

b. The policy with respect to increases in charges

and length of time for advance notice of intent to increase charges;

c. If the ownership of any personal property, real estate, money or financial investments is to be transferred to the home at the time of admission or at some future date, it shall be stipulated in the agreement.

2. Description of general services available to all residents.

3. Listing of specific charges for services to be made to the individual resident signing the agreement.

4. Requirements or rules to be imposed regarding resident conduct and signed acknowledgement that they have been reviewed by the resident/responsible party.

5. Acknowledgement that the resident has reviewed a copy of § 63.1-182.1 of the Code of Virginia, Rights and Responsibilities of Residents in Homes for Adults, and that the provisions of this statute have been explained to him.

6. Acknowledgement that the resident and/or his representative have reviewed and had explained to him the home's policies and procedures for implementing § 63.1-182.1 of the Code of Virginia, including the grievance policy (§ 4.7) and relocation policy.

§ 5.18. Section 63.1-182.1 of the Code of Virginia, Rights and Responsibilities of Residents in Homes for Adults shall be reviewed with all resident annually. The initial review shall be acknowledged by signature of each resident. This acknowledgment shall be placed in each resident's record upon admission. Thereafter, the home is responsible for maintaining a written record indicating that all residents were informed of their rights on an annual basis. The written record must include the names of the residents present and the date the residents' rights were read.

§ 5.19. A new agreement shall be signed or the original agreement shall be updated and signed by the resident, the guardian, committee or personal representative and by the licensee or administrator when there are changes in financial arrangements, services or requirements governing the residents conduct. If the original agreement provides for specific changes in financial arrangements, services or requirements, this standard does not apply.

§ 5.20. The resident shall have the right to manage all of his financial affairs and funds, unless a committee or guardian has been appointed for the resident.

§ 5.21. Delegation of financial management responsibility.

If the resident delegates the management of personal financial affairs to the home, the following Standards

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apply:

1. Such delegation shall be in writing, with all properties listed in detail. This shall include all monies, stocks, bonds, securities, personal property, real estate, and any other anticipated income. A copy of the delegation shall be placed in the resident's record and a copy shall be given to the resident or responsible party.

2. A quarterly accounting shall be made to the resident, with a copy being retained in the record.

3. Upon termination of care, an accounting of such funds and assets shall be made to the resident or responsible party.

§ 5.22. Resident accounts.

A. A statement or itemized receipt of the resident's account shall be provided to the resident monthly and a copy placed in his record.

EXCEPTION: See § 5.21 for situations where responsibility for management of the resident's financial affairs has been delegated to the home, which requires a quarterly accounting only.

B. The monthly statement or itemized receipt shall itemize any charges made and any payments received during the previous 30 days or during the previous calendar month and shall show the balance due or any credits for overpayments on the resident's account.

§ 5.23. Safeguarding resident funds.

A. Residents' funds shall be held separately from any other moneys of the home.

B. Residents' funds shall not be borrowed, used as assets of the home, or used for purposes of personal interest by the licensee/operator or facility staff.

C. If any personal funds are held by the home for safekeeping on behalf of the resident, a written accounting of money received and disbursed, showing current balance, shall be maintained.

1. Residents' funds and the accounting of the funds shall be made available to the resident and/or the responsible party upon request.

2. Residents' funds shall be returned to the resident or the responsible party upon termination of care.

§ 5.24. There shall be a written agreement between the home and any resident who performs staff duties (See § 2.12).

A. The agreement shall not be a condition for admission or continued residence.

B. The resident shall enter into such an agreement voluntarily.

C. The agreement shall specify duties, hours of work, and compensation.

Article 4. Employee Records.

§ 5.25. A record shall be established for each staff member. It shall not be destroyed until two years after employment is terminated.

§ 5.26. Personal and social data to be recorded:

1. Name;
2. Birthdate;
3. Current address and telephone number;
4. Position and date employed;
5. Last previous employment;
6. For persons employed after November 9, 1975, copies of at least two references or notations of verbal references, obtained prior to employment, reflecting the date of the reference, the source and the content;
7. Previous experience and/or training;
8. Social Security number;
9. Name and telephone number of person to contact in an emergency;
10. Notations of formal training received following employment;
11. Date and reason for termination of employment.

§ 5.27. Health information required by these standards shall be maintained at the facility for the licensee and/or administrator, each staff member, and each household member who comes in contact with residents or handles food.

A. Initial tuberculosis examination and report:

1. Within 30 days before or 30 days after employment or contact with residents, each individual shall obtain an evaluation indicating the absence of tuberculosis in a communicable form.

(EXCEPTION: When a staff person terminates work at one licensed facility and begins working at another licensed facility with a gap in service of six months or less, the previous statement of tuberculosis screening may be transferred to the second facility.)

2. Each individual shall submit a statement that he is free of tuberculosis in a communicable form. This statement shall be maintained at the facility and shall include the following:

- a. The type(s) of test(s) used and the test result(s);
- b. The date of the statement; and
- c. The signature of the licensed physician, the physician's designee, or an official of a local health department.

B. Subsequent evaluations.

Any individual who comes in contact with a known case of tuberculosis or who develops chronic respiratory/symptoms shall, within 30 days of exposure/development, receive an evaluation in accord with § 5.27.A.

§ 5.28. At the request of the administrator of the facility or the Department of Social Services, a report of examination by a licensed physician shall be obtained when there are indications that the safety of residents in care may be jeopardized by the physical or mental health of a specified individual.

§ 5.29. Any individual who, upon examination or as a result of tests, shows indication of a physical or mental condition which may jeopardize the safety of residents in care or which would prevent performance of duties:

- (a) 1. Shall be removed immediately from contact with residents and food served to residents; and
- (b) 2. Shall not be allowed contact with resident or food served to residents until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed statement from the physician.

PART VI. BUILDING AND GROUNDS.

Article 1. Buildings.

§ 6.1. Buildings subject to state and/or local building code shall meet these codes. A Certificate of Occupancy shall be obtained as evidence of compliance with the applicable code(s).

§ 6.2. Before construction begins or contracts are awarded for any new construction, remodeling, or alterations, plans shall be submitted to the department, to the local building official, to the local health department and/or to the Office of the State Fire Marshal, and/or local fire department where applicable, for review and recommendations.

§ 6.3. No mobile home shall be used as a home for adults

or as a part of a home for adults.

§ 6.4. Buildings shall present no safety hazards.

§ 6.5. All rooms shall be well ventilated.

§ 6.6. Doors.

A. All doors shall open and close readily and effectively.

B. Any doorway that is used for ventilation shall be effectively screened.

C. Screen doors shall open outward.

§ 6.7. Any window that is used for ventilation shall be effectively screened and shall open and close readily.

§ 6.8. Rooms extending below ground level shall not be used for residents unless they are dry and well ventilated. Bedrooms below ground level shall have required window space and ceiling height.

§ 6.9. Heat.

A. Heat shall be supplied from a central heating plant or by an approved electrical heating system.

B. Provided their installation or operation has been approved by the state or local fire authorities, space heaters, such as but not limited to, wood burning stoves, coal burning stoves, and oil heaters, and/or portable heating units either vented or unvented, may be used only to provide or supplement heat in the event of a power failure or similar emergency.

C. When outside temperatures are below 65°F a temperature of at least 72°F shall be maintained in all areas used by residents during hours when residents are normally awake. During night hours, when residents are asleep, a temperature of at least 68°F shall be maintained. This standard applies unless otherwise mandated by federal or state authorities.

§ 6.10. There shall be hot and cold running water from an approved source.

§ 6.11. Cooling devices (fan or air conditioners).

A. Cooling devices shall be made available in those areas of buildings used by residents when inside temperatures exceed 85°F.

B. Any electric fans shall be screened and placed for the protection of the residents.

C. Cooling devices shall be placed to minimize drafts.

§ 6.12. Lighting.

A. Artificial lighting shall be by electricity.

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B. All areas shall be well lighted for the safety and comfort of the residents according to the nature of activities .

C. Night lights shall be provided in halls.

D. Hallways, stairwells, foyers, doorways, and exits utilized by residents shall be kept well lighted at all times residents are present in the building(s).

E. Additional lighting, as necessary to provide and ensure presence of contrast, shall be available for immediate use in areas that may present safety hazards, such as but not limited to stairways, doorways, passageways, changes in floor level, kitchen, bathrooms and basements.

F. Glare shall be kept at a minimum in rooms used by residents.

1. When necessary to reduce glare, windows shall be equipped with shades, curtains or other coverings.

2. All lights, including fluorescent lights, shall be covered with shades or protective fixtures or specially equipped to reduce glare and ensure protection.

G. If used, fluorescent lights shall be replaced if they flicker or make noise.

H. All sources of light including windows, light fixtures, bulbs, etc., shall be kept clean.

I. Emergency lighting.

1. Flashlights or battery lanterns shall be available at all times, with one light for each employee directly responsible for resident care who is on duty between 6 p.m. and 6 a.m.

2. There shall be one operable flashlight or battery lantern available for each bedroom used by residents and for the living and dining area unless there is a provision for emergency lighting in the adjoining hallways.

3. In homes not subject to the Uniform Statewide Building Code, but where there are 25 or more residents housed under one roof, there shall be provisions for emergency lighting or corridors and stairways leading to required exits by an independent standby system consistent with the Uniform Statewide Building Code.

4. Open flame lighting is prohibited.

J. Outside entrances and parking areas shall be lighted for protection against injuries and intruders.

§ 6.13. Each room shall have walls, ceiling, and floors or carpeting that may be cleaned satisfactorily.

§ 6.14. All inside and outside steps, stairways and ramps shall have nonslip surfaces.

§ 6.15. Handrails shall be provided on all stairways, ramps, elevators, and at changes of floor level.

§ 6.16. Safeguards that are acceptable under existing fire and building codes shall be provided in hazardous areas that may include, but shall not be limited to, windows, doors, porches and changes in floor level.

§ 6.17. Elevators, where used, shall be kept in good running condition and shall be inspected at least annually. The signed and dated certificate of inspection issued by the local housing authority, by the insurance company, or by the elevator company shall be evidence of such inspection.

§ 6.18. ~~Housing for nonambulatory and semi-mobile residents:~~

~~A. In homes where nonambulatory residents are housed:~~

~~1. Ramp(s) shall be provided at ground level;~~

~~2. Doorways shall permit passage of wheelchairs, if used.~~

~~B. In homes not licensed for nonambulatory residents but where semi-mobile residents are housed:~~

~~1. Two first floor exits shall be at ground level or ramped.~~

~~2. Doorways in areas commonly used by semi-mobile residents shall permit passage of wheelchairs or walkers, if used.~~

§ 6.18. *Housing of semi-mobile residents.*

In buildings where semi-mobile residents are housed:

1. Ramps shall be provided at ground level;

2. If wheelchairs are used, doorways shall permit passage of wheelchairs.

§ 6.19. There shall be enclosed walkways between residents' rooms and dining and sitting areas which are adequately lighted, heated, and ventilated. This requirement shall not apply to existing buildings of homes that had licenses in effect on January 1, 1980, unless such buildings are remodeled after that date or there is a change of sponsorship of the licensed home.

§ 6.20. Sitting room; dining room; recreation area.

Space other than sleeping areas must be provided that the residents may use for sitting, for visiting with each other and/or with guests, for social and recreational

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activities, and for dining. These rooms may be used interchangeably.

§ 6.21. Sleeping areas.

Resident sleeping quarters shall provide:

1. For not less than 450 cubic feet of air space per resident;
2. For not less than 80 square feet of floor area in bedrooms accommodating one resident;
3. For not less than 60 square feet of floor area per person in rooms accommodating two or more residents;
4. For ceilings at least 7 1/2 feet in height;
5. Window area:
 - a. There shall be at least eight square feet of window *glass* area above ground level in a room housing one person;
 - b. There shall be at least six square feet of window area above ground level per person in rooms occupied by two or more persons.
6. For occupancy by no more than four residents in a room:

(EXCEPTION: A home that had a valid license on January 1, 1980, permitting care of more than four residents in specific room(s), will be deemed to be in compliance with this standard; however, the home may not exceed the maximum number of four residents in any other room in the facility. This exception will not be applicable if the home is remodeled or if there is a change of sponsorship.)
7. For at least three feet of space between sides and ends of beds that are placed in the same room;
8. That no bedroom shall be used as a corridor to any other room;
9. That all beds shall be placed only in bedrooms;
10. That household members and staff shall not share bedrooms with residents.

§ 6.22. Toilet, handwashing and bathing facilities.

A. In determining the number of toilets, washbasins, bathtubs or showers required, the total number of persons residing on the premises shall be considered. Unless there are separate facilities for household members or live-in staff, they shall be counted in determining the required number of fixtures. In a home with a valid license on January 1, 1980, only residents shall be counted in making

the determination unless such home is subsequently remodeled or there is a change of sponsorship.

Effective July 1, 1991, all newly licensed facilities having resident's rooms located on the same floor of the main living and dining areas, shall not count the bathrooms designated for usage by the residents of that floor when determining the number of bathrooms needed for the main living and dining areas.

1. On each floor where there are residents' bedrooms, there shall be:
 - a. At least one toilet for seven persons;
 - b. At least one washbasin for each seven persons;
 - c. At least one bathtub or shower for each 10 persons;
 - d. Toilets, washbasins and bathtubs or showers in separate rooms for men and women where more than seven persons live on a floor. Bathrooms equipped to accommodate more than one person at a time shall be designated by sex. Sex designation of bathrooms shall remain constant during the course of a day.
2. On floors used by residents where there are no residents' bedrooms there shall be:
 - a. At least one toilet;
 - b. At least one washbasin;
 - c. Toilets and washbasins in separate rooms for men and women in homes where there are 10 20 or more residents. Bathrooms equipped to accommodate more than one person at a time shall be ~~designated~~ *labeled* by sex. Sex designation of bathrooms shall remain constant during the course of a day.
 - B. Bathrooms shall provide for visual privacy for such activities as bathing, toileting, and dressing.
 - C. There shall be ventilation to the outside in order to eliminate foul odors.
 - D. There shall be ample supply of hot and cold water. (Precautionary measures shall be taken to prevent scalding in basins, tubs and showers.) *The water temperature of taps accessible to residents shall not exceed 120 degrees Fahrenheit.*

E. The following sturdy safeguards shall be provided:

1. Handrails by bathtubs;
2. Grab bars by toilets;

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3. Handrails and stools by stall showers.

(EXCEPTION: The use of shower stools shall be optional for individuals with independent living status.)

Article 2. Grounds.

§ 6.23. Grounds shall be free of hazards.

§ 6.24. Grounds shall be readily accessible in all seasons from the home and from the roadway.

§ 6.25. Grounds shall be properly maintained, to include freedom from trash and litter, mowing of grass, removal of snow and ice, etc.

PART VII. FURNISHINGS, EQUIPMENT AND SUPPLIES.

Article 1. Telephone.

§ 7.1. Each building shall have at least one operable, nonpay telephone easily accessible to staff. There shall be additional telephones or extensions as may be needed to summon help in an emergency.

§ 7.2. The resident shall have reasonable access to a telephone on the premises.

§ 7.3. Privacy shall be provided for residents to use a telephone.

Article 2. Signaling Devices.

§ 7.4. All homes for adults shall have a signaling device that is audible or visible at the staff station and is easily accessible to the resident in his bedroom or in a connecting bathroom.

§ 7.5. In homes licensed to care for 20 or more residents under one roof:

A. The signaling device shall be one which terminates at the staff station and permits staff to determine the origin of the signal.

or

B. If the device does not terminate at the staff station so as to permit staff to determine the origin of the signal, staff shall make rounds at intervals of at least once an hour as specified in § 2.9.E.1.

Article 3. First Aid and Emergency Supplies.

§ 7.6. First aid emergency supplies shall be on hand. These supplies shall include but shall not be limited to

scissors, tweezers, gauze and adhesive tape. These supplies shall be located in a designated place within the home.

§ 7.7. In those homes where ambulance service is not available within 15 minutes there shall be a complete first aid kit, containing those items specified in the Standard First Aid and Personal Safety Manual that is available from all chapters of the American Red Cross. (See § 2.9 F)

Article 4. Living and Sleeping Areas.

§ 7.8. Sitting rooms and/or recreation areas shall be equipped with:

1. Comfortable chairs (e.g. overstuffed, straight-backed, and rockers);
2. Tables;
3. Lamps;
4. Television (if not available in other areas of the facility);
5. Radio (if not available in other areas of the facility);
6. Current newspaper and magazines;
7. Books;
8. Games;
9. Materials appropriate for the implementation of the planned activity program.

§ 7.9. Dining areas shall have a sufficient number of sturdy dining tables and chairs to serve all residents, either all at one time or in shifts.

§ 7.10. Bedrooms shall contain the following items:

1. A separate bed with comfortable mattress, springs and pillow for each resident;
(EXCEPTION: Provisions for a double bed for a married couple shall be optional.)
2. A table or its equivalent accessible to each bed;
3. An operable bed lamp or bedside light accessible to each resident;
4. A chair for each resident;
5. Drawer space for clothing and other personal items. If more than one resident occupies a room, ample drawer space shall be assigned to each individual;

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6. At least one mirror.

§ 7.11. Adequate and accessible closet or wardrobe space shall be provided for each resident.

§ 7.12. Prior to or at the time of admission, the resident and/or his representative shall be informed of the home's policy regarding bringing resident possessions into the home.

§ 7.13. The resident shall be encouraged to furnish or decorate his room as space and safety considerations permit and in accordance with these standards and regulations.

§ 7.14. The home shall have sufficient bed and bath linens in good repair so that residents always have clean

1. Sheets;
2. Pillowcases;
3. Blankets;
4. Bedspreads;
5. Towels;
6. Washcloths;
7. Waterproof mattress covers when needed.

§ 7.15. The home shall have an adequate supply of toilet tissue and soap. Toilet tissue shall be accessible to each commode.

§ 7.16. At least one moveable thermometer shall be available in each building for measuring temperatures in individuals rooms that do not have a fixed thermostat which shows the temperature in the room.

§ 7.17. Where there is an outdoor area accessible to residents, such as a porch or lawn, it shall be equipped with furniture in season.

§ 7.18. Adequate kitchen facilities and equipment shall be provided for preparation and serving of meals.

§ 7.19. When any portion of a home for adults is subject to inspection by the State Health Department, the home shall be in compliance with those regulations, as evidenced by a report from the State Health Department.

PART VIII. HOUSEKEEPING AND MAINTENANCE.

§ 8.1. The interior and exterior of all buildings shall be maintained in good repair.

§ 8.2. The interior and exterior of all buildings shall be kept clean and shall be free of rubbish.

§ 8.3. All buildings shall be well ventilated and free from foul, stale and musty odors.

§ 8.4. Adequate provisions for the collection and legal disposal of garbage, ashes and waste material shall be made.

A. Covered, vermin-proof, watertight containers shall be used.

B. Containers shall be emptied and cleaned at least once a week.

§ 8.5. Buildings shall be kept free of flies, roaches, rats and other vermin. The grounds shall be kept free of their breeding places.

§ 8.6. All sewage shall be disposed of in a public sewer system or in an approved sewage disposal system which meets state and/or local health requirements.

§ 8.7. All furnishings and equipment, including plumbing fixtures, shall be kept clean and in good repair.

§ 8.8. Bed and bath linens shall be changed at least every seven days and more often if needed.

§ 8.9. Laundering.

A. Table and kitchen linens shall be laundered separately from other washable goods.

B. A sanitizing agent shall be used when bed, bath, table and kitchen linens are washed.

PART IX. FIRE AND EMERGENCY PROTECTION.

§ 9.1. Virginia Public Building Safety Code and Uniform Statewide Building Code.

A. When any building of a home for adults is subject to inspection by the Office of the State Fire Marshal, it shall meet the requirements of the Virginia Public Building Safety Code.

B. When any building of a home for adults is subject to inspection by building officials, it shall meet the requirements of the Uniform Statewide Building Code.

§ 9.2. A home for adults shall comply with any local fire ordinance.

§ 9.3. A home for adults shall be free from fire hazards and shall provide adequate protection comply with the Virginia Statewide Fire Prevention Code as determined by at least an annual inspection by the local fire department, a volunteer fire department, or a fire authority recognized by the department Office of the State Fire Marshal. The report of the inspection shall be made on a form provided by the department.

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§ 9.4. Emergency plans.

A. A detailed emergency plan shall be prepared for each home for adults. The plan shall consist of the following:

1. Written procedures to be followed in the event of a fire or similar emergency. The local fire department or fire prevention bureau shall be consulted in preparing such a plan, if possible;

2. A drawing of each floor of each building, showing alternative exits for use in an emergency, location of telephones, fire alarm boxes and fire extinguishers, if any.

3. Written procedures to meet other emergencies, including severe weather, loss of utilities, missing persons, severe injury.

B. The emergency fire plan required by this standard shall be prominently displayed on each floor of each building used by residents.

C. The telephone number for the fire department, rescue squad or ambulance, and police shall be posted by each telephone shown on the emergency/fire plan.

(NOTE: In homes for adults where all outgoing telephones calls must be placed through a central switchboard located on the premises, this information may be posted by the switchboard rather than by each telephone, providing this switchboard is manned 24 hours each day.)

D. The licensee and/or administrator and all staff members shall be fully informed of the fire plan for the home, including their duties, and the location and operation of fire extinguishers and fire alarm boxes, if available. They shall know the telephone procedure for calling the fire department.

E. The emergency plan required by § 9.4 A of these standards and regulations shall be discussed at orientation for new staff, for new residents, and for volunteers.

§ 9.4. Written fire plan and emergency procedures.

A. Each facility with the consultation and approval of the Office of the State Fire Marshall shall develop a written plan to be implemented in case of a fire at the facility.

B. Each fire plan shall address the responsibilities of staff and residents with respect to:

1. Sounding of fire alarms;

2. Evacuation procedures including assembly points, head counts, primary and secondary means of egress, evacuation of residents with special needs, and

checking to ensure complete evacuation of the building(s);

3. A system for alerting fire fighting authorities;

4. Use, maintenance, and operation of fire fighting and fire warning equipment;

5. Fire containment procedures including closing fire doors, fire windows and other fire barriers;

6. Posting of floor plans showing primary and secondary means of egress; and

7. Other special procedures developed with the local fire authority.

C. Floor plans showing primary and secondary means of egress shall be posted on each floor in locations determined by the appropriate local fire authority.

D. The written fire plan shall be revised with the Office of the State Fire Marshal at least annually and updated, if necessary. The signature of the State Fire Marshal on the written plan shall indicate the review and approval of that office.

E. The procedures and responsibilities reflected in the written fire plan shall be made known to all staff and residents.

F. A home for adults shall develop written procedures for meeting other emergencies, including severe weather, loss of utilities, missing persons, and severe injury. Staff shall implement the procedures in emergency situations.

G. The licensee or administrator shall notify licensing staff in the appropriate regional office within 24 hours or on the next working day if the fire or other emergency occurs on a weekend or holiday after a fire or other emergency has occurred in any portion of a home for adults.

H. At least annually, training shall be provided to all staff regarding fire prevention, fire suppression, and evacuation procedures.

§ 9.5. Fire drills.

A. At least one fire drill shall be held each month for the staff on duty and those residents able to participate all residents who are in the building at the time of the fire drill. During a three-month period:

1. At least one fire drill shall be held between the hours of 7 a.m. and 3 p.m.;

2. At least one fire drill shall be held between the hours of 3 p.m. and 11 p.m.;

3. At least one fire drill shall be held between the

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hours of 11 p.m. and 7 a.m.

B. Homes not licensed for nonambulatory residents shall require all residents to participate in all required drills.

C. Additional fire drills may be held at the discretion of the administrator, fire official, or licensing specialist, and must be held in homes not licensed for nonambulatory residents but which house semi-mobile residents buildings licensed for ambulatory residents only when there is any reason to question whether all residents can evacuate the building or meet the requirements of the approved fire plan within three minutes. (See also § ~~2-15.1-f~~ § 3.13 1 f)

D. The required drills shall be planned and each required drill shall be unannounced.

E. The approved fire plan shall be reviewed quarterly with all staff and with all residents.

F. Immediately following each required fire drill, there shall be an evaluation of the drill by the staff in order to determine the effectiveness of the approved fire plan. The licensee or administrator shall immediately correct any problem identified in the evaluation.

G. A record of required fire drills shall be kept in the home for one year. Such record shall include the date, the hour, the number of staff participating, the number of residents; and the time required to evacuate the building if such evacuation is required by the emergency fire plan.

H. In homes not buildings licensed for nonambulatory ambulatory residents only, but which admit/retain semi-mobile residents, all residents must evacuate the building or meet the requirements of the approved fire plan within three minutes on during each drill required by §§ 2-9.C.2, 9-5.A.1-3 and 9-5.C § 9.5 A and B .

I. In homes not buildings licensed for nonambulatory ambulatory residents only, but which admit/retain semi-mobile residents, if the building is not evacuated or the requirements of the approved fire plan met within three minutes, the administrator/licensee shall attach to the fire drill report the following:

1. Names of residents unable to evacuate the building or meet the requirements of the approved fire plan within three minutes and reasons therefor.
2. Facility's plan for rapidly reestablishing ability to evacuate the building or meet the requirements of the approved fire plan within three minutes. The plan must include the discharge of all residents who are unable to exit the building or meet the requirements of the approved fire plan within three minutes or who impede others' exit. (See § ~~2-15.1-f~~ 3.13)

J. In homes buildings not licensed for nonambulatory ambulatory residents but which house semi-mobile

residents, all fire drills shall be timed with an instrument which indicates seconds; the three minute timed interval begins when the first signal is given.

K. Fire drills shall include, as a minimum:

1. Sounding of fire alarms;
2. Practice in building evacuation procedures;
3. Practice in alerting fire fighting authorities;
4. Simulated use of fire fighting equipment;
5. Practice in fire containment procedures; and
6. Practice of other simulated fire safety procedures as may be required by the facility's written fire plan.

§ 9-6. Housing of semi-mobile and nonambulatory residents.

A. In building or portions of building subject to Virginia Fire Safety Regulations, all residents must be independently mobile if occupancy is restricted to ambulatory persons under the Virginia Public Building Safety Code unless the licensed capacity of the building is 20 or fewer and all regulations regarding housing of semi-mobile residents are met.

B. In buildings subject to the Uniform Statewide Building Code, all residents must be independently mobile unless the building or portions of the building have been approved in the I-2 Classification or unless the licensed capacity of the building is 20 or fewer and all regulations regarding housing of semi-mobile residents are met.

§ 9.6. Buildings licensed for independently mobile residents, semi-mobile residents, or nonambulatory residents shall be classified by and meet the specifications for the proper use group as required by the Virginia Uniform Statewide Building Code.

PART X. ADDITIONAL REQUIREMENT WITH RESPECT TO PUBLIC HOMES.

§ 10.1. If the home is operated by a political subdivision of the state or by two or more such subdivisions, copies of applicable ordinances and operating policies shall be filed with the department.

APPENDIX 1

The following appendix lists the safety requirements which shall be met for residents of licensed home for adults with medical conditions/needs as identified in § 3.24 of these regulations.

I. Oxygen therapy.

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A. Oxygen concentrators with nasal cannulas are used to help residents with lung and/or heart or circulatory problems breathe. The use of oxygen tanks is prohibited in licensed homes for adults.

B. Safety requirements.

1. The physician's medical assessment shall contain documentation that oxygen therapy is required and note whether the resident is capable of self-determining when oxygen is needed and is capable of operating his own oxygen equipment.

2. The licensee shall be responsible for monitoring the resident's ongoing ability to operate the equipment in accordance with the physician's orders.

3. The licensee shall be responsible for ensuring that the resident is cared for in accordance with the physician's orders and for ensuring the resident's medical needs are met.

4. The use of oxygen shall be reported to the local fire jurisdiction in writing by the licensee.

5. The licensee shall post "No Smoking-Oxygen in Use" signs and enforce the smoking prohibition in any wing or floor of a building where oxygen is in use.

6. All electrical equipment in the area where oxygen is in use shall be checked for defects that could produce sparks.

7. The licensee shall ensure that any equipment is adequately secured and maintained.

8. Only oxygen from a portable source shall be used by residents when they are outside their rooms. The use of long plastic tether lines to the main source of oxygen is not permitted.

9. The licensee shall be responsible for assuring that the equipment is operable.

10. The licensee shall have emergency numbers through which to reach the resident's physician and the oxygen vendor for emergency services or replacement and shall make these numbers available to staff.

11. The faculty staff involved in direct care shall have training in the operation of equipment, the recognition of serious medical problems, and the importance of a safe environment. The physician shall be notified of any serious medical problem.

12. Oxygen equipment shall be removed from the facility if therapy is discontinued or the resident terminates services.

13. The licensee shall maintain a record of medical care for the resident.

14. When the resident's condition can no longer be maintained by self-care, the resident shall be discharged or transferred to another facility.

II. Intermittent positive pressure breathing therapy (IPPB).

A. IPPB is a form of therapy utilizing the application of pressure only during the inspiratory phase of breathing for the purpose of assisting the person to breathe. IPPB may be prescribed for a resident who is suffering from a chronic obstructive or restrictive lung disease.

B. Safety requirements.

1. The physician's medical assessment shall contain documentation that IPPB therapy is required and whether the resident is capable of self-determining when therapy is needed and is capable of operating his own equipment.

2. The licensee shall be responsible for monitoring the resident's ongoing ability to operate the equipment in accordance with the physician's orders.

3. The licensee shall be responsible for ensuring that the resident is cared for in accordance with the physician's orders and for ensuring the resident's medical needs are met.

4. The licensee shall be responsible for assuring that equipment is operable.

5. The licensee shall have emergency numbers for contacting the resident's physician and oxygen vendor for emergency service or replacement and shall make the numbers available to staff.

6. The facility staff shall have training in the operation of equipment, the recognition of serious medical problems, and the importance of a safe environment. The physician shall be notified of any serious medical problem.

7. IPPB equipment shall be removed from the facility if therapy is discontinued or the resident terminates services.

8. The licensee shall maintain a record of medical care for the resident.

9. When the resident's condition can no longer be maintained by self-care the resident shall be transferred or discharged to another facility.

III. Ostomy care.

A. Ostomy care refers to surgical openings that some residents may have which were created for the artificial

passage of bodily elimination.

B. Safety requirements.

1. The physician's medical assessment shall contain documentation of the resident's ability to care for his ostomy. (Note: assistance with the changing of bags is acceptable in a licensed home for adults.)

2. The licensee shall be responsible for monitoring the resident's ongoing ability to care for his ostomy.

3. The licensee shall be responsible for ensuring that the resident's ostomy is cared for in accordance with the physician's orders and for ensuring that the resident's medical needs are met.

4. Ostomy care by a licensed health care professional shall be provided in accordance with the physician's orders.

5. The licensee shall regularly observe the resident for changes in condition including possible infection or irritation of the stoma area.

6. Used bags shall be discarded in a sanitary manner.

7. Odors shall be controlled.

8. Privacy shall be afforded when ostomy care is done.

9. Modified diets prescribed by a resident's physician as a medical necessity shall be provided.

10. The facility staff shall have training in recognizing the onset of serious problems and shall contacting the physician should problems occur.

11. The licensee shall maintain a record of medical care for the resident.

12. The licensee shall regularly observe the resident for changes and shall provide appropriate assistance when such observation reveals needs which require a change in the existing level of service or possible discharge or transfer to another type of facility.

IV. Bladder management (catheter care and external urinary drainage systems).

A. Bladder management refers to the use of catheters for the elimination of urine. A catheter is a tube which is inserted into the bladder through the urethra. External drainage systems (sometimes referred to as Texas Catheter) is a catheter which is used on males and fits over the penis like a condom. Urine from body types of catheters empty into a collection bag.

B. Safety requirements.

1. The physician's medical assessment shall contain documentation that a catheter is required and that the resident is physically and mentally capable of self-care for his own catheter.

2. The licensee shall be responsible for monitoring the resident's ongoing ability to perform self-care of the catheter.

3. The licensee shall be responsible for ensuring that the resident is cared for in accordance with the physician's orders and for ensuring the resident's medical needs are met.

4. Insertion of irrigation of catheters shall be performed by a licensed health care professional in accordance with physician's orders. If such care is performed by facility staff, they shall be licensed.

5. Bags and tubing shall be changed as prescribed by the resident's physician. Changing can be performed by the resident, trained facility staff or a licensed health care professional.

6. Odors shall be controlled.

7. Waste materials shall be disposed of in accordance with the Department of Waste Management policy.

8. Privacy shall be maintained when any irrigation or other catheter care is provided.

9. The facility staff shall have training in recognizing the onset of serious problems and contacting the physician should problems occur.

10. The licensee shall maintain a record of medical care for the resident.

11. The licensee shall regularly observe the resident for changes and shall provide appropriate assistance when such observation reveals needs which require a change in the existing level of services or possible discharge or transfer to another type of facility.

V. Enema or suppository care.

A. Enemas or suppositories are administered to residents as a result of constipation or the need to cleanse the large intestine. Such procedures may also be ordered by a physician when medical tests require that the large intestine be evacuated thoroughly.

B. Safety requirements.

1. The physician's medical assessment shall contain documentation that there is a need for enemas or suppositories and note whether the resident is physically and mentally capable of performing these procedures.

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2. The licensee shall be responsible for monitoring the resident's ongoing ability in administering his own enemas or suppositories.

3. The licensee shall be responsible for ensuring that the resident is cared for in accordance with physician's orders and for ensuring that the resident is cared for in accordance with physician's orders and for ensuring that the resident's medical needs are met.

4. The administration of enemas or suppositories shall be performed in accordance with physician's orders.

5. Privacy shall be afforded when care is being provided.

6. The facility staff shall have training in the recognition of the onset of serious problems and have a plan of action should problems occur.

7. The licensee shall maintain a record of medical care for the resident.

8. The licensee shall regularly observe the resident for changes and shall provide appropriate assistance when such observation reveals needs which require a change in the existing level of services or possible discharge or transfer to another type of facility.

VI. Injections.

A. Injection refers to the introduction of medication into the body using a syringe or hypodermic needle.

1. The physician's medical assessment shall contain documentation of the need for injection medication.

2. The licensee shall be responsible for ensuring that the resident is cared for in accordance with the physician's orders and for ensuring the resident's medical needs are met.

3. Injections administered by a licensed health care professional shall be provided in accordance with physician's orders.

4. Sufficient amounts of medicine, test equipment, syringes, needles and other supplies shall be maintained in the facility and shall be stored properly.

5. Syringes and needles shall be disposed of in accordance with the Department of Waste Management policy.

6. Injection medication beyond the prescription dosage shall not be used as a chemical restraint.

7. The facility staff shall be trained to recognize the onset of serious problems and have a plan of action

should problems occur.

8. The licensee shall maintain a record of medical care for the resident.

9. The licensee shall regularly observe the resident for changes and shall provide appropriate assistance when such observation reveals needs which require a change in the existing level of service or possible discharge or transfer to another type of facility.

VII. Wound care.

A. Wound care refers to cuts, incisional sites, lacerations, etc., which are being treated by a licensed health care professional to restore the wound to its normal state. Wounds in this category do not include cuts and scrapes requiring limited first aid.

B. Safety requirements.

1. The physician's medical assessment shall contain documentation that it is medically safe for wound care to be provided in a home for adults setting.

2. The licensee shall be responsible for ensuring that the resident is cared for in accordance with the physician's orders and for ensuring that the resident's medical needs are met.

3. The licensee shall observe the resident regularly and notify the physician of any significant changes which would indicate that 24-hour nursing care is required.

4. Privacy shall be afforded during wound care.

VIII. Behavior intervention.

A. Behavior intervention refers to various techniques which may be used to reduce or to eliminate undesirable behavior.

B. Safety requirements.

1. The physician's psychological assessment shall document the resident's mental state and attest to the appropriateness of the placement.

2. The licensee shall be responsible for ensuring that the resident is cared for in accordance with the physician's orders and for ensuring that the resident's psychological/psychiatric needs are met.

3. The licensee is responsible for ensuring that adequate personal supervision is provided for any resident whose mental condition requires such supervision for his personal safety.

4. The licensee is responsible for ensuring that behavioral interventions do not abridge the rights of

the resident(s) as specified in § 4.8 of the standards.

5. The licensee shall ensure that the resident's behavior does not impede the ability of the home to provide a safe environment.

6. The licensee shall regularly observe the resident for changes and shall provide appropriate assistance when such observation reveals needs which require a change in the existing level of services or possible discharge or transfer to another type of facility.

IX. Protective supervision (residents who are confused).

A. Protective supervision may be necessary for some residents who have lost some of their cognitive abilities and when judgment of other faculties have been diminished. Protective supervision refers to observing and assisting residents, including persons with dementia, to safeguard them and others against injury.

B. Safety requirements.

1. The physicians' medical assessment shall indicate that the resident's medical needs can be cared for in a licensed home for adults.

2. The licensee shall be responsible for ensuring that the resident is cared for in accordance with the physician's orders and for ensuring that the resident's health needs are met.

3. The facility staff shall be trained in the proper care of persons requiring protective supervision.

4. The licensee shall ensure that staffing is adequate to provide protective supervision to those who require it as to meet the needs of the other residents of the facility.

5. The licensee shall ensure that the appropriate fire clearance is obtained for those resident's who are mentally nonambulatory.

6. The licensee shall have a written plan for meeting the needs of residents who require protective supervision.

7. The licensee shall ensure that exterior doors have a bell, buzzer or other auditory device to alert staff when the door is opened.

8. The licensee shall ensure that yards are completely fenced and that gates have self-closing latches to prevent residents from easily leaving the grounds.

9. The licensee shall ensure that the physical plant is safe. Some examples of safety precautions which may be appropriate are:

a. Ranges, heaters, stoves, and other heating

devices which could cause injury shall be kept inaccessible.

b. Swimming pools and other bodies of water shall be inaccessible.

c. Knives, matches, firearms, tools and other items that would constitute a danger to the residents shall be inaccessible to residents.

d. Medications, toiletries and toxic substances such as plants and cigarettes shall be inaccessible to residents.

10. The licensee shall maintain a record of medical care for the resident.

11. The licensee shall regularly observe the resident for changes and shall provide appropriate assistance when such observation reveals needs which require a change in the existing level of services or possible discharge or transfer to another type of facility.

12. The licensee shall regularly observe the resident for changes and shall provide appropriate assistance when such observation reveals needs which require a change in the existing level of services or possible discharge or transfer to another type of facility.

Title of Regulation: VR 615-53-01. Child Day Care Services Policy.

Statutory Authority: §§ 63.1-25, 63.1-55 and 63.1-248.6 of the Code of Virginia.

Publication Date: 6:24 VA.R. 4190-4200 September 24, 1990.

NOTICE: The Department is WITHDRAWING the proposed regulation entitled "Child Day Care Services Policy" (VR 615-53-01) published in 6:24 VA.R. 4190-4200 September 24, 1990, at the request of the Department of Planning and Budget.



Season's Greetings



FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

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

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

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

Effective Date: January 16, 1991.

Summary:

By the authority granted under § 3.1-188.23 of the Code of Virginia, the Commissioner of the Virginia Department of Agriculture and Consumer Services hereby extends the regulated areas under the Virginia Gypsy Moth Quarantine due to the detection of larvae and other life stages of the gypsy moth in areas not currently under regulation. The regulated areas described in the quarantine are being revised to include areas which were found infested with gypsy moth in 1989 and 1990. The additions to the current regulated areas include all of Buckingham, Cumberland, Highland, and Prince Edward Counties. All other parts of the Virginia Gypsy Moth Quarantine will remain unchanged.

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

§ 1. Definitions.

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

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

LP gas containers, and trailer skirts.

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

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

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

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

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

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

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

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

"Virginia Pest Law" means that law set forth in Article 6 (§ 3.1-188.20 et seq.) of Chapter 13 of Title 3.1 of the Code of Virginia.

§ 2. Regulated articles.

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

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1. Trees with roots, shrubs with roots, and persistent woody stems, except if greenhouse grown throughout the year.
2. Logs and pulpwood, except if moved to a mill operating under a compliance agreement.
3. Firewood.
4. Mobile homes and associated equipment.
5. Recreational vehicles and associated equipment, moving from hazardous recreational vehicle sites and the person in charge of the site has been notified.
6. Cut Christmas trees.
7. Any other products, articles (e.g., outdoor household articles), or means of conveyance, of any character whatsoever, when it is determined by an inspector that any life stage of gypsy moth is in proximity to such articles and the articles present a risk of artificial spread of gypsy moth infestations and the person in possession thereof has been so notified.

§ 3. Regulated areas.

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

B. The following areas in Virginia:

1. The entire counties of: Accomack, Albemarle, Amelia, Arlington, Augusta, *Buckingham*, Caroline, Charles City, Chesterfield, Clarke, Culpeper, *Cumberland*, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Frederick, Gloucester, Goochland, Greene, Hanover, Henrico, *Highland*, Isle of Wight, James City, King George, King and Queen, King William, Lancaster, Loudoun, Louisa, Madison, Mathews, Middlesex, Nelson, New Kent, Northampton, Northumberland, Nottoway, Orange, Page, Powhatan, *Prince Edward*, Prince George, Prince William, Rappahannock, Richmond, Rockingham, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Westmoreland, and York.
2. The entire independent cities of: Alexandria, Buena Vista, Charlottesville, Chesapeake, Colonial Heights, Fairfax City, Falls Church, Franklin, Fredericksburg, Hampton, Harrisonburg, Hopewell, Manassas, Manassas Park, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Staunton, Suffolk, Virginia Beach, Waynesboro, Williamsburg, and Winchester.

3. A portion of the following:

Amherst County - that portion of the county being north of Route 60.

Rockbridge County - that portion of the county being north of Route 60 and east of Interstate 81.

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

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

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

A. Certificates.

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

1. In the judgment of the inspector, they have not been exposed to infestations;
2. They have been examined by the inspector and found to be free of gypsy moth;
3. They have been treated to destroy gypsy moth under the direction of the inspector and according to methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied;
4. Grown, produced, manufactured, stored, or handled in such manner that, in the judgement of the inspector, gypsy moth would not be transmitted by movement of the article.

B. Permits.

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

C. Compliance agreement.

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

D. Use of certificates or permits with shipments.

All regulated articles are required to have a certificate or permit attached when offered for movement. If a certificate or permit is attached to the invoice or waybill, the attachment of a certificate or limited permit to the regulated article will not be required. Certificates or permits attached to the invoice, waybill, or other shipping document, shall be given by the carrier to the consignee at the destination of the shipment, or to an inspector when requested.

E. Assembly of articles for inspection.

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

§ 6. Cancellation of certificates or permits.

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

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

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

§ 8. Shipment for experimental or other scientific purposes.

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

§ 9. Nonliability of the department.

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

DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

NOTE: The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4

of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations.

Title of Regulation:

VR 325-01. Definitions and Miscellaneous.

VR 325-01-1. In General.

VR 325-03. Fish.

VR 325-03-1. Fishing Generally.

VR 325-03-2. Trout Fishing.

VR 325-03-3. Seines and Nets.

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

Effective Date: January 1, 1991.

Summary:

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

VR 325-01. DEFINITIONS AND MISCELLANEOUS.

VR 325-01-1. IN GENERAL.

§ 4. Same - Game Fish.

Rescind this section in its entirety.

VR 325-03. FISH.

VR 325-03-1. FISHING GENERALLY.

§ 2. Creel limits.

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

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

2. Landlocked striped bass and landlocked striped bass X white bass hybrids, in the aggregate, four a day; except, that in Smith Mountain Reservoir and its tributaries, including the Roanoke River upstream to Niagara Dam, the limit shall be two a day in the aggregate. *For anadromous (coastal) striped bass above the fall line in all coastal rivers, the limit shall be zero (catch and release only).*

3. White bass, 25 per day.

4. Walleye or yellow pike perch and chain pickerel or jackfish, eight a day of each ; *except, that in Gaston Reservoir and Buggs Island (Kerr) Reservoir there shall be no daily limit for chain pickerel or jackfish .*

5. Northern pike and muskellunge, two a day.

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6. Sauger, eight per day.

7. Bluegill (bream) and other sunfish, excluding crappie or silver perch and rock bass or redeye, 50 a day in the aggregate; crappie or silver perch and rock bass or redeye, 25 a day of each species. There shall be no limit on any of the species included in this subdivision 7 in Gaston and Buggs Island (Kerr) Reservoirs and that portion of the New River from the Virginia - North Carolina state line downstream to the confluence of the New and Little Rivers in Grayson County .

§ 3. Size limit.

Except as provided in this regulation and VR 325-03-2, §§ 5, 11, 12 and 13, there shall be no size limit on any species of fish.

1. There shall be a 30-inch minimum size limit on muskellunge, and a 20-inch minimum size limit on northern pike and a 20-inch minimum size limit on landlocked striped bass (rockfish) and 15-inch minimum size limit on landlocked striped bass X white bass hybrids.

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

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

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

5. It shall be unlawful to have any largemouth, smallmouth or spotted bass from 12 to 15 inches in length, both inclusive, in one's possession on North Anna Reservoir and its tributaries, on Briery Creek

Lake (Prince Edward County), on Chesdin Reservoir or the Appomattox River from the Brasfield (Chesdin) Dam to Bevel's Bridge on Chesterfield County Route 602, on Beaverdam Reservoir (Loudon County) and on the waters of Quantico Marine Reservation.

6. It shall be unlawful to have any walleye or yellow pike perch less than 15 inches in length in one's possession on Gaston Reservoir.

7 . It shall be unlawful to have any smallmouth, largemouth or spotted bass from 11 to 14 inches in length, both inclusive, in one's possession on the Shenandoah River, including the North and South Forks downstream from the Route 42 bridge on the North Fork and from the confluence of the North and South Rivers on the South Fork below Port Republic; on the New River from Claytor Dam to the West Virginia boundary line; on the James River from the confluence of the Jackson and Cowpasture rivers downstream to the Interstate 95 bridge at Richmond; on North Fork Pound Reservoir; or on the Clinch River within the boundaries of Scott, Wise, Russell or Tazewell Counties .

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

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

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

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

§ 6. Permit required to stock fish into public inland waters

; exception .

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

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

A. Motors and boats.

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

B. Method of fishing.

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

C. Hours for fishing.

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

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

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

E. Other uses.

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

F. Fishing tournaments, etc.

It shall be unlawful to organize, conduct, supervise or

solicit entries for fishing tournaments, rodeos or other fishing events on waters owned by the department, for which prizes are offered, awarded or accepted, either in money or other valuable considerations.

VR 325-03-2. TROUT FISHING.

§ 13. Special provision applicable to certain portions of Conway River, Green Cove Creek, Little Stoney Creek, North Creek, North Fork Buffalo River, St. Mary's River , and Whitetop Laurel *and Ramsey's Draft* .

It shall be lawful to fish using only artificial lures with single hooks in that portion of the Conway River and its tributaries in Greene and Madison counties within the Rapidan Wildlife Management Area, in that portion of Green Cove Creek in Washington County from Route 859 downstream to its mouth, in that portion of Little Stoney Creek in Giles County within the Jefferson National Forest, in that portion of North Creek in Botetourt County and its tributaries upstream from the first bridge above North Creek Campground, in the North Fork Buffalo River and its tributaries in Amherst County within the George Washington National Forest, in that portion of St. Mary's River in Augusta County and its tributaries upstream from the gate at the George Washington National Forest property line, and in that portion of Whitetop Laurel in Washington County upstream from the first railroad trestle above Taylor Valley to the mouth of Green Cove Creek at Creek Junction , *and in that portion of Ramsey's Draft and its tributaries in Augusta County within the George Washington National Forest* . All trout caught in the Conway River and its tributaries under eight inches in length and all trout caught in the other above named streams under nine inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any natural bait, or trout under eight inches in length on the Conway River or its tributaries or any trout under nine inches in length on the other above named streams.

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

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

§ 14-1. Special provision applicable to certain portions of South River.

It shall be lawful to fish from October 1 through May 15, both dates inclusive, using only artificial lures with single ~~barbless~~ hooks, in the South River from the CSX

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Railroad bridge located 0.1 miles below Broad Street in the City of Waynesboro to a sign posted 2.5 miles upstream at the upstream boundary of Ridgeview Park. From October 1 through May 15, all trout caught in these waters must be immediately returned to the water unharmed, and it shall be unlawful for any person to have in his possession any natural bait or trout. During the period of May 16 through September 30, these waters shall revert to general trout regulations and the above restrictions will not apply.

VR 325-03-3. SEINES AND NETS.

§ 1. Haul seines to take fish for sale.

A. Authorization to take fish for sale.

A haul seine permit shall authorize the person to whom issued to take fish for sale as specified with a haul seine from the waters designated in this section.

B. Permit holder to be present when seine operated.

The holder of a haul seine permit must be present with the same at all times when it is being operated. The holder, however, may have others to assist him and such persons assisting are not required to have a permit.

C. Length and size of nets.

The length of haul seine nets shall not be more than 500 yards. The size of mesh shall be 1-1/2 inch bar mesh.

D. Season and fish to be taken in Chesapeake City; set nets prohibited.

In the Northwest River, the open season to take carp, grinnel, or bowfin, and catfish, generally known in that section as roundfish, and herring with a haul seine shall be from November 1 through May 15, both dates inclusive. All set nets shall be prohibited in the Northwest River.

E. Season and fish to be taken in Virginia Beach City.

In Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake), North Landing River from the North Carolina line to Pungo Ferry (not including Blackwater River), the open season to take all fish, except game fish, with a haul seine shall be from November 1 through March 31, both dates inclusive.

F. Season and fish to be taken in Southampton County.

In the Nottoway River, from Cary's Bridge to the North Carolina line, the open season to take shad, herring, mullet, and suckers, only, with a haul seine shall be from March 1 through May 15, both dates inclusive.

G. Labeling packages containing fish taken with haul seine.

It shall be unlawful for any person to ship or otherwise transport any package, box or other receptacle containing fish taken under a haul seine permit unless the same bears a label showing the name and address of the owner of the seine and a statement of the kind of fish contained therein.

H. Reporting.

The holder of a permit to take fish for sale by means of haul seines shall keep a record of the pounds of fish taken by species and location (name and county of water body), and the pounds of each species sold.

§ 3. Gill nets.

A. Authorization to take fish.

A gill net permit shall authorize the holder thereof to take nongame fish during the times and in the waters and for the purposes provided for in this section. Such gill net shall not be more than 300 feet in length. The mesh size shall be not less than 1-1/2 inch bar or square mesh (3-inch stretch mesh). Each net shall be identified by a department tag provided with such permit. *Only one department tag will be issued per gill net permit, and these must have matching numbers. Persons intending to operate more than one net must purchase matching number permits and tags for each net.* All nets must be checked daily and all game fish returned to the wild.

B. Permit holder to be present when gill net is being set and checked for fish.

The holder of a gill net permit must be present with the net at all times when it is being set and checked for fish. The holder may have others to assist him, and such persons assisting are not required to have a permit. However, those assisting the permittee must meet the fishing license requirements of the Commonwealth.

B. C. Time and place permitted in Southampton County.

Gill nets may be used in Southampton County only in the Nottoway River from Cary's Bridge to the North Carolina line from March 1 through May 15, both dates inclusive, to take fish for private table use only and not for sale.

C. D. Times and places permitted in Virginia Beach City; fish which may be taken.

Gill nets may be used in Virginia Beach City in Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake) and North Landing River from the North Carolina line to Pungo Ferry (not including Blackwater River) for the taking of mullet only for table use and also for sale from July 1 through November 1, both dates inclusive; and for the taking of other nongame fish, except mullet, for table use and also for sale from November 1 through March 31, both dates

inclusive. Gill nets set in Back Bay waters shall be at least 300 feet from any other net and at least 300 feet from the shoreline. All such nets must be marked at both ends and at least every 100 feet along the length of the net with a five-inch by 12-inch minimum dimensions float.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 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 Housing and Community Development will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

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

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

Effective Date: January 16, 1991.

Summary:

The Virginia Private Activity Bond Regulations provide the specific administrative policies and procedures for the private activity bond program in Virginia. The private activity bond program is established to provide allocations of tax-exempt bond financing to projects for the development of single family and multifamily housing, manufacturing and exempt facilities and for student loans pursuant to the limitations established by the Internal Revenue Code of 1986, as amended, together with rulings issued pursuant to federal law. The regulations specify application, allocation, and reporting requirements for the private activity bond program in the Commonwealth.

These amendments extend from September 30, 1990, through December 31, 1991, the eligibility to use private activity bond financing for single family housing purposes and for manufacturing facilities.

A new section, § 2.6, is added which allows the eligibility for private activity bond financing under the state regulations to change as federal law changes eligibility for tax-exempt financing. Thus the regulations would not have to be amended with each change in federal law.

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

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

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

"Carryforward purpose" means certain projects that are eligible to receive an allocation during a calendar year and issue the bonds from the allocation in a later year pursuant to § 146 of the Code.

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

"Department" means the Virginia Department of Housing and Community Development.

"Exempt project" means a project requiring allocation from the state ceiling for financing of any of the following:

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

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

"Housing bonds" means multifamily housing bonds and single family housing bonds requiring allocation from the state ceiling.

"Industrial development bond" means any obligation requiring allocation from the state ceiling for financing any of the following:

1. Manufacturing facility,
2. Exempt project.

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

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

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

"Locality" or *"localities"* means the individual and collective cities, towns and counties of the Commonwealth.

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

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

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

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

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

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

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

"Qualified redevelopment bond" means any bond requiring an allocation from the state ceiling to be used for one or more redevelopment purposes in any designated blighted area in accordance with § 144(c) of the Code.

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

Governor.

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

"Student loan bond" means an issue to finance student loans as defined in § 144(b) of the Code.

PART II. ADMINISTRATION.

§ 2.1. Department of Housing and Community Development.

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

A. To determine the state ceiling on private activity bonds each year based on the federal per capita limitation on private activity bonds and the population.

B. To set aside the proper amount of the state ceiling on private activity bonds for each project type as specified in state legislation, Chapter 33.2 (§§ 15.1-1399.10 through 15.1-1399.17) of Title 15.1 of the Code of Virginia.

C. To receive and review project applications for private activity bond authority to be awarded from the portion of the state ceiling not distributed to the state allocation, the Virginia Housing Development Authority or the Virginia Education Loan Authority.

D. To allocate private activity bond authority to projects requesting bond authority from the portion of the state ceiling not distributed to the state allocation, the Virginia Housing Development Authority or the Virginia Education Loan Authority.

§ 2.2. State allocation.

Pursuant to Title 15.1, Chapter 33.2, of the Code of Virginia, a portion of the annual state ceiling on private activity bonds will be reserved for allocations to projects of state issuing authorities and projects of state or regional interest as determined by the Governor. Requests for private activity bond authority from the state allocation may be made through direct correspondence with the Governor's office. The Governor may transfer any portion of the state allocation to the department for allocation in accordance with the provisions of these regulations.

§ 2.3. Virginia Housing Development Authority.

A portion of the annual state ceiling on private activity bonds shall be allocated to the Virginia Housing Development Authority to be used to finance multifamily or single family residential projects, or both, pursuant to the restrictions provided by federal law. The Virginia

Housing Development Authority shall develop project allocation criteria and housing bond authority carryforward procedures that will assure compliance with federal regulations.

§ 2.4. Program dates.

The following is a listing of important application and allocation dates and deadlines concerning the portion of the state ceiling administered by the department:

January 1 - December 15

Specified amounts of the state ceiling are reserved for different project types in the Commonwealth by either state law or Governor's Executive Order in each calendar year. Allocations of private activity bond authority will be awarded - by the department - to projects in accordance with state law or Governor's Executive Order and these regulations. The set-aside for specified project types ends on December 15 of each calendar year; however, no allocation of private activity bond authority awarded for single family housing purposes or for manufacturing facilities multifamily housing purposes may be used after ~~September 30~~ November 15 .

~~September 1~~ November 15

Last day for the issuance of private activity bonds by a local housing authority for single family housing and multifamily housing .

~~September 30~~

Last day for the issuance of private activity bonds by an authority for single family housing or for manufacturing facility projects.

November 1 - December 15

The \$10 million limitation on allocations from the state ceiling for exempt projects will be removed during this period of time to allow financing these projects in the calendar year the allocation is made.

December 1

Last day applications will be accepted for year-end carryforward purposes.

December - 15

Last day for the issuance of private activity bonds for projects that received allocations from the state ceiling prior to this date; except for single family housing and manufacturing facility multifamily housing projects, as provided above.

December 20 - 31

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

§ 2.5. Weekend and holiday deadline dates.

If any deadline dates specified are on a weekend or a holiday, the deadline shall be moved to the next following regular state working day ; except where federal law precludes such extension.

§ 2.6. State regulations to change as federal law determines eligibility.

If federal law terminates the eligibility or terminates and reauthorizes the eligibility for private activity bond financing for any "private activity bond" as defined in § 1.1 of these regulations, the effect shall be to exclude or include, as the case may be, that portion of the "private activity bond" from these regulations.

PART III. ALLOCATIONS TO INDIVIDUALS BY THE DEPARTMENT.

§ 3.1. State private activity bond legislation.

Chapter 33.2 (§§ 15.1-1399.10 through 15.1-1399.17) of Title 15.1 of the Code of Virginia sets aside specified amounts of the Commonwealth's limited private activity bond issuing authority for different types of projects.

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

A portion of the private activity bond state ceiling is also reserved by state legislation to provide economic development in the Commonwealth and to provide facilities needed in the Commonwealth to improve public health, safety, and convenience. A separate amount of the state ceiling is reserved each year pursuant to §§ 15.1-1399.12 through 15.1-1399.14 of the Code of Virginia for manufacturing and exempt facility projects.

A portion of the private activity bond state ceiling is reserved for the issuance of student loan bonds by the Virginia Education Loan Authority.

§ 3.2. Order in which allocations shall be awarded.

Bond allocations shall be made by the department in chronological order of receipt of complete applications (including documentation specified in § 5.3 of these

Final Regulations

regulations) until the bond authority reserved for the project type is completely allocated. Applications of projects that do not receive allocations will be maintained by the department during the year and allocations will be made to the projects in chronological order of receipt of applications as bond authority is returned to the department from projects that received allocation awards but were unable to issue bonds.

§ 3.3. Limitation on size of allocations.

All industrial development bond allocations awarded by the department prior to November 1 of each year shall be limited to \$10 million per project. There shall be no limitation on the size of allocations awarded for housing bond projects during a calendar year. If federal law terminates the eligibility of manufacturing facilities for private activity bond financing, exempt facility projects may receive allocations in excess of \$10 million prior to November 1 of each calendar year upon approval by the Board of Housing and Community Development.

§ 3.4. Effective period of allocations.

An allocation for each project, other than single family housing and ~~manufacturing facility~~ multifamily housing projects, shall be effective 90 days after the allocation award date or until December 15, whichever is earlier. An allocation of private activity bond authority for single family housing and multifamily housing shall be effective for 90 days after the allocation award date or until September 1 November 15, whichever is earlier. An allocation of private activity bond authority for ~~manufacturing facility~~ projects shall be effective for 90 days after the allocation award date or until September 30, whichever is earlier.

§ 3.5. Reapplying for a second allocation for the same project.

A project that receives an allocation and is unable to issue bonds within the effective period of the award may reapply for another allocation upon the expiration or return of the original allocation. The reapplication will be dated by the department as received on the date the reapplication request is submitted and no portion of the original allocation is outstanding. Each project shall be limited to two allocations during any calendar year. An exempt project that receives an allocation in excess of \$10 million prior to December 15 shall not be eligible to receive a carryforward purpose allocation at the end of the calendar year.

PART IV. YEAR-END ALLOCATIONS TO CARRYFORWARD PURPOSES.

§ 4.1. Local housing authorities.

In order to allow the Commonwealth to effectively utilize all of its annual private activity bond capacity, any

bond issuing authority remaining in the portion of the state ceiling reserved for local housing authorities after September 1 November 15 shall be transferred to the Virginia Housing Development Authority upon their written request after notification by the department on the amount of bond authority available. Any bond authority that remains with the department shall be allocated to other carryforward purposes.

§ 4.2. Virginia Housing Development Authority.

Any portion of the state ceiling reserved for the Virginia Housing Development Authority during the year that has not been issued by December 15 shall be retained by the Virginia Housing Development Authority to carryforward pursuant to the Code, or shall be transferred by the Virginia Housing Development Authority on December 15 to the department to be allocated to other carryforward purposes.

§ 4.2:1. Virginia Education Loan Authority.

Any portion of the state ceiling reserved for the Virginia Education Loan Authority during the year that has not been issued by December 15 may be retained by the Virginia Education Loan Authority for student loan bond carryforward purposes or transferred by the Virginia Education Loan Authority to the department to be allocated to other carryforward purposes.

§ 4.3. Department of Housing and Community Development.

Any bond issuing authority remaining after December 15 will be awarded beginning December 20 to applications (including all documentation specified in § 5.3 of this regulation) on file with the department before December 1 in the following priority order:

A. Local government projects for the following exempt facilities:

1. Sewage, solid waste and qualified hazardous waste disposal facilities; and facilities for the local furnishing of electric energy or gas;
2. Facilities for the furnishing of water, including irrigation facilities.

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

C. Public utility projects for the following facilities:

1. Sewage, solid waste, and qualified hazardous waste disposal facilities; and facilities for the local furnishing of electric energy or gas;
2. Facilities for the furnishing of water, including irrigation facilities.

D. Private sector projects for the following facilities:

1. Sewage, solid waste, and qualified hazardous waste disposal facilities; and facilities for the local furnishing of electric energy or gas.
2. Facilities for the furnishing of water, including irrigation facilities.

E. All other eligible exempt projects, and qualified redevelopment bonds.

F. Student loan bonds.

G. Virginia Housing Development Authority bonds.

PART V. APPLICATION PROCEDURE.

§ 5.1. Project approval.

All projects must be approved by the governing body of the locality in which the project is to be located prior to submitting an application to the department for bond authority. Any local housing authority, after the approval of the local governing body, may file an application with the department to request an allocation of housing bond authority. A city or town manager or county administrator, after the approval of the local governing body, may file an application for bond authority with the department for any private activity bond project to be located within the jurisdiction of the requesting locality. Any state issuing authority, after the approval of the Governor, may file an application with the department for an industrial development bond project prior to December 15 or for a year-end carryforward purpose allocation prior to December 1.

§ 5.2. Where to apply.

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

§ 5.3. Application forms.

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

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

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

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

B. All applications and requests for private activity bond authority from the department shall be accompanied by the following documentation for each project:

1. Inducement resolutions or other preliminary approvals;

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

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

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

§ 5.4. When to apply.

Project applications may be submitted to the department during each calendar year at any time prior to December 15 of each year, except for single family housing and manufacturing facilities multifamily housing as provided in § 2.4 of these regulations. Applications for year-end allocations to carryforward purposes will be accepted by the department through December 1 of each calendar year.

PART VI. REPORTING REQUIREMENTS FOR ALLOCATIONS BY DEPARTMENT.

§ 6.1. Reporting bond issuance.

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

§ 6.2. When to file IRS Form 8038.



COMMONWEALTH of VIRGINIA

JOAN W SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building

310 CARYOL STREET
RICHMOND, VIRG-NA 23219
(804) 786-3581

FORM IDB
Page One

PROJECT INFORMATION SHEET
REQUEST FOR INDUSTRIAL DEVELOPMENT BOND ALLOCATION

November 29, 1990

Mr. Neal J. Barber, Director
Department of Housing and
Community Development
205 North Fourth Street
Richmond, Virginia 23219-1747

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

Dear Mr. Barber:

This will acknowledge receipt of the above-referenced regulations from the Department of Housing and Community Development.

As required by § 9-6.14:4.1 C.4.(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,

Joan W. Smith
Registrar of Regulations

JWS:jbc

1. GENERAL INFORMATION

A. Issuing Authority _____

B. Name of Project _____

C. Use of Bond Proceeds

- Manufacturing
- Exempt Facility
- Private use portion of Governmental Bond
over \$15 million threshold
- Student loan bond
- Qualified redevelopment bond

2. DESCRIPTION OF THE PROJECT

A. General Description of the Project.

FORM IDB

Page Two

B. Location of Project (City, County or Town) _____

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

D. Name, address and phone number of bond counsel.

E. Bond allocation requested \$ _____

F. Projected closing date for issuance of the bonds _____

3. PROJECT INFORMATION

Number of jobs to be created (net) or retained _____

4. ATTACHMENTS

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

A. Copy of inducement resolution or other preliminary approval.

B. Copy of Governing Body's formal approval of the project.

FORM IDB
Page Three

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

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

5. CERTIFICATION

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

Signature of City Manager, Town Manager or
County Administrator _____

Date _____

FORM HB
Page Two

FORM HB
Page One

PROJECT INFORMATION SHEET
REQUEST FOR HOUSING BOND ALLOCATION

1. GENERAL INFORMATION

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

2. DESCRIPTION OF THE PROJECT

- A. General Description of the Project

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

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

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

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

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

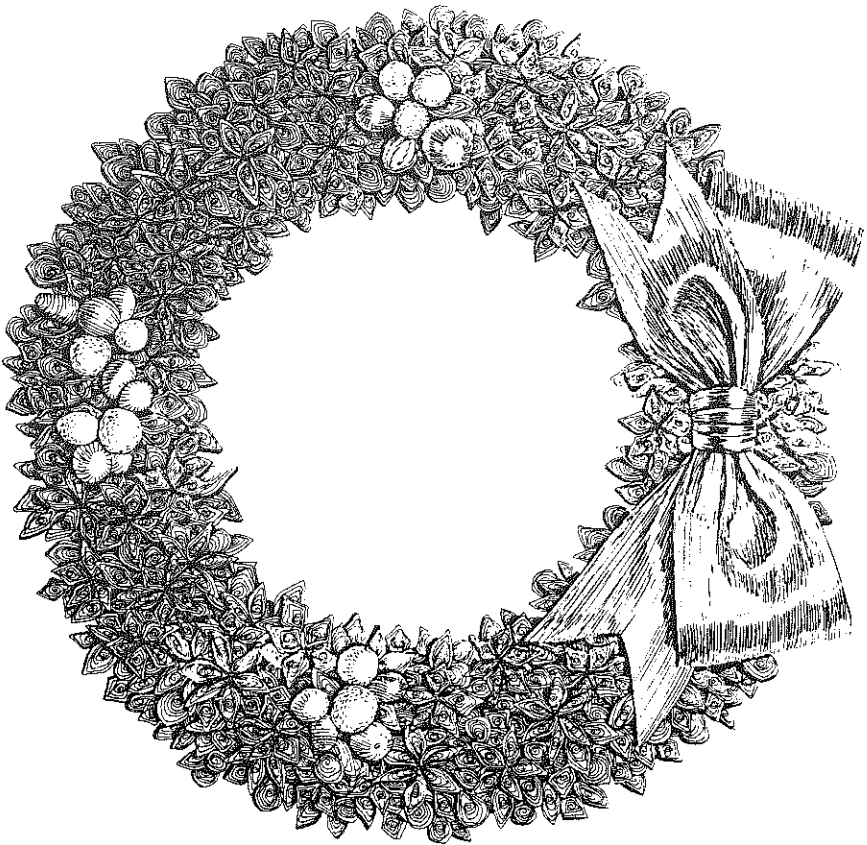
- E. Housing Bond allocation requested \$ _____

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

3. ATTACHMENTS

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

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



FORM HB

Page Three

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

4. CERTIFICATION

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

Signature of Chairman or Director of Issuing Authority

Title _____

Date _____

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VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTICE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0016. Rules and Regulations for Allocation of Elderly and Disabled Low-Income Housing Tax Credits.

Statutory Authority: §§ 36-55.30:3 and 58.1-339 of the Code of Virginia.

Effective Date: November 21, 1990.

Summary:

The rules and regulations will provide for the allocation of state tax credits to owners of housing for occupancy by low-income elderly and disabled persons and families.

VR 400-02-0016. Rules and Regulations for Allocation of Elderly and Disabled Low-Income Housing Tax Credits.

§ 1. Definitions.

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

"Applicant" means an applicant for tax credits under these rules and regulations and, upon and subsequent to an allocation of such credits, also means the owner of the tax credit unit to whom the tax credits are allocated.

"Authority" means the Virginia Housing Development Authority.

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

"Disabled" means (i) a physical or mental impairment which substantially limits one or more of the major life activities of such individual and includes any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities (the term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV) infection,

mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism or (ii) a record of such an impairment; or being regarded as having such an impairment which includes a history of or being misclassified as having a mental or physical impairment that substantially limits one or more major life activities; or a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation; or a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or none of the impairments defined above but is treated by another person as having such an impairment.

"Disabled person" means a person who is disabled as defined herein.

"Disabled household" means a household [of which the head or the head's spouse is in which any one or more members are] disabled. [The household may be two or more disabled persons who are not related or one or more such persons living with someone essential to their care or well-being.]

"Elderly person" means a person who [is at least exceeds, by any period of time,] 62 years of age.

"Elderly household" means a household of which the head or the head's spouse is elderly. The household may be two or more elderly persons who are not related or one or more such persons living with someone essential to their care or well-being.

"Eligible applicant" means any person meeting the criteria for an eligible applicant as set forth in the state code and these rules and regulations.

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

"Income" means gross income (including but not limited to all salary, wages, bonuses, commissions, income from self-employment, interest, dividends, alimony, rental income, pensions, business income, annuities, social security payments, cash public assistance, support payments, retirement income and any other sources of cash income) which is being received by the elderly or disabled person or household (excluding any person who is living with an elderly or disabled person and who is essential to such elderly or disabled person's well-being) as of the application date. All such earnings, provided they are not temporary, shall be computed on an annual basis to determine income for the purpose of program eligibility.

"Income eligible elderly or disabled person or household" means an elderly or disabled person or

household whose income does not exceed the limits set forth in these rules and regulations.

"Program" means the elderly and disabled low-income housing tax credit program described in these rules and regulations.

"State code" means Article 3 of Chapter 3 of Title 58.1 of the Code of Virginia.

"Tax credits" means the tax credits as described in § 58.1-339 of the Code of Virginia;

"Tax credit unit" means a unit occupied or to be occupied by income eligible elderly or disabled persons or households at reduced rents in order to be entitled to tax credits hereunder.

§ 2. Purpose and applicability.

The following rules and regulations will govern the allocation by the authority of tax credits pursuant to the state code.

Notwithstanding anything to the contrary herein, acting at the request or with the consent of the applicant for tax credits, the executive director is authorized to waive or modify any provision herein where deemed appropriate by him for good cause, to the extent not inconsistent with the state code.

The rules and regulations set forth herein are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the processing and administration of the tax credits. These rules and regulations are subject to change at any time by the authority and may be supplemented by policies, rules and regulations adopted by the authority from time to time.

Notwithstanding anything to the contrary herein, all procedures and requirements in the state code must be complied with and satisfied.

§ 3. General description.

The state code has been amended by adding a section numbered 58.1-339 relating to a tax credit for landlords providing rent reduction for low-income elderly and disabled persons or households.

Beginning January 1, 1991, through December 31, 1993, any individual or corporation receiving an allocation of tax credits pursuant to § 7 hereof shall, subject to the provisions of the state code and these rules and regulations, be entitled to a credit against the tax levied pursuant to § 58.1-320 or § 58.1-400 of the Code of Virginia, provided that the following requirements are satisfied:

1. The individual or corporation is engaged in the

business of the rental of dwelling units and subject to the Virginia Residential Landlord and Tenant Act, § 55-248.2 et seq. of the Code of Virginia [, whether by virtue of the provisions thereof or by virtue of the applicant's providing for the applicability thereof pursuant to § 55-248.5 B of the Code of Virginia] ;

2. The landlord provides a reduced rent to income eligible elderly or disabled persons or households; and

3. The rent charged to the income eligible elderly or disabled persons or households is at least 15% less than the rent charged to other tenants for comparable units in the same property.

The allowable tax credit amount shall be 50% of the total rent reductions allowed during the taxable year to the income eligible elderly or disabled persons or households occupying the tax credit units. The amount of the rent reduction shall be equal to (i) the amount of rent, as determined by the authority, charged to other tenants for comparable units in the same property minus (ii) the amount of rent charged for the tax credit unit to the income eligible elderly or disabled person or household. In calculating such rent reduction, it shall be assumed that the other tenants commenced and, if applicable, renewed their leases as of the same date or dates, and for the same term or terms as the income eligible elderly or disabled persons or families and at the rents in effect on such date or dates.

[The applicant shall not be entitled to an allocation of tax credits for any unit on which any portion of the rent is paid for the benefit of a tenant under any governmental or private program. If the tax credit unit is subsidized or assisted under any other governmental or private program not providing such rental payments, the comparable units shall include only those units similarly subsidized or assisted.

Because the intent of the state code is to provide tax credits for the rental of dwelling units only, tax credits may not be allocated by the authority for the leasing of land, including without limitation mobile home lots.]

The amount of credit for each individual or corporation for each taxable year shall not exceed \$10,000 or the total amount of tax imposed by Chapter 3 of Title 58.1 of the Code of Virginia, whichever is less. If the amount of such credit exceeds the taxpayer's tax liability for such taxable year, the amount which exceeds the tax liability may be carried over for credit against income taxes of such individual or corporation in the next five taxable years until the total amount of the tax credit has been taken.

Credits granted to a partnership or an electing small business corporation (S corporation) shall be passed through to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

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The total amount of tax credits which may be approved by the authority in any fiscal year shall not exceed \$1,000,000.

The authority may charge to each applicant fees in such amount as the executive director shall determine to be necessary to cover the administrative costs to the authority. Such fees shall be payable at such time or times as the executive director shall require.

§ 4. Solicitations of applications.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for tax credits. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of applications and the selection thereof as he shall consider necessary or appropriate.

§ 5. Application.

Application for an allocation of tax credits shall be commenced by filing with the authority an application on such form or forms as the executive director may from time to time prescribe or approve, together with such documents and additional information as may be requested by the authority in order to comply with the state code and to make the allocation of the tax credits in accordance with these rules and regulations.

The executive director may establish criteria and assumptions to be used by the applicant in the calculation of amounts in the application, and any such criteria and assumptions shall be indicated on the application form or instructions.

The executive director may prescribe such deadlines for submission of applications for allocation of tax credits for any calendar year as he shall deem necessary or desirable to allow sufficient processing time for the authority to make such allocations.

The tax credit unit for which an application is submitted may be, but shall not be required to be, financed by the authority. If any such tax credit unit is to be financed by the authority, the application for such financing shall be submitted to and reviewed by the authority in accordance with its applicable rules and regulations.

The authority may consider and approve, in accordance herewith, the allocation of tax credits for tax credit units which the authority may own or may intend to acquire, construct or rehabilitate.

§ 6. Eligibility of tenants and verification.

The occupancy of tax credit units entitled to a tax credit is limited to elderly or disabled persons or households whose income, as of initial occupancy of the tax credit unit by such person or household (or, if such tax credit unit is occupied by such person or household on January 1 of the first calendar year for which the tax credits are to be claimed for such tax credit unit, as of such January 1), does not exceed 80% of the median income for the area. Preference in occupancy of tax credit units will be given to elderly or disabled persons or households whose income is less than or equal to 50% of the median income for the area. The United States Department of Housing and Urban Development Section 8 income limits, as adjusted by family size, will be used in determining such 80% and 50% of median income for the area.

Applicants shall be required to obtain written income verification for elderly or disabled persons or households who occupy or are expected to occupy a tax credit unit. The verification of income must be sent by the owner to each employer or the agency providing benefits along with a stamped, self-addressed return envelope. Such verification should then be retained by the applicant and a copy submitted to the authority with the confirmation of resident eligibility form at the end of the calendar year. Verification of income must be current as of a date no earlier than 90 days prior to the date set forth in the preceding paragraph as of which the income of the elderly or disabled person or household is determined for eligibility purposes.

With respect to tax credits claimed for rental of tax credit units to disabled persons or households, applicants shall be required to obtain a written verification of disability. Verification of said disability may be obtained from a physician, diagnostic or vocational rehabilitation service center or the Social Security Administration.

With respect to tax credits claimed for rental of tax credit units to elderly persons or households, applicants must verify the age of all persons claiming to [be exceed] 62 years of age. Verification of Social Security benefits paid on the person's behalf will be acceptable if a birth certificate cannot be obtained; provided, however, that any person receiving survival Social Security benefits who [is not does not exceed] 62 years of age or disabled is not eligible for tax credit occupancy.

The initial lease term for all income eligible elderly or disabled persons or households occupying a tax credit unit may not be less than a 12-month period.

§ 7. Review and selection of application; allocation of tax credits.

Pursuant to the state code, the state is divided into the following low-income housing tax credit allocation areas, each of which shall be allocated the percent share of tax credits set forth below and in the state code:

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Allocation Area 1

Percent Share of Tax Credits: 10.79

Planning District: LENOWISCO

Jurisdictions: Norton City, Lee County, Scott County, Wise County

Planning District: Cumberland Plateau

Jurisdictions: Buchanan County, Dickenson County, Russell County, Tazewell County

Planning District: Mount Rogers

Jurisdictions: Bristol City, Galax City, Bland County, Carroll County, Garyson County, Smyth County, Washington County, Wythe County

Planning District: New River Valley

Jurisdictions: Radford City, Floyd County, Giles County, Montgomery County, Pulaski County

Allocation Area 2

Percent Share of Tax Credits: 12.09

Planning District: Fifth

Jurisdictions: Clifton Forge City, Covington City, Roanoke City, Salem City, Alleghany County, Botetourt County, Craig County, Roanoke County

Planning District: Central Virginia

Jurisdictions: Bedford City, Lynchburg City, Amherst County, Appomattox County, Bedford County, Campbell County

Planning District: West Piedmont

Jurisdictions: Danville City, Martinsville City, Franklin County, Henry County, Patrick County, Pittsylvania County

Allocation Area 3

Percent Share of Tax Credits: 6.70

Planning District: Central Shenandoah

Jurisdictions: Buena Vista City, Harrisonburg City, Lexington City, Staunton City, Waynesboro City, Augusta County, Bath County, Highland County, Rockbridge County, Rockingham County

Planning District: Lord Fairfax

Jurisdictions: Winchester City, Clarke County, Frederick County, Page County, Shenandoah County, Warren County

Allocation Area 4

Percent Share of Tax Credits: 20.98

Planning District: Northern Virginia

Jurisdictions: Alexandria City, Fairfax City, Falls Church City, Manassas City, Manassas Park City, Arlington County, Fairfax County, Loudoun County, Prince William County

Allocation Area 5

Percent Share of Tax Credits: 4.70

Planning District: Rappahannock-Rapidan

Jurisdictions: Culpeper County, Fauquier County, Madison County, Orange County, Rappahannock County

Planning District: Thomas Jefferson

Jurisdictions: Charlottesville City, Albemarle County, Fluvanna County, Greene County, Louisa County, Nelson County

Allocation Area 6

Percent Share of Tax Credits: 5.22

Planning District: Southside

Jurisdictions: South Boston City, Brunswick County, Halifax County, Mecklenburg County

Planning District: Piedmont

Jurisdictions: Amelia County, Buckingham County, Charlotte County, Cumberland County, Lunenburg County, Nottoway County, Prince Edward County

Planning District: Crater

Jurisdictions: Colonial Heights City, Emporia City, Hopewell City, Petersburg City, Dinwiddie County, Greensville County, Prince George County, Surry County, Sussex County

Allocation Area 7

Percent Share of Tax Credits: 12.68

Jurisdictions: Richmond City, Charles City County, Chesterfield County, Goochland County, Hanover County, Henrico County, New Kent County, Powhatan County

Allocation Area 8

Percent Share of Tax Credits: 5.15

Planning District: RADCO

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Jurisdictions: Fredericksburg City, Caroline County, King George County, Spotsylvania County, Stafford County

Planning District: Northern Neck

Jurisdictions: Lancaster County, Northumberland County, Richmond County, Westmoreland County

Planning District: Middle Peninsula (not including Gloucester)

Jurisdictions: Essex County, King and Queen County, King William County, Mathews County, Middlesex County

Planning District: Accomack-Northampton

Jurisdictions: Accomack County, Northampton County

Allocation Area 9

Percent Share of Tax Credits: 21.69

Planning District: Southeastern Virginia

Jurisdictions: Chesapeake City, Franklin City, Norfolk City, Portsmouth City, Suffolk City, Virginia Beach City, Isle of Wight County, Southampton County

Planning District: Peninsula

Jurisdictions: Hampton City, Newport News City, Poquoson City, Williamsburg City, James City County, York County

Planning District: Middle Peninsula

Jurisdictions: Gloucester County

The executive director may further suballocate these allocation areas into allocation subpools based upon one or more of the following factors: geographical areas; types or characteristics of housing, construction, financing, owners, or occupants; or any other factors deemed appropriate by him to best meet the housing needs of the Commonwealth.

Tax credits shall be allocated to eligible applicants on a "first-come, first-served" basis. In the event that the amount of tax credits available within an allocation area or subpool is sufficient for some but not all of eligible applications received by the authority on the same day, then the authority shall select one or more of such applications by lot.

The executive director may exclude and disregard any application which he determines is not submitted in good faith.

[The amount of tax credits which may be allocated for tax credit units in any single development shall not exceed \$10,000; provided, however, that the executive director may from time to time terminate or suspend such \$10,000 limit for such allocation area or areas and for such period

of time as he shall deem appropriate to assure full utilization and proper distribution of the tax credits. For the purpose of compliance with such \$10,000 limit, the executive director may determine that developments in one or more applications constitute a single development based upon such factors as he may deem relevant, including without limitation the ownership, proximity, age, management, financing and physical characteristics of the developments.]

The executive director shall allocate tax credits, in the manner described above, to eligible applicants within each allocation area or subpool, if applicable, until either all tax credits therein are allocated or all eligible applicants therein have received allocations. The amount allocated to each such eligible applicant shall be equal to the lesser of (i) the amount requested in the application or (ii) the amount, determined by the executive director, to which the eligible applicant is entitled under the state code and these rules and regulations as of the date of application; provided, however, that in no event shall the amount of tax credits so allocated exceed [either \$10,000 or] the amount of tax credits available in the allocation area or subpool from which such tax credits are to be allocated.

Amounts in any allocation area not allocated to any eligible applicants may not be reallocated to any other allocation areas. Any amounts in any allocation subpools not allocated to eligible applicants shall be reallocated among the other subpools (within the same allocation area) in which eligible applicants shall not have received allocations in the full amount permissible under these rules and regulations. Such reallocation shall be made pro rata based on the amount originally allocated to all such subpools with excess applications divided by the total amount originally allocated to all such subpools with excess applications. Such reallocations shall continue to be made until either all of the tax credits within the allocation area are allocated to eligible applicants in the manner described above or all applications in the allocation area have received allocations.

The executive director determines whether the applicant and the tax credit units are entitled to tax credits under the state code and these rules and regulations. If the executive director determines that the applicant or the tax credit units are not so entitled to tax credits, the applicant shall be so informed and his application shall be terminated. If the authority determines that the applicant and the tax credit units are so entitled to tax credits, then the executive director shall issue to the applicant, on behalf of the authority, a commitment for allocation of tax credits with respect to the applicable tax credit units. The allocation shall be subject to the approval or ratification thereof by the authority's board as described below.

The board shall review and consider the analysis and recommendation of the executive director for the allocation of tax credits, and, if it concurs with such recommendation, it shall by resolution approve or ratify the allocation by the executive director of the tax credits

to the eligible applicant, subject to such terms and conditions as the board or the executive director shall deem necessary or appropriate to assure compliance with the state code and these rules and regulations. If the board determines not to approve or ratify an allocation of tax credits, the executive director shall so notify the applicant.

Upon compliance with the state code and these rules and regulations, the applicant to whom an allocation is made hereunder shall be entitled to tax credits annually, in such amount as is determined by the authority pursuant to these rules and regulations, for each year beginning in the year for which such allocation is made and ending December 31, 1993, unless terminated or reduced pursuant to these rules and regulations.

The executive director may require that applicants to whom tax credits have been allocated shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of the tax credit unit and its compliance with the application and these rules and regulations. If on the basis of such written confirmation and documentation and other available information the executive director determines that the tax credit unit does not or will not qualify or will not continue to qualify for such tax credits, then the executive director may terminate or reduce the allocation of such tax credits. Without limiting the foregoing, the applicant shall lease the tax credit units to income eligible elderly or disabled persons or households at reduced rents such that the aggregate of such rent reductions shall be no less than the aggregate of the rent reductions set forth in the application. In the event that the applicant shall fail to so lease the tax credit units, the authority may, upon its determination that the applicant is unable or unwilling to utilize fully its allocation of the tax credits, terminate or reduce such allocation, as it shall deem appropriate.

The authority shall have the right to inspect the tax credit units and related property and improvements from time to time, and the tax credit units and related property and improvements shall be in a state of repair and condition satisfactory to the authority. The authority may require the applicant to make necessary repairs or improvements, in a manner acceptable to the authority, as a condition for receiving or qualifying for an allocation of tax credits or for certification to the Department of Taxation as described herein below.

The executive director may establish such deadlines for the applicant to qualify for the tax credits and to comply with the application and these rules and regulations as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of the applicant's allocation, to allocate such tax credits to other eligible applicants.

Any material changes to the condition, use or occupancy of the tax credit unit or in any other representations, facts or information, as contained or proposed in the

application, occurring subsequent to the submission of the application for the tax credits therefor shall be subject to the prior written approval of the executive director. As a condition to any such approval, the executive director may, as necessary to comply with these rules and regulations and the state code, reduce the amount of tax credits allocated or impose additional terms and conditions with respect thereto. If such changes are made without the prior written approval of the executive director, he may terminate or reduce the allocation of such tax credits or impose additional terms and conditions with respect thereto.

In the event that any allocation of tax credits is terminated or reduced by the executive director under this section, he may allocate such tax credits (in the amount of such termination or reduction) to eligible applicants (other than the applicants whose tax credit allocation was so terminated or reduced) in the first-come first-served manner described above or in such other manner as he shall determine consistent with the requirements of the state code.

[If subsequent to receipt of an allocation of tax credits an applicant shall transfer any of the tax credit units to a transferee which is eligible for such tax credits under the state code and these rules and regulations, such transferee shall thereupon be entitled to the allocation of tax credits for such tax credit units and shall, for the purposes of these rules and regulations, be thereafter deemed the applicant for such tax credits.]

§ 8. Maintenance of records; submission requirements; termination of occupancy.

Applicants shall be responsible for obtaining and maintaining all documentation required by the authority to evidence that the tax credit units qualify for tax credits under the program. Owners will be responsible for providing this documentation to the authority for review within 30 days following the end of each calendar year. The tax credit unit will not qualify for tax credits if all required documents, in the form required by the authority, are not available. Required documentation to be submitted to the authority includes, but is not limited to, the following:

1. A listing (including dates of occupancy) of all tenants currently occupying, or who previously occupied, a tax credit unit entitled to a tax credit for that year.
2. A complete certification package for each income eligible elderly or disabled person or household receiving the reduced rent. The certification must include:
 - a. A completed and executed confirmation of resident eligibility form.
 - b. Verification of income.

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c. Verification of age or disability.

d. A notarized certification from the tenant verifying:

- (1) What unit type/size was occupied,
- (2) Number of months said unit was occupied,
- (3) The amount of rent paid, and
- (4) How many months that amount of rent was paid.

e. A certification of the applicant that preference in occupancy of the tax credit units was given to elderly or disabled persons or households whose income is less than or equal to 50% of the median income for the area (the waiting list for tax credit units during the calendar year identifying the persons applying for such units and their incomes shall be maintained by the applicant and shall be available for inspection by the authority).

f. Rent rolls for the comparable units in the same property as the tax credit units setting forth the rents charged to other tenants.

g. A copy of leases for each tax credit unit.

[In the event of termination of occupancy, the rent reduction shall be calculated pro rata based upon the number of days determined in the following manner.] In the event of death of the only elderly or disabled person occupying a tax credit unit, the applicant must obtain a copy of the death certificate [- The ; and the] number of [~~full months~~ days] for which an applicant is entitled to tax credits on such deceased person's tax credit unit shall be determined by the date of death. If the elderly or disabled person or household abandons the tax credit unit, the earliest of the date the applicant discovers the tax credit unit is vacant, the date any utility company terminates service on the tax credit unit, or the date 30 days after abandonment will be used to determine the number of [~~full months~~ days] for which the tax credit unit is entitled to the tax credit. If the tax credit unit shall not be so abandoned but the elderly or disabled person or persons shall not occupy the tax credit unit for a period of 30 days [(or such longer period of time as the executive director may approve)] , the end of such [~~30-day~~] period shall be used to determine the number of [~~full months~~ days] for which the tax credit unit is entitled to the tax credit. If the lease is terminated for any reason other than those set forth above in this paragraph, the effective date of termination shall be used to determine the number of [~~full months~~ days] for which the tax credit unit is entitled to the tax credit.

§ 9. Certification to the Virginia Department of Taxation.

On or before [~~February 15~~ March 15] of each calendar

year, the authority shall certify to the Virginia Department of Taxation the name of each applicant entitled to claim a tax credit for the preceding calendar year and the total amount of tax credits which each such applicant is entitled to claim under the state code and these rules and regulations and shall further certify that each such applicant claiming a credit provided the rent reductions as authorized under the state code and these rules and regulations. The applicant shall be entitled to claim tax credits for such preceding calendar year only in the amount for which the authority makes such certifications.

§ 10. Notification to the Virginia Department of Taxation of noncompliance with state code or these rules and regulations.

If subsequent to the certification in § 9 the executive director shall become aware of noncompliance with any of the provisions of the state code or these rules and regulations by any applicant for whom such certification was made and if such noncompliance would result in a reduction in amount of tax credits that such applicant claimed or could have claimed, the executive director shall, within 90 days, notify the Virginia Department of Taxation of such noncompliance. Such notification shall identify the applicant and shall describe the noncompliance.

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

Title of Regulation: VR 425-02-71. Virginia Occupational Safety and Health Standards for General Industry - The Control of Hazardous Energy (Lockout/Tagout).

Statutory Authority: § 40.1-22 (5) of the Code of Virginia.

Effective Date: November 21, 1990. January 9, 1990.

REGISTRAR'S NOTICE: The effective date of the above regulation has been extended as a result of the Governor's objection, which shall be forthcoming. Please see the "General Notices" section of this Register for additional information.

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Title of Regulation: VR 425-02-72. Virginia Occupational Safety and Health Standards for the Construction Industry - Sanitation.

Statutory Authority: § 40.1-22 (5) of the Code of Virginia

Effective Date: November 21, 1990. January 9, 1990.

Registrar's Notice: The effective date of the above regulation has been extended as a result of the Governor's objection, which shall be forthcoming. Please see the "General Notices" section of this Register for additional

information.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
(BOARD OF)

Title of Regulation: VR 460-04-8.7. Client Appeals Regulations.

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

Effective Date: January 16, 1991.

Summary:

The Code of Federal Regulations § 431 Subpart E contains the federal requirements for fair hearings for applicants and recipients. This subpart, in implementing the Social Security Act § 1902 (a)(3), requires that the State Plan for Medical Assistance provide an opportunity for a fair hearing to any person whose claim for assistance is denied or not acted upon promptly. Hearings are also available for individuals if Medicaid takes action to suspend, terminate, or reduce services. The State Plan conforms to this requirement on page 33.

The Virginia General Assembly amended the Administrative Process Act effective July 1, 1989, to allow limited judicial review of public assistance case decisions. In an effort to ensure continued due process fairness in client appeals and, in anticipation of the newly established availability of judicial review, the department has revised its administrative procedures for client appeals.

The volunteer Medicaid Appeals Board, formerly used to decide client appeals, has been replaced with a Medical Assistance Appeals Panel which consists of three Administrative Law Judges employed by the department. The revised Client Appeals system now provides for two levels of review of Medicaid client appeals. The first level is a hearing officer decision and the second is a decision by the panel of Administrative Law Judges. These new procedures should minimize the number of decisions appealed in court.

The department administers this revised system under emergency regulations that are effective until January 15, 1991. While these proposed regulations include a change to the structure of the previously filed emergency regulations by formatting them in the sequence by which the process actually occurs, but the operating premise of the Client Appeals system, described in the emergency regulation remains unchanged.

VR 460-04-8.7. Client Appeals Regulations.

PART I
GENERAL.

Article 1.
Definitions.

§ 1.1. Definitions.

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

"Agency" means:

1. An agency which, on the department's behalf, makes determinations regarding applications for benefits provided by the department; and,
2. The department itself when it makes initial determinations regarding client benefits.

"Appellant" means an applicant for or recipient of medical assistance benefits from the department who seeks to challenge an adverse action regarding his benefits or his eligibility for benefits.

"Department" means the Department of Medical Assistance Services.

"Division" means the department's Division of Client Appeals.

"Final decision" means a written determination by a hearing officer which is binding on the department, unless modified on appeal or review.

"Panel" means the Medical Assistance Appeals Panel.

"Representative" means an attorney or agent who has been authorized to represent an appellant pursuant to these regulations.

Article 2.
The Appeal System.

§ 1.2. Division of Client Appeals.

The division shall maintain a two-step appeals system for clients to challenge adverse actions regarding services and benefits provided by the department:

1. Hearing officer review. The first level of appeal is a hearing before a hearing officer. See Part II of these regulations.
2. Medical Assistance Appeals Panel Review. An appellant who believes the hearing officer's decision is incorrect may appeal to the Medical Assistance Appeals Panel for review. See Part III of these regulations.

§ 1.3. Time limitation for appeals.

Hearing officer appeals shall be scheduled and

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conducted to comply with the 90-day time limitation imposed by federal regulations, unless waived in writing by the appellant or the appellant's representative.

§ 1.4. Judicial review.

An appellant who believes the decision of the Medical Assistance Appeals Panel is incorrect may seek judicial review pursuant to § 9-6.14:1 et seq. of the Virginia Code and Part 2A, Rules of the Virginia Supreme Court. An appellant must receive a final decision from the panel before seeking judicial review.

Article 3. Representation.

§ 1.5. Right to representation.

An appellant shall have the full right to representation by an attorney or agent at all stages of appeal.

§ 1.6. Designation of representative.

A. Agents.

An agent must be designated in a written statement which is signed by the appellant. If the appellant is physically or mentally unable to sign a written statement, the division may allow a family member or other person acting on appellant's behalf to represent the appellant.

B. Attorneys.

If the agent is an attorney, a signed statement by an attorney that he is authorized to represent the appellant prepared on the attorney's letterhead, shall be accepted as a designation of representation.

C. Substitution.

A member of the same law firm as a designated representative shall have the same rights as the designated representative.

D. Revocation.

An appellant may revoke representation by another person at any time. The revocation is effective when the department receives written notice from the appellant.

Article 4. Notice and Appeal Rights.

§ 1.7. Notification of adverse agency action.

The agency which makes an initial adverse determination shall inform the applicant or recipient in a written notice:

1. What action the agency intends to take;

2. The reasons for the intended action;

3. The specific regulations that support or the change in law that requires the action;

4. The right to request an evidentiary hearing, and the methods and time limits for doing so;

5. The circumstances under which benefits are continued if a hearing is requested (see § 1.10); and

6. The right to representation.

§ 1.8. Advance notice.

When the agency plans to terminate, suspend or reduce an individual's eligibility or covered services, the agency must mail the notice described in § 1.7 at least 10 days before the date of action, except as otherwise permitted by federal law.

§ 1.9. Right to appeal

An individual has the right to file an appeal when:

1. His application for benefits administered by the department is denied. However, if an application for State Local Hospitalization coverage is denied because of a lack of funds which is confirmed by the hearing officer, and no factual dispute exists, there is no right to appeal.

2. The agency takes action or proposes to take action which will adversely affect, reduce, or terminate his receipt of benefits;

3. His request for a particular medical service is denied, in whole or in part;

4. The agency does not act with reasonable promptness on his application for benefits or request for a particular medical service; or

5. Federal regulations require that a fair hearing be granted.

§ 1.10. If an appellant files a timely Request of Appeal, his services shall not be terminated or reduced until the appeal has been finally decided unless the appeal is invalidated by the hearing officer. Maintaining services.

A. If the agency mails the 10-day notice described in § 1.8 and the appellant files his Request for Appeal before the date of action, his services shall not be terminated or reduced until all appeals have been finally decided, unless it is determined at the hearing that the sole issue is one of federal or state law or policy and the appellant is promptly informed in writing that services are to be terminated or reduced pending the hearing decision.

B. If the agency's action is sustained on appeal, the

agency may institute any available recovery procedures against the appellant to recoup the cost of any services furnished to the appellant, to the extent they were furnished solely by reason of § 1.10 A of these regulations.

Article 5. Miscellaneous Provisions.

§ 1.11. Division records.

A. Removal of records.

No person shall take from the division's custody any original record, paper, document, or exhibit which has been certified to the division except as the Director of Client Appeals authorizes, or as may be necessary to furnish or transmit copies for other official purposes.

B. Confidentiality of records.

Information in the appellant's record can be released only to a properly designated representative or other person(s) named in a release of information authorization signed by an appellant, his guardian or power of attorney.

C. Fees.

The fees to be charged and collected for any copies will be in accordance with Virginia's Freedom of Information Act or other controlling law.

D. Waiver of fees.

When copies are requested from records in the division's custody, the required fee shall be waived if the copies are requested in connection with an individual's own review or appeal.

§ 1.12. Computation of time limits.

A. Acceptance of postmark date.

Documents postmarked on or before a time limit's expiration shall be accepted as timely.

B. Computation of time limit.

In computing any time period under these regulations, the day of the act or event from which the designated period of time begins to run shall be excluded and the last day included. If a time limit would expire on a Saturday, Sunday, or state or federal holiday, it shall be extended until the next regular business day.

PART II HEARING OFFICER REVIEW.

Article 1. Commencement of Appeals.

§ 2.1. Evidentiary hearings.

A hearing officer shall review all agency determinations which are properly appealed; conduct informal, fact-gathering hearings; evaluate evidence presented; and issue a written decision sustaining, reversing, or remanding each case to the agency for further proceedings.

§ 2.2. Request for appeal.

Any written communication from an appellant or his representative which clearly expresses that he wants to present his case to a reviewing authority shall constitute an appeal request. This communication should explain the basis for the appeal.

§ 2.3. Place of filing a Request for Appeal.

A Request for Appeal shall be delivered or mailed to the Division of Client Appeals.

§ 2.4. Filing date.

The date of filing shall be the date the request is postmarked, if mailed, or the date the request is received by the department, if delivered other than by mail.

§ 2.5. Time limit for filing.

A Request for Appeal shall be filed within 30 days of the appellant's receipt of the notice of an adverse action described in § 1.8 of these regulations. It is presumed that appellants will receive the notice three days after the agency mails the notice. A Request for Appeal on the grounds that an agency has not acted with reasonable promptness may be filed at any time until the agency has acted.

§ 2.6. Extension of time for filing.

An extension of the 30-day period for filing a Request for Appeal may be granted for good cause shown. Examples of good cause include, but are not limited to, the following situations:

1. Appellant was seriously ill and was prevented from contacting the division;
2. Appellant did not receive notice of the agency's decision;
3. Appellant sent the Request for Appeal to another government agency in good faith within the time limit;
4. Unusual or unavoidable circumstances prevented a timely filing.

§ 2.7. Provision of information.

Upon receipt of a Request for Appeal, the division shall notify the appellant and his representative of general appeals procedures and shall provide further detailed information upon request.

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Article 5. Prehearing Review.

§ 2.8. Review.

A hearing officer shall initially review an assigned case for compliance with prehearing requirements and may communicate with the appellant or his representative and the agency to confirm the agency action and schedule the hearing.

§ 2.9. Medical Assessment.

A. A hearing officer may order an independent medical assessment when:

1. The hearing involves medical issues such as a diagnosis, an examining physician's report, or a medical review team's decision; and
2. The hearing officer determines it necessary to have an assessment by someone other than the person or team who made the original decision, for example, to obtain more detailed medical findings about the impairments, to obtain technical or specialized medical information, or to resolve conflicts or differences in medical findings or assessments in the existing evidence.

B. A medical assessment ordered pursuant to this regulation shall be at the department's expense and shall become part of the record.

§ 2.10. Prehearing action.

A. Invalidation.

A Request for Appeal may be invalidated if it was not filed within the time limit imposed by § 2.5 or extended pursuant to § 2.6.

1. If the hearing officer determines that the appellant has failed to file a timely appeal, the hearing officer shall notify the appellant and the appellant's representative of the opportunity to show good cause for the late appeal.
2. If a factual dispute exists about the timeliness of the Request for Appeal, the hearing officer shall receive evidence or testimony on those matters before taking final action.
3. If a Request for Appeal is invalidated, the hearing officer shall issue a decision pursuant to § 2.22.

B. Administrative dismissal.

A Request for Appeal may be administratively dismissed without a hearing if the appellant has no right to appeal under § 1.9 of these regulations.

1. If the hearing officer determines that the appellant does not have the right to an appeal, the hearing officer shall notify the appellant and appellant's representative of the opportunity to contest the hearing officer's proposed administrative dismissal of the request.

2. If the appellant or the appellant's representative objects to the proposed administrative dismissal, the hearing officer shall conduct a hearing on the matter before taking final action.

3. If a Request for Appeal is administratively dismissed, the hearing officer shall issue a decision pursuant to § 2.22.

C. Judgment on the record

If the hearing officer determines from the record that the agency's determination was clearly in error and that the case should be resolved in the appellant's favor, he shall issue a decision pursuant to § 2.22.

D. Remand to agency.

If the hearing officer determines from the record that the case might be resolved in the appellant's favor if the agency obtains and develops additional information, documentation, or verification, he may remand the case to the agency for action consistent with the hearing officer's written instructions. The remand order shall be sent to the appellant and any representative.

E. Removal to the Medical Assistance Appeals Panel

In cases where the sole issue is one of state or federal law or policy, the case may, with the appellant's approval, be removed to the Medical Assistance Appeals Panel. Such cases will proceed according to the provisions of Part III of these regulations.

1. Before such removal, the hearing officer will send the appellant a statement of undisputed facts and identify the legal questions involved.
2. If the appellant accepts the hearing officer's statement of facts and legal questions involved, he may agree to removal to the panel.
3. If appellant disputes any facts, wants to present additional evidence, or desires a face-to-face hearing, removal is inappropriate, and a hearing must be held.

Article 7. Hearing.

§ 2.11. Scheduling.

To the extent possible, hearings will be scheduled at the appellant's convenience, with consideration of the travel distance required.

§ 2.12. Notification.

When a hearing is scheduled, the appellant and his representative shall be notified in writing of its time and place.

§ 2.13. Postponement.

A hearing may be postponed for good cause shown. No postponement will be granted beyond 30 days after the date of the Request for Appeal was filed unless the appellant or his representative waives in writing the 90-day deadline for the final decision.

§ 2.14. Location.

The hearing location shall be determined by the division. If for medical reasons the appellant is unable to travel, the hearing may be conducted at his residence.

§ 2.15. Client access to records.

Upon the request of the appellant or his representative, at a reasonable time before the date of the hearing, as well as during the hearing, the appellant and his representative may examine the content of appellant's case file and all documents and records the agency will rely on at the hearing.

§ 2.16. Subpoenas.

Appellants who require the attendance of witnesses or the production of records, memoranda, papers, and other documents at the hearing may request issuance of a subpoena in writing. The request must be received by the division at least five business days before the hearing is scheduled. Such request must include the witness' name, home and work address, county or city of work and residence, and identify the sheriff's office which will serve the subpoena.

§ 2.17. Role of the hearing officer.

The hearing officer shall conduct the hearing, decide on questions of evidence and procedure, question witnesses, and assure that the hearing remains relevant to the issue(s) being appealed. The hearing officer shall control the conduct of the hearing and decide who may participate in or observe the hearing.

§ 2.18. Informality of hearings.

Hearings shall be conducted in an informal, nonadversarial manner. The appellant or his representative has the right to bring witnesses, establish all pertinent facts and circumstances; present an argument without undue interference, and question or refute the testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

§ 2.19. Evidence.

The rules of evidence shall not strictly apply. All relevant, nonrepetitive evidence may be admitted, but the probative weight of the evidence will be evaluated by the hearing officer.

§ 2.20. Record of hearing.

All hearings shall be recorded [either by court reporter, tape recorders, or whatever other means the agency deems appropriate] . All exhibits accepted or rejected shall become part of the hearing record.

§ 2.21. Oath or affirmation.

All witnesses shall testify under oath [which shall be administered by the court reporter or the hearing officer, as delegated by the department's director] .

§ 2.22. Dismissal of Request for Appeal.

Request for Appeal may be dismissed if:

1. The appellant or his representative withdraws the request in writing; or
2. The appellant or his representative fails to appear at the scheduled hearing without good cause, and does not reply within 10 days after the hearing officer mails an inquiry as to whether the appellant wishes further action on the appeal.

§ 2.23. Post-hearing supplementation of the record.

A. Medical assessment.

Following a hearing, a hearing officer may order an independent medical assessment as described in § 2.9.

B. Additional evidence.

The hearing officer may leave the hearing record opened for a specified period of time in order to receive additional evidence or argument from the appellant. If the record indicates that evidence exists which was not presented by either party, with the appellant's permission, the hearing officer may attempt to secure such evidence.

C. Appellant's right to reconvene hearing or comment

If the hearing officer receives additional evidence from a person other than the appellant or his representative, the hearing officer shall send a copy of such evidence to the appellant and his representative and give the appellant the opportunity to comment on such evidence in writing or to reconvene the hearing to respond to such evidence.

D. Any additional evidence received will become a part of the hearing record, but the hearing officer must determine whether or not it will be used in making the decision.

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§ 2.24. Final decision.

After conducting the hearing and reviewing the record, the hearing officer shall issue a written final decision which either sustains or reverses the agency action or remands the case to the agency for further action consistent with his written instructions. The hearing officer's final decision shall be considered as the agency's final administrative action pursuant to 42 CFR, 431.244(f). The final decision shall include:

1. A description of the procedural development of the case;
2. Findings of fact which identify supporting evidence;
3. Citations to supporting regulations and law;
4. Conclusions and reasoning;
5. The specific action to be taken by the agency to implement the decision; and
6. Notice of further appeal rights to the Medical Assistance Appeals Panel. This notice shall include information about the right to representation, time limits for requesting review, the right to submit written argument, the right to present oral argument, and the right to receive benefits pending review.

§ 2.25. Transmission of the hearing record.

The hearing record shall be forwarded to the appellant and his representative with the hearing decision.

PART III. MEDICAL ASSISTANCE APPEALS PANEL.

Article 1. General.

§ 3.1. Composition of the Medical Assistance Appeals Panel.

The panel shall consist of a Senior Administrative Law Judge and two Administrative Law Judges who are appointed by the director of the department and shall serve at his pleasure.

§ 3.2. Function of the panel.

Taking into consideration the record made below, the panel shall review and decide all appeals from hearing officers' decisions by evaluating the evidence in the record and any written and oral argument submitted, consistent with relevant federal and state law, regulations, and policy

Article 2. Commencement of Panel Review.

§ 3.3. Commencing panel review.

An appeal is commenced when the appellant or his representative files a Request for Review, or another written statement indicating the appellant's belief that the hearing officer's decision is incorrect.

§ 3.4. Place of filing Request for Review.

The Request for Review shall be filed with the Medical Assistance Appeals Panel, Department of Medical Assistance Services, 600 E. Broad St. Richmond, VA 23219.

§ 3.5. Time limit for filing.

A Request for Review shall be filed within 12 days from the date the hearing officer's decision is mailed.

§ 3.6. Extension of time for filing.

An extension of the 12-day period for filing a Request for Review may be granted for good cause shown. A request for an extension shall be in writing and filed with the panel. The request shall include a complete explanation of the reasons that an extension is needed. Good cause includes unusual or unavoidable circumstances which prevented a timely appeal (See § 2.6).

§ 3.7. Dismissal.

A. A Request for Review shall be dismissed if it was not filed within the time limit imposed by § 3.5 or extended pursuant to § 3.6. If a factual dispute exists about the timeliness of the Request for Review, the panel shall receive evidence or testimony on those matters before taking final action.

B. A dismissal shall constitute the panel's final disposition of the appeal.

C. Judgment on the record.

If the panel determines from the evidence in the record that the hearing officer's decision was clearly in error and that the case should be resolved in the appellant's favor, the panel may issue a final decision without receiving written or oral argument from appellant.

Article 5. Written Argument.

§ 3.8. Right to present written argument.

An appellant may file written argument to present reasons why the hearing officer's decision is incorrect.

§ 3.9. Time limitation.

Written argument by the appellant, if any, shall be filed with the panel within 10 days after the Request for Review is filed.

§ 3.10. Extension.

An extension of the time limit for filing written argument may be granted for good cause shown.

§ 3.11. Evidence.

No additional evidence shall be accepted with the written argument unless it is relevant, nonrepetitive and not reasonably available at the hearing level through the exercise of due diligence.

Article 6. Oral Argument.

§ 3.12. Requesting oral argument.

An appellant or his representative may ask for a hearing to present oral argument with the Request for Review.

§ 3.13. Place of hearing.

Hearings shall be held at the Department of Medical Assistance Services' central office in Richmond, 600 E. Broad Street, Suite 1300, Richmond, Virginia 23219.

§ 3.14. Notice of hearing.

A. Scheduling the hearing.

Unless judgment on the record is issued pursuant to § 3.7 C, a hearing will be set, and, to the extent possible, scheduled at the appellant's convenience.

B. Notification.

As soon as a hearing is scheduled, the person requesting it will be notified, at least seven days in advance.

C. Postponement.

A hearing may be postponed by the appellant or his representative for good cause shown.

§ 3.15. Function of the Senior Administrative Law Judge.

The Senior Administrative Law Judge shall be the presiding member of the panel. If the Senior Administrative Law Judge is absent, one of the Administrative Law Judges shall preside on a rotating basis.

§ 3.16. Recorded hearing.

The hearing shall be tape recorded.

§ 3.17. Evidence.

No additional evidence will be accepted at the oral argument unless it meets the requirements of § 3.11 and is presented to the panel in advance of the hearing date.

Article 7. Disposition.

§ 3.18. Disposition.

A. Vote.

The panel decision is made by majority vote, and the decision may be to sustain, reverse or remand the hearing officer's decision.

B. Summary affirmance.

By majority vote the panel may summarily affirm the hearing officer's decision by adopting the hearing officer's decision as its own.

C. Content of decisions.

Decisions shall be accompanied by a written opinion, stating facts with supporting evidence, reasons and conclusions, citations to supporting law and regulations, and an order describing the specific action to be taken to implement the decision. Information about further appeal rights will also be provided.

D. Remand to hearing officer.

A remand order shall clearly state the panel's instructions for further development of the evidence or the legal or policy interpretation to be applied to the facts on record.

E. The panel decision shall be sent to appellant and his representative and the agency. This shall constitute the panel's final disposition of the appeal.

Article 8. Reconsideration.

§ 3.19. When reconsideration is accorded.

A decision unfavorable to the appellant may be reconsidered by the panel on its own motion or upon motion by the appellant or his representative alleging error of fact or application of law or policy.

§ 3.20. Filing and content.

Appellant's motion for reconsideration must be filed within 12 days after entry of the panel's decision. This motion shall set forth clearly and specifically the alleged error(s) in the panel's decision.

§ 3.21. Review.

The Administrative Law Judge who wrote the majority opinion shall review the sufficiency of the allegations set forth in the motion and may request additional written argument from the appellant.

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§ 3.22. Disposition.

The ruling on the motion for reconsideration shall be in writing and entered as the final order in the case. If the motion is granted, a new decision will be issued in accordance with § 3.18.

BOARD OF NURSING

REGISTRAR'S NOTICE: The repeal of § 5.3 of this regulation, as stricken, 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 Board of Nursing will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 495-01-01. Board of Nursing Regulations.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Effective Date: January 16, 1991.

Summary:

The Virginia General Assembly, at its 1990 session, amended §§ 54.1-3000 and 54.1-3005 of the Code of Virginia. The first change amended the definition of practical nursing to permit the teaching of those who are or will be nurse aides, subject to such regulations as the Board of Nursing may promulgate. The second change authorizes the Board of Nursing to promulgate regulations, which include standards for the authority of licensed practical nurses to teach nurse aides.

The final regulations amend or relocate some existing regulations and add some new regulations to establish the qualifications for licensed practical nurses who teach in nurse aide education programs and to describe their responsibilities.

Changes resulting from the review of comments will be found in § 5.3 C 3 b. The proposed regulations were changed to permit other instructional personnel to provide classroom instruction in addition to providing skills laboratory and clinical instruction.

These regulations delete the regulation which permitted registration of clinical nurse specialists by exception. Also deleted is § 5.3 which required nurses aides to pay fees related to the nurse aide registry.

All relevant documents are available for inspection at the Board of Nursing, 1601 Rolling Hills Drive, Richmond, Virginia 23229, telephone (804) 662-9909.

VR 495-01-1. Board of Nursing Regulations.

Preamble:

These regulations state the requirements for approval of nursing and nurse aide education programs, the licensing of registered nurses and practical nurses, the registration of clinical nurse specialists and the certification of nurse aides in the Commonwealth of Virginia. The regulations have been adopted by the Virginia State Board of Nursing under the authority of Chapter 24 (§ 54.1-2400) and Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia.

The board believes that each practitioner of nursing is accountable to the Commonwealth and to the public to maintain high professional standards of practice in keeping with the ethics of the profession of nursing.

The registered nurse shall be responsible and accountable for making decisions that are based upon educational preparation and experience in nursing. The registered nurse shall be held accountable for the quality and quantity of nursing care given to patients by himself or others who are under his supervision. The registered nurse who is a clinical nurse specialist is authorized to provide advanced nursing services consistent with the requirements of law and regulations.

The licensed practical nurse shall be held accountable for the quality and quantity of nursing care given to patients by himself based upon educational preparation and experience.

The certified nurse aide is required to meet standards consistent with federal and state law and regulations in employment settings receiving Medicare and Medicaid reimbursement for care rendered.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Approval" means the process by which the board or a governmental agency in another state or foreign country evaluates and grants official recognition to nursing education programs that meet established standards not inconsistent with Virginia law.

"Associate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or other institution and designed to lead to an associate degree in nursing, provided that the institution is authorized to confer such degree by the State Board of Education, State Council of

Higher Education or an Act of the General Assembly.

"Baccalaureate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or university and designed to lead to a baccalaureate degree with a major in nursing, provided that the institution is authorized to confer such degree by the State Board of Education, the State Council of Higher Education or an Act of the General Assembly.

"Board" means the State Board of Nursing.

"Clinical nurse specialist" means a licensed registered nurse who holds:

1. A master's degree from a board approved program which prepares the nurse to provide advanced clinical nursing services; and
2. Specialty certification from a national certifying organization acceptable to the board or [registration with the board pursuant to § 3.10 A 5 of these regulations an exception available from March 1, 1990, to July 1, 1990].

"Conditional approval" means a time-limited status which results when an approved nursing education program has failed to maintain requirements as set forth in § 2.2 of these regulations.

"Cooperating agency" means an agency or institution that enters into a written agreement to provide learning experiences for a nursing education program.

"Diploma nursing program" means a nursing education program preparing for registered nurse licensure, offered by a hospital and designed to lead to a diploma in nursing, provided the hospital is licensed in this state.

"National certifying organization" means an organization that has as one of its purposes the certification of a specialty in nursing based on an examination attesting to the knowledge of the nurse for practice in the specialty area.

"Nursing education program" means an entity offering a basic course of study preparing persons for licensure as registered nurses or as licensed practical nurses. A basic course of study shall include all courses required for the degree, diploma or certificate.

"Practical nursing program" means a nursing education program preparing for practical nurse licensure, offered by a Virginia school, that leads to a diploma or certificate in practical nursing, provided the school is authorized by the appropriate governmental agency.

"Program director" means a registered nurse who has been designated by the controlling authority to administer the nursing education program.

"Provisional approval" means the initial status granted to a nursing education program which shall continue until the first class has graduated and the board has taken final action on the application for approval.

"Recommendation" means a guide to actions that will assist an institution to improve and develop its nursing education program.

"Requirement" means a mandatory condition that a nursing education program must meet to be approved.

§ 1.2. Delegation of authority.

A. The executive director of the board shall issue a certificate of registration to each person who meets the requirements for initial licensure under §§ 54.1-3017, 54.1-3018, 54.1-3020 and 54.1-3021 of the Code of Virginia. Such certificates of registration shall bear the signature of the president of the board, the executive director and the director of the Department of Health Regulatory Boards.

B. The executive director shall issue license to each applicant who qualifies for such license under § 54.1-3011 of the Code of Virginia. Such licenses shall bear the name of the executive director.

C. The executive director shall be delegated the authority to execute all notices, orders and official documents of the board unless the board directs otherwise.

§ 1.3. Fees.

Fees required in connection with the licensing of applicants by the board are:

- | | |
|---|------|
| 1. Application for R.N. Licensure | \$45 |
| 2. Application for L.P.N. Licensure | \$35 |
| 3. Biennial Licensure Renewal | \$28 |
| 4. Reinstatement Lapsed License | \$50 |
| 5. Duplicate License | \$10 |
| 6. Verification of License | \$10 |
| 7. Transcript of Examination Scores | \$5 |
| 8. Transcript of Applicant/Licensee Records | \$10 |
| 9. Returned Check Charge | \$15 |
| 10. Application for C.N.S. registration | \$50 |
| 11. Biennial renewal of C.N.S. registration | \$30 |
| 12. Reinstatement of lapsed C.N.S. registration | \$25 |
| 13. Verification of C.N.S. registration | \$25 |

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§ 1.4. Public participation guidelines.

A. Mailing list.

The Virginia State Board of Nursing (board) will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "informational proceeding," the subject of which is proposed or existing regulation.
3. Final regulation adopted.

Any person wishing to be placed on the mailing list may do so by writing the board. In addition, the board, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all above-listed information. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

B. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

C. Public comment period.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

D. Petitions to the board.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.

E. Publication in the Virginia Register of Regulations.

At any meeting of the board or any subcommittee or advisory committee, where the formulation or adoption of regulation occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

F. Advisory committee.

The board, in cooperation with the Council on Health Regulatory Boards, may appoint advisory committees as they deem necessary to provide for adequate citizen participation in the formation, promulgation, adoption, and review of regulations.

PART II. NURSING EDUCATION PROGRAMS.

§ 2.1. Establishing a nursing education program.

Phase I.

A. An institution wishing to establish a nursing education program shall:

1. Submit to the board, at least 15 months in advance of expected opening date, a statement of intent to establish a nursing education program;
2. Submit to the board, along with the statement of intent, a feasibility study to include the following information:
 - a. Studies documenting the need for the program;
 - b. Purpose and type of program;
 - c. Availability of qualified faculty;
 - d. Budgeted faculty positions;
 - e. Availability of clinical facilities for the program;
 - f. Availability of academic facilities for the program;
 - g. Evidence of financial resources for the planning, implementation and continuation of the program;
 - h. Anticipated student population;
 - i. Tentative time schedule for planning and initiating the program; and
 - j. Current catalog, if applicable.

3. Respond to the board's request for additional information.

B. A site visit shall be conducted by a representative of the board.

C. The board, after review and consideration, shall either approve or disapprove Phase I.

1. If Phase I is approved, the institution may apply for provisional approval of the nursing education program as set forth in these regulations.
2. If Phase I is disapproved, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

Phase II.

D. The application for provisional approval shall be complete when the following conditions are met:

1. A program director has been appointed and there are sufficient faculty to initiate the program (§ 2.2.C of these regulations);
2. A tentative written curriculum plan developed in accordance with § 2.2.F of these regulations has been submitted; and

E. The board, after review and consideration, shall either grant or deny provisional approval.

1. If provisional approval is granted:
 - a. The admission of students is authorized; and
 - b. The program director shall submit quarterly progress reports to the board which shall include evidence of progress toward application for approval and other information as required by the board.
2. If provisional approval is denied, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

F. Following graduation of the first class, the institution shall apply for approval of the nursing education program.

Phase III.

G. The application for approval shall be complete when a self-evaluation report of compliance with § 2.2 of these regulations has been submitted and a survey visit has been made by a representative of the board.

H. The board will review and consider the self-evaluation and the survey reports at the next regularly scheduled meeting.

I. The board shall either grant or deny approval. If denied, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

§ 2.2. Requirements for approval.

A. Organization and administration.

1. The institution shall be authorized to conduct a nursing education program by charter or articles of incorporation of the controlling institution; by resolution of its board of control; or by the institution's own charter or articles of incorporation.

2. Universities, colleges, community or junior colleges, proprietary schools and public schools offering nursing education programs shall be accredited by the appropriate state agencies and the Southern Association of Colleges and Schools.

3. Hospitals conducting a nursing education program shall be accredited by the Joint Commission on Accreditation of Healthcare Organizations.

4. Any agency or institution that is utilized by a nursing education program shall be one that is authorized to conduct business in the Commonwealth of Virginia, or in the state in which the agency or institution is located.

5. The authority and responsibility for the operation of the nursing education program shall be vested in a program director who is duly licensed to practice professional nursing in Virginia and who is responsible to the controlling board, either directly or through appropriate administrative channels.

6. A written organizational plan shall indicate the lines of authority and communication of the nursing education program to the controlling body; to other departments within the controlling institution; to the cooperating agencies; and to the advisory committee, if one exists.

7. Funds shall be allocated by the controlling agency to carry out the stated purposes of the program. The program director of the nursing education program shall be responsible for the budget recommendations and administration, consistent with the established policies of the controlling agency.

B. Philosophy and objectives.

Written statements of philosophy and objectives shall be:

1. Formulated and accepted by the faculty;
2. Directed toward achieving realistic goals;
3. Directed toward the meaning of education, nursing and the learning process;
4. Descriptive of the practitioner to be prepared; and
5. The basis for planning, implementing and evaluating

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the total program.

C. Faculty.

1. Qualifications.

a. Every member of a nursing faculty, including the program director, shall hold a current license to practice as a registered nurse in Virginia.

b. Every member of a nursing faculty responsible for teaching students in a cooperating agency located outside the jurisdictional limits of Virginia shall meet the licensure requirements of that jurisdiction .

c. The program director and each member of the nursing faculty shall maintain professional competence through such activities as nursing practice, continuing education programs, conferences, workshops, seminars, academic courses, research projects and professional writing.

d. For baccalaureate degree programs:

(1) The program director shall hold a doctoral degree.

(2) Every member of the nursing faculty shall hold a graduate degree. Faculty members without a graduate degree with a major in nursing shall have a baccalaureate degree with a major in nursing.

(3) At least one faculty member in each clinical area shall have master's preparation in specialty.

e. For associate degree and diploma programs:

(1) The program director shall hold a graduate degree, preferably with a major in nursing.

(2) The majority of the members of the nursing faculty shall hold a graduate degree, preferably with a major in nursing.

(3) Other members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

f. For practical nursing programs.

(1) The program director shall hold a baccalaureate degree, preferably with a major in nursing.

(2) The majority of the members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

g. Exceptions to provisions of subparagraphs d, e, and f of this subsection shall be by board approval.

(1) Initial request for exception.

(a) The program director shall submit a request for initial exception in writing for considerations at a regular board meeting prior to the term during which the nursing faculty member is scheduled to teach.

(b) A description of teaching assignment, a curriculum vitae and a statement of intent, from the prospective faculty member, to pursue the required degree shall accompany each request.

(2) Request for continuing exception.

(a) Continuing exception will be based on the progress of the nursing faculty member toward meeting the degree required by these regulations during each year for which the exception is requested.

(b) The program director shall submit the request for continuing exception in writing for consideration at a regular board meeting prior to the next term during which the nursing faculty member is scheduled to teach.

(c) A list of courses required for the degree being pursued and college transcripts showing successful completion of a minimum of two of the courses during the past academic year shall accompany each request.

(3) The executive director of the board shall be authorized to make the initial decision on requests for exceptions. Any appeal of that decision shall be in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.).

2. Number.

a. The number of faculty shall be sufficient to prepare the students to achieve the objectives of the educational program and such number shall be reasonably proportionate to:

(1) Number of students enrolled;

(2) Frequency of admissions;

(3) Education and experience of faculty members;

(4) Number and location of clinical facilities; and

(5) Total responsibilities of the faculty.

b. When students are giving direct care to patients, the ratio of students to faculty in clinical areas shall not exceed 10 students to one faculty member.

3. Conditions of employment.

a. Qualifications and responsibilities for faculty positions shall be defined in writing.

b. Faculty assignments shall allow time for class and laboratory preparation; teaching; program revision; improvement of teaching methods; academic advisement and counseling of students; participation in faculty organizations and committees; attendance at professional meetings; and participation in continuing education activities.

4. Functions.

The principal functions of the faculty shall be to:

a. Develop, implement and evaluate the philosophy and objectives of the nursing education program;

b. Participate in designing, implementing, teaching, and evaluating and revising the curriculum;

c. Develop and evaluate student admission, progression, retention and graduation policies within the framework of the controlling institution;

d. Participate in academic advisement and counseling of students; and

e. Provide opportunities for student and graduate evaluation of curriculum and teaching and program effectiveness.

5. Organization.

a. The nursing faculty shall hold regular meetings for the purpose of developing, implementing and evaluating the nursing education program. Written rules shall govern the conduct of meetings.

b. All members of the faculty shall participate in the regular faculty meetings.

c. Committees shall be established to implement the functions of the faculty.

d. Minutes of faculty and committee meetings, including actions taken, shall be recorded and available for reference.

e. There shall be provision for student participation.

D. Students.

1. Admission, promotion and graduation.

a. Requirements for admission to the nursing education program shall not be less than the statutory requirements that will permit the graduate to be admitted to the appropriate licensing examination.

(EXPLANATORY NOTE: Reference subdivision 1 of subsection A of § 54.1-3017 of the Code of Virginia: The equivalent of a four-year high school course of study is considered to be:

(1) A General Educational Development (GED) certificate for high school equivalence; or

(2) Satisfactory completion of the college courses required by the nursing education program.)

b. Students shall be selected on the basis of established criteria and without regard to age, race, creed, sex or national origin.

c. Requirements for admission, readmission, advanced standing, progression, retention, dismissal and graduation shall be available to the students in written form.

E. Records.

1. School records.

A system of records shall be maintained and be made available to the board representative and shall include:

a. Data relating to accreditation by any agency or body,

b. Course outlines,

c. Minutes of faculty and committee meetings,

d. Reports of standardized tests,

e. Survey reports.

2. Student records.

a. A file shall be maintained for each student. Each file shall be available to the board representative and shall include:

(1) The student's application,

(2) High school transcript or copy of high school equivalence certificate,

(3) Current record of achievement.

b. A final transcript shall be retained in the permanent file of the institution.

c. Provision shall be made for the protection of student and graduate records against loss, destruction and unauthorized use.

3. School bulletin or catalogue.

Current information about the nursing education

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program shall be published periodically and distributed to students, applicants for admission and the board. Such information shall include:

- a. Description of the program.
- b. Philosophy and objectives of the controlling institution and of the nursing program.
- c. Admission and graduation requirements.
- d. Fees.
- e. Expenses.
- f. Financial aid.
- g. Tuition refund policy.
- h. Education facilities.
- i. Living accommodations.
- j. Student activities and services.
- k. Curriculum plan.
- l. Course descriptions.
- m. Faculty-staff roster.
- n. School calendar.

F. Curriculum.

1. Curriculum shall reflect the philosophy and objectives of the nursing education program, and shall be consistent with the law governing the practice of nursing.
2. The ratio between nursing and nonnursing credit shall be based on a rationale to ensure sufficient preparation for the safe and effective practice of nursing.
3. Learning experiences shall be selected to fulfill curriculum objectives.
4. Nursing education programs preparing for practical nursing licensure shall include:
 - a. Principles and practice in nursing encompassing the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle;
 - b. Basic concepts of the nursing process;
 - c. Basic concepts of anatomy, physiology, chemistry, physics and microbiology;

- d. Basic concepts of communication, growth and development, interpersonal relations, patient education and cultural diversity;

- e. Ethics, nursing history and trends, vocational and legal aspects of nursing, including regulations and sections of the Code of Virginia related to nursing; and

- f. Basic concepts of pharmacology, nutrition and diet therapy.

5. Nursing education programs preparing for registered nurse licensure shall include:

- a. Theory and practice in nursing, encompassing the attainment and maintenance of physical and mental health and the prevention of illness throughout the life cycle for individuals, groups and communities;

- b. Concepts of the nursing process;

- c. Concepts of anatomy, physiology, chemistry, microbiology and physics;

- d. Sociology, psychology, communications, growth and development, interpersonal relations, group dynamics, cultural diversity and humanities;

- e. Concepts of pharmacology, nutrition and diet therapy, and pathophysiology;

- f. Concepts of ethics, nursing history and trends, and the professional and legal aspects of nursing, including regulations and sections of the Code of Virginia related to nursing; and

- g. Concepts of leadership, management and patient education.

G. Resources, facilities and services.

1. Periodic evaluations of resources, facilities and services shall be conducted by the administration, faculty, students and graduates of the nursing education program.
2. Secretarial and other support services shall be provided.
3. Classrooms, conference rooms, laboratories, clinical facilities and offices shall be available to meet the objectives of the nursing education program and the needs of the students, faculty, administration and staff.
4. The library shall have holdings that are current, pertinent and accessible to students and faculty, and sufficient in number to meet the needs of the students and faculty.
5. Written agreements with cooperating agencies shall

be developed, maintained and periodically reviewed. The agreement shall:

a. Ensure full control of student education by the faculty of the nursing education program, including the selection and supervision of learning experiences.

b. Provide that an instructor shall be present on the clinical unit(s) to which students are assigned for direct patient care.

c. Provide for cooperative planning with designated agency personnel.

6. Any observational experiences shall be planned in cooperation with the agency involved to meet stated course objectives.

7. Cooperating agencies shall be approved by the appropriate accreditation, evaluation or licensing bodies, if such exist.

H. Program changes requiring board of nursing approval.

The following proposed changes require board approval prior to their implementation:

1. Proposed changes in the nursing education program's philosophy and objectives that result in program revision.

2. Proposed changes in the curriculum that result in alteration of the length of the nursing education program.

3. Proposed additions, deletions or major revisions of courses.

I. Procedure for approval of program change.

1. When a program change is contemplated, the program director shall inform the board or board representative.

2. When a program change is requested, a plan shall be submitted to the board including:

a. Proposed change,

b. Rationale for the change,

c. Relationship of the proposed change to the present program.

3. Twelve copies of these materials shall be submitted to the board at least three weeks prior to the board meeting at which the request will be considered.

§ 2.3. Procedure for maintaining approval.

A. The program director of each nursing education program shall submit an annual report to the board.

B. Each nursing education program shall be reevaluated at least every eight years and shall require:

1. A comprehensive self-evaluation report based on § 2.2 of these regulations, and

2. A survey visit by a representative(s) of the board on dates mutually acceptable to the institution and the board.

C. The self-evaluation and survey visit reports shall be presented to the board for consideration and action at a regularly scheduled board meeting. The reports and the action taken by the board shall be sent to the appropriate administrative officers of the institution. In addition, a copy shall be forwarded to the executive officer of the state agency or agencies having program approval authority or coordinating responsibilities for the governing institutions.

D. Interim visits shall be made to the institution by board representatives at any time within the eight-year period either by request or as deemed necessary by the board.

E. A nursing education program shall continue to be approved provided the requirements set forth in § 2.2 of these regulations are attained and maintained.

F. If the board determines that a nursing education program is not maintaining the requirements of § 2.2 of these regulations, the program shall be placed on conditional approval and the governing institution shall be given a reasonable period of time to correct the identified deficiencies. The institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

G. If the governing institution fails to correct the identified deficiencies within the time specified by the board, the board shall withdraw the approval following a hearing held pursuant to the provisions of the Administrative Process Act. (§ 9-6.14:1 et seq.) Sections 2.4. B and C of these regulations shall apply to any nursing education program whose approval has been withdrawn.

§ 2.4. Closing of an approved nursing education program.

A. Voluntary closing.

When the governing institution anticipates the closing of a nursing education program, it shall notify the board in writing, stating the reason, plan and date of intended closing. The governing institution shall choose one of the following closing procedures:

1. The program shall continue until the last class enrolled is graduated.

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a. The program shall continue to meet the standards for approval until all of the enrolled students have graduated.

b. The date of closure is the date on the degree, diploma or certificate of the last graduate.

c. The governing institution shall notify the board of the closing date.

2. The program shall close after the governing institution has assisted in the transfer of students to other approved programs.

a. The program shall continue to meet the standards required for approval until all students are transferred.

b. A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

c. The date on which the last student was transferred shall be the closing date of the program.

B. Closing as a result of denial or withdrawal or approval.

When the board denies or withdraws approval of a program, the governing institution shall comply with the following procedures:

1. The program shall close after the institution has made a reasonable effort to assist in the transfer of students to other approved programs. A time frame for the transfer process shall be established by the board.

2. A list of the names of students who have transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

3. The date on which the last student was transferred shall be the closing date of the program.

C. Custody of records.

Provision shall be made for custody of records as follows:

1. If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The institution shall inform the board of the arrangements made to safeguard the records.

2. If the governing institution ceases to exist, the academic transcript of each student and graduate shall be transferred by the institution to the board for

safekeeping.

§ 2.5. Clinical nurse specialist education program.

An approved program shall be offered by:

1. A nationally accredited school of nursing within a college or university that offers a master's degree in nursing designed to prepare a registered nurse for advanced practice in a clinical specialty in nursing; or

2. A college or university that offers a master's degree consistent with the requirements of a national certifying organization as defined in § 1.1 of these regulations.

PART III. LICENSURE AND PRACTICE.

§ 3.1. Licensure by examination.

A. The board shall administer examinations for registered nurse licensure and examinations for practical nurse licensure no less than twice a year.

B. The minimum passing score on the examination for registered nurse licensure shall be determined by the board.

C. If a candidate does not take the examination when scheduled, the application shall be retained on file as required for audit and the candidate must file a new application and fee to be rescheduled.

D. Any applicant suspected of giving or receiving unauthorized assistance during the writing of the examination shall be noticed for a hearing before the board to determine whether the license shall be issued.

E. The board shall not release examination results of a candidate to any individual or agency without written authorization from the applicant or licensee.

F. An applicant for the licensing examination shall:

1. File the required application and fee no less than 60 days prior to the scheduled date of the examination.

2. Arrange for the board to receive the final certified transcript from the nursing education program at least 15 days prior to the examination date or as soon thereafter as possible. The transcript must be received prior to the reporting of the examination results to candidates.

G. Fifteen days prior to an examination date, all program directors shall submit a list of the names of those students who have completed or are expected to complete the requirements for graduation since the last examination. Any change in the status of a candidate within the above

specified 15-day period shall be reported to the board immediately.

H. Practice of nursing pending receipt of examination results.

1. Graduates of approved nursing education programs may practice nursing in Virginia pending the results of the first licensing examination given by a board of nursing following their graduation, provided they have filed an application for licensure in Virginia. Candidates taking the examination in Virginia shall file the application for licensure by examination. Candidates taking the examination in other jurisdictions shall file the application for licensure by endorsement.

2. Candidates who practice nursing as provided in § 3.1 I 1 of these regulations shall use the designation "R.N. Applicant" or "L.P.N. Applicant" when signing official records.

3. The designations "R.N. Applicant" and "L.P.N. Applicant" shall not be used by applicants who do not take or who have failed the first examination for which they are eligible.

I. Applicants who fail the examination.

1. An applicant who fails the licensing examination shall not be licensed or be authorized to practice nursing in Virginia.

2. An applicant for reexamination shall file the required application and fee no less than 60 days prior to the scheduled date of the examination.

3. Applicants who have failed the licensing examination in another U.S. jurisdiction and who meet the qualifications for licensure in this jurisdiction may apply for licensure by examination in Virginia. Such applicants shall submit the required application and fee. Such applicants shall not, however, be permitted to practice nursing in Virginia until the requisite license has been issued.

§ 3.2. Licensure by endorsement.

A. A graduate of an approved nursing education program who has been licensed by examination in another U.S. jurisdiction and whose license is in good standing, or is eligible for reinstatement, if lapsed, shall be eligible for licensure by endorsement in Virginia, provided the applicant satisfies the requirements for registered nurse or practical nurse licensure.

B. An applicant for licensure by endorsement shall submit the required application and fee and submit the required form to the appropriate credentialing agency in the state of original licensure for verification of licensure. Applicants will be notified by the board after 30 days, if

the completed verification form has not been received.

C. If the application is not completed within one year of the initial filing date, the application shall be retained on file by the board as required for audit.

§ 3.3. Licensure of applicants from other countries.

A. Applicants whose basic nursing education was received in, and who are duly licensed under the laws of another country, shall be scheduled to take the licensing examination provided they meet the statutory qualifications for licensure. Verification of qualification shall be based on documents submitted as required in § 3.3 B and C of these regulations.

B. Such applicants for registered nurse licensure shall:

1. Submit evidence of a passing score on the Commission on Graduates of Foreign Nursing Schools Qualifying Examination; and

2. Submit the required application and fee for licensure by examination.

C. Such applicants for practical nurse licensure shall:

1. Request a transcript from the nursing education program to be submitted directly to the board office;

2. Provide evidence of secondary education to meet the statutory requirements;

3. Request that the credentialing agency, in the country where licensed, submit the verification of licensure; and

4. Submit the required application and fee for licensure by examination.

§ 3.4. Renewal of licenses.

A. Licensees born in even-numbered years shall renew their licenses by the last day of the birth month in even-numbered years. Licensees born in odd-numbered years shall renew their licenses by the last day of the birth month in odd-numbered years.

B. No less than 30 days prior to the last day of the licensee's birth month, an application for renewal of license shall be mailed by the board to the last known address of each licensee, who is currently licensed.

C. The licensee shall complete the application and return it with the required fee.

D. Failure to receive the application for renewal shall not relieve the licensee of the responsibility for renewing the license by the expiration date.

E. The license shall automatically lapse if the licensee

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fails to renew by the last day of the birth month.

F. Any person practicing nursing during the time a license has lapsed shall be considered an illegal practitioner and shall be subject to prosecution under the provisions of § 54.1-3008 of the Code of Virginia.

§ 3.5. Reinstatement of lapsed licenses.

A. A nurse whose license has lapsed shall file a reinstatement application and pay the current renewal fee and the reinstatement fee.

B. The board may request evidence that the nurse is prepared to resume practice in a competent manner.

§ 3.6. Replacement of lost license.

A. The licensee shall report in writing the loss of the original certificate of registration or the current license.

B. A duplicate license for the current renewal period shall be issued by the board upon receipt of the required form and fee.

§ 3.7. Evidence of change of name.

A licensee who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order evidencing the change. A duplicate license shall be issued by the board upon receipt of such evidence and the required fee.

§ 3.8. Requirements for current mailing address.

A. All notices, required by law and by these regulations to be mailed by the board to any licensee, shall be validly given when mailed to the latest address on file with the board.

B. Each licensee shall maintain a record of his current mailing address with the board.

C. Any change of address by a licensee shall be submitted in writing to the board within 30 days of such change.

§ 3.9. Licensed practical nursing is performed under the direction or supervision of a licensed medical practitioner, a registered nurse or a licensed dentist within the context of § 54.1-3408 of the Code of Virginia.

§ 3.10. Clinical nurse specialist registration.

A. Initial registration.

An applicant for initial registration as a clinical nurse specialist shall:

1. Be currently licensed as a registered nurse in Virginia;

2. Submit evidence of graduation from an approved program as defined in § 2.5 of these regulations;

3. Submit evidence of current specialty certification from a national certifying organization as defined in § 1.1 of these regulations; and

4. Submit the required application and fee.

[~~5. EXCEPTION: An individual who has practiced as a clinical nurse specialist in Virginia within the 12 months immediately preceding the effective date of these regulations shall:~~

- ~~a. Be currently licensed as a registered nurse in Virginia;~~

- ~~b. File the required application and fee within 120 days of the effective date of these regulations;~~

- ~~c. Submit evidence of a master's degree acceptable to the board; and~~

- ~~d. Submit evidence of employment as a clinical nurse specialist in Virginia within the 12 months immediately preceding the effective date of these regulations.]~~

B. Renewal of registration.

1. Registration as a clinical nurse specialist shall be renewed biennially at the same time the registered nurse license is renewed.

2. The clinical nurse specialist shall complete the renewal application and return it with the required fee and evidence of current specialty certification unless registered in accordance with [~~§ 3.10 A 5 of these regulations an exception~~].

3. Registration as a clinical nurse specialist shall lapse if the registered nurse license is not renewed and may be reinstated as follows:

- a. Reinstatement of R.N. license;

- b. Payment of reinstatement and current renewal fees; and

- c. Submission of evidence of continued specialty certification unless registered in accordance with [~~§ 3.10 A 5 of these regulations an exception~~].

§ 3.11. Clinical nurse specialist practice.

A. The practice of clinical nurse specialists shall be consistent with the

1. Education required in § 2.5 of these regulations, and

2. Experience required for specialist certification.

B. The clinical nurse specialist shall provide those advanced nursing services that are consistent with the standards of specialist practice as established by a national certifying organization for the designated specialty and in accordance with the provisions of Title 54.1 of the Code of Virginia.

C. Advanced practice as a clinical nurse specialist shall include but shall not be limited to performance as an expert clinician to:

1. Provide direct care and counsel to individuals and groups;
2. Plan, evaluate and direct care given by others; and
3. Improve care by consultation, collaboration, teaching and the conduct of research.

PART IV. DISCIPLINARY PROVISIONS.

§ 4.1. The board has the authority to deny, revoke or suspend a license issued, or to otherwise discipline a licensee upon proof that the licensee has violated any of the provisions of § 54.1-3007 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

A. Fraud or deceit shall mean, but shall not be limited to:

1. Filing false credentials;
2. Falsely representing facts on an application for initial license, reinstatement or renewal of a license; or
3. Giving or receiving assistance in writing the licensing examination.

B. Unprofessional conduct shall mean, but shall not be limited to:

1. Performing acts beyond the limits of the practice of professional or practical nursing as defined in Chapter 30 of Title 54.1, or as provided by §§ 54.1-2901 and 54.1-2957 of the Code of Virginia;
2. Assuming duties and responsibilities within the practice of nursing without adequate training or when competency has not been maintained;
3. Obtaining supplies, equipment or drugs for personal or other unauthorized use;
4. Employing or assigning unqualified persons to perform functions that require a licensed practitioner

of nursing;

5. Falsifying or otherwise altering patient or employer records;

6. Abusing, neglecting or abandoning patients or clients; or

7. Practice of a clinical nurse specialist beyond that defined in § 3.11. of these regulations.

8. Holding self out as or performing acts constituting the practice of a clinical nurse specialist unless so registered by the Board.

§ 4.2. Any sanction imposed on the registered nurse license of a clinical nurse specialist shall have the same effect on the clinical nurse specialist registration.

PART V. CERTIFIED NURSE AIDES.

§ 5.1. Definitions.

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

"Nurse aide education program" means a program designed to prepare nurse aides for certification.

"Nursing facility" means a licensed nursing home or a Medicare or Medicaid certified skilled or intermediate care facility or unit.

"Primary instructor" means a registered nurse who is responsible for teaching and evaluating the students enrolled in a nurse aide education program.

"Program coordinator" means a registered nurse who is administratively responsible and accountable for a nurse aide education program.

"Program provider" means an entity which conducts a nurse aide education program.

§ 5.2. Delegation of authority.

The executive director of the board shall issue a certificate as a certified nurse aide to each applicant who qualifies for such a certificate under §§ 54.1-3025, 54.1-3026 and 54.1-3028 of the Code of Virginia.

[§ 5.3. Fees.

- | | |
|---|------|
| 1. Application for nurse aide certification | \$15 |
| 2. Biennial certificate renewal | \$15 |
| 3. Duplicate license fee | \$10 |

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4. Return check charge\$15

§ 5-4. 5.3.] Nurse aide education programs.

A. Establishing a nurse aide education program.

1. A program provider wishing to establish a nurse aide education program shall submit an application to the board at least 90 days in advance of the expected opening date.

2. The application shall provide evidence of the ability of the institution to comply with § [5-4 5.3] B of these regulations.

3. The application shall be considered at a meeting of the board. The board shall, after review and consideration, either grant or deny approval.

4. If approval is denied the program provider may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

B. Maintaining an approved nurse aide education program.

To maintain approval, the nurse aide education program shall demonstrate evidence of compliance with the following essential elements:

1. Curriculum content and length as set forth in §§ [5-4 5.3] D and [5-4 5.3] G of these regulations.

2. Maintenance of qualified instructional personnel as set forth in § [5-4 5.3] C of these regulations.

3. Classroom facilities that meet requirements set forth in § [5-4 5.3] H of these regulations.

4. Maintenance of records as set forth in § [5-4 5.3] E of these regulations.

5. Skills training experience in a nursing facility which was not terminated from the Medicare or Medicaid programs during the past two years.

C. Instructional personnel.

1. Program coordinator /primary instructor .

a. Nursing facility based programs.

~~(1)~~ a. The program coordinator in a nursing facility based program may be the director of nursing services. The director of nursing may assume the administrative responsibility and accountability for the nurse aide education program.*

b. The primary instructor may be the program coordinator in any nurse aide education program.

2. Primary instructor.

a. Qualifications.

(1) Nursing facility based programs.

~~(2)~~ (a) The primary instructor shall hold a current Virginia license as a registered nurse ; and

(b). shall Have at least one year of experience, within the preceding five years, in a nursing facility.

b (2) Programs other than those based in nursing facilities.

(a) The program coordinator/ primary instructor, who does the actual teaching of the students, shall hold a current Virginia license as a registered nurse ; and

(b) Shall have two years of experience, within the preceding five years, in caring for the elderly or chronically ill of any age. Such experience may include, but not be limited to, employment in a nurse aide education program or employment in or supervision of nursing students in a nursing facility or unit, geriatrics department, chronic care hospital, home care or other long-term care setting. Experience should include varied responsibilities, such as direct resident care, supervision and education.

b. Responsibilities.

[The primary instructor shall:]

(1) Participate in the planning of each learning experience;

(2) Ensure that course objectives are accomplished;

(3) Ensure that the provisions of § [5-4 5.3] C 6 of these regulations are maintained;

(4) Maintain records as required by § [5-4 5.3] E of these regulations; and

(5) Perform other activities necessary to comply with § [5-4 5.3] B of these regulations.

3. Other instructional personnel.

a. Qualifications.

(1) A registered nurse shall:

(a) Hold a current Virginia license as a registered nurse; and

(b) Have had at least one year, within the preceding five years, of direct patient care

experience as a registered nurse with the elderly or chronically ill, or both, of any age.

(2) A licensed practical nurse shall:

(a) Hold a current Virginia license as a practical nurse;

(b) Hold a high school diploma or equivalent;

(c) Have been graduated from a state-approved practical nursing program; and

(d) Have had at least two years, within the preceding five years, of direct patient care experience with the elderly or chronically ill, or both, of any age.

b. Responsibilities.

[Other instructional personnel shall provide skills laboratory or clinical instruction under the general supervision of the primary instructor. Other personnel shall provide instruction under the general supervision of the primary instructor.]

e. 4. Prior to being assigned to teach the nurse aide education program, the ~~program coordinator/primary instructor~~ all instructional personnel shall demonstrate competence to teach adults by one of the following:

(1) a. Complete satisfactorily a "train-the-trainer" program approved by the board ; or . Such a program shall be approved by the board for five years, at which time the sponsor must request reapproval of the program. The content of the program must include:

(2) Complete satisfactorily a credit or noncredit course or courses approved by the board, the content of which must include

(a) (1) Basic principles of adult learning;

(b) (2) Teaching methods and tools for adult learners; and

(c) (3) Evaluation strategies and measurement tools for assessing the learning outcomes; or

b. Complete satisfactorily a credit or noncredit course or courses approved by the board. Such courses shall be evaluated for approval by the board upon request from the individual taking the course. The content of such credit or noncredit course shall be comparable to that described in § [5-4 C 3(a) 5.4 C 4(a)] of these regulations; or

(3) c. Provide evidence acceptable to the board of experience in teaching adult learners within the preceding five years.

2. Each of the other instructional personnel responsible for clinical instruction shall hold a current Virginia license as a registered nurse and have had at least two years of direct patient care experience as a registered nurse.

3 5 . The program may utilize resource personnel to meet the planned program objectives for specific topics.

4 6 . When students are giving direct care to clients in clinical areas, instructional personnel must be on site and the ratio of students to each instructor shall not exceed ten students to one instructor.

D. Curriculum.

1. The objective of the nurse aide education program shall be to prepare a nurse aide to provide quality services to clients under the supervision of licensed personnel. The graduate of the nurse aide education program shall be prepared to:

a. Communicate and interact competency on a one-to-one basis with the clients;

b. Demonstrate sensitivity to clients' emotional, social, and mental health needs through skillful directed interactions;

c. Assist clients in attaining and maintaining functional independence;

d. Exhibit behavior in support and promotion of clients' rights; and

e. Demonstrate skills in observation and documentation needed to participate in the assessment of clients' health, physical condition and well-being.

2. Content.

The curriculum shall include, but shall not be limited to, classroom and clinical instruction in the following:

a. Initial core curriculum (minimum 16 hours). The classroom instruction prior to the direct involvement of a student with a nursing facility client must include, at a minimum, the topics listed below:

- (1) Communication and interpersonal skills,
- (2) Infection control,
- (3) Safety and emergency procedures,
- (4) Promoting client independence, and
- (5) Respecting clients' rights.

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b. Basic skills.

(1) Recognizing abnormal signs and symptoms of common diseases and conditions (e.g., shortness of breath, rapid respirations, fever, coughs, chills, pains in chest, blue color to lips, pain in abdomen, nausea, vomiting, drowsiness, sweating, excessive thirst, pus, blood or sediment in urine, difficulty urinating, urinating in frequent small amounts, pain or burning on urination, urine with dark color or strong odor) which indicate that the licensed nurse should be notified.

(2) Measuring and recording routine vital signs.

(3) Measuring and recording height and weight.

(4) Caring for the clients' environment.

(5) Measuring and recording fluid and food intake and output.

(6) Performing basic emergency measures.

(7) Caring for client when death is imminent.

c. Personal care skills.

(1) Bathing and oral hygiene.

(2) Grooming.

(3) Dressing.

(4) Toileting.

(5) Assisting with eating and hydration including proper feeding techniques.

(6) Caring for skin.

d. Individual client's needs including mental health and social service needs and care of cognitively impaired clients.

(1) Identifying the psychosocial characteristics of the populations who reside in nursing homes.

(2) Modifying behavior in response to behavior of clients.

(3) Identifying developmental tasks associated with the aging process.

(4) Providing training in and the opportunity for self care according to clients' capabilities.

(5) Demonstrating principles of behavior management by reinforcing appropriate behavior and causing inappropriate behavior to be reduced or eliminated.

(6) Demonstrating skills supporting age-appropriate behavior by allowing the client to make personal choices, providing and reinforcing other behavior consistent with clients' dignity.

(7) Utilizing client's family or concerned others as a source of emotional support.

e. Skills for basic restorative services.

(1) Using assistive devices in ambulation, eating and dressing.

(2) Maintaining range of motion.

(3) Turning and positioning, both in bed and chair.

(4) Transferring.

(5) Bowel and bladder training.

(6) Caring for and using prosthetic devices.

f. Clients' rights.

(1) Providing privacy and maintaining confidentiality.

(2) Promoting the client's right to make personal choices to accommodate individual needs.

(3) Giving assistance in resolving grievances.

(4) Providing assistance necessary to participate in client and family groups and other activities.

(5) Maintaining care and security of the client's personal possessions.

(6) Providing care that maintains the client free from abuse, mistreatment or neglect and reporting improper care to appropriate persons.

(7) Maintaining the client's environment and care to minimize the need for physical and chemical restraints.

3. Unit objectives.

a. Objectives for each unit of instruction shall be stated in behavioral terms including measurable performance criteria.

b. Objectives shall be reviewed with the students at the beginning of each unit.

E. Records.

1. Each nurse aide education program shall develop an individual performance record of major duties and skills taught. This record will consist of, at a

minimum, a listing of the duties and skills expected to be learned in the program, space to record when the nurse aide student performs this duty or skill, spaces to note satisfactory or unsatisfactory performance, the date of performance, and the instructor supervising the performance. At the completion of the nurse aide education program, the nurse aide and his employer must receive a copy of this record.

2. A record of the reports of graduates' performance on the approved competency evaluation program shall be maintained.

3. A record that documents the disposition of complaints against the program shall be maintained.

F. Student identification.

The nurse aide students shall wear identification that is clearly recognizable to clients, visitors and staff.

G. Length of program.

1. The program shall be at least 80 hours in length.

2. The program shall provide for at least 16 hours of instruction prior to direct involvement of a student with a nursing facility client.

3. Skills training in clinical settings shall be at least 40 hours. Five of the clinical hours may be in a setting other than a nursing home.

4. Employment orientation to facilities used in the education program must not be included in the 80 hours allotted for the program.

H. Classroom facilities.

The nurse aide education program shall provide facilities that meet federal and state requirements including

1. Comfortable temperatures.

2. Clean and safe conditions.

3. Adequate lighting.

4. Adequate space to accommodate all students.

5. All equipment needed, including audio-visual equipment and that needed for simulating resident care.

I. Program review.

1. Each nurse aide education program shall be reviewed on site by an agent of the board at least every two years following initial review.

2. The report of the site visit shall be presented to

the board for consideration and action. The report and the action taken by the board shall be sent to the appropriate administrative officer of the program.

3. The program coordinator shall prepare and submit a program evaluation report on a form provided by the board in the intervening year that an on site review is not conducted.

4. A nurse aide education program shall continue to be approved provided the requirements set forth in subsections B through H of § [5-4 5.3] of these regulations are maintained.

5. If the board determines that a nurse aide education program is not maintaining the requirements of [subsections B through H of] § [5-4 B-H 5.3] of these regulations, the program shall be placed on conditional approval and be given a reasonable period of time to correct the identified deficiencies. The program provider may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

6. If the program fails to correct the identified deficiencies within the time specified by the board, the board shall withdraw the approval following a hearing held pursuant to the provisions of the Administrative Process Act. (§ 9-6.14:1 et seq.)

J. Curriculum changes.

Changes in curriculum must be approved by the board prior to implementation and shall be submitted for approval at the time of a report of a site visit or the report submitted by the program coordinator in the intervening years.

K. Closing of a nurse education program.

When a nurse aide education program closes, the program provider shall:

1. Notify the board of the date of closing.

2. Submit to the board a list of all graduates with the date of graduation of each.

§ [5-5. 5.4.] Nurse aide competency evaluation.

A. The board may contract with a test service for the development and administration of a competency evaluation.

B. All individuals completing a nurse aide education program in Virginia shall successfully complete the competency evaluation required by the board prior to making application for certification and to using the title Certified Nurse Aide.

C. The board shall determine the minimum passing

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score on the competency evaluation.

§ [5-6- 5.5.] Nurse aide registry.

A. Initial certification by examination.

1. To be placed on the registry and certified, the nurse aide must:

a. Satisfactorily complete a nurse aide education program approved by the board; or

b. Be enrolled in a nursing education program preparing for registered nurse or practical nurse licensure, have completed at least one nursing course which includes clinical experience involving client care; or

c. Have completed a nursing education program preparing for registered nurse licensure or practical nurse licensure; and

d. Pass the competency evaluation required by the board; and

e. Submit the required application and fee to the board.

2. Initial certification by endorsement.

a. A graduate of a state approved nurse aide education program who has satisfactorily completed a competency evaluation program and been registered in another state may apply for certification in Virginia by endorsement.

b. An applicant for certification by endorsement shall submit the required application and fee and submit the required verification form to the credentialing agency in the state where registered, certified or licensed within the last two years.

3. Initial certification shall be for two years.

B. Renewal of certification.

1. No less than 30 days prior to the expiration date of the current certification, an application for renewal shall be mailed by the board to the last known address of each currently registered certified nurse aide.

2. The certified nurse aide shall return the completed application with the required fee and verification of performance of nursing-related activities for compensation within the preceding two years.

3. Failure to receive the application for renewal shall not relieve the certificate holder of the responsibility for renewing the certification by the expiration date.

4. A certified nurse aide who has not performed nursing-related activities for compensation during the two years preceding the expiration date of the certification shall repeat an approved nurse aide education program and the nurse aide competency evaluation prior to applying for recertification.

C. Reinstatement of lapsed certification.

An individual whose certification has lapsed shall file the required application and renewal fee and:

1. Verification of performance of nursing-related activities for compensation within the preceding two years; or

2. When nursing activities have not been performed during the preceding two years, evidence of having repeated an approved nurse aide education program and the nurse aide competency evaluation.

D. Evidence of change of name.

A certificate holder who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order authorizing the change. A duplicate certificate shall be issued by the board upon receipt of such evidence and the required fee.

E. Requirements for current mailing address.

1. All notices required by law and by these regulations to be mailed by the board to any certificate holder shall be validly given when mailed to the latest address on file with the board.

2. Each certificate holder shall maintain a record of his current mailing address with the board.

3. Any change of address by a certificate holder shall be submitted in writing to the board within 30 days of such change.

§ [5-7- 5.6.] The board has the authority to deny, revoke or suspend a certificate issued, or to otherwise discipline a certificate holder upon proof that he has violated any of the provisions of § 54.1-3007 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

1. Fraud or deceit shall mean, but shall not be limited to:

a. Filing false credentials;

b. Falsely representing facts on an application for initial certification, reinstatement or renewal of a certificate; or

c. Giving or receiving assistance in taking the

competency evaluation.

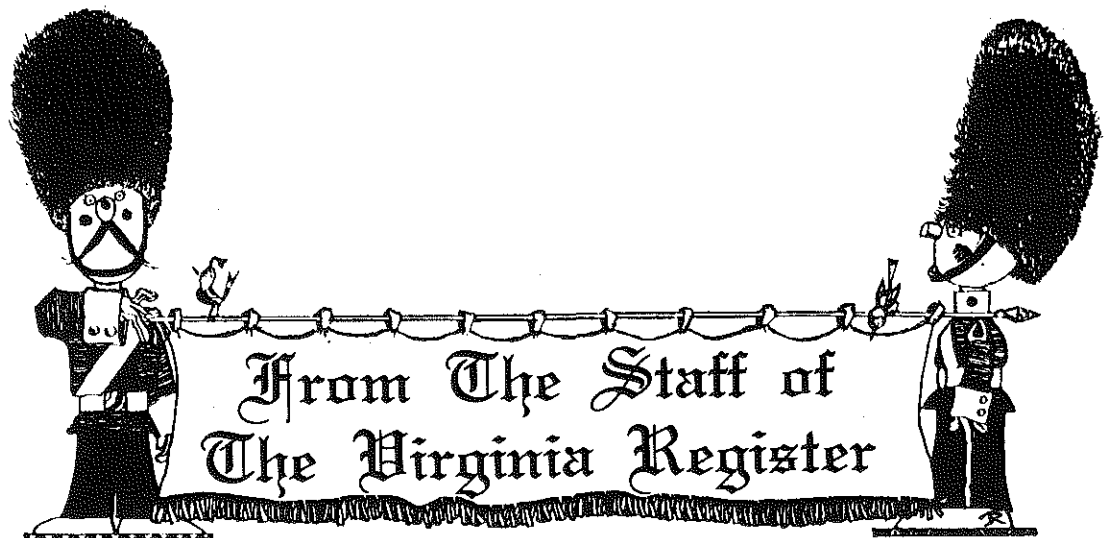
2. Unprofessional conduct shall mean, but shall not be limited to:

- a. Performing acts beyond those authorized for practice as a nurse aide as defined in Chapter 30 of Title 54.1;
- b. Assuming duties and responsibilities within the practice of a nurse aide without adequate training or when competency has not been maintained;
- c. Obtaining supplies, equipment or drugs for personal or other unauthorized use;
- d. Falsifying or otherwise altering client or employer records;
- e. Abusing, neglecting or abandoning clients; or
- f. Having been denied a license or having had a license issued by the board revoked or suspended.

.....

* Implementing instructions, dated April 1989, from the Health Care Financing Administration, of the U.S. Department of Health and Human Services, state that, "When the program coordinator is the director of nursing, qualified assistance must be available so that the nursing service responsibilities of the director of nursing are covered."

Have a Safe and Happy Holiday





COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building

1100 CAPITOL STREET
RICHMOND, VIRGINIA 23218
204/786-3591

December 7, 1990

Ms. Corinne F. Dorsey, Executive Director
Virginia Board of Nursing
1601 Rolling Hills Drive, Suite 200
Richmond, Virginia 23229

Re: VR 495-01-1 - Virginia Board of Nursing Regulations

Dear Ms. Dorsey:

This will acknowledge receipt of the above-referenced regulations from the Board of Nursing.

As required by § 9-6.14:4.1 C.4.(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,

Joan W. Smith
Registrar of Regulations

JWS:jbc

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-01-32. Aid to Dependent Children (ADC) Program - Deprivation Due to Continued Absence.

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

Effective Date: February 1, 1991.

Summary:

As set forth in § 63.1-25 of the Code of Virginia, the State Board of Social Services has been delegated the authority to promulgate the rules and regulations necessary for the operation of public assistance programs in Virginia. Federal regulations do not allow for the use of a monetary percentage of need in determining the provision of maintenance by the absent parent. The regulation will remove this requirement from current continued absence policy. It will also revise the current definition of deprivation due to the continued absence of a parent to indicate that in cases of separation, the physical absence of a parent from the home is to be considered sufficient to constitute deprivation if the absence interrupts or precludes parental functioning. This revision is necessary to assure that Virginia's ADC Program is in compliance with federal regulations at 45 CFR 233.90 (c)(1)(iii) and the order of the court.

VR 615-01-32. Aid to Dependent Children (ADC) Program - Deprivation Due to Continued Absence.

PART I. DEFINITIONS.

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

"Continued absence" means the absence of a parent from the home when (i) the parent is out of the home, (ii) the nature of the absence is such as either to interrupt or terminate his ability to function as a parent, and (iii) the known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the support or care of the child.

"Parent" means a mother or father, married or unmarried, natural or adoptive, following entry of an interlocutory order.

"Separation" means living apart for reasons other than uniformed services. Separation includes simply living apart or employment away from home.

PART II. DEPRIVATION.

§ 2.1. In order to be found eligible to receive ADC, a

child must meet certain financial and categorical eligibility requirements. One such categorical requirement is that the child must be deprived of parental care and support by reason of death, continued absence from the home, or physical or mental incapacity of a parent. Deprivation of parental care or support exists under the following conditions, regardless of whether the parent was chief breadwinner or devoted himself primarily to care of the child and whether or not the parents are married to each other.

A. Death of a parent.

If either of the child's parents is deceased, the child will be considered to be deprived. Evidence of the death must be verified and recorded. Deprivation on the basis of death of the father cannot exist if paternity has not been established.

B. Continued absence.

The following conditions will meet the definition of continued absence and will render the child deprived:

1. Court decreed divorce when one parent is actually out of the home;
2. Deportation of a parent by the U.S. Immigration and Naturalization Service;
3. Unestablished paternity;
4. Incarceration of a parent;
5. Conviction of a parent who is serving a court imposed sentence of unpaid public work or community service during working hours while still living in the home. Deprivation based on this provision is only applicable when both parents are in the home;
6. Desertion by a parent who is out of the home and has made no provision for support;
7. Separation of the parents when at least one of the following conditions is not met by the absent parent:
 - a. Maintenance. Monthly support from the absent parent which equals or exceeds 50% of the child's pro rata share of the standards of need;
 - b. Care. The demonstration of interest or concern for the child on an ongoing basis;
 - c. Guidance. Direct or indirect influence on the child's behavior or development on an ongoing basis.

[When the absence is due to separation, once physical absence is established, even though the parent may be in contact with the child due to court order visitation, situations of joint custody, employment away from

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home, or an informal agreement by the parents, a determination of whether there has been an interruption of parental functioning must be made. In such situations, if the absent parent has contact with the child more than 120 hours per month on a regular and ongoing basis, deprivation does not exist and maintenance, care, and guidance are considered met. The hours of contact with the child will be determined by signed statements of the custodial and absent parents. If the absent parent will not cooperate, the custodial parent's statement will be accepted. If the absent parent's statement is in excess of 120 hours per month and the custodial parent's is not, the absent parent must provide documentation to substantiate the number of hours of contact with the children that are claimed, when the parents are living apart for reasons other than uniformed services. When a parent is working away from home, this situation is to be evaluated under the separation policy. When the parents are separated parental functioning must be established.

Parental functioning is determined to be interrupted or terminated if either physical care, guidance, or maintenance (support) is not provided by the absent parent.

Once the parent is determined to be interrupted or terminated if either physical care, guidance, or maintenance (support) is not provided by the absent parent.

Once the parent is determined to be absent from the home, physical care, guidance, and maintenance must be explained to the applicant or recipient. An interruption or termination of parental functioning can be determined when the applicant or recipient provides a statement indicating that the parent's absence from the home has interrupted the provision of either physical care, guidance, or maintenance.

If the applicant or recipient indicates support is being provided by the absent parent, the amount of the support provided must be verified.

An interruption of the provision of physical care, guidance, or maintenance is considered to exist even though the parent whose absence is established has regular or frequent contact with the child due to court-ordered visitation, joint custody, or an informal agreement by the parents.

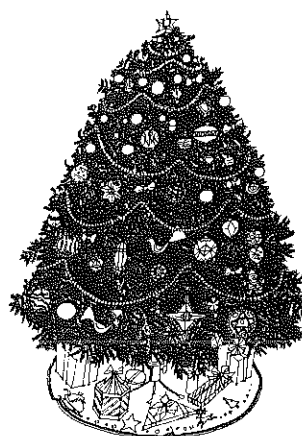
Physical care, guidance, and maintenance are defined as follows:

- a. Maintenance - Support from the absent parent which equals or exceeds the standard of assistance for the number of people in the assistance unit.
- b. Guidance - Parental participation in and responsibility for the child's development. Such

participation includes, but is not limited to, attending school conferences, disciplining the child, participating in decisions concerning the child's well-being and involvement in the child's extra curricula activities.

c. Physical care - Means providing continuous care for the child by performing tasks required in the child's daily life. Such physical care may include bathing, feeding, dressing, assuring medical attention is received by the child, preparing meals, supervising the child's activities, and assisting with other physical care needs. The provision of physical care may vary from child to child depending on the child's age.

If either physical care, guidance, or maintenance is not provided by the absent parent as defined above, parental functioning is considered interrupted or terminated and deprivation based on continued absence exists. Maintenance, care, and guidance will be based on the client's statement. The form "Evaluation of Maintenance, Care, and Guidance" must be completed and signed by the applicant/recipient and used for the determination of whether maintenance, care, and guidance are provided by the absent parent. However, if both parents provide written statements that though the parent is absent from the home there has not been an interruption of the provision of parental functioning, deprivation will not exist.]



EVALUATION OF MAINTENANCE, CARE AND GUIDANCE

I, _____, have had the meaning of maintenance,
(Client's Name)
care, and guidance explained to me. _____, the
(Absent Parent's Name)
father of my child(ren) _____
(Child(ren)'s Name)

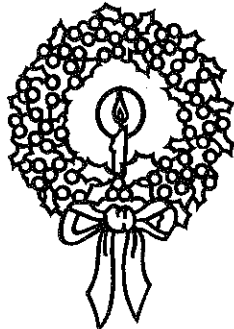
- Does Does Not Provide Maintenance/Support
If maintenance/support is provided,
Net amount. \$ _____
- Does Does Not Provide Physical Care
- Does Does Not Provide Guidance

I certify that the above statements are true and correct to the best of my knowledge. If _____
(Absent Parent)
participation in the above areas changes, I realize that I must notify my worker immediately.

(Client's Signature) Date

I certify that the provisions of maintenance, care, and guidance were explained on this date.

(Worker's Signature) Date



STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE900053
(Formerly Case No. 20104)

Ex Parte, in re: Priorities for
available gas supplies

ORDER DIRECTING NOTICE AND INVITING COMMENT

On September 13, 1990, we entered an order which established a proceeding to consider whether revisions were necessary to our currently effective rules governing gas curtailment priorities. See Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte, in re: priorities for available gas supplies, Case No. 20104, 1979 S.C.C. Ann. Rep. 407, 416. In that Order, among other things, we recognized that our current rules governing natural gas curtailment became effective prior to the advent of natural gas transportation and that transportation end users had begun acquiring capacity rights on upstream interstate pipeline systems. We acknowledged that these end user rights could result in the continued delivery of natural gas to a natural gas transportation end user, while natural gas supplies for essential human needs were limited. We therefore initiated the captioned investigation to consider whether revisions to our rules addressing natural gas priorities and curtailment were necessary, and if such revisions were appropriate, what revisions should be made. We directed our Staff to conduct a general inquiry into the priorities to be assigned various gas usages, including the priorities appropriate for transportation customers and natural gas used as boiler fuel for the generation of electricity. We also directed the Staff to re-examine the need for an emergency coordinator. We encouraged Staff to use data requests, surveys, and informal meetings with utilities and end users as part of its research resources, and ordered the Staff to prepare and file a report summarizing its investigatory procedures, findings and recommendations, including any proposed rules or rule revisions.

Pursuant to our September 13, 1990 Order and October 25, 1990 Order Granting Request for Extension of Time, the Staff filed its Report in the captioned matter. A copy of the Staff's Report and proposed rule revisions are attached hereto as Appendix A.

In its Report, the Staff found that certain changes to the existing rules governing curtailments of natural gas were appropriate. The Staff noted that it was concerned that essential human needs may not be adequately protected during true emergencies unless local distribution companies ("LDCs") had access to customer-owned gas. It noted that its concern was attributable to the fact that

customer-owned gas was expected to constitute a significant portion of Virginia's total natural gas requirements in coming years. The Staff stated that certain transportation customers could have end usages that required a higher curtailment priority. It suggested that end use priorities should apply equally to gas owned by either a customer or an LDC. It recognized that the use of customer-owned gas by an LDC should only be allowed as a last resort to assure that gas supplies were available for essential human needs. Staff stated that LDCs have an ongoing responsibility to arrange adequate reserves for its firm sales requirements. It recommended that an LDC should be penalized if supplies for human needs were endangered by the LDC's failure to properly provide for its public service obligation. Staff did not suggest the inclusion of specific compensation guidelines for its proposals relative to customer-owned gas or penalties applicable to LDCs in its proposed rules. It opined that compensation provisions were a matter that should be resolved through negotiation between the LDC and the transportation customer, and that potential penalties for LDCs should be considered in the context of a rate proceeding.

With respect to priorities for boiler fuel, Staff noted that the interest in natural gas as a generating fuel has and was expected to increase significantly. It acknowledged that electric utilities had an obligation to serve and the responsibility to provide for essential human needs. Staff noted that appropriate gas curtailment priorities should provide for a higher priority of supply for electric generation if fuel supplies for essential electric human needs were threatened. The Staff proposed to modify the definition of human needs requirements to include requirements for generating unit start-up and flame stabilization.

With respect to the appropriateness of retention of and role of an emergency coordinator in the event of a natural gas shortage, Staff noted that emergency coordination was necessary to facilitate the transfer of gas during natural gas shortages. Staff recommended the development of a coordination committee to oversee the redistribution of natural gas during supply emergencies. As part of Staff's proposal, each jurisdictional LDC would be expected to designate an individual with the authority to authorize the transfer of natural gas to serve on the committee. Staff recommended that the Director of the Division of Energy Regulation, or his designee, would be responsible for preparing and maintaining a list of the coordination committee's personnel and for scheduling meetings to consider requests for gas supply assistance.

Finally, Staff proposed a number of "housekeeping" changes to our existing rules addressing priorities. It proposed to eliminate the following: (1) Rule 3, requiring each gas distribution company to file conservation plans with the Commission; (2) Rules 5, containing provisions related to a moratorium against the addition of new loads; and (3) the requirement that each gas company file a "Projection of Gas Supply and Requirements." Staff noted

that in the event of a shortage, its proposed rules would establish a temporary moratorium against new customers.

NOW THE COMMISSION, having considered Staff's proposed revisions to the existing rules governing curtailment priorities for gas supply in the event of an emergency shortage, is of the opinion and finds that notice of the Staff's Report and proposed rules should be made and that interested persons should be provided an opportunity to comment and to request a hearing. If any requests for hearing are received after publication of the notice prescribed below, the Commission will issue a subsequent order addressing these requests. In the absence of a request for hearing, we may make our determination in this matter after considering all written comments.

Accordingly, IT IS ORDERED:

(1) That, on or before December 7, 1990, the Commission's Division of Energy Regulation shall complete publication of the following notice to be published once a week for two consecutive weeks in weekly and daily newspapers having general circulation throughout the Commonwealth and twice in biweekly newspapers having general circulation throughout the Commonwealth of Virginia:

NOTICE OF THE CONSIDERATION BY THE
VIRGINIA STATE CORPORATION COMMISSION OF
REVISIONS TO ITS RULES GOVERNING GAS
CURTAILMENT PRIORITIES AND CONSERVATION
GUIDELINES - CASE NO. PUE900053
(Formerly Case No. 20104)

On September 13, 1990, the State Corporation Commission ("Commission") initiated an investigation to consider the propriety of revising its rules governing gas curtailment priorities in the event of a natural gas shortage. The purpose of these rules was to promote the conservation of gas and to provide for the most efficient use of available gas to meet essential human needs and to protect the State's economy. In initiating the captioned investigation, the Commission recognized that since its existing rules had been adopted in 1979, there had been an increase in the number of natural gas-fired electric generating projects. It noted that its rules were established prior to the advent of natural gas transportation. The Commission recognized that as a result of these and other changes in the natural gas industry, its current rules might not assure adequate supplies would be received for essential human needs in the event gas supplies were curtailed.

The Commission, therefore, directed its staff to prepare and file a report which, among other things, included any proposed rules or rule revisions. This Report and its proposed rule revisions are now available for public comment. Among other things, the Staff report addressed the necessity and function of an emergency coordinator in the event of a gas shortage

and the priorities to be accorded transported customer-owned gas, as well as natural gas used for boiler fuels. In general terms, the Staff's recommended revisions to the Commission's currently effective rates reflected the following general principles: (1) That customer-owned gas be included in the end-use priorities of service; (2) That LDCs be allowed to utilize customer-owned gas during gas supply emergencies; (3) That transportation customers be compensated for any incurrence of higher cost fuel supplies if their customer-owned gas is diverted for essential human needs; (4) That a higher priority of service be given to gas supplies provided to electric generating facilities that are necessary for essential electrical needs and that are having difficulty in obtaining back-up generating fuel; and (5) That the position of emergency coordinator be replaced by a coordination committee with similar responsibilities.

The text of the Staff's Report and proposed revisions to the rules may be reviewed by the public at the State Corporation Commission's Document Control Center, located on Floor B-1, Jefferson Building, Bank and Governor Streets, Richmond, Virginia, from Monday through Friday, during its regular business hours, i.e., 8:15 a.m. to 5:00 p.m. In addition, this Report and its accompanying rules and rule revisions may be reviewed at the business office of each natural gas public utility and electric public utility subject to the Commission's jurisdiction where utility bills may be paid.

Any interested person who wishes to submit written comments on the Staff's Report and proposed rules or to request a hearing on the proposed rules and rule revisions must file an original and fifteen copies of said comments or requests, referring to Case No. PUE900053, with William J. Bridge, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216, no later than December 21, 1990. A copy of those comments or requests for hearing shall be served upon all persons reflected in the attestation paragraph of the Commission's November 9, 1990 Order. If any hearing requests are received, the Commission will issue a subsequent order addressing such requests. In the absence of a request for a hearing, the Commission may decide to act after consideration of all written comments.

VIRGINIA STATE CORPORATION COMMISSION

(2) That all electric and natural gas public utilities subject to the Commission's jurisdiction shall forthwith make a copy of this Order, complete with its attachments, available for public inspection during regular business hours at their respective business offices where customers may pay their utility bills;

(3) That any person may file written comments on the Staff's Report and accompanying rules and rule revisions

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and may request a hearing thereon, provided an original and fifteen copies of the comments or requests for hearing are filed no later than December 21, 1990, with William J. Bridge, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23216. Said comments and requests shall refer to Case No. PUE900053. If any requests for a hearing are received, the Commission will issue a subsequent order addressing such requests. In the absence of a request for a hearing, the Commission may decide to act after consideration of all written comments. A copy of the comments shall be served upon all persons reflected in the attestation paragraph of this Order;

(4) That on or before January 9, 1991, Staff may file further written comments. These comments shall be served upon all parties of record; and

(5) That the Division of Energy Regulation shall provide proof of the publication required herein upon completion of that publication.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: the gas and electric public utilities regulated by the Commission; John J. Carrara, Esquire, Westvaco Corporation, 299 Park Avenue, New York, NY 10171; Bruce A. Fortin, Weyerhaeuser Company, P.O. Box 1188, Chesapeake, VA 23320; C. R. Chandler, President, Virginia Fibre Corporation, P.O. Box 339, Amherst, VA 24521; Dennis R. Bates, Esquire, and David T. Stitt, Esquire, 4100 Chain Bridge Road, Fairfax, VA 22030; Mike Nervie, E.I. duPont deNemours, P.O. Box 2197, CH 1056, Houston, TX 77252; Joan Walker-Ratcliff, Esquire, E.I. duPont deNemours, P.O. Box 1267, Ponca City, OK 74603; Tom Stevens, National Linen Service, 1180 Peachtree St., N.E., Atlanta, GA 30309; Chris Runion, Rocco Feeds, Inc., P.O. Box 549, Harrisonburg, VA 22801; Allen M. Koleff, Stone Container Corporation, 2150 Parklake Drive, Suite 400, Atlanta, GA 30345; David L. Obenshain, Uniroyal, Inc., P.O. Box 9, Scottsville, VA 24590; William L. Pfost, Jr., Wayn-Tex, Inc., 901 S. Delphine Ave., Waynesboro, VA 22980; James M. Sutherland, Westinghouse, P.O. Box 869, Abingdon, VA 24210; Jerry Cain, Hercules, Inc., Hercules Plaza, Wilmington, DE 19894; Bill McMichens, Kawneer Co., Inc., 1551 Country Club Rd., Harrisonburg, VA 22801; Steve Terry, Meredith/Burda, P.O. Box 11829, Lynchburg, VA 24506; John V. Woellner, Owens Illinois, Inc., One Seagate, Toledo, OH 43666; Kenneth A. Barry, Esquire, Reynolds Metals Company, 6601 W. Broad St., Richmond, VA 23230; Henry Riewerts, Nabisco Brands, P.O. Box 1911, E. Hanover, NJ 07936; Frank Piquet, Allied Corporation, Hopewell Plant, Route 10, Hopewell, VA 23860; Terry Orr, Anheuser-Busch Companies, One Busch Place, St. Louis, MO 67118; J. Reid Wrenn, President, Brick & Tile Corporation, P.O. Box 45, Lawrenceville, VA 23868; Charles V. McCloud, Burlington Industries, Inc., P.O. Box 21207, Greensboro, NC 27420; Gary B. Lowe, The Fairfax Hospital, 3300 Gallows Rd., Falls Church, VA 22046; John Keenan, Griffin Pipe Products Co., 1400 Opus Place #700, Downers Grove, IL 60540; Ray Dunham, ICI Americas, Inc., P.O. Box 411, Hopewell, VA 23860; David B. Kearney,

Esquire, City of Richmond, Room 300, City Hall, 900 E. Broad St., Richmond, VA 23219; Ara Call, Doswell Limited Partnership, 400 S. Hope St., #2400, Los Angeles, CA 90071; August Wallmeyer, August Wallmeyer Communications, Ltd., The 700 Centre, 700 East Franklin St., #804, Richmond, VA 23219; W.E. Houghton, Allied Corporation, P.O. Box 2006R, Morristown, NJ 07960; James C. Dimitri, Esquire, Christian, Barton, Epps, Brent & Chappell, 1200 Mutual Bldg., Richmond, VA 23219-3095; Louis R. Monacell, Esquire, Christian, Barton, Epps, Brent & Chappell, 1200 Mutual Building, 909 East Main Street, Richmond, VA 23219-3095; Edward L. Flippen, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, VA 23208; James C. McKean, Virginia Department of Economic Development, 1000 Washington Bldg., Richmond, VA 23219; and Office of Attorney General, Division of Consumer Counsel, 101 N. 8th St., Richmond, VA 23219; Donald R. Hayes, Esquire, Northern Virginia Natural Gas, a Division of Washington Gas Light Company, 1100 H Street, N.W., Washington, D.C. 20080; Stephen H. Watts, II, Esquire, McGuire, Woods, Battle & Boothe, One James Center, Richmond, VA 23219; Charles F. Midkiff, Esquire, Midkiff & Hiner, P.C., 100 West Franklin Street, Chesterman Place, Richmond, VA 23220; Guy T. Tripp, III, Esquire, Hunton & Williams, P.O. Box 1535, 707 East Main Street, Richmond, VA 23219-2807; Philip J. Bray, Esquire, The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740; and the Commission's Office of General Counsel and Divisions of Energy Regulation, Public Utility Accounting, and Economics and Finance.

INTRODUCTION

By Order dated September 13, 1990, the Commission established Case No. PUE900053 to reevaluate its rules regarding natural gas curtailment priorities. The Commission's Order directed the Staff to conduct a general inquiry into the priorities to be assigned various gas usages, including the priorities appropriate for transportation customers and natural gas used as a boiler fuel for the generation of electricity. This report describes the Staff's review and presents suggested revisions to the Commission's "Natural Gas Priorities and Rules" established by Order dated May 11, 1979, in Case No. 20104.

STAFF INVESTIGATION

The Commission's Order of September 13, 1990, also invited natural gas utilities and end-users to submit informal written comments to address their respective proposals concerning the need for revised priorities. The Staff solicited further comments from electric utilities who may use natural gas as a fuel for generating electricity.

Written comments were filed by Allied-Signal, Inc; Brick and Tile Corporation of Lawrenceville; City of Richmond; Commonwealth Gas Services; Potomac Edison Company; Virginia Industrial Gas Users' Association; Virginia Natural Gas; Virginia Power; and Westvaco. Joint comments were filed by Northern Virginia Natural Gas and Shenandoah

Gas. The Appalachian Power Company offered informal verbal comments to the Staff and expressed a desire to comment further upon completion of the Staff's report.

These comments formed the basis for the Staff's investigation. The Staff in formulating its conclusions and recommendations also considered the level of gas being transported in Virginia and the expected role of natural gas in generating electricity in the State.

DISCUSSION

The natural gas industry in Virginia has undergone a number of changes since the Commission first adopted rules for natural gas curtailment priorities. These changes include the decontrol of natural gas at the wellhead and the development of natural gas transportation. The demand for natural gas, particularly in Virginia, is expected to increase significantly in the next five years. This increased demand is largely attributable to the development of gas-fired electrical generating stations. Many electric utilities and third party power producers prefer natural gas as a generating fuel since it is a relatively clean burning fuel and the construction lead times are generally shorter for gas-fired generating units.

As noted in comments filed by Virginia Natural Gas and Allied-Signal, the removal of federal price controls should greatly reduce the risk of price induced shortages similar to those experienced in the 1970's. The deregulation of natural gas at the wellhead allows the price of gas to reflect imbalances in natural gas supply and demand. Natural gas suppliers can now respond to the dynamics of the market place. Consequently, price induced shortages should be shorter duration and less frequent.

Unfortunately, the reduced risk of price induced shortages may be offset by the increased demands being placed on interstate pipelines and local distribution systems. Extreme weather, particularly severe weather in the earlier part of the heating season, continues to threaten the availability of natural gas.

The development of natural gas transportation may reduce the ability of local gas distribution companies (LDCs) to respond to shortages. As noted in the Commission's September 13, 1990 Order, transportation end-users have begun acquiring capacity and shortage rights on upstream interstate pipelines. Consequently, LDC's no longer have direct control over all of the gas flowing through their respective systems. Therefore, they may have fewer supplies to divert to essential human needs. The parties who submitted comments were divided on the establishment of priorities for customer-owned gas. Comments filed on behalf of transportation customers generally held that LDCs have no right to utilize transportation gas for system supply. These comments argued further that "confiscation" of customer-owned gas raised serious constitutional and statutory issues at both the state and federal levels. One transportation end-user, Brick and Tile Corporation of Lawrenceville, expressed a

different view and indicated that priorities for customer-owned gas should follow the same order as LDC-owned gas and that a higher priority should be assigned to gas for essential human needs.

Virginia Power stated that an LDC enjoys the same opportunity to obtain natural gas as an end-user and is therefore free to shield itself from market supply contingencies. Virginia Power further asserted that LDCs have an obligation to ensure adequate reserves to meet the anticipated needs of its customers and that natural gas priorities cannot and should not be used as a substitute for the LDCs' obligation to serve.

The LDCs generally held that they should be given the authority to utilize customer-owned gas during an emergency situation. However, the LDCs did not cite the Commission's authority to authorize such a practice.

CUSTOMER-OWNED GAS

The Staff shares the concerns raised by the transportation customers and Virginia Power regarding the fairness of taking customer-owned gas. However, as a practical matter, the Staff is concerned that essential human needs cannot be adequately protected during true emergencies unless LDCs have access to customer-owned gas. This concern is largely attributable to the fact that customer-owned gas is expected to constitute a significant portion of Virginia's total natural gas requirements in coming years.

The Staff also believes that certain transportation customers may have end usages that require a higher curtailment priority. Consequently, we believe that end-use priorities should apply equally to gas owned by either a customer or an LDC.

The use of customer-owned gas by an LDC should only be allowed as a last resort to assure that gas supplies are available for essential human needs. Transportation end-users may willingly volunteer to allow the use of their gas during true gas supply emergencies provided that they are adequately compensated. In fact, Virginia Power commented, "... [it] would participate in making gas available at the higher of the replacement fuel price or incremental market price for spot gas in such an emergency." Virginia Power further stated that in order to avoid "confiscation," Virginia Power's customers must be adequately compensated to fully negate any economic penalty that those customers may sustain if gas pipeline storage for which they had paid were taken by an LDC.

We believe that LDCs must be given access to customer-owned gas if supplies for essential needs are jeopardized and transportation customers refuse to voluntarily allow the use of their gas. In this instance, LDCs should be authorized to forcibly "bank" customer-owned gas. These "banked" volumes would be delivered to the transportation customer once the emergency ended. LDCs would, of course, be expected to

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compensate the transportation customers for any resulting cost associated with the use of higher cost alternate fuels and to waive "banking" restrictions and penalties. This may require modification of existing transportation tariffs. For example, the LDC's authority to forcibly "bank" customer-owned gas may be established as a precondition to transportation. Transportation "banking" is an on-going phenomenon for most transportation customers since daily gas deliveries for a customer rarely match that customer's daily load. The Staff does not view mandatory "banking" in an emergency as "confiscation" of customer-owned gas.

The Staff believes, as does Virginia Power, that LDCs have an on-going responsibility to arrange adequate reserves for its firm sales requirements. Therefore, gas priorities should not be used in lieu of LDC commitments that are necessary to assure adequate supplies. Nevertheless, supplies for essential human needs must be maintained regardless of the cause of the supply problem. For this reason, we believe that curtailment priorities should be invoked whenever essential human needs are threatened. However, an LDC should be penalized if supplies for human needs are endangered by the LDC's failure to properly provide for its public service obligation.

The Staff is not suggesting the inclusion of specific compensation guidelines or penalties in its proposed curtailment priorities. Compensation provisions are, in the Staff's opinion, a matter that should be resolved through negotiation between the LDC and the transportation customer. The Staff believes that potential penalties for LDCs should be considered in the context of a rate proceeding. Consequently, LDCs should not be allowed to automatically recover compensation costs through purchased gas adjustment clauses unless it can clearly demonstrate that these costs did not result from the LDC's mismanagement. Imprudent LDC behavior could be penalized by the disallowance of compensation costs, a lower return on equity or similar means.

PRIORITIES FOR BOILER FUEL

The Commission's current curtailment priorities consider any significant usage of natural gas for generating electricity as boiler fuel. As such, gas used to generate electricity would have, with the exception of nonessential interruptible gas supplies, the lowest priority of service. While this was clearly appropriate when the existing rules were developed in 1979, recent developments require that the priority of service for the generation of electricity be revisited. With the repeal of portions of the Power Plant and Industrial Fuel Use Act of 1978, which prohibited the use of natural gas for electric generation, new gas-fired generation facilities are once again permitted. Furthermore, increasing environmental concerns and the shorter construction lead times associated with gas-fired power plants have greatly increased interest in the use of natural gas for electric generation.

The interest in natural gas as a generating fuel is evidenced by activity in Virginia where gas-fired electric

generation is expected to increase significantly. In fact, the capacity mix of the State's largest electric utility, Virginia Power, is expected to include as much as 15 percent gas-fired generation by 1995. In contrast, electricity generated by natural gas represented less than one percent of Virginia Power's total production in 1988. As is obvious, adequate supplies of natural gas may be critical to the reliability of Virginia Power's system.

In its comments, the Potomac Edison Company suggests that higher priorities be established for natural gas used as start-up fuel for electric generating plants which burn coal or another alternative fuel. Gas may also be used for flame stabilization for these fossil generating units. Potomac Edison indicates that periods of natural gas shortages are frequently stressful for supplies of electricity and that the establishment of a higher priority for gas used for generating unit start-up and flame stabilization is necessary to assure the protection of human needs. Potomac Edison also suggests that a higher priority be established for natural gas used as peaking fuel. This category would, under Potomac Edison's proposal, include natural gas supplies to combustion turbines, combined cycle generating plants and steam generating units which are being used for reliability (not economic) reasons, and where alternate fuels are not available. The continued operation of these units may also be necessary to assure the protection of electric human needs.

The Staff shares Potomac Edison's concerns and believes that, although the majority of gas-fired electric generating units have alternative fuels, these facilities could be affected under certain conditions. Supply problems similar to those experienced in December, 1989, could potentially endanger fuel supplies for the generation of electricity. In 1989, we experienced extremely cold weather in the earlier part of winter. This early cold snap threatened to deplete stored reserves of natural gas, fuel oil and propane before the end of the heating season. Consequently, the possibility of fuel shortages and curtailments was very real and was only averted by the abnormally warm temperatures experienced in January and February.

Clearly, simultaneous shortages of natural gas and back-up electric generating fuels are possible. Therefore, adequate fuel supplies for the generation of electricity could be limited under certain conditions. Electric utilities also have an obligation to serve and the responsibility of providing for essential human needs. Consequently, the Staff believes that appropriate gas curtailment priorities should provide for a higher priority of supply for electric generation if fuel supplies for essential electric human needs are threatened. The Staff also proposes to modify the definition of human needs requirements to include requirements for generating unit start-up and flame stabilization. Our proposed rules require electric generators or transportation customers who receive gas from a gas company as a result of the enactment of gas priorities to compensate the gas company for the incurrence of higher cost supplies.

EMERGENCY COORDINATOR

The Commission's current "Natural Gas Priorities and Rules" establishes an emergency coordinator to facilitate temporary redistributions of natural gas among companies operating within Virginia. The present rules contemplate that Commonwealth Gas Pipeline ("Pipeline") would serve as the initial emergency coordinator in the event of gas supply emergency. However, Pipeline will soon be merged into the Columbia Gas Transmission Corporation if it receives the necessary regulatory approvals. The Commission's Order of September 13, 1990, recognized this potential merger and indicated that the need for an emergency coordinator should be reexamined.

Virginia Natural Gas and the Virginia Industrial Gas Users' Association felt that there is no need for an emergency coordinator at the present time. Commonwealth Gas Services, Northern Virginia Natural Gas, Shenandoah Natural Gas, and Westvaco indicated that it would be desirable to continue to have an emergency coordinator. However, they expressed differing views regarding the role of a coordinator and who should fulfill that role.

Commonwealth Gas Services indicated that an emergency coordinator should be charged with overseeing the development of emergency supply plans by each LDC and reviewing the adequacy of such plans on an annual basis. Commonwealth suggested the Commission Staff as a possible coordinator. Northern Virginia Natural Gas and Shenandoah Gas indicated that an emergency coordinator should continue to perform the following functions:

- Maintain a list of designated personnel who dispatch gas, and specific location and sources of supply for each distribution company;
- Ascertain the extent, nature and circumstance of any gas supply emergency;
- Determine which companies operating within the State might be able to assist by temporary redistribution of some portion of their supplies;
- Communicate with the dispatcher of each company to ascertain its ability or inability to respond; and
- Coordinate communication between companies who are either requesting or providing a transfer of natural gas.

Northern Virginia and Shenandoah Gas did not offer any suggestions as to who should assume the role of emergency coordinator.

Westvaco recommended that Commonwealth Gas Services be selected as the new coordinator.

The principle function of an emergency coordinator is, in the Staff's opinion, to facilitate the transfer of gas during natural gas shortages. The Staff believes that the

potential for regional shortages is very real. Therefore, there is a continuing need for the coordination of the redistribution of natural gas.

However, the Staff is concerned that with the potential merger of Commonwealth Gas Pipeline there are no likely candidates for the position of emergency coordinator. The selection of an LDC may be inappropriate since an LDC may have a vested interest in assuring that its essential needs are met before attempting to facilitate transfers to another LDC. Therefore, the Staff believes that a coordination committee should be developed to oversee the redistribution of natural gas during supply emergencies. Each LDC would be expected to designate an individual to serve on the committee. These individuals should have the ability to authorize transfers on behalf of their respective companies. The Director of the Division of Energy Regulation, or his designee, would be responsible for preparing and maintaining a list of the coordination committee's personnel and for scheduling meetings to consider requests for gas supply assistance.

The present "Natural Gas Emergency Assistance Plan" is currently contained in a separate document and incorporated by reference into the "Natural Gas Priorities and Rules." The Staff's proposed rules contains provisions for a coordination committee and incorporates the assistance provisions into the actual rules. The Staff's suggested responsibilities for the coordination committee are very similar to the functions of an emergency coordinator as outlined by Northern Virginia and Shenandoah Gas.

MISCELLANEOUS CHANGES

Certain provisions of the existing rules reflected specific circumstances that are no longer present. Consequently, the Staff's proposed rules include a number of "housekeeping" changes. These changes include the elimination of:

- Rule 3 which requires each gas distribution company to file conservation plans with the Commission;
- Rule 5 which contains provisions related to a moratorium against the addition of new loads; and
- The requirement that each gas company file a "Projection of Gas Supply and Requirements."

The Staff proposes the elimination of Rule 5 since the moratorium against new gas customers was lifted some time ago. In the event of a shortage, the Staff's proposed rules would establish a temporary moratorium against new customers. The "Projection of Gas Supply and Requirements" is no longer necessary since the Commission now requires gas companies to file five-year forecasts that contain more comprehensive information.

CONCLUSION

State Corporation Commission

Based on the foregoing discussion, the Staff recommends adoption of the "Natural Gas Priorities and Rules" shown on Appendix A to this report. These proposed rules are intended to be general and flexible in nature. The Staff's suggested revision reflect the following general recommendations:

- That customer-owned gas be included in the end-use priorities of service,
- That LDCs should be allowed to utilize customer-owned gas during true gas supply emergencies,
- That transportation customers be compensated for any incurrence of higher cost fuel supplies if their customer-owned gas is diverted for essential human needs.
- That a higher priority of service be given to gas supplies to electric generating facilities that are necessary for essential electrical needs and that are having difficulty in obtaining back-up generating fuel.
- That the position of emergency coordinator be replaced by a coordination committee with similar responsibilities.

APPENDIX A

NATURAL GAS PRIORITIES AND RULES

This plan sets forth the priorities which shall apply whenever any natural gas distribution company operating in Virginia has insufficient gas available to meet the firm needs of its customers. When it becomes necessary for any natural gas distribution company to curtail gas deliveries to its customers, the following priorities will apply beginning with the highest number and proceeding in reverse order to Priority 1. All customers within a priority class, or all customers within any sub-class thereof, which is subject to curtailment shall be curtailed to the extent practicable on an equal basis. If a customer's firm requirements come under two or more priorities, then such requirements must be treated separately when applying this schedule of priorities. *Transportation customers will have equivalent end-use priorities as sales customers.*

PRIORITIES FOR FIRM SERVICE

Priority 1 - Customer requirements for residential service, and requirements for human needs without alternate fuel capability (AFC).

Priority 2 - ~~Commercial~~: Customer requirements under 1500 Mcf per peak, month without AFC.

Priority 3 - ~~Non-Commercial~~: Customer requirements under 1500 Mcf per peak month with AFC.

Priority 4 3 - Customer requirements over 1500 Mcf per peak month without AFC.

Priority 4 - *Electric generation requirements for human needs that do not have available supplies of alternative fuels or alternate sources of electricity.*

Priority 5 - Customer requirements for human needs with AFC.

Priority 6 - Requirements of customers with AFC that do not come under any other priority.

Priority 7 - Requirements for boiler fuel.

Note: See Rules and Definitions on following pages.

RULES

1. Each gas distribution company shall develop a plan for curtailment of gas sales which complies with the schedule of priorities and rules adopted herein. To the extent necessary, such plan may provide for subclasses under each of the priority classes. Interruptible service may be shown as Priority 8. Each curtailment plan shall be filed as a part of the company's tariffs to become effective May 16, 1979 .

2. Each gas distribution company shall be responsible for the administration of its curtailment plan including the determination of Alternate Fuel Capability (AFC).

~~3. Each gas company shall continue conservation efforts in accordance with its conservation plan on file with the Commission. These plans shall be revised from time to time as may be required by the Commission.~~

3. 4. Interruptible gas service may be furnished, in management's discretion, as available gas supplies permit. However, the Commission may terminate, or alter, the sale of gas to interruptible customers if it is determined that such sales unreasonably affect the reliability of sales to firm customers.

4. *In the event of an unforeseen emergency of limited duration, each affected company shall:*

(a) *Encourage maximum conservation by all customers.*

(b) *Use its own emergency facilities to the limit of their capability.*

(c) *Establish a temporary moratorium against the connection of new customers.*

5. Any gas company intending to change its tariffs that control new customer additions or increases in the gas load of existing customers shall file such revised tariff at least 45 days prior to the proposed effective date.

The company shall in addition file information to show:

- a. The additional gas load to be added under the revised tariff.
- b. An estimate of the cost of any expansion in facilities to serve the additional customer load if the expansion involves plant additions other than service extensions from main lines.
- c. An assessment of the effect of the proposed load additions on existing gas customers with respect to both cost of service and reliability of service. In evaluating reliability of service, the gas company shall in its material demonstrate (using current gas entitlements) its ability to supply existing firm requirements plus the additional requested firm loads, assuming weather conditions 10 percent colder than normal. The data submitted to demonstrate such ability shall embrace the loads by priority to be added compared to gas entitlements over the next succeeding two-year period (broken down on an annual basis).
- d. The Commission Staff may request additional data as required to evaluate adequacy of supplies.

If, at the end of 45 days the Commission has not otherwise ordered, the proposed tariff revision shall go into effect.

5.

(a) In the event of regional emergencies, natural gas may be temporarily redistributed among the companies operating within the State to assure continued service for essential human needs.

(b) Transfers of gas will be directed, if necessary, by the Commission pursuant to Section 56-249.1 of the Code of Virginia which reads in pertinent part:

"The Commission may require a public utility to transfer to another public utility of like business, gas, water or electricity, whenever the public health, welfare or safety shall be found to so require; provided, however, that the transferring public utility shall be compensated at a rate fixed by the Commission, for all such deliveries by the receiving public utility."

(c) The Commission may direct that customers in certain areas having usage under Priorities 5 and 6 use alternate fuel, even though there is gas available, when such gas is required for public health, welfare, and safety or for higher priority uses in other areas.

(d) Each gas company shall designate an individual to serve on a coordination committee to facilitate

transfers of gas between companies operating within the State. These individuals should be familiar with their respective company's sources of supply and have the authority to make commitments necessary to redistribute available gas supplies.

(e) The Director of the Commission's Division of Energy Regulation, or his designee, shall be responsible for preparing and maintaining a list of the designated personnel described in Rules 5 (C) and have the authority to call for meetings of the coordination committee to consider requests for assistance.

(f) In responding to requests for a redistribution of natural gas, the coordination committee will seek to:

(i) Ascertain the extent, nature and circumstance of the emergency.

(ii) Determine which companies operating within the State might be able to assist by a temporary redistribution of some portion of their supplies.

(iii) Place companies requesting assistance into direct communication with companies providing assistance to determine the most effective transfer procedure.

(g) In the event that emergency assistance is requested of any distribution or pipeline company operating within the State of Virginia, it shall be its responsibility to consider carefully the request and use its aid as is warranted and possible under the circumstances without jeopardizing the integrity of its own service. As this plan is one of voluntary mutual aid without binding and legal commitment, adherence to this precept is essential to successful implementation.

(h) The company requesting emergency gas and the company providing such aid shall obtain Commission approval of the price for the emergency gas furnished prior to the actual exchange thereof.

6. (a) The "Natural Gas Emergency Assistance Plan" adopted in Case No. 19548 by Commission Order of October 8, 1975, shall continue in effect. Voluntary transfers of gas from one company to a second shall be reported.

6. Each gas company shall be authorized to request that transportation customers allow the use of customer-owned gas to supply higher priority end-usages. Should transportation customers refuse to allow the use of customer-owned gas and essential human needs are threatened, natural gas companies may forcibly bank customer-owned gas until the supply emergency has been resolved.

7. Transportation customers shall be compensated for

State Corporation Commission

the use of customer-owned gas. The level of compensation should be determined through negotiation. Compensation should be limited to costs associated with alternate fuels and is not intended to reflect damages that may result from the use of customer-owned gas.

8. *Transportation customers receiving gas supplies from a gas company pursuant to the enactment of curtailment priorities shall be charged a rate equivalent to the gas company's incremental cost of gas adjusted for unaccounted for losses and gross receipts taxes plus the gas company's normal transportation rate.*

9. 7. Each gas company shall be authorized to grant exemptions to the priorities and rules adopted herein, and the filed tariffs conforming therewith, for a period not to exceed ten days. Such exemptions shall be granted, in management's discretion, to avoid undue hardship.

A written report of all requests for an exemption and each exemption granted by a company shall be filed with the Director or a designated member of the Commission's Division of Energy Regulation.

10. 8. A gas customer, or a gas company on behalf of a gas customer, may request of the State Corporation Commission an exception to these rules, for a period of time greater than ten (10) days based on hardship or other justifiable circumstances.

11. 9. If gas supplies become inadequate to meet the requirements of customers in Priorities 1 and 2, an Essential Human Needs Emergency may be declared and limitations may be imposed restricting gas usage to Essential Human Needs.

DEFINITIONS

1. *Alternate Fuel Capability (AFC)* shall mean that gas usage for which the customer has the installed facilities to use an alternate fuel, and shall mean that gas usage of 10,000 Mcf or more, per peak month for which it would be reasonable to install facilities to use an alternate fuel. Propane shall be considered an alternate fuel only if it is available and then only to the extent that volumes of propane were used prior to September 29, 1976.

2. *Boiler Fuel* shall mean that usage of gas of 1500 Mcf, or more, per peak month for the generation of electricity, production of steam, or heating of water. The only exception shall be for Washington Gas Light Company (including Shenandoah Gas Company). Washington Gas may define boiler fuel as that industrial usage of gas of 100,000 therms, or more, per peak month for the generation of electricity, production of steam, or heating of water.

3. *Commercial Services:* Service to customers engaged primarily in the sale of goods or services, to educational institutions, to correctional institutions, and to local, state and federal government agencies for uses other than those involving manufacturing or electric power generation.

4. *Essential Human Needs Emergency:* A situation in which gas supply, for whatever reason, is inadequate to meet requirements of customers in Priorities 1 and 2.

5. *Essential Human Needs:* That gas usage necessary to maintain service to all residential customers and customers qualifying for human needs requirements without AFC, subject to the following restrictions: (a) thermostats in residences, apartments, sanatoriums, rest homes, hospitals, hotels, motels, prisons, and anywhere else that people reside shall be set to 65° in the day and 55° at night, unless such setting causes health hazards; and (b) thermostats in office buildings, retail stores, schools, and other commercial, government and industrial facilities shall be set to the minimum level required to prevent injury to life or property.

6. *Human Needs Requirements:* That use of gas Requirements for residences, critical child care and medical facilities, sanitariums, rest homes, hotels, certain schools, critical agriculture and food process needs, commercial cooking, prisons, plant protection, and water and sewage treatment and electric generating unit start-up at minimum temperature to provide satisfactory service .

7. *Interruptible Service:* That service provided under Interruptible rate schedules or under special interruptible contracts.

8. *Plant Protection:* That minimum use of gas necessary to prevent physical damage to plant facilities, danger to plant personnel, and to protect material in production. It shall not include gas to maintain ongoing production of materials.

9. *Residential Usage:* That gas used for normal purposes in maintaining permanent single and multi-family dwellings.

10. *Peak Month* shall remain as presently defined in individual tariffs or past practices of gas companies; however, for purposes of priority classifications, when a customer's usage is increased, or reduced, on a permanent basis then the customer shall be moved to the priority consistent with the change in usage.

11. *Electric generating start-up requirements* shall mean that usage of gas associated with the start-up of base load generating units including requirements for flame stabilization where alternative start-up fuels are unavailable. It shall not include gas used for co-firing.

SPECIAL REPORT

Unless otherwise instructed, each gas company shall continue to file monthly reports on the form for "Projection of Gas Supply and Requirements," a copy of which is attached hereto.

ADMINISTRATION

The Director or a designated member of the Commission's Division of Energy Regulation shall be responsible for administering the Schedule of Priorities and Rules adopted herein subject to review by the Commission as provided and Rules adopted herein subject to review by the Commission as provided by the Commission's Rules of Practice and Procedures.

All written correspondence shall be addressed to Natural Gas Priorities and Rules, Division of Energy Regulation, State Corporation Commission, P. O. Box 1197, Richmond, Virginia 23209.

APPENDIX B

Gas Companies in Virginia

Commonwealth Gas Services, Inc.
Mr. Thomas E. Harris, President
800 Moorefield Park Drive
P. O. Box 35800
Richmond, Virginia 23235-0800

Commonwealth Gas Pipeline Corp.
Mr. John W. Stancik, President
800 Moorefield Park Drive
P. O. Box 35800
Richmond, Virginia 23235-0800

Commonwealth Public Service Corp.
Mr. Carlton Smith, Vice President &
General Manager
P. O. Box 589
Bluefield, West Virginia 24701

Roanoke Gas Company
Mr. Edward C. Dunbar, President
P. O. Box 13007
Roanoke, Virginia 24011

Shenandoah Gas Company
Mr. Kenneth G. Behrens
General Manager
P. O. Box 2400
Winchester, Virginia 22601

Southwestern Virginia Gas Company
Mr. Allan McClain, President
P. O. Drawer 5391
Martinsville, Virginia 24115

United Cities Gas Company

Mr. Gene Koonce, President &
General Manager
5300 Maryland Way
Brentwood, Tennessee 37027
or
Mr. A. E. (Bill) Johnson
Senior Vice President
P. O. Box 60
Johnson City, Tennessee 37605

Virginia Natural Gas
Mr. W. F. Fritsche, Jr.
President & CEO
5100 East Virginia Beach Blvd.
Norfolk, Virginia 23502

Washington Gas Light Company
Northern Virginia Natural Gas
Shenandoah Gas Company
Mr. Patrick J. Maher, President
1100 H. Street, N.W.
Washington, D.C. 20005
or
Ms. Patricia M. Woolsey
Vice President
Northern Virginia Natural Gas
6801 Industrial Road
Springfield, Virginia 22151

Electric Companies in Virginia

Mr. Joseph H. Vipperman, President
Appalachian Power Company
Post Office Box 2021
Roanoke, VA 24009

Mr. James R. Wittine
General Manager Regulatory Practice
Delmarva Power & Light Company
800 King Street
Post Office Box 231
Wilmington, Delaware 19899

Mr. Harold E. Armsey, Manager
Old Dominion Power Company
Post Office Drawer 658
Norton, VA 24273

Mr. Elmer B. Kaelin, President
The Potomac Edison Company
Downsville Pike
Hagerstown, Maryland 21740

Dr. James T. Rhodes, President
Virginia Power Company
Box 26666
Richmond, VA 23261

Electric Cooperatives in Virginia

Mr. Vernon N. Brinkley

State Corporation Commission

Manager
A&N Electric Cooperative
Post Office Box 288
Parksley, VA 23421

Mr. Hugh M. Landes
General Manager
B-A-R-C Electric Cooperative
Millboro, VA 24460

Mr. W. L. Tucker, Jr.
Manager
Central Virginia Electric Cooperative
Lovingson, VA 22949

Mr. J. M. Reynolds
General Manager
Community Electric Cooperative
Post Office Box 267
Windsor, VA 23487

Mr. Gerald H. Groseclose
General Manager
Craig-Botetourt Electric Cooperative
Post Office Box 265
New Castle, VA 24127

Mr. John Bowman
General Manager
Mecklenberg Electric Cooperative
Chase City, VA 23924

Mr. Charles R. Rice, Jr.
Manager
Northern Neck Electric Cooperative
Post Office Box 288
Warsaw, VA 22572

Mr. Harry K. Bowman
Manager
Northern Virginia Electric Cooperative
Post Office Box 2710
Manassas, VA 22110

Mr. Gene G. Carr
General Manager
Prince George Electric Cooperative
Waverly, VA 23890

Mr. Cecil E. Viverette, Jr.
Executive Vice President & General Manager
Rappahannock Electric Cooperative
Post Office Box 7388
Fredericksburg, VA 22404-7388

Mr. William R. Fleming
Manager
Shenandoah Valley Electric Cooperative
Box 8
Dayton, VA 22821

Mr. John C. Anderson
General Manager
Southside Electric Cooperative
Crewe, VA 23930

* * * * *

Bureau of Insurance

November 13, 1990

Administrative Letter 1990-22

TO: ALL INSURERS LICENSED TO SELL ACCIDENT
AND SICKNESS INSURANCE IN VIRGINIA, ALL
LICENSED HEALTH SERVICES PLANS, AND ALL
LICENSED HEALTH MAINTENANCE
ORGANIZATIONS

RE: PROPOSED RULES GOVERNING PRIVATE REVIEW
AGENTS

The State Corporation Commission, on October 23, 1990, issued an Order Setting Hearing for November 27, 1990 in the matter of adopting Rules Governing Private Review Agents. A copy of this Order, including a copy of the proposed regulation (No. 37) was forwarded on October 25, 1990 to each insurer, health services plan, and health maintenance organization licensed to sell accident and sickness coverage in Virginia.

The proposed regulation governs the certification and activities of entities providing utilization review services on a contract basis regarding Virginia insureds, and requires each such entity to apply for a certification in order to be permitted to provide such services after the effective date of the proposed regulation.

The Bureau of Insurance is requesting your assistance in developing a list of potential licensees so that we may contact these entities directly with regard to certification procedures and requirements once the final regulation has been adopted. In its proposed form, the regulation applies to:

"...all private review agents performing utilization review in this Commonwealth. [The regulation] does not apply to insurers, health services plans, hospital service corporations, preferred provider organizations, or health maintenance organizations conducting reviews solely for their own insureds, subscribers, members or enrollees. [The regulation also] does not apply to a private review agent performing utilization review for self-insured groups or a private review agent that operates under contract with the federal government for utilization review of patients eligible for hospital services under Title XVIII of the Social Security Act or under contract with a plan otherwise exempt from operation of Chapter 53 of Title 38.2 §§ 38.2-5300 et seq. pursuant to the Employee Retirement Income Security Act of 1974. [emphasis added]

Each addressee of this Administrative Letter is requested to complete the attached form and return it to the Bureau of Insurance at the address shown on the form. If the insurer or other recipient is providing utilization review services involving parties other than its own insureds, subscribers, members, or enrollees, we would like the name and mailing address of the appropriate person or unit to which information concerning the certification process should be directed. If the recipient is obtaining utilization review services for its Virginia business from a third party, no matter where such third party may be located, we would like the name and mailing address of such third party so that we may contact them directly at the appropriate time.

Your prompt cooperation and attention to this matter will be appreciated, and will assist both the Bureau of Insurance and the insurance industry in the successful implementation of this new certification process.

/s/ Steven T. Foster
Commissioner of Insurance

Yes [] No []

a) If "yes", please provide us with the name of such Private Review Agent, a mailing address, and, if possible, the name and telephone number of an individual contact person with whom the Bureau of Insurance may communicate directly in the future concerning this process.

We would appreciate your responses (even if both responses are negative) at your earliest convenience. Responses or inquiries may be addressed to:

Life and Health Research Section
Bureau of Insurance
Box 1157
Richmond, VA 23209

PRIVATE REVIEW AGENT SURVEY
Administrative Letter 1990 - 22

Name of Responding Company

NAIC Number

Address

Telephone #

Name and Title of Person Completing this form:
.....
.....



1) Does your company or a subsidiary or affiliate of your company perform utilization review activities that may be subject to proposed Regulation No. 37?

Yes [] No []

a) If "yes" please provide the name and address of a contact person or unit to which we may direct future communications concerning this subject.

.....
.....
.....

2) Does your company utilize the services of an unaffiliated Private Review Agent to perform Utilization Review regarding your Virginia insureds, subscribers, members, or enrollees?

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER THIRTY-TWO (90)

VIRGINIA'S SECOND ON-LINE GAME LOTTERY;
"LOTTO," FINAL RULES FOR GAME OPERATION;
SECOND REVISION

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the revised rules for game operation in Virginia's second on-line game lottery, "Lotto." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of on-line game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order supersedes Director's Order Number Five (90), issued January 25, 1990. This Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
October 31, 1990

* * * * *

DIRECTOR'S ORDER NUMBER THIRTY-THREE (90)

VIRGINIA'S FIFTEENTH INSTANT GAME LOTTERY;
"FIRST AND \$10,000," FINAL RULES FOR GAME
OPERATION

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's fifteenth instant game lottery, "First and \$10,000." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
November 15, 1990

* * * * *

DIRECTOR'S ORDER NUMBER THIRTY-FOUR (90)

FIRST AND \$10,000"; PROMOTIONAL GAME AND
DRAWING RULES

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby promulgate the "First and \$10,000" promotional game and drawing rules for the kickoff events which will be conducted at various lottery retailer locations throughout the Commonwealth beginning Tuesday, November 20, 1990 and extending through Wednesday, November 28, 1990. These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect until November 30, 1990, unless otherwise extended by the Director.

/s/ Kenneth W. Thorson
November 15, 1990

* * * * *

DIRECTOR'S ORDER NUMBER THIRTY-FIVE (90)

CERTAIN DIRECTOR'S ORDERS RESCINDED

In accordance with the authority granted by Section 58.1-4006A of the Code of Virginia, I hereby rescind the following Director's Orders:

Order Number	Date Issued	Subject
02(88)	09/12/88	Virginia's First Instant Game Lottery; "Match 3," Final Rules for Game Operation.
05(88)	10/17/88	Virginia's Second Instant Game Lottery; "Money Match," Final Rules for Game Operation.
06(88)	12/05/88	Virginia's Third Instant Game Lottery; "Tic Tac Toe," Final Rules for Game Operation.
01(89)	01/12/89	Virginia's First Instant Game Lottery; "Match 3," End of Game.
02(89)	02/01/89	Virginia's Second Instant Game

State Lottery Department

- Lottery; "Money Match,"
End of Game.
- 04(89) 02/16/89 Virginia's Fourth Instant Game
Lottery; "Loose Change,"
Final Rules
for Game Operation.
- 05(89) 03/21/89 Virginia's Fifth Instant Game
Lottery; "Double Play,"
Final Rules
for Game Operation.
- 11(89) 06/08/89 Virginia's Fourth Instant
Game Lottery;
"Loose Change," End of Game.
- 14(89) 08/01/89 Suspension of Time Limit for
On-Line
Ticket Cancellation.
- 17(89) 08/18/89 Virginia's Third Instant Game
Lottery; "Tic Tac Toe,"
End of Game.
- 24(89) 12/13/89 Virginia's Fifth Instant Game
Lottery; "Double Play,"
End of Game.
- 21(90) 07/23/90 Advance Approval for Return of
Unsold Tickets, Revised.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
November 16, 1990

VIRGINIA TAX BULLETIN

DEPARTMENT OF TAXATION

TAX BULLETIN 90-9

DATE: November 12, 1990

SUBJECT: Interest Rates - First Quarter 1991

For additional information: Contact the Taxpayer Assistance Section, Office Services Division, Virginia Department of Taxation, P. O. Box 6-L, Richmond, Virginia 23282, or (804) 367-8031 (Individual) or (804) 367-8036 (Corporate).

State and certain local interest rates are subject to change every quarter. The rates for the first quarter of 1991 will be 11% for tax underpayments (assessments) and 10% for tax overpayments (refunds). These rates are unchanged from the rates for the fourth quarter of 1990.

Rate for Addition to Tax for Underpayments of Estimated Tax

Individuals: Tax returns for the calendar year 1990 are due on May 1, 1991. For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts) or Form 760F (for farmers and fishermen), the first quarter 11% underpayment rate will apply through the due date of the return, May 1, 1991.

Corporations: Tax returns for the calendar year 1990 are due on April 15, 1991. For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 500C, the first quarter 11% underpayment rate will apply through the due date of the return, April 15, 1991.

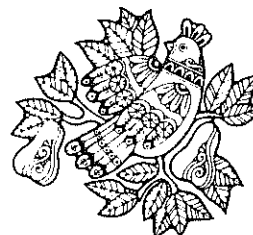
Local Tax

Assessments: Localities assessing interest on delinquent taxes pursuant to Va. Code § 58.1-3916 may impose interest at a rate not to exceed 10% for the first year of delinquency, and at a rate not to exceed 10% or the underpayment rate in effect for the applicable quarter, whichever is greater, for the second and subsequent years of delinquency. For the first quarter of 1991, the underpayment rate is 11%.

Refunds: Localities which have provided for refund of erroneously assessed taxes may provide by ordinance that such refund be repaid with interest at a rate which does not exceed the rate imposed by the locality for delinquent taxes.

Recent Interest Rates

Period	Rate	Period	Under -payment (Assessment)	Over -payment (Refund)
2/1/82 - 12/31/82	20%	1/1/87 - 9/30/87	9%	8%
1/1/83 - 6/30/83	16%	10/1/87 - 12/31/87	10%	9%
7/1/83 - 12/31/84	11%	1/1/88 - 3/31/88	11%	10%
1/1/85 - 6/30/85	13%	4/1/88 - 9/30/88	10%	9%
7/1/85 - 12/31/85	11%	10/1/88 - 3/31/89	11%	10%
1/1/86 - 6/30/86	10%	4/1/89 - 9/30/89	12%	11%
7/1/86 - 12/31/86	9%	10/1/89 - 3/31/91	11%	10%



GOVERNOR

EXECUTIVE ORDER NUMBER TWENTY-SEVEN (90)

INTERDEPARTMENTAL REGULATION OF CHILDREN'S RESIDENTIAL FACILITIES

By virtue of the authority vested in me by §§ 2.1-41.1 and 2.1-51.13 of the Code of Virginia and in furtherance of the intent of the General Assembly evidenced in Code § 63.1-196.4, I hereby continue the program for the Interdepartmental Regulation of Children's Residential Facilities.

BACKGROUND

A coordinated approach to the regulation of children's residential facilities is critical to assure the adequacy of care, treatment, and education. The purpose of this Executive Order is to ensure that the program operates with the necessary authority and accountability for managers of agencies that direct, monitor, and oversee regulatory policies and procedures. This further assures protection for children in care, the integrity of the program, and equity for regulated facilities.

Assuring that adequate care, treatment, and education is provided by children's residential facilities is one of the Commonwealth's most important obligations. The Departments of Youth and Family Services; Education; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services cooperatively regulate most of Virginia's residential facilities for children. The promulgated uniform set of regulations are titled Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children. Where appropriate, the boards also have promulgated regulatory modules to be applied under the program's aegis to specialized treatment services for mentally ill, mentally retarded, and substance abusing youth; juvenile justice facilities; and on-site educational programs.

Executive Order 58 (85) formally established the interdepartmental regulatory program for children's residential facilities and provided guidance in developing a regulatory structure and planning process. Executive Order 35 (87) continued the structure, specified additional requirements for priority setting and oversight of regulatory activities, and clarified the roles and responsibilities of the Coordinating Committee and the Office of the Coordinator. This Executive Order continues the structure and provides for the transfer of participation from the Department of Corrections to the Department of Youth and Family Services.

RESPONSIBILITIES OF THE SECRETARY OF HEALTH AND HUMAN RESOURCES

The Secretary of Health and Human Resources shall be responsible for providing policy guidance and direction for the interdepartmental regulatory program. The Secretary of Health and Human Resources shall coordinate activities for the interdepartmental regulatory program with the

Secretaries of Education and Public Safety.

The Secretary of Health and Human Resources is empowered to:

1. Define priorities for the Coordinating Committee to consider in the development of the annual administrative plan for the interdepartmental regulatory program;
2. Meet with the Coordinating Committee at least once annually to define priorities and to receive and discuss reports on the program;
3. Review and approve the interdepartmental agreement and the annual administrative plan governing the regulation of children's residential facilities;
4. Resolve differences between participating agencies when agreement cannot be reached by the Coordinating Committee; and
5. Receive reports at least every six months from the Coordinating Committee and, as necessary, from the Advisory Committee. Coordinating Committee reports should address progress in implementing the administrative plan, emerging issues in the regulatory process and exceptional circumstances involving any regulated facility.

RESPONSIBILITIES OF THE DEPARTMENT OF YOUTH AND FAMILY SERVICES

Responsibility for the administration of juvenile justice facilities will be with the Department of Youth and Family Services on and after July 1, 1990. The Department of Youth and Family Services shall be a participant in the Interdepartmental Regulatory Program and shall replace the Department of Corrections. The Board of Youth and Family Services shall adopt the Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children and the interdepartmental agreement governing the regulation of children's residential facilities as previously adopted by the Board of Corrections and shall adopt any regulatory modules deemed necessary for the effective regulation of juvenile justice facilities. The Board and Department of Youth and Family Services shall participate fully in future revisions to the Core standards and the interdepartmental agreement.

RESPONSIBILITIES OF THE COORDINATING COMMITTEE

The Coordinating Committee for the Interdepartmental Regulation of Children's Residential Facilities is formally continued within the executive branch of state government.

Membership on the Committee shall consist of the Director of the Department of Youth and Family Services;

Governor

the Superintendent of Public Instruction; the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services; and the Commissioner of Social Services. These officials shall not delegate membership on the Committee below the level of Deputy Commissioner or its equivalent. Each biennium the Committee shall elect a chairman from its membership.

As required by law, the activities of the Coordinating Committee are subject to the appropriate provisions of the Virginia Freedom of Information Act, including requirements for open meetings and the maintenance of minutes and other official records. In addition, the activities of the Coordinating Committee are subject to the appropriate provisions of the Administrative Process Act, including those regarding the review and preparation of regulations and the announcement of meetings in the Virginia Register.

The Coordinating Committee shall:

1. Review annually and revise as needed the interdepartmental agreement governing the regulation of children's residential facilities to reflect the intent of this Executive Order, subject to the approval of the Secretary of Health and Human Resources and subsequent adoption by the participating agencies and/or their policy boards;
2. Prepare an annual administrative plan, which includes consideration of priorities established by the Secretary of Health and Human Resources;
3. Prepare an annual report on the activities of the interdepartmental regulatory program;
4. Propose revisions to the Interdepartmental Core Standards and related regulations for review by the Secretary of Health and Human Resources and approval by the rule-making bodies;
5. Monitor violation and complaint histories of potential problem facilities and enforcement actions, monitor unusual circumstances encountered by staff inspecting children's residential facilities, and recommend to the participating agencies actions deemed necessary to protect children in residential care and the interests of state and/or local agencies;
6. Resolve, whenever possible, disagreements between the participating agencies or their regulatory staff and recommend appropriate action to the regulatory authorities;
7. Provide training for all staff inspecting children's residential facilities prior to the time those staff conduct inspections;
8. Establish priorities and direction for the Office of the Coordinator and monitor the activities of that Office; and

9. Perform other duties assigned by the Secretary of Health and Human Resources.

RESPONSIBILITIES OF THE LIAISON COMMITTEE

The Liaison Committee for Interdepartmental Regulation of Children's Residential Facilities shall consist of at least one representative from each participating agency. As assigned by the Coordinating Committee, the Liaison Committee shall perform day-to-day operational responsibilities for the interdepartmental regulatory program. The role and responsibilities of the Liaison Committee shall be clearly spelled out in the interdepartmental agreement.

OFFICE OF THE COORDINATOR

The Coordinator of Interdepartmental Regulation shall report directly to the Coordinating Committee and shall be responsible for coordinating and monitoring the interdepartmental regulatory program. The Office of the Coordinator shall encourage uniformity in the application of and conformance to the program's standards, policies, and procedures to assure: (1) protection for the children in care, (2) integrity of the regulatory program and (3) equity for the regulated facilities. The interdepartmental agreement shall clearly spell out the role and responsibilities of the Office, including administrative duties.

ANNUAL ADMINISTRATIVE PLAN

The Coordinating Committee shall prepare an annual administrative plan for the interdepartmental regulation of children's residential facilities. The plan shall be approved by the Secretary of Health and Human Resources after consultation with the Secretaries of Education and Public Safety.

At minimum, each plan shall contain the following information:

1. A list of regulated facilities with the type and capacity of each facility and the type and expiration date of each license;
2. The resources (funds and staff time) committed by each participating agency. Identified resources shall include those allocated to the Office of the Coordinator, which may include funding and/or positions allocated from the participating agencies;
3. Training and technical assistance to be provided to regulatory staff;
4. Specific administrative responsibilities to be performed by the Office of the Coordinator, which shall include:
 - a. Developing and/or reviewing, for the Coordinating Committee's approval, curricula to be used in

training staff who inspect children's residential facilities and

b. Monitoring, within the constraints of available resources, the inspection activities of the participating agencies;

5. Administrative responsibilities to be assumed by the regulatory staffs of the participating agencies; and

6. The Coordinating Committee's response to and methodologies for addressing priorities identified by the Secretary of Health and Human Resources.

ADVISORY COMMITTEE

The Advisory Committee for Interdepartmental Regulation of Children's Residential Facilities is continued. Membership on the Committee shall consist of representatives of agencies and organizations with a substantive interest in the regulation of children's residential facilities. The interdepartmental agreement shall contain a list of specific agencies and organizations to be represented on the Advisory Committee.

The interdepartmental agreement shall clearly spell out the role of the Advisory Committee. The Committee should recommend improvements in the interdepartmental regulatory program to the Coordinating Committee and the Secretary of Health and Human Resources. In addition, the Advisory Committee is requested to report to the Secretary of Health and Human Resources on issues or problems which they believe cannot be satisfactorily resolved by the Coordinating Committee.

Nothing in this Executive Order should be construed as removing, replacing or reassigning statutory or administrative responsibilities for regulating children's residential facilities which now reside with the boards, agency heads, or regulatory staffs of the Departments of Youth and Family Services; Education; Mental Health, Mental Retardation and Substance Abuse Services; or Social Services.

This Executive Order supersedes and replaces Executive Order Number 35 (87), Interdepartmental Licensure and Certification of Children's Residential Facilities, issued by Governor Gerald L. Baliles on January 7, 1987.

This Executive Order is effective upon its signing and will remain in full force and effect until June 30, 1994 unless amended or rescinded by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 9th day of November, 1990.

/s/ Lawrence Douglas Wilder
Governor

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

BOARD FOR BRANCH PILOTS

Title of Regulation: VR 535-01-2. Branch Pilot Regulations.

Governor's Comment:

These regulations are intended to increase public safety by addressing the competence of branch pilots. Pending public comment, I recommend approval of the regulations.

/s/ Lawrence Douglas Wilder

Governor

Date: November 16, 1990

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: VR 460-04-8.7. Client Appeals.

Governor's Comment:

I approve of the form and content of these regulations.

/s/ Lawrence Douglas Wilder

Governor

Date: December 3, 1990

BOARD OF NURSING

Title of Regulation: VR 495-01-01. Board of Nursing Regulations.

Governor's Comment:

I approve of the form and content of these regulations.

/s/ Lawrence Douglas Wilder

Governor

Date: December 3, 1990

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-01-32. Aid to Dependent Children (ADC) Program - Deprivation Due to Continued Absence.

Governor's Comment:

I concur in this proposal.

/s/ Lawrence Douglas Wilder

Governor

Date: December 3, 1990

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

BOARD FOR ACCOUNTANCY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Accountancy intends to consider amending regulations entitled: **VR 105-01-02. Board for Accountancy Regulations**. The purpose of the proposed action is to initiate a review process to consider establishing continuing professional education requirements to assure continued competency of licensees.

Statutory Authority: § 54.1-201(5) of the Code of Virginia.

Written comments may be submitted until December 19, 1990.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only).

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Corrections intends to consider promulgating regulations entitled: **VR 230-30-004. Adult Community Residential Services Standards**. The purpose of the proposed action is to establish minimum standards for Adult Community Residential Programs.

Statutory Authority: § 53.1-178 of the Code of Virginia.

Written comments may be submitted until January 21, 1991.

Contact: R. M. Woodard, Regional Manager, Adult Community Alternatives, 302 Turner Road, Richmond, VA 23225, telephone (804) 674-3729.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Funeral Directors and Embalmers intends to consider promulgating regulations entitled: **Curriculum for Resident Trainee**

Program. The purpose of the proposed action is to provide consistency and accountability in the resident trainee program of the funeral profession.

Statutory Authority: §§ 54.1-2803 of the Code of Virginia.

Written comments may be submitted until February 15, 1991.

Contact: Meredyth P. Partridge, Board Administrator, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-7390 or toll-free 1-800-533-1560.

DEPARTMENT OF GENERAL SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of General Services intends to consider promulgating regulations entitled: **Aggressive Air Sampling Standards to be Utilized in Final Clearance Inspections for Asbestos Projects in Local Education Agencies, Public Colleges and Universities and State-owned Buildings in the Commonwealth of Virginia**. The purpose of the proposed regulation is to establish aggressive air sampling standards.

Statutory Authority: § 2.1-526.14:1 of the Code of Virginia.

Written comments may be submitted until January 18, 1991.

Contact: Sharon D. Gay, State Asbestos Coordinator, 9th Floor, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-4446.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Health Services Cost Review Council intends to consider amending regulations entitled: **VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council**. The purpose of the proposed action is to clarify that health care institutions as defined by § 9-156 of the Code of Virginia that are part of continuing care retirement centers must segregate the patient care activities provided in its nursing home component from its nonpatient care activities when completing the report forms required by council.

Statutory Authority: §§ 9-158 and 9-164 of the Code of Virginia.

Written comments may be submitted until January 21, 1991.

Contact: G. Edward Dalton, Deputy Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

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**

General Notices/Errata

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.

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 promulgating regulations entitled: **VR 440-01-137.8. Standards for Paper for Permanent Circuit Court Records.** The purpose of the proposed action is to ensure the preservation of the permanent records of the Commonwealth by establishing minimum requirements for the paper used in creating or storing the record.

Statutory Authority: § 42.1-82 of the Code of Virginia.

Written comments may be submitted until January 2, 1991.

Contact: Dr. Louis Manarin, State Archivist, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-5579.

BOARD OF OPTOMETRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Optometry intends to consider amending regulations entitled: **VR 510-01-1. Regulations of the Board of Optometry.** The purpose of the proposed action is to solicit public comments on all existing regulations as to the assessment of their effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with Executive Order 5 (86). This notice replaces the Notice of Intent published in July, 1990.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until January 8, 1991.

Contact: Lisa J. Russell, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9915 or toll-free 1-800-533-1560.



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 - Appeal Hearings.** The purpose of the proposed action is to establish the procedures to be followed by the commission and appellants in appealing rulings made by the stewards.

Statutory Authority: §§ 59.1-364 and 59.1-369 of the Code of Virginia.

Written comments may be submitted until January 16, 1991, to Donald R. Price, Virginia Racing Commission, P.O. Box 1123, Richmond, Virginia.

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 - Commission Veterinarian.** The purpose of the proposed action is to establish qualifications, duties and responsibilities of the Commission Veterinarian.

Statutory Authority: §§ 59.1-364 and 59.1-369 of the Code of Virginia.

Written comments may be submitted until January 16, 1991, to Donald R. Price, Virginia Racing Commission, P.O. Box 1123, Richmond, Virginia.

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 - Stewards.** The purpose of the proposed action is to establish qualifications and duties of stewards.

Statutory Authority: §§ 59.1-364 and 59.1-369 of the Code of Virginia.

Written comments may be submitted until January 16, 1991, to Donald R. Price, Virginia Racing Commission, P.O. Box 1123, Richmond, Virginia.

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 - Horsemen's Representative**. The purpose of the proposed action is to establish procedure under which the commission will recognize the representative of the horsemen.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until January 15, 1991, to Donald R. Price, Virginia Racing Commission, P.O. Box 1123, Richmond, Virginia.

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 - Prohibited Acts**. The purpose of the proposed action is to establish those actions by permit holders that will compromise the integrity of horse racing in the Commonwealth.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until January 15, 1991, to Donald R. Price, Virginia Racing Commission, P.O. Box 1123, Richmond, Virginia.

Contact: William H. Anderson, Senior Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **VR 680-14-07. Oil Discharge Contingency Plans and**

Financial Responsibility Requirements. The purpose of the proposed action is to (i) establish the standards, content and requirements of oil discharge contingency plans and plan application; (ii) establish the requirements for maintaining evidence of financial responsibility; (iii) establish a fee for the approval of the required oil discharge contingency plans; and (iv) establish a fee for the approval of the tank vessel evidence of financial responsibility.

Statutory Authority: §§ 62.1-44.34:15(10), 62.1-44.34:15 and 62.1-44.34:16 of the Code of Virginia.

Written comments may be submitted until December 21, 1990.

Contact: David Ormes, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-9704.

GENERAL NOTICES

DEPARTMENT OF LABOR AND INDUSTRY

† Notice to the Public

The Virginia Safety and Health Codes Board held an emergency meeting by teleconference on November 20, 1990. The purpose of this meeting was to address the November 19, 1990 objection of the Governor to the amendments to the General Industry Standard for Lockout/Tagout (1910.147) and the Construction Industry Standard for Sanitation (1926.51) approved by the Board at its September 18, 1990 meeting. The Governor has requested that the Board withdraw both amendments.

At this emergency meeting, the Board voted to postpone the November 21, 1990 scheduled date of implementation for both of the above amended standards until January 9, 1990. This postponement will allow the Board to address the Governor's objections and request that the amended regulations be withdrawn at its next public meeting scheduled for January 8, 1990.

Contact: John J. Crisanti, Director of Enforcement Policy, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241, telephone (804) 786-2384.

DEPARTMENT OF SOCIAL SERVICES

† Notice of Demonstration Project

The Department of Social Services as the single state agency is inviting comments on an Aid to Dependent Children - Emergency Assistance (ADC-EA) Demonstration Project that is being developed by the Department of

General Notices/Errata

Housing and Community Development (HCD) for submission to the Department of Health and Human Services for approval. The ADC-EA Demonstration Project is for a Comprehensive Homeless Intervention Program (CHIP) that will be administered by HCD in 10 demonstration sites throughout the Commonwealth during fiscal year 1992.

The objectives of CHIP are to prevent homelessness and the necessity of receiving ADC, to help those who are homeless secure permanent housing, and to help those who are eligible for CHIP, including ADC families, to become economically self-sufficient. These objectives will be accomplished by providing a comprehensive array of services and financial assistance including rental, mortgage, and security deposit assistance, financial and budget counseling, employment counseling and training, housing counseling and mediation training, and other services necessary to enable the family to become self-sufficient and permanently housed. CHIP will be provided to eligible families experiencing a temporary crisis resulting from circumstances beyond their control.

Written comments may be submitted until January 17, 1991, to: Alice Fascitelli, Division of Housing, Department of Housing and Community Development, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-7891.

DEPARTMENT OF WASTE MANAGEMENT

† Notice of Tentative Decision to Grant a Variance from Regulation, Notice of Availability of Draft Amended Solid Waste Permit, Scheduled Public Hearing on the Draft Amended Permit (No. 314) for the Hanover County Landfill, Hanover, Virginia.

Pursuant to the requirements of Part VII of the Solid Waste Management Regulations (Sec 7.14, VR 672-20-10), the draft amendment for the Hanover County Landfill Permit (No. 314), proposed by Hanover County, is available for public review and comment.

The Department of Waste Management will hold a public hearing on the draft permit amendment on Thursday, January 17, 1991, at 7:00 p.m. in Hanover County Board Room, Wickham Building, Hanover, Virginia. The public comment period shall extend until 5:00 p.m. on Monday, January 28, 1991. During this period, the Department of Waste Management is soliciting comments on the technical merits of the draft permit amendment as it pertains to installation of a lined disposal unit and modification of final disposal contours as contained in the amendment. Comments on this draft should be in writing and addressed to Hassan Vakili, Director Field Operations, Department of Waste Management, Division of Regulation, Eleventh Floor, Monroe Building, 101 N. Fourteenth St., Richmond VA 23219. For more information, call Scott B. Alexander at (804) 371-0516.

Pursuant to the requirements of Part IX of the Solid

Waste Management Regulations (Sec. 9.4.B, VR 672-20-10), the director tentatively proposes to grant a variance to Hanover County for installation of a liner on a section of Hanover County Landfill (Permit No. 314). Specifically the County desires to install a clay liner with leachate collection for that portion of the landfill between currently permitted disposal cells. Comments on the tentative decision will be accepted until 5:00 p.m. on Friday, January 18, 1991. After evaluating the comments, the department will make its final decision on the tentative proposal to grant the requested variance within 15 days of the close of the comment period. All comments should be in writing and directed to William F. Gilley, Department of Waste Management, Division of Regulation, Eleventh Floor, Monroe Building, 101 N. Fourteenth St., Richmond, VA 23219, telephone (804) 225-2667.

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) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

ERRATA

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution.

Publication: 7:4 VA.R. 599-601 November 19, 1990.

Correction to the statement in the Calendar of Events:

Page 601, column 1, end of line 12 through line 15 should read:

"There is approximately a 5.0% increase overall in substances not *exempt from the rules*. There is also an increase overall in substances not meeting the SAAC guidelines but this increase is only one-half of 1.0%."

BOARD FOR CONTRACTORS

Title of Regulation: VR 220-01-2. Rules and Regulations of the Board for Contractors.

Publication: 7:2 VA.R. 234-248 October 22, 1990.

Correction to the Final Regulation:

Page 237, § 2.2 B, line 4 should read:

"... of the association, or designated employee have not ..."

Page 237, § 2.2 D, lines 8 and 9 should read:

"... or association,] excluding any jointly owned residence, or a net equity of less than ..."

Page 237, § 2.3 A, lines 5 and 6 should read:

"...[~~other the general~~] knowledge necessary to engage in the [~~contracting administrative and business~~] activities of the Class A firm ..."

Page 237, § 2.3 B, lines 5 and 6 should read:

"...[~~other the general~~] knowledge necessary to engage in the [~~contracting administrative and business~~] activities of the Class B firm ..."

Page 238, § 2.4 D, line 3 should read:

"... Virginia Contractor [Transaction] Recovery Fund ..."

Page 241, § 5.1 6, line 3 should read:

"... excluding [subcontractors to the contracting parties and those who engage in] routine maintenance or service contracts, ..."

Page 241, § 5.1 6 g, lines 1 and 2 should read:

"... consumer that he has been provided ..."

Page 242, § 5.1 17, lines 1 and 2 should read:

"... Virginia Uniform Statewide Building Code. "



REG-7(10-29-91)

**BOARD FOR COMPANIES
FINANCIAL STATEMENT FORM**

PLEASE PRINT OR TYPE

Name of Firm:

INSTRUCTIONS: All applicable items on this form must be filled out in their entirety or it will be returned. This form contains an affidavit statement which must be sworn to before a notary public stating that the information is true and correct. The completed financial statement form must be attached to the completed application forms and returned. **NOTE:** This statement may not be more than 90 days old from the date of the affidavit or it will not be considered.

SECTION I - ASSETS OF THE FIRM

Cash	
Accounts Receivable	
Cost of Earnings in Excess of Billings for Incomplete Contracts	
Accounts Receivable for Officers, Stockholders, Affiliated Companies, and Employees	
Notes Receivable	
Club Value of Life Insurance	
Inventory Materials and Supplies	
Marketable Securities (At Fair Market Value)	
Bid Deposits	
TOTAL ASSETS (INCLUDING JOINTLY OWNED ASSETS)	\$

Real Estate	
Hardware and Equipment	
Furniture and Fixtures	
Leasehold Improvements	
Other Assets	
TOTAL ASSETS (ASSETS + TITLED ASSETS)	\$

SECTION II - LIABILITIES OF THE FIRM

Accounts Payable	
Accrued Tax - Other Expenses	
Notes Payable	
Liabilities in Excess of Earnings and Cost of Incomplete Contracts	
Other Liabilities	
TOTAL LIABILITIES	\$

NET WORTH REQUIREMENT

SECTION III - NET WORTH OF THE FIRM

To determine Net Worth subtract total liabilities determined in Section II from total assets determined in Section I. A net worth of less than \$45,000 for Class A applicants and \$15,000 for Class B applicants shall be the basis for denial of a license. However, if the net worth requirement, the applicant may request withdrawal in accordance to the Board for review and reconsideration.

TOTAL NET WORTH

\$

SECTION IV - SCHEDULE OF ASSETS

For all items represented in Section I, the applicant must provide on a separate sheet of paper, the source of the asset (where applicable), the location of the asset, the name in which ownership of that source is held and the amount of which that asset is valued. The completed schedule must be attached to this financial statement.

SECTION V - SCHEDULE OF LIABILITIES

For all items represented in Section II, the applicant must provide on a separate sheet of paper, the source of the liability and the amount of the liability. The completed schedule must be attached to this financial statement.

SECTION VI - FINANCIAL STATEMENT

CLASS A - Those applying for a Class A license are required to provide on a separate sheet of paper information for the past five years including but not limited to outstanding past-due debts, judgments, outstanding state or federal tax obligations, and defaults on bonds, which are not already included in this financial statement. This information sheet should be attached to the financial statement form.

CLASS B - Those applying for a Class B license are required to provide on a separate sheet of paper information for the past three years including but not limited to outstanding past-due debts, judgments, outstanding state or federal tax obligations, and defaults on bonds, which are not already included in this financial statement. This information sheet should be attached to the financial statement form.

SECTION VII - AFFIDAVIT OF FINANCIAL STATEMENT

The undersigned hereby swears under pains and penalties of perjury that the foregoing statement is a true financial statement based on actual verifiable amounts. **NOTE:** Filing a false or misleading statement is a ground for license suspension or revocation.

If a Sole Proprietorship sign here: _____ Date: _____

If a Partnership or an Association enter the Name of the Partnership or the Association here: _____ Date: _____

By Signature of All Partners or Associates: _____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

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_____ Date: _____

_____ Date: _____

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_____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

SECTION VIII - AFFIDAVIT OF THE BOARD OF REGISTRATION, VETERINARIAN OR THIS SECTION MAY RESULT IN A LICENSE, CERTIFICATION OR REGISTRATION. VIOLATIONS OF THIS SECTION MAY RESULT IN A FINE, SUSPENSION WHICH COULD RESULT IN ONE YEAR OF PRACTICE OR TO A \$1,000 FINE.

STATE OF _____ CITY/COUNTY OF _____

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

Notary Official _____

Notary Public _____

5. Please print below, for each classification checked in Section 3, the name of each individual who is listed on the evidence of experience form and the classification or specialty service in which they qualify the Applicant's firm.

Note: Class A applicants shall provide 5 years experience in the license classification or specialty service for which license is sought, while Class B applicants shall provide 3 years experience in the license classification or specialty service for which license is sought.

LAST NAME	FIRST	M.I.	YEARS EXPERIENCE	LICENSE CLASSIFICATION OR SPECIALTY SERVICE

6. If a license classification with an * was checked in Section 3, the applicant must identify below the qualified individual who has successfully completed an examination, which has been approved by the Board for Contractors to additionally demonstrate the required experience in that license classification for which license is sought. The applicant shall further print in the following space the license classification for which qualification is sought, the examination successfully completed to qualify for that license classification, and the date on which the examination was successfully completed.

Note: Each qualified individual identified below should also appear on the Evidence of Experience form.

LAST NAME	FIRST	M.I.	CLASSIFICATION	EXAMINATION COMPLETED	DATE PASSED

7. Please print in the following space, the name of each sole proprietor, corporate officer, partner of the partnership, or member of the association for the firm seeking licensure. Also, print their address, title held in the firm seeking licensure, Social Security Number (not required), date of birth, and place of birth.

Note: Individuals of the firm seeking licensure who fail to provide their Social Security Number will be issued an identification number by the Department of Commerce for which they will be solely responsible.

NAME	ADDRESS	TITLE	SOC. SEC. NO.	BIRTH DATE	BIRTH PLACE

8. Have any of the individuals, listed in Sections 4, 5, 6, and 7 of this application, been or are they now sole proprietors, corporate officers, partners of a partnership, or members of an association in a business which is licensed/mastered by the Board for Contractors? Yes No . If yes, print in the following space the name of that individual, name of the business, license/registration number, and expiration date of the license/registration.

INDIVIDUAL'S NAME	BUSINESS NAME	LICENSE OR REGISTRATION NO.	EXPIRATION DATE

UNIVERSALIS OF VIRGINIA
 DEPARTMENT OF COMMERCE
 1000 BANKERS BUILDING
 P.O. BOX 11066, RICHMOND, VIRGINIA 23201-0666
 (804) 646-2200

CLASS A LICENSE FEE: \$55 CLASS B LICENSE FEE: \$65 RECOVERY FUND ASSESSMENT FEE: \$25
 DESIGNATED EMPLOYEE DECLARATION FEE: \$25

INSTRUCTIONS: Read the enclosed law and regulations carefully in order to be sure that you can meet the requirements and are eligible for licensure. Violations of the license law or regulations can result in the suspension or revocation of a license. The license fee for Class A license is \$55 and the fee for a Class B license is \$65. All license fees are non-refundable. Designated Employee Declaration Fee of \$25, which applies to those making an original application and is also non-refundable (see Designated Employee Declaration form). In addition there is a \$25 assessment fee for the Virginia Contractor Transaction Recovery Fund. If you are ineligible for licensure, the \$25 assessment fee will be returned to you. Make checks payable to the Treasurer of Virginia. * You may use one check for the total amount due (Class A \$135/Class B \$115), if you wish.

Note: Deposit of any fee(s) by the Department of Commerce does not indicate that this application has been or will be approved.

PLEASE PRINT OR TYPE

Name of Applicant (Individual): _____
NAME OF BUSINESS ENTITY: Enter the name in which the applicant will conduct business in Virginia, the business address, the mailing address (if other than business address), and telephone number. If the business address is not in Virginia, or if the business is a foreign corporation (not chartered in Virginia), a completed Power of Attorney form must be attached to this application.
 Trading-As Name (Name of Contracting Firm): _____
 Business Address (P.O. Box Not Accepted): _____
 Mailing Address: _____
 Telephone Number: () _____ The Identification Number: _____

2. **TYPE OF BUSINESS ENTITY:** Please check one business entity only.
 Sole Proprietorship: _____ General Partnership: _____ Limited Partnership: _____ Corporation: _____ Association: _____
 If applicant checked "corporation" for business entity, please provide the following information:
 State of Incorporation: _____ Decelerator: _____ Date Incorporated: _____
 Has the Corporation qualified to do business in Virginia in accordance with the laws of the State? Yes No

If yes, provide the effective date of qualification: _____ If the applicant is a Foreign Corporation (not chartered in Virginia), complete this question: Has the applicant been granted a Certificate of Authority by the Virginia State Corporation Commission to do business in Virginia (Sec. 13.1-175), Code of Virginia)? Yes No
 If yes, attach a copy of the certificate of authority to the application.
Note: You are required to attach to this application a Certified copy of the State Charter issued by the State Corporation Commission (SCC) or a Certified copy of your Certificate of Good Standing also issued by the SCC. Failure to do so may be the basis for denial of this application.

3. **LICENSE CLASSIFICATIONS:** Please check the license classification(s) for which a license is desired.
Note: An * indicates that an examination in that license classification is required.
 Building Contractor: _____ Highway/Heavy Contractor: _____ Electrical Contractor: _____ Plumbing Contractor: _____
 HVAC Contractor: _____ Specialty Contractor: _____
 If Specialty contractor was checked, list below all the Specialty Services in which the contractor will engage:

4. **DESIGNATED EMPLOYEE:** Enter the name of the designated employee who will represent the applicant's firm.
Note: The Designated Employee listed below must be the same individual listed on the Designated Employee Declaration Form.
 Name of Designated Employee: _____ () _____

General Notices/Errata

14. Are there any unsatisfied final judgments against a contracting business which originated while any of the individuals listed in Section 5 of this application, were the sole proprietor, corporate officers, partners of the partnership, or members of the association? Yes ___ No ___ If yes, provide explanation in the following space:
 Note: If more space is needed, attach to this application a separate sheet with the explanation.

15. Are all of the individuals listed in this application legally eligible for employment in the United States? Yes ___ No ___ If no, furnish explanation in the following space:
 Note: If more space is needed, attach to this application a separate sheet with the explanation.

16. If applying for a Class B license, answer the following question: Does the applicant understand that a Class B license limits total jobs or contracts to less than \$40,000, and that to bid or underwrite a job of \$40,000 or more or to perform a job of \$40,000 or more within any 12-month period, a contractor must hold a Class A license issued by the State for contractors? Yes ___ No ___
 Does the applicant understand that a licensed Class A or Class B Contractor must comply with any local licensing requirements in the counties, cities, and towns in which work is performed. Yes ___ No ___

17. The undersigned swears under pains and penalties of perjury that the foregoing statements and answers are true, that I (we) have complied with all laws of Virginia affecting contractors who come under the provisions of Title 54.1, Chapter 11, Code of Virginia which are applicable to my (our) business, and that I (we) understand the board for Contractors regulations and licensing law as well as this affidavit.
 If Sole Proprietorship, sign here: _____ Date: _____
 If a Partnership or an Association enter the Name of the Partnership or the Association here: _____ Date: _____
 By Signature of all Partners or Association: _____ Date: _____
 _____ Date: _____
 _____ Date: _____
 If a Corporation, enter the Name of the Corporation here: _____ Date: _____
 By Signature of the President or Vice-President: _____ Date: _____

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____.
 AFFIX OFFICIAL Seal Here

 Notary Public

SECTION 54-1-111(6), OF THE CODE OF VIRGINIA, MAKES IT UNLAWFUL TO MATERIALLY MISREPRESENT FACTS IN AN APPLICATION FOR A LICENSE, CERTIFICATION OR REGISTRATION. VIOLATIONS OF THIS SECTION MAY RESULT IN CRIMINAL PROSECUTION WHICH COULD RESULT IN ONE YEAR IN JAIL AND/OR UP TO A \$2,500 FINE.

3. If you answered yes in Section 9, answer the following question(s): Are the above referenced licenses/registrations continuing to properly maintain their Virginia Contractor's license/registration? Yes ___ No ___ If no, has the above listed license/registration, to the Department of Commerce? Yes ___ No ___ If no, does the expiration date of the above license/registration precede the date this application was signed by six months or more? Yes ___ No ___
 If the license/registration precedes the date this application was signed by six months or more, has a completed Certificate of Termination form and that license/registration.
 Note: If you are required to return a completed Certificate of Termination form and the license/registration, be sure to return the license/registration, and just the present term, term of the license/registration in an any other state? Yes ___ No ___ If yes, please furnish an explanation including the reason for the action and the nature of the sanction (i.e. fine, suspension, or revocation of the license) in the following space:
 Note: If more space is needed, attach to this application a separate sheet with the explanation.

10. Have any of the individuals listed in this application been or are they now licensed/registered/certified as Contractors in another state? Yes ___ No ___ If yes, please provide the following information:

INDIVIDUAL'S NAME	BUSINESS NAME	STATE LICENSE/REGISTRATION/CERT. NO.	EXPIRATION DATE

11. Have any of the individuals or businesses listed in this application been subject to disciplinary action in this or any other state? Yes ___ No ___ If yes, please furnish an explanation including the reason for the action and the nature of the sanction (i.e. fine, suspension, or revocation of the license) in the following space:
 Note: If more space is needed, attach to this application a separate sheet with the explanation.

12. Has the sole proprietor, or any of the corporate officers, partners in the partnership, or members of the association been convicted of any criminal conviction in any state or federal court which would constitute to any such offense? Yes ___ No ___ If yes, provide the name of the individual and an explanation of the conviction in the following space. Also, attach a copy of the individual's criminal history record.
 Note: Your application will not be processed until all required information is received. See Item 15 of the back list of instructions for information on how to obtain a criminal history record. Also, if more space is needed, attach to this application a separate sheet with the explanation.

13. Are there any unsatisfied judgments, arising out of a contracting transaction, against the sole proprietor or against any of the corporate officers, partners in the partnership, or members of the association? Yes ___ No ___ If yes, explain in the following space:
 Note: If more space is needed, attach to this application a separate sheet with the explanation.

SR-0110-29-90

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMERCE
BOARD FOR CONTRACTORS

REFERENCE REFERENCE FEE

Note: After this form has been completed, it must accompany the completed Application Form.

PLEASE PRINT OR TYPE

1. APPLICANT FOR A CONTRACTOR'S LICENSE: COMPLETE THIS SECTION ONLY, THEN FOLLOW THE INSTRUCTIONS IN ITEM NO. 2.

Name of Applicant as it appears on Application: _____
 Title: _____ Trade/As Name: _____
 Business Address (P.O. Box Not Accepted): _____
 Mailing Address: _____
 License Classification(s) and/or Specialty Service(s): _____
 Telephone Number: (_____) _____

INVESTMENT STATEMENT

I, _____ (Enter Signature of Applicant) hereby authorize _____ (Enter Name of Reference) to furnish the following information to the Board for Contractors.

2. **REFERENCE REFERENCE:** AFTER COMPLETION OF THE ABOVE, THE APPLICANT SHALL SEND THIS FORM TO A BANK CLERK, FORMER EMPLOYER, OTHER CONTRACTOR, ENGINEER, ARCHITECT, BUILDING OFFICIAL OR OTHER SOURCE WITH A REQUEST THAT THE FOLLOWING BE COMPLETED AND RETURNED TO THE APPLICANT.

CERTIFICATE IN SUPPORT OF EXPERIENCE QUALIFICATIONS

In the matter of the above listed applicant, the person certifying to his knowledge of the experience of the above named applicant shall complete this form.

Name of Reference: _____
 Address: _____
 A. How long have you known the above listed applicant: From _____ To _____
 B. Did the applicant work for you? Yes _____ No _____ If yes, what was their position: _____
 C. How do you rate the applicant's performance in the following areas (check the appropriate space):
 Ability _____ Excellent _____ Satisfactory _____ Fair _____ Poor _____
 Quality of work _____
 Reputation for carrying out obligations _____
 Additional Remarks: _____
 D. On a separate sheet of paper, please describe knowledge of specific projects in the license classification(s) or specialty service(s) for which the applicant seeks licensure.
 E. Are you employed in a construction related business? Yes _____ No _____ If yes, provide the name of the business and type of construction related activity performed: _____
 F. Other Comments: _____
 Signature of Reference: _____ Title: _____ Date: _____

NOTE: The information requested above is strictly of a confidential nature and because the property of the Board for Contractors. It will be used solely in appraising the eligibility of the applicant for a Class A or Class B Contractor's License.

SR-18(10-29-90)

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMERCE
BOARD FOR CONTRACTORS

CREDIT REFERENCE FEE

Note: After this form has been completed, it must accompany the completed Application Form.

PLEASE PRINT OR TYPE

1. APPLICANT FOR A CONTRACTOR'S LICENSE: COMPLETE THIS SECTION ONLY, THEN FOLLOW THE INSTRUCTIONS IN ITEM NO. 2.

Name of Applicant as it appears on Application: _____
 Title: _____ Trade/As Name: _____
 Business Address (P.O. Box Not Accepted): _____
 Mailing Address: _____
 Telephone Number: (_____) _____

INVESTMENT STATEMENT

I, _____ (Enter Signature of Applicant) hereby authorize _____ (Enter Name of Credit Reference) to furnish the following information to the Board for Contractors.

2. **CREDIT REFERENCE:** AFTER COMPLETION OF THE ABOVE, APPLICANT SHALL SEND THIS FORM TO A FURNISHER OF MATERIALS OR OTHER CREDIT SOURCE WITH A REQUEST THAT THE FOLLOWING BE COMPLETED AND THIS FORM BE RETURNED DIRECTLY TO THE APPLICANT.

Name of Credit Reference: _____
 Address: _____
PROVIDE THE FOLLOWING
 Date Credit Established: _____ Highest Recent Credit \$ _____
 Amount Owed: \$ _____ Past Due: \$ _____
 Has the applicant always met obligations in accordance with the terms of the sale? Yes _____ No _____
 If no, please explain: _____
 Other Comments: _____
 Signature of Creditor Official: _____ Title: _____ Date: _____

NOTE: The information requested above is strictly of a confidential nature and because the property of the Board for Contractors. It will be used solely in appraising the eligibility of the applicant for a Class A or Class B Contractor's License.

General Notices/Errata

70-5(10-29-90)

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF CONTRACTORS
BOARD FOR CONTRACTORS
BANK DEPOSIT STATEMENT

Notes: After this form has been completed, it must accompany the completed application form.
PLEASE PRINT OR TYPE

1. APPLICATION FOR A CONTRACTOR'S LICENSE: COMPLETE THIS SECTION ONLY, THEN FOLLOW THE INSTRUCTIONS IN ITEM NO. 2.

Name of Applicant as it appears on Application: _____

Title: _____ Trading-As Name: _____

Business Address (P.O. Box Not Accepted): _____

Mailing Address: _____

Telephone Number: () _____ Savings _____

Account No(s): Checking _____

AUTHORIZATION STATEMENT
I, _____ hereby authorize _____ (Enter Name of Bank) _____
(Enter Signature of Applicant) to furnish the following information to the Board for Contractors.

2. BANK REFERENCES: AFTER COMPLETION OF THE ABOVE, THE APPLICANT SHALL SEND THIS FORM TO THE APPLICANT'S BANK, AS APPROVED ABOVE, WITH A REQUEST THAT THE FOLLOWING BE COMPLETED AND THIS FORM RETURNED TO THE APPLICANT.

Name of Bank Providing Reference: _____
Address: _____

DEPOSIT ACCOUNTS:

Type of Account	Date Opened	Average Balance	Current Balance	Satisfactory/Unsatisfactory

OUTSTANDING LOANS:

Amount	Date Opened	Balance	For What Purpose	Type of Security	When Due

which of the following describes the manner of payment: Satisfactory _____ Unsatisfactory _____
If a line of credit has been established by the applicant, state amount \$ _____
Comments: _____

Signature of Bank Official: _____ Title: _____ Date: _____

NOTE: The information requested above is strictly of a confidential nature and because the privacy of the Board for Contractors. It will be used solely in approving the eligibility of the applicant for a Class A or Class B Contractor's License.

70-5(10-29-90)

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF CONTRACTORS
BOARD FOR CONTRACTORS
P.O. BOX 11066, RICHMOND, VIRGINIA 23201-1066
DESIGNATED EMPLOYEE DECLARATION FORM
FORM NO. 15 REV. 01-05

FEES: \$25

GUIDELINES: The fee for declaring a Designated Employee is \$25 and is non-refundable. If this declaration accompanies an application form, you may wish to use one object for the total amount due (See Contractor's License Application Form). Make checks payable to the Board for Contractors. If you accompany a reinstatement application no fee is required for declaring a Designated Employee. Please print or type except where signatures are applicable.

Note: Deposit of any fee(s) by the Department of Commerce does not indicate that your application has been or will be approved.

Firm Name: _____
Name of Designated Employee: _____ (LAST) _____ (FIRST) _____ Date of Birth: _____ (Month/Day/Year)

Designated Employee's Social Security Number (not required): _____
Note: Designated Employees who fail to provide their Social Security Number will be issued an identification number by the Department of Commerce for which they will be solely responsible.

Has the Designated Employee passed the examination required by the Board for Contractors? Yes _____ No _____ If yes, provide the date at which the Designated Employee passed the following sections of the approved examination:
Virginia Section: _____ General Section: _____ Advanced Section: _____ (DATE PASSED)

Note: The Designated Employee for a Class A firm must have passed all three sections of the examination and the Designated Employee for a Class B firm must have passed the Virginia Section and General Section.
Designated Employee Signature: _____ Title: _____

The undersigned ceases under pains and penalties of perjury that the foregoing statements and answers are true, that I (we) have complied with all laws of Virginia affecting contractors who come under the provisions of Title 54.1, Chapter 11, Code of Virginia which are applicable to my (our) business, and that I (we) understand the Board for Contractors regulations and licensing law as well as this affidavit.

If Sole Proprietorship, sign here: _____ Date: _____
If a Partnership or an Association enter the Name of the Partnership or the Association here: _____ Date: _____
By Signature of all Partners or Associates: _____ Date: _____

If a Corporation, enter the Name of the Corporation here: _____ Date: _____
By Signature of the President or Vice President: _____ Title: _____

AFFIDAVIT

STATE OF _____ CITY/COUNTY OF _____
Subscribed and sworn before me, the undersigned Notary Public in and for the State and City or County aforesaid this _____ day of _____ 19____
Affix Official Seal Here

6-10-97 public

SECTION 54.1-11(6), OF THE CODE OF VIRGINIA, MAKES IT UNLAWFUL TO MATERIALLY MISREPRESENT FACTS IN AN APPLICATION FOR A LICENSE, CERTIFICATION OR REGISTRATION. VIOLATIONS OF THIS SECTION MAY RESULT IN CRIMINAL PROSECUTION WHICH COULD RESULT IN ONE YEAR IN JAIL AND/OR UP TO A \$2,500 FINE.

REF-6110-70-90

COMMISSION OF VIRGINIA
BOARD FOR CONTRACTORS

P.O. BOX 11066, RICHMOND, VIRGINIA 23209-1066

EVIDENCE OF EXPERIENCE FORM

CONTRACTORS: The Contracting Firm shall provide on this form evidence of experience in the license classification or specialty classification for which the license is sought. If the Contracting Firm seeks more than one license classification, an additional Evidence of Experience Form for each license classification is required. Please print or type except where signatures are applicable.

Note: A \$25 fee is required from licensees for each change or addition of a license classification or specialty classification. This fee does not apply to those making original applications for licensure.

Firm Name: _____ Date of Birth: _____ (Month/Day/Year)
 Name of Qualified Individual: _____ (LAST, FIRST, M.I.)

Qualified Individual's Social Security Number (not required): _____
Note: Qualified Individuals who fail to provide their Social Security Number will be issued an Identification number by the Department of Commerce for which they will be solely responsible.

LICENSE CLASSIFICATIONS

Building Contractor Highway/Heavy Contractor Electrical Contractor
 Plumbing Contractor HVAC Contractor Specialty Contractor

Note: Specialty Contractors are required to list the Specialty Services in which they will engage.

DETAIL OF EXPERIENCE

Please provide the License Classification in which the individual is qualified: _____
 If the Specialty Contractor classification was listed, please provide the Special Service(s) in which that individual is qualified: _____

List the number of years experience the Qualified Individual has had in the License Classification and/or each Specialty Service(s) listed: _____

Note: Firms seeking a Class 1 License Classification or Specialty Services applicants must show 5 years experience in the License Classification or Specialty Service. Firms seeking a Class 2 License Classification or Specialty Services applicants must show 3 years experience in that License Classification or Specialty Service.

If the License Classification in which the Individual is qualified requires an examination approved by the Board for Contractors, please list in the following space the examination that was successfully completed by the Qualified Individual: _____ Date Exam Was Successfully Completed: _____

Note: An examination is required in that License Classification is required.

In the following space, please describe the Qualified Individual's Experience in the License Classification and/or Specialty Service(s): _____

Signature of Qualified Individual: _____ Date: _____

(continued on back)

EVIDENCE OF EXPERIENCE FORM (Continued)

The undersigned swears under pains and penalties of perjury that the foregoing statements and answers are true, but I do not know the truth of the statements and answers if the statements and answers are those of any other person. Chapter 11, Code of Virginia which are applicable to my (our) business, and that I (we) understand the Board for Contractors regulations and licensing law as well as this affidavit.

If Sole Proprietorship, sign here: _____ Date: _____

If a Partnership or an Association enter the Name of the Partnership or the Association here: _____

By Signature of All Partners or Associates: _____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

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_____ Date: _____

AFFIDAVIT

STATE OF _____ CITY/COUNTY OF _____
 Subscribed and sworn to before me, the undersigned Notary Public in and for the City or County aforesaid this _____ day of _____, 19____.

Notary Public

SECTION 54.1-11(6) OF THE CODE OF VIRGINIA, MAKES IT UNLAWFUL TO MATERIALLY MISREPRESENT FACTS IN AN APPLICATION FOR A LICENSE, CERTIFICATION OR REGISTRATION. VIOLATORS OF THIS SECTION MAY INCUR A CRIMINAL PROSECUTION WHICH COULD RESULT IN ONE YEAR IN JAIL AND/OR UP TO A \$2,500 FINE.

RBC-7(10-29-90)

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMERCE
BOARD FOR CONTRACTORS
P.O. BOX 11066, RICHMOND, VIRGINIA 23220-1066

CERTIFICATE OF TERMINATION FORM

RECORDED
20 NOV 16 PM 2:05

PLEASE PRINT

I hereby certify that _____ ceased
(NAME OF LICENSED/REGISTERED FIRM)

operations as a contracting business in the Commonwealth of Virginia on _____
(DATE OPERATIONS CEASED)

Accordingly, I am returning license/registration _____
(LICENSE/REGISTRATION NUMBER)

The undersigned swears under pains and penalties of perjury that the foregoing statements and answers are true, that I (we) have complied with all laws of Virginia affecting contractors who come under the provisions of Title 54.1, Chapter 11, Code of Virginia which are applicable to my (our) business, and that I (we) understand the Board for Contractors regulations and licensing law as well as this affidavit.

If Sole Proprietorship, sign here: _____ Date: _____

If a Partnership or an Association enter the Name of the Partnership or the Association here: _____

By Signature of all Partners or Associates: _____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

If a Corporation, enter the Name of the Corporation here: _____

By Signature of the President or Vice-President: _____ Date: _____

AFFIDAVIT

STATE OF _____ CITY/COUNTY OF _____

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

Affix Official Seal here

Notary Public

SECTION 54.1-111(6), OF THE CODE OF VIRGINIA, MAKES IT UNLAWFUL TO MATERIALLY MISREPRESENT FACTS IN AN APPLICATION FOR A LICENSE, CERTIFICATION OR REGISTRATION. VIOLATIONS OF THIS SECTION MAY RESULT IN CRIMINAL PROSECUTION WHICH COULD RESULT IN ONE YEAR IN JAIL AND/OR UP TO A \$2,500 FINE.

RBC-8(10-29-90)

BOARD FOR CONTRACTORS

CONTRACTOR'S LICENSE APPLICATION PACKAGE
"CHECK LIST FOR INSTRUCTIONS"

Please verify that your application for a Contractors License is complete.

- 1. _____ Are all required payments enclosed with the Contractor's License Application Form?
_____ Class A License Fee \$85 or Class B License Fee \$65 (non-refundable);
_____ Designated Employee Declaration Fee \$25 (non-refundable);
_____ Recovery Fund Assessment Fee \$25.

Note: You may use one check for total amount (Class A \$135/Class B \$115). Deposit of your fee(s) is not an indication that your application is or will be approved.

- 2. _____ Have you completed the Financial Statement Form and is it attached to the Contractor's License Application Form? Note: A Financial Statement Form over 90 days old will not be considered.
- 3. _____ If an Applicant for Class A Licensure, does your Net Worth equal or exceed \$45,000, exclusive of jointly owned property?
- 4. _____ If an Applicant for Class B Licensure, does your Net Worth equal or exceed \$15,000, exclusive of jointly owned property?
- 5. _____ If Applicant is a non-resident of Virginia, is a completed Power of Attorney Form attached to the Contractor's License Application Form?
- 6. _____ If Applicant represents a Foreign or Domestic Corporation, has the Corporation registered with the State Corporation Commission?
- 7. _____ If Applicant represents a Foreign Corporation (not chartered in Virginia), does a completed Power of Attorney Form accompany the Contractors License Application Form?
- 8. _____ If Applicant represents a Foreign Corporation (not chartered in Virginia), does a copy of the Certificate of Authority issued by the State Corporation Commission accompany the Contractor's License Application Form?
- 9. _____ If Applicant represents a Domestic Corporation, does a copy of the Corporation's State Charter or Certificate of Good Standing issued by the State Corporation Commission accompany the Contractor's License Application Form?
- 10. _____ Have you included all the necessary signatures on the following forms (where applicable): Contractor's License Application Form, Financial Statement Form, Designated Employee Declaration Form, Evidence of Experience Form, Bank Reference Form, Credit Reference Form, Experience Reference Form, and Power of Attorney Form?

(Continued On Back)

11. Have the following forms been notarized (where applicable): Contractor's License Application Form, Financial Statement Form, Designated Employee Declaration Form, Evidence of Experience Form(s), and Power of Attorney Form?
12. Are all the Reference Forms complete? Applicant should have completed a total of seven Reference Forms. They are as follows:
- One - Bank Reference Form
 - Three - Credit Reference Forms
 - Three - Experience Reference Forms
13. If you answered No to the question in Section 9 of the Contractor's License Application Form, is a Certificate of Termination attached to each license or registration being returned with the application?
14. If Applicant answered Yes to the question in Section 11 of the Contractor's License Application Form, did you furnish the required explanation?
15. If Applicant answered Yes to the question in Section 12 of the Contractor's License Application Form, you are required to list those individual(s) in the firm who have been convicted of any criminal offense (other than a minor traffic violation) and provide an explanation of events or circumstances related to their conviction(s). This list and explanation must be complete.
- Also, for individuals of the firm listed as having been convicted of any criminal offense (other than a minor traffic violation), a Criminal History Record is required for each of those individuals listed.
- NOTE:** Individuals who have been convicted in Virginia of any offense (other than a minor traffic violation) can obtain their Criminal History Record from the following: Department of State Police, Central Criminal Records Exchange, Post Office Box 27472, Richmond, Virginia 23242.
- Individuals who have been convicted of any offense (other than a minor traffic violation) in any jurisdiction outside Virginia must obtain their Criminal History Record from the state or jurisdiction in which they were convicted.
- The information required in this item is strictly of a confidential nature and will be used solely in appraising the eligibility of the Applicant for a Class A or Class B Contractor's License. Each individual who is required to provide a Criminal History Record with a Contractor's License Application Form may also provide information or materials to the Board for Contractors for further consideration.
16. If you answered No to the question in Section 15 of the Contractor's License Application Form, did you furnish the required explanation?

CHECKLIST COMPLETED

SBC-10(10-29-90)

FOR OFFICE USE ONLY	
Lic.#	_____
Date	_____
Code	_____

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF CONSUMER AFFAIRS
 BOARD FOR CONTRACTORS
 P.O. BOX 11066, RICHMOND, VIRGINIA 23230-1066
 CONTRACTOR'S REINSTATEMENT APPLICATION FORM
 CLASS A REINSTATEMENT FEE: \$75 CLASS B REINSTATEMENT FEE: \$60
 CLASS A RENEWAL FEE: \$65 CLASS B RENEWAL FEE: \$45

INSTRUCTIONS: Read the enclosed law and regulations carefully in order to be sure that you can meet the requirements and are eligible for licensure. Violations of the license law or regulations can result in the suspension or revocation of a license. Read the instructions thoroughly, for each item below, and include all required information and attachments. The fee for a Class A reinstatement is \$75 and the fee for a Class B reinstatement is \$60. All reinstatement fees are non-refundable. In order to be eligible for reinstatement, those making application for reinstatement must pay the applicable renewal fee. The fee for a Class A renewal is \$65 and the fee for a Class B renewal is \$45. All renewal fees are also non-refundable. Make checks payable to the "Treasurer of Virginia." You may use one check for the total amount due (Class A \$140/Class B \$105), if you wish.

Note: Deposit of any fee(s) by the Department of Consumer Affairs does not indicate that this application has been or will be approved.

PLEASE PRINT OR TYPE

Name of Applicant (Individual): _____

1. **KIND OF BUSINESS ENTITY:** Enter the name in which the applicant will conduct business in Virginia, the business address, the mailing address (if other than business address), and telephone number. If the business address is not in Virginia, or if the business is a foreign corporation (not chartered in Virginia), a completed Power of Attorney Form must be attached to this application.

Trading-As Name (Name of Contracting Firm): _____

Business Address (P.O. Box Not Accepted): _____

Mailing Address: _____

Telephone Number: () _____ Tax Identification Number: _____

2. **TYPE OF BUSINESS ENTITY:** Please check one business entity only.

Sole Proprietorship: General Partnership: Limited Partnership: Corporation: Association:

If applicant checked "Corporation" for business entity, please provide the following information:

State of Incorporation: _____ Domicile: _____ Date Incorporated: _____

Has the Corporation qualified to do business in Virginia in accordance with the laws of the State? Yes No

If yes, provide the effective date of qualification: _____ If the applicant is a Foreign Corporation (not chartered in Virginia), complete this question: Has the applicant been granted a Certificate of Authority by the Virginia State Corporation Commission as required under the laws of Virginia (Sec. 13.1-257, Code of Virginia)? Yes No

If yes, attach a copy of the Certificate of Authority to the Application.

Note: You are required to attach to this application a Certified copy of the State Charter issued by the State Corporation Commission (SCC) or a Certified copy of your Certificate of Good Standing also issued by the SCC. Failure to do so may be the basis for denial of this application.

3. **LICENSE CLASSIFICATION(S):** Please check the license classification(s) for which a license is desired.

Note: An * indicates that an examination in that license classification is required.

Building Contractor: Highway/Heavy Contractor: *Electrical Contractor: *Plumbing Contractor:

*HVAC Contractor: Specialty Contractor:

If Specialty Contractor was checked, list below all the Specialty Services in which the contractor will engage:

4. **DESIGNATED EMPLOYEE:** Enter the name of the Designated Employee who will represent the applicant's firm.

Note: The Designated Employee listed below must be the same individual listed on the Designated Employee Declaration Form.

Name of Designated Employee: _____ (LAST) (FIRST) (M.I.)

Virginia Register of Regulations

5. Please print below, for each classification checked in section 3, the name of each individual who is listed on the Evidence of Experience form and the classification or specialty service in which they qualify the applicant's firm.

Note: Class 3 applicants shall provide 5 years experience in the license classification or specialty service for which license is sought, while Class 4 applicants shall provide 3 years experience in the license classification or specialty service for each license is sought.

LAST NAME	FIRST	M.I.	YEARS EXPERIENCE	LICENSE CLASSIFICATION OR SPECIALTY SERVICE

6. If a license classification with an * was checked in section 3, the applicant must identify below the qualified individual who has successfully completed an examination, which classification for which license is sought. The applicant shall further print in the following space the classification for which qualification is sought, the evaluation successfully completed to qualify for that license classification, and the date on which the examination was successfully completed.

Note: Each qualified individual identified below should also appear on the Evidence of Experience form.

LAST NAME	FIRST	M.I.	CLASSIFICATION	EXAMINATION COMPLETED	DATE PASSED

7. Please print, in the following space, the name of each sole proprietor, corporate officer, partner of the partnership, or member of the association for the fire stacking license. Also, print their address, title held in the fire stacking license, social security number (not required), date of birth, and place of birth.

Note: Individuals of the fire stacking license who fail to provide their Social Security Number will be issued an identification number by the Department of Commerce for which they will be solely responsible.

NAME	ADDRESS	TITLE	SOC. SEC. NO.	BIRTH DATE	BIRTH PLACE

8. Have any of the individuals listed in sections 4, 5, 6, and 7 of this application, been or are they now sole proprietors, corporate officers, partners of a partnership, or members of an association in a business which is licensed/regulated by the Board for Contractors? Yes No If yes, print in the following space the name of that individual, name of the business, license/registration number, and expiration date of the license/registration.

INDIVIDUAL'S NAME	BUSINESS NAME	LICENSE OR REGISTRATION NO.	EXPIRATION DATE

9. If you answered **yes** in section 4, answer the following question(s): Are the above referenced licensees/registrants continuing to properly maintain their Virginia contractor's license/registrations? Yes No If **no**, list the above listed licensee/registrant completed a Certificate of Renunciation form and returned it, along with the license/registration, to the Department of Commerce? Yes No If **no**, does the expiration date of the above license/registration precede the date this application was signed by six months or more? Yes No If **no**, the license/registration was renewed by the licensee/registrant, for each license/registration in question, a completed Certificate of Renunciation form and their license/registration.

Note: If you are required to return a completed Certificate of Renunciation form and the license/registration, in order to return the license/registration, you must return the license/registration to no way other than by certified mail, return receipt requested, or by the licensee/registrant return upon receipt of any applicant whose regulatory and/or regulatory jurisdiction by the licensee/registrant have been transferred.

10. Have any of the individuals listed in this application been or are they now licensed/registered/certified as Contractors in another state? Yes No If **yes**, please provide the following information:

INDIVIDUAL'S NAME	BUSINESS NAME	STATE	LICENSE/REGISTRATION/CERT. NO.	EXPIRATION DATE

11. Have any of the individuals or businesses listed in this application been subject to disciplinary action in this or any other state? Yes No If **yes**, please furnish an explanation including the reason for the action and the nature of the action (i.e. fine, suspension, or revocation of the license) in the following space:

Note: If **more space is needed**, attach to this application a separate sheet with the explanation.

12. Has the sole proprietor or any of the corporate officers, partners in the partnership, or members of the association ever been convicted of any crime more than a minor traffic violation or pleaded guilty to any such offense? Yes No If **yes**, provide the following information in the following space. Also, attach a copy of the individual's criminal history record.

Note: Your application will not be processed until all required information is received. See Item 15 of the Instructions for Contractors on how to obtain a criminal history record. Also, if **more space is needed** to list the individual(s) or provide explanation of any criminal convictions, please attach to this application a separate sheet with such requested information.

13. Have there any unexpired judgments, arising out of a contracting transaction, against the sole proprietor or applicant in the following space.

Note: If **more space is needed**, attach to this application a separate sheet with the explanation.

14. Have there any unexpired judgments, arising out of a contracting transaction, against the sole proprietor or applicant in the following space.

Note: If **more space is needed**, attach to this application a separate sheet with the explanation.

14. Are there any unperfected final judgments against a contracting business which enjoined while any of the individuals listed in section 5 of this application, were the sole proprietor, corporate officers, partners of the partnership, or members of the association? Yes No If yes, provide explanation in the following space:
 Note: If more space is needed, attach to this application a separate sheet with the explanation.

15. Are all of the individuals listed in this application legally eligible for employment in the United States? Yes No If no, furnish explanation in the following space:
 Note: If more space is needed, attach to this application a separate sheet with the explanation.

16. If applying for a Class B license, answer the following question: Does the applicant understand that a Class B license entails total jobs or contracts to less than \$40,000, and that to bid or undertake a job of \$40,000 or more or perform a volume of \$300,000 or more within any 12-month period, a contractor must hold a Class A license issued by the Board for Contractors? Yes No
 17. Does the applicant understand that a licensed Class A or Class B contractor must comply with any local licensing requirements in the counties, cities, and towns in which work is performed? Yes No

The undersigned swears under pains and penalties of perjury that the foregoing statements and answers are true, that I (we) have complied with all laws of Virginia affecting contractors who come under the provisions of Title 54-1, Chapter 11, Code of Virginia which are applicable to my (our) business, and that I (we) understand the Board for Contractors regulations and licensing law as well as this affidavit.

If a Partnership or an Association enter the name of the Partnership or the Association here:
 By Signature of all Partners or Associates: _____ Date: _____
 Title: _____
 Name: _____
 Title: _____
 Name: _____

If a Corporation, enter the name of the Corporation here: _____ Date: _____
 By Signature of the President or Vice-President: _____ Title: _____

CITY OF _____ CITY/COUNTY OF _____ AFFIDAVIT
 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 Official Seal Here _____

SECTION 54-1-111(6), OF THE CODE OF VIRGINIA, MAKES IT UNLAWFUL TO MATERIALLY MISREPRESENT FACTS IN AN APPLICATION FOR A LICENSE, CERTIFICATION OR REGISTRATION. VIOLATIONS OF THIS SECTION MAY RESULT IN CRIMINAL PROSECUTION WHICH COULD RESULT IN ONE YEAR IN JAIL, FINE/ORS UP TO \$2,500 FINE.

COMMONWEALTH of VIRGINIA



DEPARTMENT OF COMMERCE
 CONSUMER INFORMATION SHEET

MILTON K. BROWN, JR.
 Director
 SEC-91-10-29-901

3800 WEST BROAD STREET, RICHMOND, VIRGINIA 23230-4917
 DEPARTMENT OF COMMERCE
 CONSUMER INFORMATION SHEET

ROYALD K. LAVER
 Senior Deputy Director

THIS STATEMENT OF PROTECTIONS IS PROVIDED THROUGH THE BOARD FOR CONTRACTORS AND MAY BE REPRODUCED BUT NOT ALTERED

If you are about to engage the services of a contractor in the state of Virginia, you should be aware of the state's program for the regulation of this occupation by licensing or registering these businesses.

Any contractor who undertakes a project the total value of which is \$40,000 or more is required to have a valid Class A license issued by the Board for Contractors. A licensed contractor has met standards established by character, knowledge, and skills necessary to practice without harm to the public.

Any contractor who undertakes a project the total value of which is \$1,500 or more but less than \$40,000 must have a valid Class B license or a valid Class B registration (Class B registrations are good only through December 31, 1992 or expiration date of the registration, whichever comes first) issued by the Board for Contractors. The Class B licensed contractor has also met standards established by the Board for Contractors to ensure that the licensee possesses the character, knowledge, and skills necessary to practice without harm to the public. Class B registration, however, only requires that the contractor submit information to the Board for Contractors concerning the location, nature, and operation of his practice and does not include any requirements that the applicant demonstrate specific knowledge or skills.

Before signing any contract, you should ask to see the license/registration or the pocket card issued with the license/registration and check to be sure that it has not expired and that the contractor is working within the limits of his license or registration.

(Continued On Back)

Telephone: (804) 367-8600



The authority of the Board for Contractors to discipline these licensed or registered contractors is limited to specific violations of the law and/or regulations of the Board, such as written citations from the local Building Inspectors for violations of the Virginia Uniform Statewide Building Code or practices which constitute abandonment, gross negligence, continued incompetence, or misconduct in the practice of the profession. In such cases disciplinary action by the Board is limited to fines and/or revocation or suspension of the contractor's license or registration, and such action can only be taken after a hearing or with the consent of the licensee/registrant and his agreement to waive his right to a hearing.

The Board does not have the authority to order a licensee/registrant to make restitution to you for losses you may have incurred due to the contractor's poor performance; efforts to recover such funds must be made through the civil courts. If you are planning to take such action against the contractor, you should contact the Board for Contractors at (804) 367-8561 in order to receive information about the Virginia Contractors Transaction Recovery Fund and the procedures for applying to recover from the fund if you are unable to collect after judgment is awarded in court.

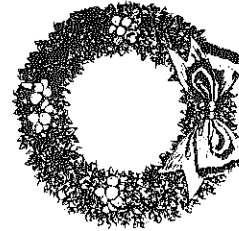
Issues involving cosmetic defects in workmanship must be resolved by negotiation between you and your contractor or civil action to enforce the terms of your contract if necessary. You should be careful in reviewing the contract before signing it in order to be sure that the terms of the agreement are clear and acceptable to you. You should know that, customarily, the initial down payment is no more than 30% of the total value of the contract and that, if you are dissatisfied with the work performed by the sub-contractors, you may hold the general contractor responsible. Finally, remember that, in accordance with the Virginia Home Solicitation Sales Act (Code of Virginia, Section 59.1-21.1 et seq), you have a three-day right to cancel a contract which you have negotiated in your home. (For more precise information about the application of this law, see the Code of Virginia or seek legal advise.)

Should you have reason to believe that your contractor may not have complied with the rules and regulations of the Board for Contractors, you should notify the Department of Commerce by calling (804) 367-8504 or write to the following address:

Department of Commerce
Enforcement Division
3600 West Broad Street
Richmond, Virginia 23230-4917

The aforementioned information is not intended to be an exhaustive list of the remedies available to you through your local government or other agencies. If you need additional assistance, call the Virginia Department of Agriculture and Consumer Services, Citizens Assistance number at (804) 786-2042, or write to the following address:

Department of Agriculture and Consumer Services
Washington Building - Capitol Square
1100 Bank Street, Room 101
Richmond, Virginia 23219



BOARD OF PHARMACY

Title of Regulation: VR 530-01-2. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.

Publication: 6:14 V.A.R. 2111-2118 April 9, 1990.

Correction to the Final Regulation:

Page 2115, § 4.4 B 1, line 4 should read:

"... The record shall be in the manner set forth in subdivision [B † b A 2] of this section. ..."

VIRGINIA RACING COMMISSION

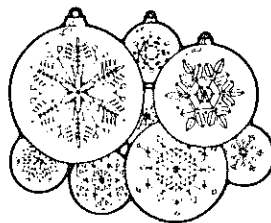
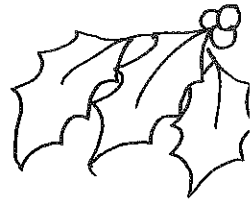
Title of Regulation: VR 662-02-04. Regulations Pertaining to Limited Licenses for Horse Racing with Pari-Mutuel Wagering.

Publication: 7:4 V.A.R. 519-532 November 19, 1990.

Correction to the Final Regulation:

Page 519, column 2, 1st paragraph should read:

" "Limited License" means a license issued by the commission allowing the holder to conduct a race meeting or meetings, with pari-mutuel wagering privileges, for a period not exceeding 14 days in any calendar year. "



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)

Title of Regulations: VR 115-04-12. Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law.

NOTICE: The Board of Agriculture and Consumer Services has decided to hold the record open until 5 p.m., January 22, 1991, on the referenced proposed regulation published July 16, 1990, for the purpose of receiving further public comment. See General Notices in 7:2 V.A.R. 321-322 October 22, 1990, for details.

STATE AIR POLLUTION CONTROL BOARD

December 19, 1990 - 10 a.m. - Public Hearing
Washington County, Board of Supervisors' Meeting Room, 205 Academy Drive, Abingdon, Virginia.

December 19, 1990 - 10 a.m. - Public Hearing
Virginia Department of Transportation, Auditorium, 731 Harrison Avenue, Salem, Virginia.

December 19, 1990 - 10 a.m. - Public Hearing
Auditorium of the Recreation Center, 301 Grove Street, Lynchburg, Virginia.

December 19, 1990 - 10 a.m. - Public Hearing
Department of Air Pollution Control, Northeastern Virginia

Regional Office, 300 Central Road, Suite B, Fredericksburg, Virginia.

December 19, 1990 - 10 a.m. - Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

December 19, 1990 - 2:30 p.m. - Public Hearing
Hampton Roads Planning District Commission, Regional Building, 723 Woodlake Drive, Chesapeake, Virginia.

December 19, 1990 - 10 a.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 purpose of the proposed regulation amendments concerns emission standards for noncriteria pollutants and the amendments are being made in response to problems discovered during the first five years of implementation of these rules. The amendments include changes to the Significant Ambient Air Concentration guidelines and to the method used to determine exemptions. Other changes are made and new provisions are added.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until January 18, 1991, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240.

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.

DEPARTMENT OF AIR POLLUTION CONTROL

† December 18, 1990 - 7 p.m. - Public Hearing
City of Richmond Main Library, 101 East Franklin Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A public hearing to consider a permit application from Cogentrix of Richmond to construct and operate a 220 MW stoker fired cogeneration power plant located off Commerce Road, Richmond, Virginia.

Contact: Mark Williams, Environmental Engineer, Sr., Department of Air Pollution Control, Region 5 Office, 8205 Hermitage Road, Richmond, VA 23228, telephone (804) 371-3967.

ASAP POLICY BOARD - RAPPAHANNOCK-RAPIDAN

Division of Court Services Executive Board

December 17, 1990 - 6:30 p.m. - Open Meeting
155 West Davis Street, Room 206, Culpeper, Virginia.

A quarterly business meeting to review the budget, personnel, program activities, legislation and VASAP Commission update.

Contact: R. Dean Irvine, Director, 155 West Davis Street, Culpeper, VA 22701, telephone (703) 825-4550.

AUCTIONEERS BOARD

December 19, 1990 - 10 a.m. - Open Meeting
Board of Supervisors Conference Room, Massey Building, A Level, 4100 Chain Bridge Road, Fairfax, Virginia.

A meeting to conduct a formal hearing:

File numbers 90-00117 and 90-00044, Board for Auctioneers v. Anwar M. Khan.

December 27, 1990 - 10 a.m. - Open Meeting
Department of Commerce, Conference Room One, 5th Floor, 3600 West Broad Street, Richmond, Virginia.

The Board for Auctioneers will meet to conduct a formal hearing: File Numbers 86-01650 and 86-01573, Board for Auctioneers v. George W. Minson.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8524.

* * * * *

January 18, 1991 - 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 Auctioneers Board intends to amend regulations entitled: VR 150-01-2. Rules and Regulations of the Virginia Auctioneers Board. The proposed amendments will adjust fee structure of the board and bring its application in line with these adjustments for auctioneers in the Commonwealth of Virginia.

Statutory Authority: §§ 54.1-113 and 54.1-602 of the Code of Virginia.

Written comments may be submitted until January 18, 1991.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 West Broad Street, Richmond, Virginia 23230-4917, telephone (804) 367-8534.

VIRGINIA AVIATION BOARD

December 18, 1990 - 10 a.m. - Open Meeting
Best Western Airport Inn, 5700 Williamsburg Road, Richmond, Virginia. ☒

A meeting to discuss matters of interest to the aviation community in Virginia and to hear applications for state grants for airport aid.

Contact: Nancy C. Brent, 4508 S. Laburnum Ave., Richmond, VA 23231-2422, telephone (804) 786-6284.

CHESAPEAKE BAY COMMISSION

† January 3, 1991 - 1 p.m. - Open Meeting
† January 4, 1991 - 9 a.m. - Open Meeting
Calvert House, Historic Inns of Annapolis, Annapolis, Maryland.

Quarterly meeting. The topics will include (i) election of commission officers, (ii) proposed state legislation for 1991, (iii) dredged material management, (iv) report of the Nutrient Evaluation Committee, (v) pesticide management, and (vi) shad conservation and management.

Contact: Ann Pesiri Swanson, 60 W. Street, Suite 200, Annapolis, MD 21401, telephone (301) 263-3420.

BOARD OF COMMERCE

January 10, 1991 - 1 p.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

This meeting is scheduled to coincide with convening of the General Assembly short session. Members will meet in the morning with legislators; the afternoon meeting will address legislation expected to have an impact upon the department.

Contact: Alvin D. Whitley, Staff Assistant to the Board of Commerce, Department of Commerce, 3600 W. Broad St., Fifth Floor, Richmond, VA 23230, telephone (804) 367-8564, SCATS 367-8519 or toll-free 1-800-552-3016.



Calendar of Events

DEPARTMENT OF COMMERCE

February 3, 1991 – 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 Commerce intends to amend regulations entitled: **VR 190-03-1. Regulations Governing Polygraph Examiners.** The proposed regulation will adjust the fee structure of the board and bring its application in line with these adjustments for polygraph examiners in the Commonwealth of Virginia.

Statutory Authority: §§ 54.1-113, 54.1-201 and 54.1-1802 of the Code of Virginia.

Written comments may be submitted until February 3, 1991.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

Private Security Services Advisory Committee

December 21, 1990 - 10 a.m. – Open Meeting
Department of Commerce, 3600 W. Broad St., Fifth Floor, Conference Room Two, Richmond, Virginia.

The Department of Commerce/Private Security Services Advisory Committee will meet to conduct a formal hearing: File Number 90-01623, Department of Commerce v. Audie Ray Clark.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8524.

COMPENSATION BOARD

December 20, 1990 - 5 p.m. – Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 9th Floor, Room 913/913A, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A routine business meeting.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 3-F, Richmond, VA 23206-0686, telephone (804) 786-3886 or (804) 786-3886/TDD ☎

DEPARTMENT OF CONSERVATION AND RECREATION

Falls of the James Scenic River Advisory Board

December 21, 1990 - noon – Open Meeting
Planning Commission Conference Room, 5th Floor, City Hall, Richmond, Virginia.

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Programs Manager, Department of Conservation and Recreation, 203 Governor Street, Suite 326, Richmond, VA 23209, telephone (804) 786-4132 or 786-2121/TDD ☎

January 17, 1991 - 9 a.m. – Open Meeting
Colonial Farm Credit, 6525 Mechanicsville Turnpike, Williamsburg, Virginia.

Bimonthly board meeting.

Contact: Donald L. Wells, Deputy Director, Department of Conservation and Recreation, Division of Soil and Water Conservation, 203 Governor St., Suite 206, Richmond, VA 23210, telephone (804) 786-2064.

BOARD FOR CONTRACTORS

Complaints Committee

December 18, 1990 - 9 a.m. – Open Meeting
3600 W. Broad St., 5th Floor, Conference Room 1, Richmond, Virginia.

A meeting to review and consider complaints filed by consumers against licensed contractors.

Contact: A. R. Wade, Complaints Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0196.

BOARD OF CORRECTIONS

† January 16, 1991 - 10 a.m. – Open Meeting
† February 13, 1991 - 10 a.m. – Open Meeting
† March 13, 1991 - 10 a.m. – Open Meeting
6900 Atmore Drive, Board of Corrections Board Room, Richmond, Virginia ☒

A regular monthly meeting to consider such matters as may be presented.

Contact: Ms. Vivian Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235.

BOARD FOR COSMETOLOGY

January 18, 1991 – 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 Cosmetology intends to amend regulations entitled: **VR 235-01-02. Board for Cosmetology Regulations.** The proposed amendments change the fees charged by the board to

ensure compliance with § 54.1-113 of the Code of Virginia.

Statutory Authority: §§ 54.1-201(5) of the Code of Virginia.

Written comments may be submitted until January 18, 1991.

Contact: Roberta L. Banning, Assistant Director, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only).

BOARD OF EDUCATION

January 24, 1991 - 9 a.m. - Open Meeting
January 25, 1991 - 9 a.m. - Open Meeting
Conference Rooms D and E, James Monroe Building, 101 North Fourteenth Street, Richmond, Virginia. ☐
(Interpreter for deaf provided if requested)

February 28, 1991 - 9 a.m. - Open Meeting
March 1, 1991 - 9 a.m. - Open Meeting
Berkeley Hotel, 12th and Cary Streets, Richmond, Virginia.
☐ (Interpreter for deaf provided if requested)

The Board of Education and the Board of Vocational Education will hold its regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request. Public comment will not be received at the meeting.

Contact: Margaret Roberts, Executive Director, State Department of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 225-2540.

LOCAL EMERGENCY PLANNING COMMITTEE - GLOUCESTER

January 23, 1991 - 6:30 p.m. - Open Meeting
Gloucester County Administration Building, Conference Room, corner of Duval and Main Street, Gloucester, Virginia. ☐

The winter quarterly meeting of the LEPC will be held and matters on the agenda to be addressed include: (i) selection of officers for 1991, (ii) a status report on the public information campaign and (iii) appointment of a committee to review and update the County Hazardous Materials Plan.

Contact: Georgette N. Hurley, Assistant County Administrator, Gloucester County Administrator's Office, Box 329, Gloucester, VA 23061, telephone (804) 693-4042.



LOCAL EMERGENCY PLANNING COMMITTEE - HANOVER COUNTY

† December 18, 1991 - 9 a.m. - Open Meeting
Hanover Volunteer Fire Company No. 5, Route 1004, Hanover, Virginia.

A meeting to (i) update and review prior meeting; (ii) conduct new business and old business; and (iii) conduct a 15-minute discussion period.

Contact: John F. Trivellin, Hazardous Materials Coordinator, P.O. Box 470, Hanover, VA 23069, telephone (804) 798-8554 or 752-6579.

LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF MANASSAS, CITY OF MANASSAS PARK AND COUNTY OF PRINCE WILLIAM

December 17, 1990 - 1:30 p.m. - Open Meeting
1 County Complex Court, Prince William, Virginia. ☐

A meeting to discharge the provisions of SARA Title III.

Contact: Thomas J. Hajduk, Information Coordinator, 1 County Complex Court, Prince William, VA 22192-9201, telephone (703) 335-6800.

BOARD OF FORESTRY

† January 10, 1991 - 9:30 a.m. - Open Meeting
Marriott Hotel, 500 East Broad Street, Richmond, Virginia
☐

A general business meeting.

Contact: Barbara A. Worrell, Administrative Staff Specialist, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) SCATS 487-1230 or (804) 977-6555/TDD ☎

BOARD FOR GEOLOGY

† January 18, 1991 - 10 a.m. - Open Meeting
Department of Commerce, Conference Room 1, 3600 W. Broad Street, Richmond, Virginia.

A meeting to discuss the adjustment of fees.

Contact: Nelle P. Hotchkiss, Acting Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

* * * * *

† January 18, 1991 - 10 a.m. - Public Hearing
Conference Room 1, 3600 West Broad Street, Richmond, Virginia.

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Geology intends to amend regulations entitled: **VR 335-01-2. Board for Geology Regulations.** The proposed amendments will amend fees in order to assure the board's compliance with § 54.1-113 of the Code of Virginia.

STATEMENT

Pursuant to § 54.1-113 of the Code of Virginia the Virginia Board for Geology proposes to amend its regulations to adjust all fees. The regulations apply directly to approximately 611 certified geologists in Virginia.

The purpose of the proposed amendments is to adjust all fees in order to assure that the variance between revenues and expenditures for the board does not exceed 10% in any biennium as required by § 54.1-113 of the Code of Virginia.

The proposed amendments will (i) increase the fee for initial application from \$50 to \$100, (ii) increase the fee for examination and reexamination from \$50 to \$75, (iii) increase the fee for renewal from \$50 to \$100, and (iv) increase the fee for reinstatement from \$100 to \$200.

While these amounts may be somewhat burdensome, the increases are necessary to met increased costs incurred by this program. Section 54.1-113 of the Code of Virginia requires that the board adjust to cover these increased costs.

Written comments may be submitted until February 15, 1991.

Contact: Nelle P. Hotchkiss, Acting Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

† January 18, 1991 - 11 a.m. - Open Meeting
Department of Commerce, Conference Room 1, 3600 W. Broad Street, Richmond, Virginia.

A meeting to (i) approve minutes of the November 16, 1990, meeting, (ii) review applications, and (iii) discuss examination and fees.

Contact: Nelle P. Hotchkiss, Acting Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

VIRGINIA HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

December 18, 1990 - 10 a.m. - Open Meeting
Sheraton Park South, 9901 Midlothian Turnpike, Richmond, Virginia.

The business of the meeting will consist of a status report of the hazardous materials emergency response program, a report on Title III of SARA, and a report from the hazardous materials training subcommittee.

Immediately following the advisory council meeting, there will be a meeting of the Virginia Emergency Response Council to discuss Title III.

Contact: Addison E. Slayton, Jr., State Coordinator, Department of Emergency Services, 310 Turner Road, Richmond, VA 23225, telephone (804) 674-2497.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

December 18, 1990 - 9:30 a.m. - Open Meeting
† January 22, 1991 - 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 ☎

* * * * *

December 21, 1990 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Health Services Cost Review Council intends to amend regulations entitled: **VR 370-01-001. Rules and Regulations if the Virginia Health Services Cost Review Council.** The proposed amendments will allow investor-owned institutions organized as proprietorships, partnerships, or S-corporations to have their income tax imputed into the aggregate cost of operating the facility to allow them to be treated similarly to corporations.

Statutory Authority: §§ 9-158 and 9-164 of the Code of Virginia.

Written comments may be submitted until December 21, 1990.

Contact: G. Edward Dalton, Deputy Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.



BOARD FOR HEARING AID SPECIALISTS

February 3, 1991 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Hearing Aid Specialists intends to amend regulations entitled: **VR 375-01-02. Board for Hearing Aid Specialists Regulations.** The proposed regulation will adjust the fee structure of the board and bring its application in line with these adjustments for hearing aid specialists in the Commonwealth of Virginia.

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until February 3, 1991.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

† January 8, 1991 - 9 a.m. - Open Meeting
† February 5, 1991 - 9 a.m. - Open Meeting
† March 5, 1991 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided upon request)

Local Emergency Preparedness Committee meeting on Emergency Preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator, 300 N. Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

December 18, 1990 - 11 a.m. - Open Meeting
601 South Belvidere Street, Richmond, 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; (iv) consider and, if appropriate, approve proposed amendments to the Rules and Regulations for Allocation of Low-Income Housing Tax Credits; and (v) 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) 786-1986.

† January 3, 1991 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: **VR 400-01-0001. Rules and Regulations - General Provisions for Programs of the Virginia Housing Development Authority.**

STATEMENT

Purpose: To amend the Rules and Regulations - General Provisions to provide for the inclusion of the incomes of all residents of the unit in determining "gross family income."

Basis: Section 36-55.30:3 of the Code of Virginia.

Substance and Issues: The proposed amendment to the authority's Rules and Regulations - General Provisions for Programs of the Virginia Housing Development Authority will expand the definition of "gross family income" to include income of all persons residing in a unit.

Impact: The proposed amendment will have no significant impact on the number of persons served. The authority does not expect that any significant costs will be incurred for the implementation of and compliance with the proposed amendment.

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

Written comments may be submitted until January 3, 1991.

Contact: J. Judson McKellar, Jr., General Counsel, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 786-1986.

† January 3, 1991 - Written comments may be submitted until this date

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: **VR 400-02-0003. Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.**

Calendar of Events

STATEMENT

Purpose: To amend the rules and regulations for single family mortgage loans to persons and families of low and moderate income by making clarifying, instructive and informative changes to programmatic procedures and requirements.

Basis: Section 36-55.30:3 of the Code of Virginia.

Substance and Issues: The proposed amendments will make the following changes to the authority's Rules and Regulations for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income:

1. The requirement that an originating or servicing agent have a satisfactory rating from any agencies regulating such agent will be eliminated. Such ratings are not uniform and are not helpful criteria in qualifying such agents.
2. The required net worth of an originating or servicing agent will be changed from \$100,000 to \$250,000 or such other amount as the executive director of the authority deems appropriate.
3. A section will be added clarifying that an applicant must be over the age of 18 years or declared emancipated by court decree.
4. The section concerning lot size limitations will be clarified, limiting to five acres all exceptions to the lot size limitation of two acres.
5. The definition of "gross family income" will be expanded to include income of all persons residing in a unit.
6. The section regarding maximum gross income will be amended to delete reference to assumptions.
7. The section regarding requirements for assumptions will be expanded to cover maximum income limit requirements for all VHDA loans, including special income limitations mandated by HUD on FHA loans closed during 1990.
8. Other changes will be typographical corrections or stylistic revisions.

Impact: The proposed amendment will have no significant impact on the number of persons served. The authority does not expect that any significant costs will be incurred for the implementation of and compliance with the proposed amendment.

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

Written comments may be submitted until January 3, 1991.

Contact: J. Judson McKellar, Jr., General Counsel, 601 S.

Belvidere St., Richmond, VA 23220, telephone (804) 786-1986.

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

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.

* * * * *

January 8, 1991 - 10 a.m. - Public Hearing
Virginia Housing Development Authority, Conference Center #1, 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 Safety and Health Codes Board intends to amend regulations entitled: **VR 425-01-75. Boiler and Pressure Vessel Rules and Regulations.** Included in these proposed amendments are changes due to required departmental regulatory review and a requirement for the National Board "R" Stamp for organizations performing repairs and alterations to boilers and pressure vessels.

Statutory Authority: § 40.1-51.6 of the Code of Virginia.

Written comments may be submitted until December 28, 1990, to Anna Bradley, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241.

Contact: Jim Hicks, Director of Boiler and Pressure Vessel Safety, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-3262.

† January 8, 1991 - Following 10 a.m. Public Hearing - Open Meeting
Virginia Housing Center, 601 South Belvidere Street, Richmond, Virginia. ☐

A public meeting of the board. The following items are scheduled to be on the agenda:

- 1) Licensed Asbestos Contractor Notification, Asbestos Project Permits and Permit Fees
- 2) Electrical Safety-Related Work Practices and Technical Corrections
- 3) Lockout/Tagout Standard
- 4) Construction Sanitation Standard
- 5) Administrative Stay Regarding Occupational Exposure to Acetone
- 6) Concrete and Masonry Lift Slab Construction Standard

Contact: John J. Crisanti, Director, Policy Enforcement Office, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2384.

LIBRARY BOARD

† January 16, 1991 - 9:30 a.m. - Open Meeting
Virginia State Library and Archives, 3rd Floor, Supreme Court Room, 11th Street at Capitol Square, Richmond, Virginia. ☐

A meeting to discuss administrative matters.

Contact: Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

VIRGINIA STATE LIBRARY AND ARCHIVES (LIBRARY BOARD)

January 4, 1991 - 2 p.m. - Public Hearing
Virginia State Library and Archives, Supreme Court Room, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Library Board intends to amend regulations entitled: **VR 440-02-02. Requirements Which Must Be Met in Order to Receive Grants-In-Aid.** The proposed action will amend local minimum expenditure requirements libraries must meet to receive grants.

Statutory Authority: § 42.1-52 of the Code of Virginia.

Written comments may be submitted until February 3, 1991.

Contact: Anthony Yankus, Director, PLDD, 11th St. at Capitol Square, Richmond, VA 23219, telephone (804) 786-2320 or toll-free 1-800-336-5266.

LONGWOOD COLLEGE

Executive Committee

† December 18, 1990 - 8 a.m. - Open Meeting
Longwood College, East Ruffner Building, Board Room, Farmville, Virginia. ☐

A meeting to conduct routine business.

Contact: William F. Dorrill, President, President's Office, Longwood College, Farmville, VA 23901, telephone (804) 395-2001.

STATE LOTTERY DEPARTMENT (STATE LOTTERY BOARD)

† January 23, 1991 - 10 a.m. - Open Meeting
† February 27, 1991 - 10 a.m. - Open Meeting
† March 27, 1991 - 10 a.m. - Open Meeting
State Lottery Department, Conference Room, 2201 West Broad Street, Richmond, Virginia. ☐

A regular monthly meeting of the board. Business will be conducted 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 West Broad Street, Richmond, Virginia 23220, telephone (804) 367-9433.

February 27, 1991 - 10 a.m. - Public Hearing
State Lottery Department, 2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: **VR 447-01-2. Administration Regulations.** These amendments clarify department procurement procedures and conform to amendments in the Code of Virginia.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until February 1, 1991.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 West Broad Street, Richmond, Virginia 23220, telephone (804) 367-9433.

February 27, 1991 - 10 a.m. - Public Hearing
State Lottery Department, 2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1

Calendar of Events

of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: **VR 447-02-1. Instant Game Regulations.** These amendments clarify standards for licensing; authorize issuance of lottery retailer license on a perpetual basis; establish annual license review process instead of license renewal; under certain circumstances, authorize prize payment based on photocopy of lottery ticket; clarify when prizes are payable over time and conform to amendments in the Code.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until February 1, 1991.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 West Broad Street, Richmond, Virginia 23220, telephone (804) 367-9433.

* * * * *

February 27, 1991 - 10 a.m. -- Public Hearing

NOTE: CORRECTION TO WRITTEN COMMENT DATE
State Lottery Department, 2201 West Broad Street,
Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: **VR 447-02-2. On-Line Game Regulations.** These amendments clarify standards for licensing; authorize issuance of lottery retailer license on a perpetual basis; reduce prize redemption period for free tickets from 180 to 60 days; under certain circumstances, authorize prize payment based on photocopy of lottery ticket; clarify when prizes are payable over time and conform to amendments in the Code.

Statutory Authority: § 58.1-4007 of the Code of Virginia.
Written comments may be submitted until February 1, 1991.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 West Broad Street, Richmond, Virginia 23220, telephone (804) 367-9433.

MARINE RESOURCES COMMISSION

† December 18, 1990 - 9:30 a.m. -- Open Meeting
2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☐

The commission will hear and decide marine environmental matters at 9:30 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues.

The commission will hear and decide fishery management items at approximately 2 p.m.: regulatory proposals; fishery management plans; fishery conservation issues; licensing; shellfish leasing.

Meetings 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.

BOARD OF MEDICAL ASSISTANCE SERVICES

† December 20, 1990 - 10 a.m. -- Open Meeting
Board Room, Suite 1300, 600 East Broad Street, Richmond, Virginia. ☐

An open meeting to discuss medical assistance services and issues pertinent to the board.

Contact: Patricia A. Sykes, Legislative Analyst, Suite 1300, 600 E. Broad St., Richmond, VA 23219, telephone (804) 786-7958, toll-free 1-800-552-8627 or 1-800-343-0634/TDD ☎

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

January 18, 1991 -- Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to amend regulations entitled: **VR 460-02-2.6100, Eligibility Conditions and Requirements; VR 460-03-2.6113, § 1924 Provisions; and VR 460-04-8.6, Spousal Impoverishment.** This proposed regulation intends to promulgate permanent regulations consistent with the Medicare Catastrophic Coverage Act of 1988 re-eligibility rules for persons institutionalized for a continuous period.

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

Written comments may be submitted until 4:30 p.m., January 18, 1991, to Ann E. Cook, Regulatory and Eligibility Consultant, Division of Policy and Research, 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 Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

BOARD OF MEDICINE

January 19, 1991 - 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 Medicine intends to amend regulations entitled: VR 465-01-01. **Public Participation Guidelines.** The amendments to this regulation establish requirements for filing a re-petition for proposed amendments by the public on specific issues previously acted on by the Board of Medicine.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until January 19, 1991, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9925.

† February 7, 1991 - 8 a.m. - Open Meeting
† February 8, 1991 - 8 a.m. - Open Meeting
† February 9, 1991 - 8 a.m. - Open Meeting
† February 10, 1991 - 8 a.m. - Open Meeting
Department of Health Professions, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia.

The full board will meet on February 7 in open session to conduct general board business and discuss any other items which may come before the board. The board will also meet on Friday, Saturday, and Sunday, to review reports, interview licensees and make decisions on discipline matters.

Public comment will be received at the conclusion of the meeting.

Advisory Board on Occupational Therapy

† January 22, 1991 - 10 a.m. - Open Meeting
Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to review the bylaws and the application process, and any other business which may come before it.

Public comments will be entertained at the conclusion of the meeting.

Advisory Board on Physical Therapy

† January 18, 1991 - 9 a.m. - Open Meeting

A meeting to review and discuss regulations, bylaws, procedural manuals, receive reports, and other items which may come before the Advisory Board.

Public comment will not be received.

Advisory Board on Respiratory Therapy

† January 25, 1991 - 2 p.m. - Open Meeting
Embassy Suites Hotel, Suite 200, 2925 Emerywood Parkway, Richmond, Virginia. ☒

A meeting to review current bylaws, regulations (VR 465-04-01), and to consider any other matters which may come before it.

Public comments will be received at the conclusion of the business meeting.

Credentials Committee

† January 12, 1991 - 8:15 a.m. - Open Meeting
Department of Health Professions, Board Room 3, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting 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 comment.

Executive Committee

† January 11, 1991 - 9 a.m. - Open Meeting
Department of Health Professions, Board Rooms 1 and 3, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The Executive Committee will meet in open session to review closed cases, cases/files requiring administrative action, and consider any other items which may come before the committee.

Public comment will not be received.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education, Office of Continuing Legal Education and Office of Continuing Medical Education

Calendar of Events

March 7, 1991 - 9 a.m. - Open Meeting
March 8, 1991 - 9 a.m. - Open Meeting
Richmond Marriott Hotel, Richmond, Virginia. ☐

Fourteenth Annual Symposium on Mental Health and the Law. An annual symposium addressing issues related to mental health and the law. Approximately 9 hours in Category 1 CME, 9 CEU and 9 CLE credits applied for.

Contact: Carolyn Engelhard, Administrator, Institute of Law, Psychiatry and Public Policy, Box 100, Blue Ridge Hospital, Charlottesville, VA 22901, telephone (804) 924-5435.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mined Land Reclamation

† January 4, 1991 - 1 p.m. - Open Meeting
Division's AML Conference Room, 622 Powell Avenue, Big Stone Gap, Virginia. ☐

The purpose of this public meeting is to give interested persons an opportunity to be heard in regard to the FY 1991 Virginia Abandoned Mine Land Administrative Grant application to be submitted to the Federal Office of Surface Mining.

Contact: Roger L. Williams, Abandoned Mines Manager, P.O. Drawer U, 622 Powell Ave., Big Stone Gap, VA 24219-5005, telephone (703) 523-8208.

NORFOLK STATE UNIVERSITY

Board of Visitors

† January 8, 1991 - 10 a.m. - Open Meeting
Harrison B. Wilson Administration Building, Board Room, Norfolk, Virginia.

Two of the board's subcommittees will meet prior to the regular board meeting.

The Student Affairs Subcommittee will meet on Monday, January 7, 1991 at 3 p.m. and the Audit and Finance Subcommittee will meet on Tuesday, January 8, at 9 a.m. Both subcommittee meetings will take place in the board room on the 5th floor of Wilson Hall.

Contact: Gerald D. Tyler, Norfolk State University, 2401 Corprew Ave., Wilson Hall-S340, Norfolk, VA 23504, telephone (804) 683-8373.



BOARD OF OPTOMETRY

† December 19, 1990 - 7:30 a.m. - Open Meeting
Conference Room 2, 1601 Rolling Hills Drive, Richmond, Virginia.

Regulatory Review Committee meeting.

† January 8, 1991 - 9 a.m. - Open Meeting
Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia.

A regular board meeting.

Contact: Lisa J. Russell, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9942.

VIRGINIA PESTICIDE CONTROL BOARD

† January 10, 1991 - 1 p.m. - Open Meeting
† January 11, 1991 - 9 a.m. - Open Meeting
Sheraton Park South, Moorefield Office Park, 9901 Midlothian Turnpike, Richmond, Virginia. ☐

Pesticide Control Board Committee meeting and general business meeting. Tour ChemLawn.

The public will have an opportunity to comment on any matter not on the Pesticide Control Board's agenda at 9 a.m. January 11, 1991.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Room 403, Richmond, VA 23209, telephone (804) 371-6558.

BOARD OF PROFESSIONAL COUNSELORS

January 14, 1991 - 9 a.m. - Public Hearing
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Professional Counselors intends to adopt regulations entitled: **VR 560-01-02. Regulations Governing the Practice of Professional Counseling.** The proposed regulations establish standards of practice for professional counseling, including education, supervised experience and examination for licensure.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until February 4, 1991.

Contact: Evelyn B. Brown, Executive Director, Board of Professional Counselors, 1601 Rolling Hills Drive, Suite 200, Richmond, VA 23229, telephone (804) 662-9912.

January 14, 1991 - 9 a.m. - Public Hearing
1601 Rolling Hills Drive, Conference Room 1, Richmond,
Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Board of Professional
Counselors intends to adopt regulations entitled: **VR
560-01-03. Regulations Governing the Certification of
Substance Abuse Counselors.** The proposed regulations
establish standards of practice for substance abuse
counseling, including education, supervised experience
and examination for certification.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until February 4,
1991.

Contact: Evelyn B. Brown, Executive Director, Board of
Professional Counselors, 1601 Rolling Hills Drive, Suite 200,
Richmond, VA 23229, telephone (804) 662-9912.

VIRGINIA RACING COMMISSION

† December 19, 1990 - 9:30 a.m. - Open Meeting
VSRS Building, 1204 East Main Street, Richmond, Virginia.

☐

A meeting to review proposed regulations pertaining to
participants, racehorses, entries and claiming races.

Contact: Donald R. Price, Executive Secretary, Virginia
Racing Commission, P.O. Box 1123, Richmond, VA 23208,
telephone (804) 371-7363.

REAL ESTATE BOARD

December 17, 1990 - 10:30 a.m. - Open Meeting
Fredericksburg Juvenile and Domestic Relations Court, 601
Caroline Street, Third Floor, Juvenile Courtroom,
Fredericksburg, Virginia.

The board will conduct a formal hearing: File Number
88-00749, Real Estate Board v. Nancy Neely.

Contact: Gayle Eubank, Hearings Coordinator, Department
of Commerce, 3600 W. Broad St., Richmond, VA 23230,
telephone (804) 367-8524.

December 19, 1990 - 2 p.m. - Public Hearing
Department of Commerce, 3600 W. Broad Street,
Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Real Estate Board

intends to amend regulations entitled: **VR 585-01-1.
Real Estate Board Regulations.** The board proposes
to adjust fees for license applications and renewals.

Statutory Authority: §§ 54.1-113, 54.1-201 and 54.1-2105 of
the Code of Virginia.

Written comments may be submitted until February 2,
1991.

Contact: Joan L. White, Assistant Director, Department of
Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA
23230, telephone (804) 367-8552.

BOARD OF SOCIAL WORK

† January 11, 1991 - 9 a.m. - Open Meeting
Conference Room 2, 1601 Rolling Hills Drive, Richmond,
Virginia.

A meeting to (i) conduct general board business; (ii)
certify oral examination results; and (iii) respond to
correspondence.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling
Hills Drive, Richmond, VA 23229, telephone (804) 662-9914.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

January 3, 1991 - 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 adopt regulations entitled: **VR
615-01-35. Monthly Reporting in the Food Stamp
Program.** This regulation requires monthly reports
from all Food Stamp households that are required to
file them for the Aid to Dependent Children Program
or which contain at least one person with earnings.

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

Written comments may be submitted until January 3, 1991,
to Burt Richman, Virginia Department of Social Services,
8007 Discovery Dr., Richmond, VA 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, 8007
Discovery Dr., Richmond, VA 23229-8699, telephone (804)
662-9217.

January 18, 1991 - 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 adopt regulations entitled: **VR**

Calendar of Events

615-01-34. Aid to Dependent Children-Unemployed Parent (ADC-UP) Program. The purpose of the proposed amendments is to limit 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 January 18, 1991, to Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Virginia.

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

* * * * *

† January 9, 1991 - 10 a.m. - Public Hearing
Commonwealth Building, Room 101, 210 Church Avenue,
SW Roanoke, Virginia.

† January 11, 1991 - 10 a.m. - Public Hearing
Department of Social Services, 8007 Discovery Drive,
Richmond, Virginia.

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 615-22-02. Standards and Regulations for Licensed Homes for Adults.** The purpose of the proposed regulation is to regulate homes that provide maintenance, care, and supervision for adults who are aged, infirm or disabled.

STATEMENT

Basis: Chapter 9, Title 63.1 of the Code of Virginia, provides the statutory basis for promulgation of standards for homes for adults. The State Board of Social Services has approved proposed revisions for a 60-day public comment period.

Purpose: The purpose of the standards is to regulate facilities which provide maintenance, care and supervision to four or more adults who are aged, infirm or disabled.

The proposed revisions distinguish home for adult care from nursing home care, and provide the necessary guidelines, procedures, and definitions to implement improved services for residents of licensed homes for adults.

Substance: Under the current definitions and exemptions in the Code, any facility operated for the purpose of maintenance, care and supervision of four or more adults who are aged, infirm or disabled must be licensed as a home for adults.

Issues: The proposed amendments and additions to the Standards and Regulations for Licensed Homes for Adults

distinguish home for adult care from nursing home care. It also addresses urgent health care needs of residents currently in care and medication administration practices.

Statutory Authority: §§ 63.1-174 and 63.1-182.1 of the Code of Virginia.

Written comments may be submitted until March 12, 1991, to Cheryl Latney, Program Development Supervisor, 8007 Discovery Dr., Richmond, VA 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

† December 17, 1990 - 1 p.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Conference Room 1, Richmond, Virginia. ☐

A meeting to (i) approve minutes of the November 8, 1990 meeting; (ii) review applications; and (iii) to discuss the adjustment of fees.

Contact: Nelle P. Hotchkiss, Acting Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

DEPARTMENT OF TAXATION

January 4, 1990 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-2-322.01. Virginia Individual Income Tax: Self-employment Tax Addback and Subtraction.** The purpose of this regulation is to establish the requirements for the addback and subsequent subtraction of self-employment tax for taxable years 1990-1993.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until January 4, 1991.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Department of Taxation, Richmond, VA 23282, telephone (804) 367-8010.

COMMONWEALTH TRANSPORTATION BOARD

December 19, 1990 - 2 p.m. - Open Meeting
† January 16, 1990 - 2 p.m. - Open Meeting
Virginia Department of Transportation, Board Room, 1401 E. Broad Street, Richmond, Virginia. ☐ (Interpreter for

deaf provided upon request)

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

Contact: John G. Milliken, Secretary of Transportation, 1401 E. Broad Street, Richmond, VA 23219, telephone (804) 786-6670.

December 20, 1990 - 10 a.m. - Open Meeting
Virginia Department of Transportation, Board Room, 1401 E. Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A monthly meeting of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring Board approval.

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, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-9950.

† **January 17, 1990 - 10 a.m. - Open Meeting**
Virginia Department of Transportation, Board Room, 1401 E. Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A monthly meeting of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

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: John G. Milliken, Secretary of Transportation, 1401 E. Broad Street, Richmond, VA 23219, telephone (804) 786-6670.

TREASURY BOARD

† **December 19, 1990 - 9 a.m. - Open Meeting**
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regular meeting of the Treasury Board.

Contact: Laura Wagner-Lockwood, Senior Debt Manager, Department of the Treasury, P.O. Box 6-H, Richmond, VA 23215, telephone (804) 225-4931 or (804) 225-2142/TDD ☎

BOARD FOR THE VISUALLY HANDICAPPED

January 17, 1991 - 2 p.m. - Open Meeting
Virginia Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A quarterly meeting to review policy and procedures of the Department for the Visually Handicapped. The board will review and comment on the department's budget.

Contact: Joseph A. Bowman, Executive Assistant, 397 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3140 or toll-free 1-800-662-2155.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

January 12, 1991 - 11 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee meets quarterly to advise the Virginia Board for the Visually Handicapped on matters related to serves for blind and visually handicapped citizens of the Commonwealth.

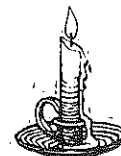
Contact: Barbara G. Tyson, Executive Secretary, 397 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3350, toll-free 1-800-662-2155 or (804) 371-3340/TDD ☎

VIRGINIA VOLUNTARY FORMULARY BOARD

January 17, 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., Richmond, VA 23219, telephone (804) 786-4326 or (804) 786-3596 (SCATS).



Calendar of Events

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

January 8, 1991 - 10 a.m. - Open Meeting
Monroe Building, Conference Room B, 101 North 14th Street, Richmond, Virginia. ☐

The public will be acquainted with the contents of the proposed Amendment 11 to the Virginia Hazardous Waste Management Regulations. This amendment will contain revisions and additions equivalent to those promulgated by the United States Environmental Agency during the period from January 31, 1989, to June 30, 1990.

Contact: W. Gulevich, Director, Division of Technical Services, Department of Waste Management, 11th Floor, Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2975, (SCATS) 225-2667, toll-free 1-800-552-2075 or (804) 371-8737/TD ☎

* * * * *

January 8, 1991 - 11 a.m. - Public Hearing
Monroe Building, Conference Room B, 101 North 14th Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: VR 627-10-1. Virginia Hazardous Waste Management Regulations. Since the adoption of Amendment 10 to the Virginia Hazardous Waste Management Regulations on December 18, 1989, with the effective date of February 1, 1990, the United States Environmental Protection Agency made a large number of changes in its regulations mainly dealing with land disposal restrictions. During the period from January 31, 1989, and June 30, 1990, EPA also revised the method for determination of the toxicity characteristic and promulgated new requirements for air emissions from certain process equipment at the hazardous waste management facilities. These and other less far-reaching changes require prompt regulatory adoption by the Commonwealth.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Written comments may be submitted until February 1, 1991.

Contact: W. Gulevich, Director, Division of Technical Services, Department of Waste Management, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2975, (SCATS) 225-2667 or toll-free 1-800-552-2075.

† **January 17, 1991 - 7 p.m. - Open Meeting**
Hanover County Board Room, Wickham Building, Hanover, Virginia.

Pursuant to the requirements of Part IX of the Solid

Waste Management Regulations (VR 672-20-10, § 9.4 B), the director tentatively proposes to grant a variance to Hanover County for installation of a liner on a section of Hanover County Landfill (Permit No. 314). Public comments will be received until January 17, 1991. Pursuant to the requirements of Part VII of the Solid Waste Management Regulations (VR 672-20-10, § 7.14), the director proposes to amend Hanover County Landfill Permit (No. 314) and conduct a public hearing. The amendment is available for public review and comment.

Contact: William F. Gilley, P.E., Director, Division of Regulation, 11th Floor, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2667 or (804) 371-8737/TD ☎

STATE WATER CONTROL BOARD

January 7, 1991 - 9 a.m. - Open Meeting
Henrico County Board of Supervisors Room, Parham and Hungry Spring Roads, Richmond, Virginia.

A regularly scheduled meeting.

Contact: Doneva A. Dalton, Office of Policy Analysis, State Water Control Board, 2111 N. Hamilton St., P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6829.

LEGISLATIVE

JOINT SUBCOMMITTEE TO ASSESS THE LONG-RANGE FINANCIAL STATUS OF GAME PROTECTION FUND

† **December 19, 1990 - 9 a.m. - Open Meeting**
General Assembly Building, 6th Floor, Conference Room, 910 Capitol Street, Richmond, Virginia. ☐

A work session in the continuation of its study on assessing the Long-Range Financial Status of the Game Protection Fund. HJR 76.

Contact: John Heard, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING EARLY INTERVENTION SERVICES TO INFANTS AND TODDLERS

December 17, 1990 - 10 a.m. - Open Meeting
General Assembly Building, 6th Floor, Conference Room, 910 Capitol Street, Richmond, Virginia. ☐

A meeting to review material received by committee

at meetings and develop its recommendations for 1991 session. HJR 164.

Contact: Jessica F. Bolecek, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING THE FEASIBILITY OF ESTABLISHING A RESIDENTIAL SCHOOL FOR GIFTED STUDENTS AT MONTPELIER

† December 18, 1990 - 10:30 a.m. – Open Meeting
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☐

The subcommittee will hold its initial meeting for studying the Feasibility of Establishing a Residential School for Gifted Students at Montpelier. HJR 119.

Contact: Kathleen G. Harris, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

COMMISSION ON HEALTH CARE FOR ALL VIRGINIANS

† December 17, 1990 - 1:30 p.m. – Open Meeting
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☐

Commission meeting.

Contact: John McE. Garrett, Deputy Clerk, P.O. Box 396, Richmond, VA 23203, telephone (804)-5742.

HOUSE FINANCE COMMITTEE

† December 17, 1990 - 9:30 a.m. – Open Meeting
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☐

The committee will meet jointly with House Appropriations and Senate Finance Committees to hear from the Governor and Secretary Timmreck regarding revisions in the General Fund revenue estimates.

Contact: John Garka, Manager, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

HOUSE GENERAL LAWS COMMITTEE

December 19, 1990 - 10 a.m. – Public Hearing
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☐

A public hearing has been scheduled by subcommittee no. 2 of the House General Laws Committee for the purpose of receiving input regarding the Property

Owners' Association Act.

Contact: Maria J. K. Everett, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING MATERNAL AND PERINATAL DRUG EXPOSURE

† December 19, 1990 - 10 a.m. – Open Meeting
State Capitol, House Room 2, 910 Capitol Street, Richmond, Virginia. ☐

The subcommittee will meet for a work session to review proposed legislation. HJR 41.

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING MEANS OF REDUCING PREVENTABLE DEATH AND DISABILITY IN THE COMMONWEALTH AND TO EXAMINE THE FEASIBILITY OF IMPLEMENTING A COMPREHENSIVE PREVENTION PLAN IN VIRGINIA

December 18, 1990 - 2 p.m. – Open Meeting
State Capitol, House Room 2, Richmond, Virginia.

The committee will meet to continue its study. HJR 179.

Contact: Kathleen G. Harris, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING THE NECESSITY AND DESIRABILITY OF REVISING THE COMMONWEALTHS "COMPARATIVE PRICE ADVERTISING" STATUTE

December 19, 1990 - 10 a.m. – Public Hearing
General Assembly Building, House Room C, Richmond, Virginia.

A work session and public hearing in a continuation of its study of the necessity and desirability of revising the Commonwealth's "Comparative Price Advertising" Statute. HJR 184.

Contact: Mary Geisen, Research Associate, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.



Calendar of Events

COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

December 20, 1990 - 10 a.m. - Open Meeting

NOTE: CHANGE OF LOCATION

Virginia Tech College of Architecture's Washington/Alexandria Center, 1001 Prince Street, Alexandria, Virginia.

Statutory Commission, §§ 9-145.11 through 9-145.15 (c.833, 1990).

Agendas have not been set.

Contact: Jeff Finch, Assistant Clerk for Projects and Research, House of Delegates, P.O. Box 406, Richmond, VA 23203, telephone (804) 786-2227.

SENATE COMMITTEE ON PRIVILEGES AND ELECTIONS

December 17, 1990 - 11 a.m. - Public Hearing

General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia. ☒

A public meeting on carry over House Bill 182 which sets September 3, 1991, as the date for primary elections to nominate candidates for the November 1991 election.

Contact: John McE. Garrett, Deputy Clerk, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-5742. Copies of the report are available from April Doggett, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

HOUSE APPROPRIATIONS JOINT SUBCOMMITTEE STUDYING REGIONAL JAIL CONSTRUCTION FUNDING

December 17, 1990 - 2:30 p.m. - Public Hearing

General Assembly Building, House Appropriations Committee Room, 9th Floor, Richmond, Virginia.

A meeting to consider comments on issues related to certain jail construction and operating policies including: operating and construction cost review and reimbursement, financial incentives for regional jails, and financial incentives for developing alternatives to incarceration as a means to reduce the need for additional jail construction.

Those desiring to offer comments on these issues should pre-register by calling the House Appropriations Committee at 804-786-1837. Speakers will be taken in order of registration. Persons wishing to pre-register by mail or to offer their comments in writing should mail them to: R. R. Jordan, Legislative Fiscal Analyst, House Appropriations Committee, State Capitol, P.O. Box 406, Richmond, Virginia 23203.

Contact: Linda Ladd, House Appropriations, General

Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-1837.

JOINT SUBCOMMITTEE STUDYING SCHOOL DROPOUTS AND WAYS TO PROMOTE THE DEVELOPMENT OF SELF-ESTEEM IN YOUTH AND ADULTS

December 19, 1990 - 10 a.m. - Open Meeting
State Capitol, House Room 1, Richmond, Virginia.

A meeting of the Task Force on Parental and Community Involvement.

Contact: Jeff Finch, Assistant Clerk for Projects and Research, House of Delegates, P.O. Box 406, Richmond, VA 23203, telephone (804) 786-2227.

JOINT SUBCOMMITTEE STUDYING TRANSPORTATION NEEDS OF THE HAMPTON ROADS AREA

† January 2, 1991 - 7 p.m. - Open Meeting
Christopher Newport College, Cafeteria of the Campus Center, 50 Shoe Lane, Newport News, Virginia.

A general meeting.

Contact: Tommy Gilman, Chief Committee Clerk, telephone (804) 786-7869.

CHRONOLOGICAL LIST

OPEN MEETINGS

December 17

ASAP Policy Board, Rappahannock-Rapidan Early Intervention Services to Infants and Toddlers, Joint Subcommittee Studying
† House Finance Committee
† Health Care For All Virginian, Commission of
† Soil Scientists, Board for Professional Real Estate Board

December 18

† Air Pollution Control, Department of Aviation Board, Virginia
Contractors, Board for
- Complaints Committee
† Emergency Planning Committee, Local - Hanover County
† Feasibility of Establishing a Residential School for Gifted Students at Montpelier, Joint Subcommittee Studying
Hazardous Materials Emergency Response Advisory Council, Virginia
Health Service Cost Review Council, Virginia
Housing Development Authority, Virginia

Calendar of Events

- † Longwood College
- Executive Committee
† Marine Resources Commission, Virginia
Reducing Preventable Death and Disability in the Commonwealth and to Examine the Feasibility of Implementing a Comprehensive Prevention Plan in Virginia, Joint Subcommittee Studying
- December 19**
† Assess the Long-Range Financial Status of the Game Protection Fund, Joint Subcommittee Studying
Auctioneers, Board for
Lottery Board, State
† Maternal and Perinatal Drug Exposure, Joint Subcommittee Studying
† Optometry, Board of
† Racing Commission, Virginia
School Dropouts and Ways to Promote the Development of Self-Esteem in Youth and Adults, Joint Subcommittee Studying
Transportation Board, Commonwealth
† Treasury Board
- December 20**
Compensation Board
† Medical Assistance Services, Board of
Population Growth and Development, Commission on
Transportation Board, Commonwealth
- December 21**
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
Commerce, Department of
- Private Security Services Advisory Committee
- December 27**
Auctioneers, Board for
- January 2, 1991**
† Transportation Needs of the Hampton Roads Area, Joint Subcommittee Studying
- January 3**
† Chesapeake Bay Commission
- January 4**
† Chesapeake Bay Commission
† Mines, Minerals and Energy, Department of
- Division of Mined Land Reclamation
- January 7**
Water Control Board, State
- January 8**
† Hopewell Industrial Safety Council
† Labor and Industry, Department of
- Safety and Health Codes Board
† Norfolk State University
- Board of Visitors
† Optometry, Board of
Waste Management, Department of
- January 10**
Commerce, Board of
† Forestry, Board of
† Pesticide Control Board, Virginia
- January 11**
† Medicine, Board of
- Executive Committee
† Pesticide Control Board, Virginia
† Social Work, Board of
- January 12**
† Medicine, Board of
- Credentials Committee
Visually Handicapped, Department for the
- Advisory Committee on Services
- January 16**
† Corrections, Board of
† Library Board
† Transportation Board, Commonwealth
- January 17**
Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
† Transportation Board, Commonwealth
Visually Handicapped, Board for the
Voluntary Formulary Board, Virginia
- January 18**
† Geology, Board for
† Medicine, Board of
- Advisory Board on Physical Therapy
- January 22**
† Health Services Cost Review Council, Virginia
† Medicine, Board of
- Advisory Board on Occupational Therapy
- January 23**
Emergency Planning Committee, Local - Gloucester
† Lottery Board, State
- January 24**
Education, Board of
- January 25**
Education, Board of
† Medicine, Board of
- Advisory Board on Respiratory Therapy
- February 5**
† Hopewell Industrial Safety Council
- February 7**
† Medicine, Board of
- February 8**
† Medicine, Board of
- February 9**

Calendar of Events

- † Medicine, Board of
- February 10**
† Medicine, Board of
- February 13**
† Corrections, Board of
- February 27**
† Lottery Board, State
- February 28**
Education, Board of
- March 1**
Education, Board of
- March 5**
† Hopewell Industrial Safety Council
- March 7**
Mental Health, Mental Retardation and Substance Abuse Services, Department of
- University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education, Office of Continuing Legal Education and Office of Continuing Medical Education
- March 8**
Mental Health, Mental Retardation and Substance Abuse Services, Department of
- University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education, Office of Continuing Legal Education and Office of Continuing Medical Education
- March 13**
† Corrections, Board of
- March 27**
† Lottery Board, State
- January 8**
Labor and Industry, Department of
- Safety and Health Codes Board
Waste Management, Department of
- January 9**
† Social Services, Department of
- January 11**
† Social Services, Department of
- January 14**
Professional Counselors, Board of
- January 17**
† Waste Management, Department of
- January 18**
† Geology, Board for
- February 27**
Lottery Department, State

PUBLIC HEARINGS

- December 17**
Jail Construction Funding, House Appropriations Joint Subcommittee Studying
† Privileges and Elections, Senate Committee On
- December 19**
Air Pollution Control Board, State
Necessity and Desirability of Revising the Commonwealth's "Comparative Price Advertising" Statue, Joint Subcommittee Studying
Real Estate Board
- January 4, 1991**
Library and Archives, Virginia State

