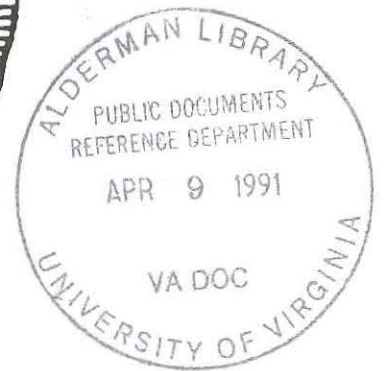
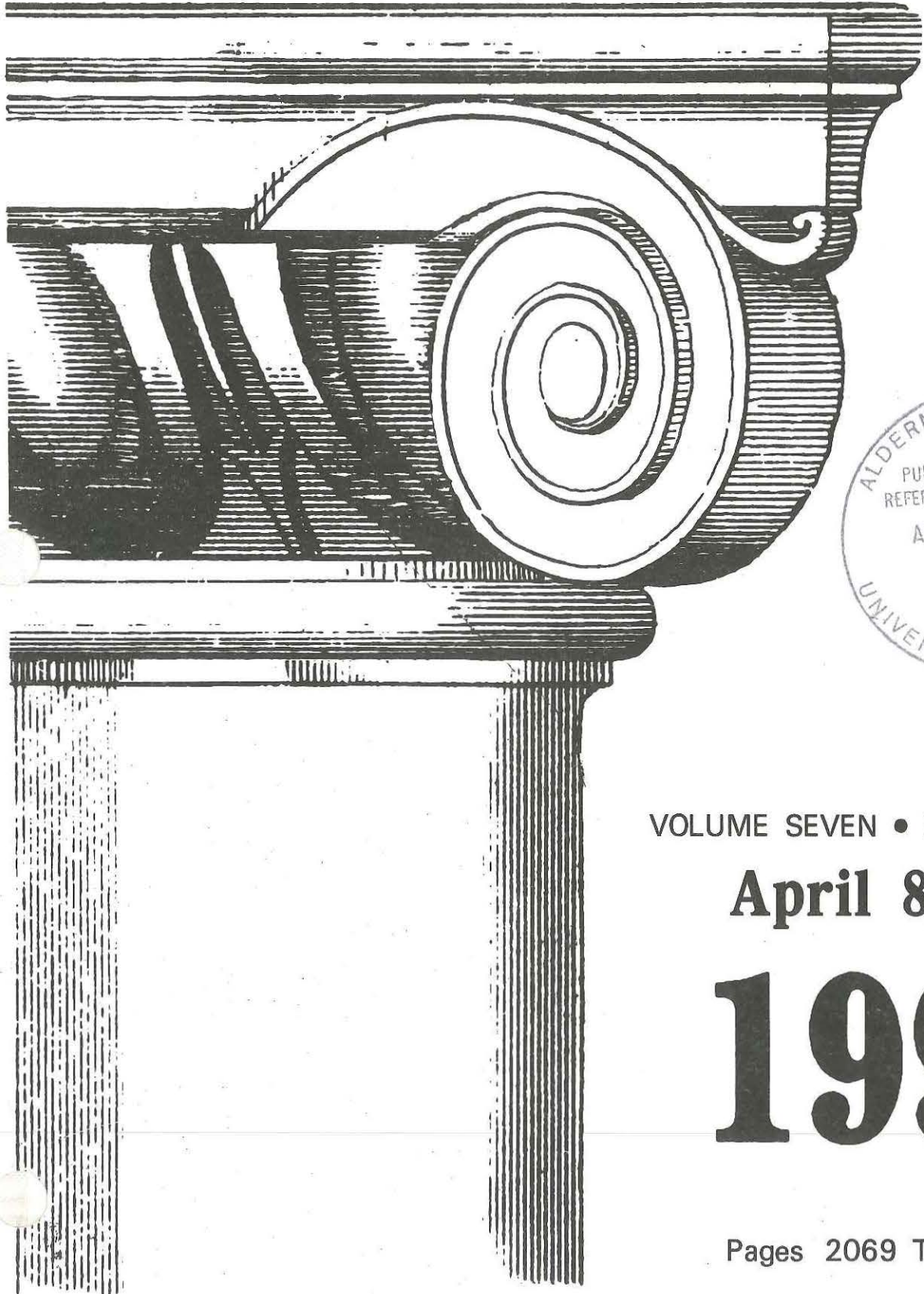


# THE VIRGINIA REGISTER

OF REGULATIONS

COD  
5/R26/7-14 R



VOLUME SEVEN • ISSUE FOURTEEN

**April 8, 1991**

**1991**

Pages 2069 Through 2198

## 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.

"The *Virginia Register of Regulations*" (USPS-001831) is published bi-weekly, except four times in January, April, July and October for \$100 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Second-Class Postage Rates Paid at Richmond, Virginia. **POSTMASTER:** Send address changes to the *Virginia Register of Regulations*, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219.

The *Virginia Register of Regulations* is published pursuant to Article 7 of Chapter 1.1:1 (§ 9-6.14:2 et seq.) of the Code of Virginia. Individual copies are available for \$4 each from the Registrar of Regulations.

Members of the Virginia Code Commission: Dudley J. Emick, Jr., Chairman, J. Samuel Glasscock, Vice Chairman, Russell M. Carneal, Joseph V. Gartlan, Jr.; John Wingo Knowles; Gail S. Marshall; E. M. Miller, Jr.; Theodore V. Morrison; William F. Parkerson, Jr.; A. L. Philpott.

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

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

September 1990 through December 1991

MATERIAL SUBMITTED BY                      PUBLICATION DATE  
Noon Wednesday

Volume 7 - 1990-91

Sept. 19	Oct. 8
Oct. 3	Oct. 22
Oct. 17	Nov. 5
Oct. 31	Nov. 19
Nov. 14	Dec. 3
Nov. 28	Dec. 17
Dec. 12	Dec. 31
Index 1 - Volume 7	

Dec. 26	Jan. 14, 1991
Jan. 9	Jan. 28
Jan. 23	Feb. 11
Feb. 6	Feb. 25
Feb. 20	Mar. 11
Mar. 6	Mar. 25
Index 2 - Volume 7	

Mar. 20	Apr. 8
Apr. 3	Apr. 22
Apr. 17	May 6
May 1	May 20
May 15	June 3
May 29	June 17
Index 3 - Volume 7	

June 12	July 1
June 26	July 15
July 10	July 29
July 24	Aug. 12
Aug. 8	Aug. 26
Aug. 21	Sept. 9
Sept. 4	Sept. 23
Final Index - Volume 7	

Volume 8 - 1991-92

Sept. 18	Oct. 7
Oct. 2	Oct. 21
Oct. 16	Nov. 4
Oct. 30	Nov. 18
Nov. 13	Dec. 2
Nov. 27	Dec. 16
Dec. 11	Dec. 30
Index 1 - Volume 8	

# TABLE OF CONTENTS

## PROPOSED REGULATIONS

**DEPARTMENT OF EDUCATION (STATE BOARD OF)**

Standards for Interdepartmental Regulation of Residential Facilities for Children. (VR 270-01-003) ... 2071

**DEPARTMENT OF HEALTH (STATE BOARD OF)**

Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations (Withdrawn). (VR 355-30-01) ..... 2071

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)**

Local Housing Rehabilitation Program: Program Guidelines. (VR 394-01-102:1) ..... 2071

Multifamily Loan Program. (VR 394-01-103) ..... 2075

**DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (STATE BOARD OF)**

Standards for Interdepartmental Regulation of Residential Facilities for Children. (VR 470-02-01) .... 2079

**DEPARTMENT OF MOTOR VEHICLES**

Regulations for Titling and Registering Foreign Market Vehicles (Withdrawn). (VR 485-60-8511) ..... 2079

**DEPARTMENT OF SOCIAL SERVICES (BOARD OF)**

Standards for Interdepartmental Regulation of Residential Facilities for Children. (VR 615-29-02) .... 2080

Child Protective Services Central Registry Information. (VR 615-45-1) ..... 2117

Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces. (VR 615-45-3) ..... 2118

**DEPARTMENT OF TAXATION**

Individual Income Tax: Virginia Tax Reform Credit (Withdrawn). (VR 630-2-335) ..... 2119

Declaration of Estimated Income Tax by Individuals: Failure by Individuals to Pay Estimated Tax (Withdrawn). (VR 630-2-492) ..... 2119

Retail Sales and Use Tax: Computer Software (Withdrawn). (VR 630-10-24.4) ..... 2119

Cigarette Sales Below Wholesale Cost Act (Withdrawn). (VR 630-27-286 through VR 630-27-293) ..... 2120

Virginia Cattle Assessment Regulations (Withdrawn). (VR 630-28-796.13 and VR 630-28-796.25 through VR 630-28-796.27) ..... 2120

## DEPARTMENT OF YOUTH AND FAMILY SERVICES (STATE BOARD OF)

Standards for Interdepartmental Regulation of Residential Facilities for Children. (VR 690-40-004) ... 2120

## FINAL REGULATIONS

### STATE AIR POLLUTION CONTROL BOARD

Regulations for the Control and Abatement of Air Pollution. (VR 120-01) ..... 2121

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

Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations. (VR 130-01-2) ..... 2121

### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Virginia Statewide Fire Prevention Code/1990 (Withdrawn). (VR 394-01-6) ..... 2121

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

State Plan for Medical Assistance Relating to Federal Poverty Income Guidelines.

Income Eligibility Levels. (VR 460-03-2.6101) ..... 2122

### BOARD OF PROFESSIONAL COUNSELORS

Regulations Governing the Practice of Professional Counseling. (VR 560-01-02) ..... 2125

Regulations Governing the Certification of Substance Abuse Counselors. (VR 560-01-03) ..... 2137

### REAL ESTATE BOARD

Virginia Real Estate Board Licensing Regulations. (VR 585-01-1) ..... 2148

# Table of Contents

<b>EMERGENCY REGULATIONS</b>		Methodologies for Treatment of Income and Resources that Differ from Those of the SSI Program. (VR 460-03-2.6105) .....	2160
<b>REAL ESTATE APPRAISER BOARD</b>		More Liberal Methods Under Social Security Act § 1902(r)(2). (VR 460-03-2.6112) .....	2160
Real Estate Appraiser Board Emergency Regulations. (VR 583-01-03) .....	2149		
<b>MARINE RESOURCES COMMISSION</b>		<b>GENERAL NOTICES/ERRATA</b>	
<b>FINAL REGULATIONS</b>		<b>NOTICES OF INTENDED REGULATORY ACTION</b>	
Closed Public Oyster Season. (VR 450-01-9101) .....	2159	Notices of Intent .....	2161
<b>GOVERNOR</b>		<b>GENERAL NOTICES</b>	
<b>GOVERNOR'S COMMENTS</b>		<b>DEPARTMENT FOR THE AGING</b>	
<b>BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS</b>		Notice of Public Comment Period on 1991-95 State Plan for Aging Services. ....	
Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations. (VR 130-01-2) .....	2160		2166
<b>BOARD OF CORRECTIONS</b>		<b>DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES</b>	
Regulations for State Reimbursement of Local Correctional Facility Construction Costs. (VR 230-30-008) .....	2160	Notice to the Public on Proposed Amendments to Regulations. ....	
<b>DEPARTMENT OF EDUCATION (STATE BOARD OF)</b>		Notice to the Public Regarding Virginia Weights and Measures Law. ....	
Regulations Governing the Operation of Proprietary School and Issuing of Agent Permits. (VR 270-01-0034) .....	2160		2167
<b>DEPARTMENT OF HISTORIC RESOURCES (BOARD OF)</b>		<b>DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL</b>	
Regulations Governing Permits for the Archaeological Excavation of Human Remains. (VR 390-01-02) .....	2160	Notice to the Public Regarding a Public Meeting. ....	
<b>DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)</b>		<b>DEPARTMENT OF HEALTH PROFESSIONS</b>	
State Plan for Medical Assistance Relating to Restoration of Income and Resource Methodologies.		Notice regarding Therapeutic Recreation Specialists and Activity Professionals. ....	
Groups Covered and Agencies Responsible for Eligibility Determination. (VR 460-02-2.2100) .....	2160		2168
Eligibility Conditions and Requirements. (VR 460-02-2.6100) .....	2160	<b>REAL ESTATE APPRAISER BOARD</b>	
		Public Notice Regarding Extension of Effective Date of Certain Licensing Requirements. ....	
		<b>DEPARTMENT OF WASTE MANAGEMENT</b>	
		Public Notice Regarding Designation of Regional Solid Waste Management Planning Area. ....	
		Public Notice Regarding Designation of Regional Solid Waste Management Planning Area. ....	
		<b>NOTICE TO STATE AGENCIES</b>	
		Notice of change of address. ....	
		Forms for filing material on dates for publication. ...	

**CALENDAR OF EVENTS**

EXECUTIVE

Open Meetings and Public Hearings ..... 2170

CHRONOLOGICAL LIST

Open Meetings ..... 2194

Public Hearings ..... 2196

# Table of Contents

---

# PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

## Symbol Key

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

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

**Title of Regulations:** VR 270-01-003. Standards for Interdepartmental Regulation of Residential Facilities for Children.

**Statutory Authority:** §§ 16.1-311, 22.1-321, 37.1-10, 37.1-182, 37.1-189.1, 63.1-25, 63.1-196.4, 63.1-217, 66-10, and 66-24 of the Code of Virginia.

**Public Hearing Date:** N/A – Written comments may be submitted until June 7, 1991.

(See Calendar of Events section for additional information)

### Summary:

*Under the current definitions and exceptions in the Code of Virginia, the Departments of Education; Mental Health, Mental Retardation and Substance Abuse Services; Social Services; and Youth and Family Services are responsible for the regulation of public and private residential facilities which provide care, treatment, or education to children.*

*The regulation is designed to assure that adequate care, treatment, and education are provided by children's residential facilities. The proposed revisions amend and clarify requirements governing management of resident behavior in §§ 1.1 and 5.86 of this regulation. The proposed revisions are designed to: (i) emphasize the use of positive behavioral interventions; (ii) limit, and require documentation of, the use of negative behavioral interventions; (iii) clarify and make distinctions among definitions; and (iv) reduce redundancies between definitions and standards.*

**NOTICE:** Please refer to the Department of Social Services in the Proposed Regulations section of this issue of the *Virginia Register of Regulations* for the publication of "Standards for Interdepartmental Regulations of Residential Facilities for Children."



## DEPARTMENT OF HEALTH (STATE BOARD OF)

**Title of Regulation:** VR 355-30-01. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.

**Statutory Authority:** §§ 32.1-12 and 32.1-102.2 et seq. of the Code of Virginia.

**Publication Date:** 6:24 V.A.R. 3823-3836 August 27, 1990.

**NOTICE:** The Department is WITHDRAWING the proposed regulation entitled Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations (VR 355-30-01) published in 6:24 V.A.R. 3823-3836 August 27, 1990.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

**NOTICE:** The following regulations are exempted from the Administrative Process Act under the provisions of § 9-6.14:4 B 4 of the Code of Virginia, which excludes agency action relating to grants of state or federal funds or property.

**Title of Regulation:** VR 394-01-102:1. Local Housing Rehabilitation Program: Program Guidelines.

**Statutory Authority:** §§ 36-137 and 36-141 et seq. of the Code of Virginia.

**Public Hearing Date:** N/A – Written comments may be submitted until May 10, 1991.

### Summary:

*The Local Housing Rehabilitation Program, a part of the Virginia Housing Partnership Fund, provides loans and grants to owners of substandard low and moderate income housing through local governments and nonprofit organizations. The purpose of the program is to upgrade substandard housing in order to increase the supply of safe, decent and affordable housing for low and moderate income owners and tenants. The proposed amendments raise maximum*



# Proposed Regulations

---

loan amounts.

VR 394.01-102:1. Local Housing Rehabilitation Program: Program Guidelines.

## PART I. PURPOSE.

### § 1.1. Purpose.

The Local Housing Rehabilitation Program under the Virginia Housing Partnership Fund allows an approved local government, nonprofit organization, or housing authority to reserve a pool of funds in order to make low-interest loans to residential property owners within their service area for the improvement of their properties. The purpose is to increase the supply and availability of decent and affordable housing for low and moderate income Virginians through preservation of existing housing stock.

## PART II. GENERAL PROVISIONS.

### § 2.1. Definitions.

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

“*Acquisition*” means the purchase of real property.

“*Administrative agreement*” means a contract between DHCD and the local administrator setting forth the terms and conditions for the operation of the program.

“*Application*” is the written request for a loan or grant funding under this program.

“*Appraised value*” means the value assigned to the property as determined by an independent fee appraiser.

“*Area median income*” means the median income established by HUD for counties, cities or multijurisdictional areas of the Commonwealth.

“*Assessed value*” is the value assigned to a property as determined by the real estate assessment office of the local government where the same is located for tax purposes. (The applicable assessed value shall be that value in effect as of the date of the application.)

“*Borrower*” means the individual, for-profit, nonprofit or government entity that has applied and received commitment under this program.

“*Commitment fee*” means the amount charged by a local administrator to cover the cost of processing a loan. This fee is collected at the closing.

“*DHCD*” means the Department of Housing and

Community Development.

“*Energy grant*” means a grant, available as a result of federal energy litigation, which may be awarded to pay for certain energy-related improvements in rehabilitation projects.

“*Energy-related improvements*” means physical improvements to structures which are being rehabilitated which contribute to fuel cost savings and overall less energy consumption, and which have been so designated by this department.

“*Fund*” or “*VHPF*” means the Virginia Housing Partnership Fund.

“*General improvements*” means permanent additions, alterations, renovations, or repairs made for the purpose of making housing more habitable and more desirable to live in.

“*Gross income*” is the total income from all sources, before taxes or withholdings, of all residents residing in a housing unit, age 18 or older.

“*HQS*” means the Housing and Urban Development Section 8 Housing Quality Standards.

“*Household*” means all persons related or unrelated living together as one economic unit.

“*HUD*” means the U.S. Department of Housing and Urban Development.

“*LMI*” means low and moderate income person(s) that have income levels not exceeding 80% of the area's median income.

“*Loan*” means funds provided to program recipients under the Virginia Housing Partnership Fund wherein repayment is required at rates and terms as established by DHCD.

“*Local administrator*” is the nonprofit, for-profit, incorporated organization or PHA unit of local government that enters into a contract/agreement with DHCD for undertaking project activities.

“*Locality*” means a city, county or town.

“*Multifamily*” means property with two or more complete dwelling units.

“*Nonprofit*” means an organization certified by the Internal Revenue Service as having § 501(c)(3) nonprofit status.

“*Rehabilitation*” means substantial physical improvements/repairs to a facility which will secure it structurally, correct building, health or fire safety code related defects, increase energy efficiency, assure safe and

sanitary occupancy including general improvements.

"Reservation" means funds set aside for a project prior to negotiation of an administrative agreement or commitment.

"Service area" means the geographic area/jurisdiction which the applicant intends to serve.

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

"Stripper oil well funds" are United States Department of Energy moneys awarded to the Commonwealth for specific purposes to resolve alleged pricing violations in effect between 1973 and 1981 by crude oil providers.

"Substandard" means does not meet HQS.

"VHDA" means the Virginia Housing Development Authority.

## PART III ELIGIBILITY.

### § 3.1. Eligible applicants.

1. Units of local government.
2. Housing authorities.
3. Nonprofit organizations incorporated under the Commonwealth of Virginia.

## PART IV. FUND RESERVATION.

### § 4.1. Fund reservation.

A. Funds will be made available initially on a competitive basis to eligible applications that meet the minimum requirements, as set forth in Part VI of these guidelines. DHCD may reduce the amount of funds requested upon review of the application.

B. Approved local administrators, in good standing, may apply for funds at any time once 80% of existing funds are committed.

C. Any funds remaining after the competitive awards will be available to applicants on a first come/first serve basis. This will include new applicants as well as existing local administrators who have committed 80% of their previous allocation.

D. Upon selection as a local administrator, a reservation will be made for up to a three-month period to allow time for program start-up and administrative agreement negotiation. The reservation may be divided into two portions:

1. Loan funds; and

2. Grant funds for energy-related improvements.

Local administrators who have not entered into an administrative agreement within the three-month reservation period may lose all or a portion of their reservation.

E. Applicants will propose a timeframe for the operation of their program. The maximum term for completion of the program will be 24 months. ALL FUNDS SHALL BE COMMITTED AND ALL WORK COMPLETED DURING THE APPROVED PROJECT PERIOD.

F. Up to 5.0% of funds allocated may be used for administration and project management based on performance.

### § 4.2. Maximum reservation requests.

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

B. The maximum amount which can be used as grant funds for energy-related repairs shall be no more than 15% of the funds requested.

### § 4.3. Coordination.

DHCD will ensure delivery of the program based on geographic distribution and service area. In cases where there may be more than one applicant serving the same jurisdiction, DHCD will work to coordinate the programs with the applicants regarding their service area or population.

## PART V. PROGRAM DESIGN.

### § 5.1. Eligible borrowers.

1. LMI Owner/occupants of single family dwellings; or
2. Owners of rental property that house LMI persons.

### § 5.2. Eligible properties.

A. Substandard single family properties, owner-occupied or rental, that house LMI persons.

B. Substandard multifamily properties containing 10 or fewer units, that house LMI persons.

C. Properties must be feasible for rehabilitation. Building permits must be obtained, and upon completion the properties must comply with HQS as well as local zoning and code requirements.

### § 5.3. Eligible activities.

# Proposed Regulations

---

A. Rehabilitation including general improvements and energy-related improvements.

B. Replacement housing when rehabilitation is not economically feasible. GRANT FUNDS MAY NOT BE USED ON REPLACEMENT HOUSING.

C. Acquisition when rehabilitation is also being done may be approved by the state on a case-by-case basis upon verification of need. Evidence of need must be documented for all improvements undertaken. LUXURY IMPROVEMENTS ARE PROHIBITED.

## § 5.4. Loan terms and conditions.

### A. Maximum loan amounts.

1. ~~Owner-occupied~~ *Single family* properties may use up to ~~\$20,000~~ \$25,000 in VHPF funds of which up to 15% may be a grant for energy-related improvements. Grants must be a part of a VHPF loan package.

2. The following per unit maximum loans/grants will apply to rental property. Of these amounts, 15% may be a grant for energy-related improvements.

Efficiency/1 bedroom	<del>\$10,000</del>	\$15,000
2 bedroom	<del>\$12,500</del>	\$15,000
3 bedroom	<del>\$15,000</del>	\$20,000
4 or more bedroom	<del>\$17,500</del>	\$20,000

### B. Interest rate.

All loans will be at a fixed rate of interest. Interest rates may range from 0.0% to 8.0% at the discretion of the local administrator. The local administrator must describe the method of establishing rates in the program application. The local administrator must ensure an average return of 4.0% for the entire portfolio.

### C. Term of loans.

The maximum term of loans shall not be more than 15 years (180 months). Loan terms should be adjusted so that payments are not less than \$25 per month.

### D. Term of grants.

The grant portion of funds shall be secured along with the loan portion. The grant will be deferred for the first three years and forgiven at a rate of 25% for the next four years, provided that any grant amount remaining on June 30, 1998, will be forgiven in full.

### E. Requirements of securing the loan grant.

On owner/occupied property the applicant/borrower must have the majority ownership (at least 51%) interest in the property. All owners must sign the deed of trust. For investor owned property, all owners must be applicant/borrowers. Liens will be recorded on the

property secured by a deed of trust. The liens shall be divided between loan proceeds and grant proceeds. Title insurance shall be required on all loans and loan/grant combinations exceeding \$7,500. DHCD will accept a subordinate position to an existing mortgage or when primary rehabilitation financing is provided by another source.

### F. Loan-to-value ratio.

The loan-to-value ratio shall be based on the appraised value of the property after repairs and improvements. In general the loan-to-value shall not exceed 90% of the appraised value. However, for single family properties, the assessed value may be used providing the loan-to-value does not exceed 100% of the pre-rehabilitation assessed value. ALL INCUMBRANCES AGAINST THE PROPERTY WHICH ARE SUPERIOR TO THE VHPF DEBT MUST BE CALCULATED IN THE LOAN-TO-VALUE RATIO.

### G. Sale or transfer restrictions.

A loan or loan/grant may be assumed by a subsequent purchaser if the purchaser meets the income requirements or will rent to tenants that meet the income requirements. Approval of DHCD will be required for any such assumptions.

### H. Waivers.

DHCD will accept requests for waivers to one or more of the program requirements on a case-by-case basis. In granting any such waiver, DHCD will look at the merits of each case relative to need, benefits, and intent of the program.

## PART VI. EVALUATION CRITERIA.

### § 6.1. Application evaluation criteria.

#### A. Project need.

The application shall address the need and demand for rehabilitation activities in the service area for low and moderate income persons. AT A MINIMUM THIS NEED MUST BE DOCUMENTED BY A HOUSING SURVEY IN A FORM AS MAY BE PRESCRIBED BY THE COMMONWEALTH. Census data may be used as references but will not be accepted as a needs assessment.

#### B. Program design.

The program design shall address all phases of the operation of the program to include outreach, application intake, underwriting, project management, cost estimating and any other aspects of the local rehabilitation program. THE PROGRAM DESIGN SHALL BE CONSISTENT WITH THE REQUIREMENTS SET FORTH IN THESE GUIDELINES. The application shall include the proposed timeframe and the number of units proposed for the

program period.

C. Leveraging.

The amount of other program funds will be used to determine leverage ratios. These ratios will be considered in ranking proposals. OTHER FUNDS MAY INCLUDE HOUSING AND OTHER NEIGHBORHOOD IMPROVEMENTS WHICH ARE A PART OF THE PROPOSED PROJECT.

D. Administrative capacity.

The application shall include information on staff expertise in all areas of program administration and project management. Plans for hiring any additional staff should be noted. Applications will be evaluated on staff expertise and ability to implement the program in a timely manner. Percentages should be given to represent each staff person's time directly related to this program.

\* \* \* \* \*

Title of Regulation: VR 394-01-103. Multifamily Loan Program.

Statutory Authority: §§ 36-137 and 36-141 et seq. of the Code of Virginia.

Public Hearing Date: N/A -- Written comments may be submitted until May 10, 1991.

(See Calendar of Events section for additional information)

Summary:

*Responding to critical housing problems facing the Commonwealth, as documented in the 1987 Annual Report of the Virginia Housing Study Commission, the Governor and the General Assembly established the Virginia Housing Partnership Revolving Loan Fund. The purpose of the Fund is to increase the availability of decent and affordable housing for low and moderate income Virginia residents. The Multifamily Loan Program provides low interest loans from the Virginia Housing Partnership Fund. The purpose of the program is to increase the supply and quality of rental housing for low and moderate income residents.*

VR 394-01-103. Multifamily Loan Program.

PART I.  
DEFINITIONS.

§ 1.1. Definitions.

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

"Acquisition" means the purchase of real property.

"Applicant" means an individual, incorporated nonprofit, for-profit, or government entity, that makes application for funds under the Virginia Housing Partnership Fund.

"Application" is the written request, as published by the Department of Housing and Community Development, for a loan or grant funding under the Virginia Housing Partnership Fund.

"Appraised value" means the monetary worth of property as determined by an appraiser.

"Area median income" means the median income established by HUD for various areas.

"Assessed value" is a monetary worth of the facility/property as determined by the real estate assessment office of the local government where the same is located for tax purposes. (The applicable assessed value shall be that value in effect as of the date of the application.)

"Borrower" means the individual, for-profit, nonprofit or government entity that has been approved for funding under the Virginia Housing Partnership Fund.

"DHCD" means the Department of Housing and Community Development.

"Energy grant" means a grant, available as a result of federal energy litigation, which may be awarded to pay for certain energy-related improvements.

"Energy-related improvements" means physical improvements to structures which are being rehabilitated which contribute to fuel cost savings and overall less energy consumption, and which have been so designated by this department.

"Fund" means the Housing Partnership Revolving Loan Fund.

"General improvements" means additions, alterations, renovations, or repairs made for the purpose of making housing more habitable and more desirable to live in. Improvements shall not include materials, fixtures, or landscapes of a type or quality which exceed that customarily used in the locality for properties of the same general type as the property to be improved.

"Grant" means funds provided to program recipients under the Virginia Housing Partnership Fund.

"Grant agreement" means the contract between DHCD and the project sponsor containing the terms and conditions provided for within the program.

"Gross income" is the total income from all sources and

# Proposed Regulations

---

before taxes or withholdings of all residents residing in a housing unit, age 18 or older.

“HQS” means the Housing and Urban Development Section 8 Housing Quality Standards.

“Household” means all persons related or unrelated living together as one economic unit.

“HUD” means the Department of Housing and Urban Development.

“Individual” is a single person who submits an applicant pursuant to the program guidelines.

“Loan” means money lent with interest for a specified period of time.

“Loan application” means the request for funding for purposes as defined in the program guidelines.

“Loan Application date” means the date on which a completed application is received by DHCD.

“Loan note” means the agreement between DHCD and the project sponsor pertaining to the terms and conditions governing funding by the Virginia Housing Partnership Fund, including repayment provisions.

“Lower-income” means 80 of median income for the service area as established by the U.S. Department of Housing and Urban Development also referred to LMI.

“Multifamily” means property with two or more complete dwelling units.

“Oil overcharge expenditure trust fund” are the United States Department of Energy moneys awarded to the Commonwealth for specific purposes to resolve alleged pricing violations in effect between 1973 and 1981 by crude oil providers; also referred to as Oil Overcharge Funds.

“Program” means the plan for funding under the Multifamily Loan Program.

“Project sponsor” means an individual, family, nonprofit, for profit or incorporated organization that enters into a contract/agreement with DHCD to undertake activities in accordance with the program guidelines.

“Rehabilitation” means substantial physical improvements/repairs to a facility which will secure it structurally, correct building, health or fire safety codes related defects, increase energy efficiency and assure safe and sanitary operation.

“Set-aside” means funds reserved for a specified period, by the department, to finance a multifamily project.

“Site control” means the possession of or authorization

to use real property by means of ownership, lease or option.

“State” means the Virginia Department of Housing and Community Development, also referred to as DHCD and the department.

“VHDA” means Virginia Housing Development Authority.

“VHPF” means the Virginia Housing Partnership Fund.

## PART II. ELIGIBILITY.

### § 2.1.

Eligible applicants.

1. Nonprofit organizations; incorporated under the laws of the Commonwealth of Virginia ;
2. Governmental entities, including local redevelopment and housing authorities;
3. Private, for-profit organizations; or
4. Individual investors.

### § 2.2. Eligible activities.

Loan funds may be used to rehabilitate existing multifamily housing, or to acquire and rehabilitate existing multifamily housing, or to construct new multifamily housing : ~~A second priority will include projects which involve only acquisition , or to acquire existing low-income housing which can be proven to be at risk of falling out of the LMI housing stock .~~

A. In rehabilitation projects, property must be brought up to HUD Section 8 Housing Quality Standard (HQS).

B. Energy improvements which exceed HUD Section 8 Housing Quality Standards are encouraged. Eligible energy improvements are authorized and published by the state.

C. Funds may also be used for other General Improvements.

D. Luxury improvements are prohibited.

E. Upon completion of a new construction project, the property must meet the Uniform Statewide Building Code.

F. Reasonable fees and expenses incurred in the process of obtaining the loan may be financed in the loan, including credit report fee, appraisals, surveys, engineering and architectural fees, legal fees, recording costs, and commitment fees.

G. DHCD will accept requests for waivers to one or more of the program requirements on a case by case

basis. In granting such a waiver, DHCD will look at the merits of each case relative to need, benefits, and intent of the program.

H. Construction financing will be available only when the sponsor can demonstrate that alternative financing is not available. Construction financing will only be disbursed in order of lien priority.

I. Refinancing of existing debt may be available if necessary for project feasibility.

## § 2.3. Eligible projects.

A. All projects must contain two or more units.

B. To qualify as a rehabilitation project, 75% of the exterior walls must be retained.

C. Conversion of commercial or institutional properties to residential use is permitted as long as the property is in conformance with zoning and other local requirements for multifamily use upon completion of the project.

D. No improvements to non-LMI units will be eligible for Multifamily Loan Program funds.

E. Existing properties must have existing HUD Section 8 Housing Quality Standards (HQS) violations or incipient violations prior to rehabilitation, unless otherwise approved by the state.

## PART III. OCCUPANCY AND RENT REQUIREMENTS.

### § 3.1. Occupancy requirements.

The target population for occupancy of multifamily housing funded with Multifamily Loans is low and moderate income persons and families. The percentage of units which must be occupied by low and moderate income persons varies based upon the income level served by the project. A minimum threshold has been set as follows, and may be exceeded at the option of the project sponsor. All occupancy requirements must be met for the full term of the loan.

Project sponsors must select one of three occupancy options at the time of application and must comply with it for the term of the loan:

#### OPTION 1:

A minimum of 20% of the units must be reserved for ~~persons~~ households with incomes at 50% or less of the area median income as established by HUD.

#### OPTION 2:

A minimum of 40% of the units must be reserved for ~~persons~~ households with incomes at 60% or less of

the area median income as established by HUD.

#### OPTION 3:

A minimum of 80% of the units must be reserved for ~~persons~~ households with incomes at 80% or less of the area median income as established by HUD.

### § 3.2. Rent requirements.

The owner must inform the state of any changes in rents charged within the project. Annual rent increases may not exceed the percentage increase in the ~~Maximum Rent Schedule published by the department as appropriate to the unit size area median income as published annually by HUD~~. State approval is required in advance if proposed rents on low- and moderate-income units exceed ~~rent limits as set by the department the percentage increase in area median income~~.

## PART IV. DISTRIBUTION OF FUNDS.

### § 4.1. Distribution of funds.

Funds will be distributed annually through a competitive process. Any funds remaining after the competition will be made available ~~first come/first serve~~. Funds will be awarded to at least ~~one rehabilitation and one new construction project~~. Funding allocation priorities will be given first to ~~new construction, rehabilitation, and acquisition and rehabilitation projects~~. Second priority will be given to ~~acquisition only projects on a competitive basis among those projects which have corrected application deficiencies and are judged ready for underwriting~~.

#### A. Maximum funding for project sponsor.

There will be a limitation of \$1 million per project sponsor in any single funding cycle. Funds will only be available for lower-income housing units. Energy grant funds will only be available for rehabilitation projects and will be limited to 15% of the total ~~rehabilitation improvement~~ cost of low-income units.

#### B. Fund set-aside for project sponsor.

1. Loan and Energy Grant funds will be made available initially on a competitive basis to eligible project sponsors in accordance with the selection/evaluation criteria established in § ~~8-1~~ 7.1 dis 10.1: of these guidelines.

2. Upon selection, a Loan or Energy Grant Set-Aside will be made to a project sponsor for up to six months. This will allow time to complete project development activities including finalizing other financing and assistance from other local, state or federal housing programs. Extensions may be granted by the state, if appropriate.

# Proposed Regulations

---

3. A project sponsor's Set-Aside will be divided into two portions: The unrestricted portion will be provided from the state's General Fund Appropriation and may be used for any eligible improvements, as defined in § 1.1. The eligible energy-related portion will be provided from the state's Oil Overcharge Expenditure Trust Fund and may be used only for eligible energy-related improvements, as defined in § 1.1 by the department.

## C. Term of project sponsor set asides.

Set asides for project sponsors will be in effect for six months. If unallocated funds are available or are recaptured after six months, the state may make funds available on a ~~first come, first serve~~ basis to other eligible applicants.

## PART V. LOAN TERMS AND CONDITIONS.

### § 5.1. Loan terms and conditions.

#### A. Interest rate.

The average interest rate for loans funded from the General Fund Appropriation is 6.0%. Loans may be made at rates as low as 2.0% and as high as 8.0%, dependent upon the needs of the project. Final determination of the interest rate will be made by VHDA in the underwriting.

Eligible energy improvements which are funded from the Oil Overcharge Expenditure Funds will be provided as a grant.

#### B. Term.

The maximum term for loans will be 15 years. Longer amortization schedules not to exceed 30 years, may be considered. All repayments are due in 15 years. Grants are subject to repayment if the project sponsor violates program requirements. Repayment must be made in full if such violation occurs within ~~three~~ two years from the date the grant is closed. Beginning in the ~~fourth~~ third year, this repayment obligation is reduced at the rate of 25% per year. Notwithstanding the above, as of July 1, 1998, any remaining grant repayment obligations shall be forgiven.

#### C. Deferrals.

Deferrals of principal payments or of both principal and interest payments may be allowed for up to five years. The state shall determine the feasibility of any payment deferral or amortization deferral for each project. The use of such options may require higher interest rates to be paid during the loan repayment period.

#### D. Instruments for loan security.

1. General requirements. The borrowers(s) must be the sole owner(s) of the property. A title opinion and

title insurance will be required for all loans unless otherwise approved by the state. Hazard insurance is required in such terms and amounts as specified by the state.

2. Lien requirements. A lien shall be recorded on every property for which a program loan is made. The lien shall be divided into the amount securing the General Fund portion of the loan and the amount securing Oil Overcharge funds. The General Fund portion shall remain in effect for the term of the loan. Starting the ~~fourth~~ third year, the Oil Overcharge portion of the lien will be forgiven at a rate of 25% per year, provided program requirements continue to be met. In no event shall the Oil Overcharge lien extend beyond July 1, 1998.

The state will accept a subordinate position only to an existing mortgage or where the primary financing is being provided from another source.

#### E. Loan underwriting criteria.

Specific underwriting criteria which are applicable to these loans have been established by the state. These will include an evaluation of the site, project design and amenities, the market for the project, the experience and financial capacity of sponsors and contractors, architectural and engineering studies, the value of the project, financial risks and other considerations. Each project will be evaluated to assess the potential cash flow available to pay debt service and operating expenses.

#### Loan-to-value ratio.

The loan-to-value ratio shall be based on the appraised value of the structure after completion. A loan-to-value ratio of up to 100% will be considered for loans/grants to nonprofit housing sponsors and up to 90% for other sponsors. The state may permit the ratio to exceed 100% under special circumstances to be considered on a case by case basis. The loan/grant amount may not exceed 100% of cost, as determined by the fund.

#### F. Loan servicing.

VHDA will close the loans, conduct construction inspections when applicable, disburse proceeds, service the loans and provide ongoing management oversight.

#### G. Sale or transfer restrictions.

Loans made under this program will be assumable as long as the property use, income requirements, rent requirements, housing conditions and other program requirements are maintained for the term of the loan. An annual review will be made to assure project compliance. Approval by the state will be required for loans to be assumed.

#### H. Prepayment of loan.

Prepayment of loans under this program will be prohibited.

## PART VI. DISPLACEMENT.

### § 6.1. Displacement.

Projects which result in no or minimal displacement are encouraged. Where displacement is unavoidable, a sponsor's willingness and ability to assist current tenants in finding alternative housing both temporarily during rehabilitation and permanently will be considered in the selection of projects. A project which causes no displacement will be given higher ranking. Other projects will be required to include a description of the assistance (including counseling and financial reimbursement) to be given to displaced persons. Projects providing a greater level of assistance will be given a higher ranking score.

## PART VII. EVALUATION CRITERIA.

### § 7.1. Evaluation criteria.

Project sponsors are selected to receive program funding through a competitive funding cycle. Criteria for evaluating and ranking projects are described below:

1. Income level and households served. *Public purpose.* Projects which serve the lowest income groups (see § 3.1) will receive higher ranking priorities. Projects which serve a higher proportion of lower income households than the minimum required shall be given a higher score. *Projects which charge less than the maximum allowable rents will be given a higher score. Sponsors will be required to explain how their project serves public purpose.*
2. Project feasibility. Projects will be evaluated based upon the appropriateness of the project to the population to be served, achievable time frame for accomplishments, realistic project budget, and ~~current operations costs~~ *reasonable operating budget*.
3. Project readiness. Projects will be evaluated on the strength of site control, zoning and displacement issues, completeness of plans and specifications, and commitment of financial sources to meet project costs.
4. Leveraging. Projects will be evaluated based on a comparison of the Multifamily Loan Program request to the total development cost for the project.
5. Administrative experience. Projects will be evaluated based upon the qualification and experience of the Project Sponsor, the development team, the contractor, and management agent.

## DEPARTMENT OF MENTAL HEALTH, MENTAL

## RETARDATION AND SUBSTANCE ABUSE SERVICES (STATE BOARD OF)

Title of Regulations: VR 470-02-01. Standards for Interdepartmental Regulation of Residential Facilities for Children.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-10, 37.1-182, 37.1-189.1, 63.1-25, 63.1-196.4, 63.1-217, 66-10, and 66-24 of the Code of Virginia.

Public Hearing Date: N/A – Written comments may be submitted until June 7, 1991.

(See Calendar of Events section for additional information)

### Summary:

*Under the current definitions and exceptions in the Code of Virginia, the Departments of Education; Mental Health, Mental Retardation and Substance Abuse Services; Social Services; and Youth and Family Services are responsible for the regulation of public and private residential facilities which provide care, treatment, or education to children.*

*The regulation is designed to assure that adequate care, treatment, and education are provided by children's residential facilities. The proposed revisions amend and clarify requirements governing management of resident behavior in §§ 1.1 and 5.86 of this regulation. The proposed revisions are designed to: (i) emphasize the use of positive behavioral interventions; (ii) limit, and require documentation of, the use of negative behavioral interventions; (iii) clarify and make distinctions among definitions; and (iv) reduce redundancies between definitions and standards.*

**NOTICE:** Please refer to the Department of Social Services in the Proposed Regulations section of this issue of the *Virginia Register of Regulations* for the publication of "Standards for Interdepartmental Regulations of Residential Facilities for Children."

## DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: VR 485-60-8511. Regulations for Titling and Registering Foreign Market Vehicles.

Statutory Authority: §§ 46.2-203 and 46.2-602 of the Code of Virginia.

Publication Date: 2:5 VA.R 558-559 December 9, 1985.

**NOTICE:** The Department is WITHDRAWING the proposed regulation entitled Regulations for Titling and Registering Foreign Market Vehicles (VR 485-60-8511) published in 2:5 VA.R. 558-559 December 9, 1985.



# Proposed Regulations

---

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

### Title of Regulations: VR 615-29-02. Standards for Interdepartmental Regulation of Residential Facilities for Children.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-10, 37.1-182, 37.1-189.1, 63.1-25, 63.1-196.4, 63.1-217, 66-10, and 66-24 of the Code of Virginia.

Public Hearing Date: N/A – Written comments may be submitted until June 7, 1991.

(See Calendar of Events section for additional information)

### Summary:

*Under the current definitions and exceptions in the Code of Virginia, the Departments of Education, Mental Health, Mental Retardation and Substance Abuse Services, Social Services, and Youth and Family Services are responsible for the regulation of public and private residential facilities which provide care, treatment, or education to children.*

*The regulation is designed to assure that adequate care, treatment, and education are provided by children's residential facilities. The proposed revisions amend and clarify requirements governing management of resident behavior in §§ 1.1 and 5.86 of this regulation. The proposed revisions are designed to: (i) emphasize the use of positive behavioral interventions; (ii) limit, and require documentation of, the use of negative behavioral interventions; (iii) clarify and make distinctions among definitions; and (iv) reduce redundancies between definitions and standards.*

VR 615-29-02. Standards for Interdepartmental Regulation of Residential Facilities for Children.

## 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:

*"Allegation"* means an accusation that a facility is operating without a license or receiving public funds, or both, for services it is not certified to provide.

*"Applicant"* means the person, corporation, partnership, association or public agency which has applied for a license/certificate.

*"Approval"* means the process of recognizing that a public facility or an out-of-state facility has complied with

standards for licensure or certification. (In this document the words "license" or "licensure" will include approval of public and out-of-state facilities except when describing enforcement and other negative sanctions which are described separately for these facilities.) electricity, heat, cold, light, water, or noise) or substances (e.g. hot pepper or pepper sauce on the tongue) measurable in duration and intensity which when applied to a client are noxious or painful to the client, but in no case shall the term "aversive stimuli" include striking or hitting the client with any part of the body or with an implement or pinching, pulling, or shaking the client.

*"Behavior management"* means planned, individualized and systematic use of various techniques selected and implemented according to group and individual differences of the children and . It is designed to teach awareness of situationally appropriate behavior, to strengthen desirable behavior (i.e., positive reinforcement), and to reduce or to eliminate undesirable behavior (i.e., discipline). (The term is consistently generic and is not confined to those technicalities which derive specifically from behavior therapy, operant conditioning, etc.) Behavior management encompasses positive reinforcement and discipline.

*"Body cavity search"* means any examination of a client's resident's rectal or vaginal cavities except the performance of medical procedures by medical personnel.

*"Case record"* or *"Record"* means written information assembled in one folder or binder relating to one individual. This information includes social and medical data, agreements, notations of ongoing information, service plan with periodic revisions, aftercare plans and discharge summary, and any other data related to the resident.

*"Certificate to operate"* means documentation of licensure or permission granted by the Department of Education to operate a school for the handicapped that is conveyed on a single license/certificate.

*"Certification"* means the process of recognizing that a facility has complied with those standards required for it to receive funding from one of the four departments for the provision of residential program services to children. (Under the Code of Virginia, the Board of Youth and Family Services is given authority to "approve" certain public and private facilities for the placement of juveniles. Similarly, school boards are authorized to pay, under certain conditions, for special education and related services in nonsectarian private residential schools for the handicapped that are "approved" by the Board of Education. Therefore, in this context the word "approval" is synonymous with the word "certification" and will be termed certification for purposes of this process.)

*"Chemical restraint"* means the use of any substance as a means of physically restraining or controlling a resident's behavior. Chemical restraint does not include the appropriate use of medications as ordered by a licensed physician for treating medical or psychiatric

conditions.

"Child" means any person legally defined as a child under state law. This term includes residents and other children coming in contact with the resident or facility (e.g., visitors).

"Child placing agency" means any person licensed to place children in foster homes or adoptive homes or a local board of public welfare or social services authorized to place children in foster homes or adoptive homes.

"Child with special needs" means a child in need of particular services because he is mentally retarded, developmentally disabled, mentally ill, emotionally disturbed, a substance abuser, in need of special educational services for the handicapped, or requires security services.

"Client" means a person receiving treatment or other services from a program, facility, institution or other entity licensed/certified regulated under these regulations standards whether that person is referred to as a patient, resident, student, consumer, recipient, family member, relative, or another other term.

"Complaint" means an accusation against a licensed/certified facility regarding an alleged violation of standards or law.

"Confinement procedure" means a disciplinary technique designed to reduce or eliminate inappropriate behavior by temporarily removing a child resident from contact with people or other reinforcing stimuli through confining the child resident alone to his bedroom or other normally furnished room. The room in which the child is confined shall not be locked nor the door secured in any manner that will prohibit the child from opening it. See also the definitions of "Timeout Procedure," "Seclusion," "Behavior Management," "Discipline" and other standards related to Behavior Management.

"Contraband" means any item prohibited by law or by the rules and regulations of the agency, or any item which conflicts with the program or safety and security of the facility or individual clients residents.

"Coordinator" means the person designated by the Coordinating Committee to provide coordination and monitoring of the interdepartmental licensure/certification process.

"Corporal punishment" means the inflicting of pain or discomfort to the body through actions such as but not limited to striking or hitting with any part of the body or with an implement; or through pinching, pulling, or shaking; or through any similar action which normally inflicts pain or discomfort.

"Department of Youth and Family Services standards for youth facilities" means those additional standards

which must be met in order for a facility to receive funding from the Department of Youth and Family Services for the provision of residential treatment services as a juvenile detention facility, a facility providing youth institutional services, a community group home or other residential facility serving children in the custody or subject to the jurisdiction of a juvenile court or of the Department of Youth and Family Services except that the Interdepartmental Standards will be the Department of Youth and Family Services Standards for Youth Facilities for residential facilities receiving public funds pursuant to §§ 16.1-286 or 66-14 of the Code of Virginia for the provision of residential care to children in the custody of or subject to the jurisdiction of a juvenile court or of the Department of Youth and Family Services.

"Discipline" means systematic teaching and training that is the implementation of a predetermined set of reasonable, age-appropriate consequences designed to modify inappropriate behavior and designed to correct, mold, or perfect behavior according to a rule or system of rules governing inappropriate conduct. The object objective of discipline is to encourage self-direction and self-control through teaching the client to accept information, beliefs and attitudes which underlie the required conduct or behavior. The methods of discipline include, besides such instruction, positive reinforcement for exhibiting desirable behavior, as well as reasonable and age-appropriate consequences for exhibiting undesirable behavior, provided that these consequences are applied in a consistent and fair manner that gives the client an opportunity to explain his view of the misbehavior and to reduce or eliminate undesirable behavior, teach accountability, teach self-control, and to help the resident learn from the experience. (See also, "Behavior Management.")

"Education standards" means those additional standards which shall be met in order for a facility to (i) receive a certificate to operate an educational program that constitutes a private school for the handicapped; or (ii) be approved to receive public funding for the provision of special education and related services to eligible children.

"Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action. Emergency does not include regularly scheduled time off of permanent staff or other situations which should reasonably be anticipated.

"Excursion" means a recreational or educational activity during which children residents leave the facility under the direct supervision of facility staff for an extended period of time. Excursions include camping trips, vacations, and other similar overnight activities.

"Group home" means a community-based, home-like single dwelling, or its acceptable equivalent, other than the private home of the operator, that is an integral part of the neighborhood and serves up to 12 children residents.

"Group residence" means a community-based, home-like

# Proposed Regulations

---

single dwelling, or its acceptable equivalent, other than the private home of the operator, that is an integral part of the neighborhood and serves from 13 to 24 ~~children~~ *residents* .

*"Human research"* means any medical or psychological investigation designed to develop or contribute to general knowledge and 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 subjects' needs but does not include:

1. The conduct of biological studies exclusively utilizing tissue or fluids after their removal or withdrawal from human subject in the course of standard medical practice;
2. Epidemiological investigations; or
3. 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.

*"Independent living program"* means a program that is specifically approved to provide the opportunity for the ~~clients~~ *residents* to develop the skills necessary to live successfully on their own following completion of the program.

*"Individualized service plan"* means a written plan of action developed, and modified at intervals, to meet the needs of each ~~child~~ *resident* . It specifies short and long-term goals, the methods and time frames for reaching the goals and the individuals responsible for carrying out the plan.

*"Interdepartmental standards"* means those standards for residential care which are common to all four departments and which shall be met by all subject residential facilities for children in order to qualify for licensure, certification or approval.

*"Intrusive aversive therapy"* means a formal behavior management technique designed to reduce or eliminate severely maladaptive, violent, or self-injurious behavior through the application of aversive stimuli contingent upon the exhibition of such behavior. The term shall not include verbal therapies, seclusion, physical or mechanical restraints used in conformity with the applicable human rights regulations promulgated pursuant to § 37.1-84.1 of the Code of Virginia, or psychotropic medications which are used for purposes other than intrusive aversive therapy.

*"Legal guardian"* means the natural or adoptive parent(s) or other person(s), agency, or institution who has legal custody of a child.

*"Licensee"* means the person, corporation, partnership, association or public agency to whom a license is issued and who is legally responsible for compliance with the standards and statutory requirements relating to the facility.

*"Licensing/certification authority"* means the department or state board that is responsible under the Code of Virginia for the licensure, certification, or approval of a particular residential facility for children.

*"Licensure"* means the process of granting legal permission to operate a residential facility for children and to deliver program services. (Under the Code of Virginia, no person shall open, operate or conduct a residential school for the handicapped without a "certificate to operate" such school issued by the Board of Education. The issuance of such a "certificate to operate" grants legal permission to operate a school for the handicapped. Therefore, in this context, the term "certificate to operate" is synonymous with the word "licensure" and will be termed licensure for purposes of this process.)

*"Live in staff"* means staff who are required to be on duty for a period of 24 consecutive hours or more during each work week.

*"Living unit"* means the space in which a particular group of children in care of a residential facility reside. Such space contains sleeping areas, bath and toilet facilities, and a living room or its equivalent for use by the children who reside in the unit. Depending upon its design, a building may contain only one living unit or several separate living units.

*"Mechanical restraint"* means the application of machinery or tools as a means of physically restraining or controlling a resident's behavior, such as handcuffs, straitjackets, shackles but not including bed straps, bed rails, slings and other devices employed to support or protect physically incapacitated ~~children~~ *residents* .

*"Mental disabilities certification standards"* means those standards in addition to the Interdepartmental Standards which shall be met in order for a facility to receive funding from the Department of Mental Health, Mental Retardation and Substance Abuse Services for the provision of residential treatment services to mentally ill, emotionally disturbed, mentally retarded, developmentally disabled and/or substance abusing ~~children~~ *residents* .

*"Mental disabilities licensure standards"* means, for those facilities that do not receive funding from the Department of Mental Health, Mental Retardation and Substance Abuse Services, those standards in addition to the Interdepartmental Standards which must be met in order for a facility to be licensed to provide care or treatment to mentally ill, emotionally disturbed, mentally retarded, developmentally disabled or substance abusing ~~children~~ *residents* .

"On duty" means that period of time during which a staff person is responsible for the supervision of one or more children.

"Parent" means a natural or adoptive parent; guardian, or an individual acting as a parent in the absence of a parental guardian. The parent *Parent* means either parent unless the facility has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as divorce, separation, or custody, which provides to the contrary. The term "parent" may include the natural mother or father, the adoptive mother or father, or the legally appointed guardian or committee who has custody of the child. The term "parent" also includes a surrogate parent appointed pursuant to provisions set forth in § H D of the Department of Education's "Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia," regulations governing special education programs for handicapped children and youth. A child 18 years or older may assert any rights under these the Department of Education's regulations in his own name.

"Pat down" means a thorough external body search of a clothed *resident*.

"Physical restraint" means any act by the facility or staff which exercises the use of physical confrontation or force intervention with residents as a method or technique of managing harmful resident behavior.

"Placement" means an activity by any person which provides assistance to a parent or legal guardian in locating and effecting the movement of a child to a foster home, adoptive home or to a residential facility for children.

"Positive reinforcement" means implementation of a set of reasonable, age-appropriate consequences designed to recognize and reward appropriate behavior. The objective of positive reinforcement is to strengthen desirable behavior, encourage its repetition, and support the resident's efforts to reduce or eliminate inappropriate behavior. (See also, "Behavior Management.")

"Premises" means the tract(s) of land on which any part of a residential facility for children is located and any buildings on such tract(s) of land.

"Professional child and family service worker" means an individual providing social services to a child residing in resident of a residential facility and his family. Such services are defined in Part V, Article 16.

"Program" means a combination of procedures and/or activities carried out in order to meet a specific goal or objective.

"Public funding" means funds paid by, on behalf of, or with the financial participation of the state Departments of Education; Mental Health, Mental Retardation and

Substance Abuse Services; Social Services; or Youth and Family Services.

"Resident" means a person admitted to a residential facility for children for supervision, care, training or treatment on a 24-hour basis. For the purpose of these standards, the words, "resident," "child," "client" and "youth" are used interchangeably. Resident includes children making preplacement visits to the facility.

"Residential facility for children" means a publicly or privately owned facility, other than a private family home, where 24-hour care is provided to children separated from their parents legal guardians; that is subject to licensure, certification or approval pursuant to the provisions of the Code of Virginia cited in the Legal Base; and includes, but is not limited to, group homes, group residences, secure custody facilities, self-contained residential facilities, temporary care facilities and respite care facilities, except:

1. Any facility licensed by the Department of Social Services as a child-caring institution as of January 1, 1987, and which receives no public funds shall be licensed under minimum standards for licensed child-caring institutions as promulgated by the State Board of Social Services and in effect on January 1, 1987 (§ 63.1-196.4 of the Code of Virginia); and

2. Private psychiatric hospitals serving children will be licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services under its "Rules and Regulations for the Licensure of Private Psychiatric Hospitals."

"Respite care facility" means a facility that is specifically approved to provide short term, periodic residential care to children accepted into its program in order to give the parents legal guardians temporary relief from responsibility for their direct care.

"Responsible adult" means an adult, who may or may not be a staff member, who has been delegated authority to make decisions and to take actions necessary to assume responsibility for the safety and well-being of children assigned to his care. The term implies that the facility has reasonable grounds to believe that the responsible adult has sufficient knowledge, judgment and maturity commensurate to the demands of the situation for which he is assuming authority and responsibility.

"Rest day" means a period of not less than 32 consecutive hours during which a staff person has no responsibility to perform duties related to the facility. Two successive rest days shall consist of a period of not less than 48 consecutive hours during which a staff person has no responsibility to perform duties related to the facility. Each successive rest day immediately following the second shall consist of not less than 24 additional consecutive hours.

"Right" is something to which one has a natural, legal

# Proposed Regulations

---

or moral claim.

*"Rules of conduct"* means a listing of appropriate and inappropriate behaviors and the reasonable, age-appropriate consequences which are implemented to recognize and reward appropriate behavior and to modify inappropriate behavior.

*"Sanitize"* means to wash or rinse with water containing a laundry bleach with an active ingredient of 5.25% sodium hypochlorite. The amount of bleach used may be in accordance with manufacturer's recommendation on the package.

*"Seclusion"* means placing a child resident in a room with the door secured in any manner that will prohibit prevents the child resident from opening it.

*"Secure custody facility"* means a facility designed to provide, in addition to the appropriate treatment and/or service programs, secure environmental restrictions for children who must be detained and controlled on a 24-hour basis.

*"Self-contained residential facility"* means a residential setting for 13 or more children residents in which program activities are systematically planned and implemented as an integral part of the facility's staff functions (e.g., services are self-contained rather than provided primarily through community resources). The type of program may vary in intensity according to the needs of the residents. Such settings include nonmedical as well as state-operated hospital based care.

*"Severe weather"* means extreme environment or climate conditions which pose a threat to the health, safety or welfare of residents.

*"Shall"* means an obligation to act is imposed.

*"Shall not"* means an obligation not to act is imposed.

*"Single license/certificate"* means a document which grants approval to operate a residential facility for children and which indicates the status of the facility with respect to compliance with applicable certification standards.

*"Standard"* means a statement which describes in measurable terms a required minimum performance level.

*"Strip search"* means a visual inspection of the body of a client resident when that client's resident's clothing is removed and an inspection of the removed clothing including wigs, dentures, etc. except the performance of medical procedures by medical personnel.

*"Substantial compliance"* means a demonstration by a facility of full compliance with sufficient applicable standards to clearly demonstrate that its program and physical plant can provide reasonably safe and adequate

care, while approved plans of action to correct findings of noncompliance are being implemented.

*"Team"* means one or more representatives of the licensing certification authority(ies) designated to visit a residential facility for children to review its compliance with applicable standards.

*"Temporary care facility"* means a facility specifically approved to provide a range of services, as needed, on an individual basis for a period not to exceed 60 days except that this term does not include secure detention facilities.

*"Timeout procedure"* means a systematic behavior management technique designed to reduce or eliminate inappropriate behavior by temporarily removing a child resident from contact with people or other reinforcing stimuli through confining the child resident alone to a special timeout room that is unfurnished or sparsely furnished and, which contains few reinforcing environmental stimuli. The timeout room shall not be locked nor the door secured in any manner that will prohibit the child from opening it. (See the definitions of "Confinement Procedure," "Seclusion," "Behavior Management," and "Discipline.")

*"Treatment"* means any action which helps a person in the reduction of disability or discomfort, the amelioration of symptoms, undesirable conditions or changes in specific physical, mental, behavioral or social functioning.

*"Visually impaired child"* means one whose vision, after best correction, limits his ability to profit from a normal or unmodified educational or daily living setting.

*"Wilderness camp"* means a facility which provides a primitive camping program with a nonpunitive environment and an experience curriculum for children residents nine years of age and older who cannot presently function in home, school and community. In lieu of or in addition to dormitories, cabins or barracks for housing children residents, primitive campsites are used to integrate learning and therapy with real living needs and problems from which the child resident can develop a sense of social responsibility and self worth.

## Article 2. Legal Base.

§ 1.2. The Code of Virginia is the basis for the requirement that private residential facilities for children be licensed, certified and approved. It also authorizes the several departments to operate or reimburse certain public facilities. In addition, P. L. 94-63 and Title XX of the Social Security Act require the establishment of quality assurance systems.

§ 1.3. The State Board of Youth and Family Services or the Department of Youth and Family Services is responsible for approval of facilities used for the placement of court-referred juveniles, as specified by §

16.1-286 and §§ 66-13 and 66-14 of the Code of Virginia, for promulgating a statewide plan for detention and other care facilities and for prescribing standards for such facilities pursuant to §§ 16.1-310 through 16.1-314 of the Code of Virginia; and for establishing and maintaining a system of community group homes or other residential care facilities pursuant to § 66-24 of the Code of Virginia.

§ 1.4. The State Board of Education is responsible for issuing certificates to operate (licenses) for residential schools for the handicapped in the Commonwealth of Virginia, as specified in Chapter 16 of of Title 22.1 (§§ 22.1-319 through 22.1-335) of the Code of Virginia. It is further responsible for the general supervision of the public school system for all school age residents of Virginia (for handicapped children, ages 2-21) and for approval of private nonsectarian education programs for the handicapped, as specified by § 22.1-218 of the Code of Virginia.

§ 1.5. The Department of Mental Health, Mental Retardation and Substance Abuse Services is responsible for licensure of facilities or institutions for the mentally ill, mentally retarded, and substance abusers within the Commonwealth of Virginia, as specified in Chapter 8 of Title 37.1 (§§ 37.1-179 through 37.1-189) of the Code of Virginia. It is also responsible for the certification of group homes as specified in § 37.1-199 of the Code of Virginia.

§ 1.6. The Department of Social Services is responsible for licensure of certain child welfare agencies and facilities in Virginia, as specified in Chapter 10 of Title 63.1 (§§ 63.1-195 through 63.1-219) of the Code of Virginia. It is also responsible for the certification of local welfare/social services department "agency operated" group homes, as specified in § 63.1-56.1 of the Code of Virginia.

### Article 3. Interdepartmental Agreement.

§ 1.7. An "Agreement for Interdepartmental Licensure and Certification of Children's Residential Facilities" was approved by the Director of the Department of Corrections; the Commissioners of the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Social Services; and the Superintendent of Public Instruction and was initially signed on January 8-9, 1979. The agreement was *most recently* updated effective September 30, 1984.

This agreement commits the above departments to apply the same standards to both public and private facilities and provides a framework for:

1. The joint development and application of licensure and certification standards;
2. A single coordinated licensure, certification and approval process that includes:

a. A single application for appropriate licensure, certification or approval;

b. A system for review of compliance with applicable standards;

c. A single license/certificate issued under the authority of the appropriate department(s) or board(s); and

d. Clear lines of responsibility for the enforcement of standards.

3. An Office of the Coordinator to provide central coordination and monitoring of the administration of the interdepartmental licensure/certification program.

### Article 4. General Licensing/Certification Requirements.

§ 1.8. All residential facilities for children must demonstrate an acceptable level of compliance with the Interdepartmental Standards and other applicable licensure requirements (e.g., Mental Disabilities Licensure Standards) and shall submit a plan of corrective action acceptable to the licensing authority for remedying within a specified time any noncompliance in order to be licensed to operate or be certified to receive children in Virginia. Facilities also shall demonstrate an acceptable level of compliance with other applicable standards, such as Education Standards, Mental Disabilities Certification Standards and Department of Youth and Family Services Standards for Youth Facilities, and submit a plan of corrective action acceptable to the certification authority for remedying within a specified time any noncompliance in order to be certified or approved.

§ 1.9. Investigations of applications for licensure/certification will be carried out by representatives of the licensure/certification authority with each representative participating in the evaluation of compliance with applicable standards. The decision to license or certify will be based primarily on the findings and recommendations of these representatives of the licensing/certification authority.

§ 1.10. Corporations sponsoring residential facilities for children shall maintain their corporate status in accordance with Virginia law. Corporations not organized and empowered solely to operate residential facilities for children shall provide for such operations in their charters.

### Article 5. The License/Certificate.

§ 1.11. The interdepartmental program will utilize a single licensure/certification process encompassing the Interdepartmental Standards and certification standards. A single document will be issued to each qualified facility which will, under appropriate statutory authority(ies), grant

# Proposed Regulations

---

permission to operate a residential facility for children or certify approval for the placement of children using public funds and which will indicate the status of each facility with respect to compliance with applicable certification standards.

§ 1.12. The terms of any license/certificate issued shall include: (i) the operating name of the facility; (ii) the name of the individual, partnership, association or corporation or public agency to whom the license/certificate is issued; (iii) the physical location of the facility; (iv) the nature of the population; (v) the maximum number of persons to be accepted for care; (vi) the effective dates of the license; and (vii) other specifications prescribed within the context of the standards.

§ 1.13. The license/certificate is not transferable and automatically expires when there is a change of ownership, sponsorship, or location, or when there is a substantial change in services or clientele which would alter the evaluation findings and terms under which the facility was licensed/certified.

§ 1.14. Separate licenses/certificates are required for facilities maintained on separate pieces of property which do not have a common boundary, even though these may be operated under the same management and may share services and/or facilities.

§ 1.15. The current license/certificate shall be posted at all times in a place conspicuous to the public.

## Article 6. Types of Licenses/Certificates.

§ 1.16. An annual license/certificate may be issued to a residential facility for children that is subject to the licensure authority of the Departments of Education; Mental Health, Mental Retardation and Substance Abuse Services; or Social Services when its activities, services and requirements substantially meet the minimum standards and requirements set forth in the Interdepartmental Standards, applicable certification standards and any additional requirements that may be specified in relevant statutes. An annual license/certificate is effective for 12 consecutive months, unless it is revoked or surrendered sooner.

§ 1.17. A provisional license/certificate may be issued whenever an applicant is temporarily unable to comply with all of the requirements set forth in the Interdepartmental Standards or applicable certification standards and under the condition that the requirements will be met within a specified period of time. A facility with provisional licensure/certification is required to demonstrate that it is progressing toward compliance. A provisional license/certificate shall not be issued where the noncompliance poses an immediate and direct danger to the health and safety of the residents.

A. For those facilities for which the Department of Mental Health, Mental Retardation and Substance Abuse Services is the licensing authority as specified in Chapter 8 of Title 37.1 of the Code of Virginia, at the discretion of the licensing authority a provisional license may be issued to operate a new facility in order to permit the applicant to demonstrate compliance with all requirements. Such a provisional license may be renewed, but such provisional licensure and any renewals thereof shall not exceed a period of six successive months. A provisional license also may be issued to a facility which has previously been fully licensed when such facility is temporarily unable to comply with all licensing standards. However, pursuant to § 37.1-183.2 of the Code of Virginia, such a provisional license may be issued for any period not to exceed 90 days and shall not be renewed.

B. For those facilities for which the Department of Social Services is the licensing authority as specified in Chapter 10 of Title 63.1 of the Code of Virginia, a provisional license may be issued following the expiration of an annual license. Such provisional licensure and any renewals thereof shall not exceed a period of six successive months. At the discretion of the licensing authority, a conditional license may be issued to operate a new facility in order to permit the applicant to demonstrate compliance with all requirements.

Such a conditional license may be renewed, but such conditional licensure and any renewals thereof shall not exceed a period of six successive months.

§ 1.18. An extended license/certificate may be issued following the expiration of an annual or an extended license/certificate provided the applicant qualifies for an annual license/certificate and, additionally, it is determined by the licensing/certification authority that (i) the facility has a satisfactory compliance history; and (ii) the facility has had no significant changes in its program, population, sponsorship, staffing and management, or financial status during the term of the previous annual or extended license. In determining whether a facility has a satisfactory compliance history, the licensing/certification authority shall consider the facility's maintenance of compliance as evidenced by licensing complaints; monitoring visits by staff of the licensing authority; reports of health, fire and building officials; and other sources of information reflecting on the facility's continued compliance with applicable standards. An extended license is effective for a specified period not to exceed 24 consecutive months, unless it is revoked or surrendered sooner.

§ 1.19. A residential facility for children operating under certification by the Department of Youth and Family Services may be issued a certificate indicating the status of the facility with respect to compliance with applicable certification standards. Such a certificate is effective for a specified period not to exceed 24 consecutive months, unless it is revoked or surrendered sooner.

§ 1.20. The term of any certification(s) issued on an annual, provisional or extended license/certificate shall be coincident with the effective dates of the license.

§ 1.21. There shall be no fee to the licensee for licensure, certification or approval.

## Article 7. Preapplication Consultation Services.

§ 1.22. Upon receipt of an inquiry or a referral, preapplication consultation services will be made available by the Office of the Coordinator and the participating departments.

§ 1.23. Preapplication consultation may be designed to accomplish the following purposes:

1. To explain standards and statutes;
2. To help the potential applicant explore the operational demands of a licensed/certified/approved residential facility for children;
3. To provide assistance in locating sources of information and technical assistance;
4. To refer the potential applicant to appropriate agencies; such as, the Department of Health, the State Fire Marshal, local fire department, and local building officials; and
5. To comment, upon request, on plans for proposed construction or on existing property in terms of suitability for the purposes proposed. Such comments shall be limited to advice on basic space considerations.

## Article 8. The Initial Application.

§ 1.24. The application for a license to operate a residential facility for children shall be available from the Office of the Coordinator and the participating departments.

§ 1.25. All application forms and related information requests shall be designed to assure compliance with the provision of standards and relevant statutes.

§ 1.26. Completed applications along with other information required for licensure, certification or approval shall be submitted at least 60 days in advance of the planned opening date. Receipt shall be acknowledged.

## Article 9. The Investigation.

§ 1.27. Following receipt and evaluation of each completed application, a team will be organized made up of representatives from the departments which will be

participating in the review of that particular facility.

§ 1.28. The team will arrange and conduct an on-site inspection of the proposed facility; a thorough review of the proposed services; and investigate the character, reputation, status, and responsibility of the applicant.

## Article 10. Allowable Variance.

§ 1.29. The licensing/certification authority has the sole authority to waive a standard either temporarily or permanently when in its opinion:

1. Enforcement will create an undue hardship;
2. The standard is not specifically required by statute or by the regulations of another government agency; and
3. Resident care would not be adversely affected.

§ 1.30. Any request for an allowable variance shall be submitted in writing to the licensing/certification authority.

§ 1.31. The denial of a request for a variance is appealable through the normal appeals process when it leads to the denial or revocation of licensure/certification.

## Article 11. Decision Regarding Licensure/Certification.

§ 1.32. Within 60 days of receipt of a properly completed application, the investigation will be completed and the applicant will be notified in writing of the decision regarding licensure/certification.

## Article 12. Issuance of a License, Certificate or Approval.

§ 1.33. Private facilities.

If licensure/certification (either annual, provisional or extended) is granted, the facility will be issued a license/certificate with an accompanying letter citing any areas of noncompliance with standards. This letter will also include any specifications of the license and may contain recommendations.

§ 1.34. Public and out-of-state facilities.

If approval is granted, the facility will be issued a certificate of approval indicating that it has met standards required for it to operate and receive public funds.

## Article 13. Intent to Deny a License, Certificate or Approval.

§ 1.35. If denial of a license, certificate or approval is recommended, the facility will be notified in writing of the deficiencies and the proposed action.



# Proposed Regulations

---

## § 1.36. Private facilities.

The notification of intent to deny a license or certificate will be a letter signed by the licensing/certification authority(ies) and sent by certified mail to the facility. This notice will include:

1. A statement of the intent of the licensing/certification authorities to deny;
2. A list of noncompliances and circumstances leading to the denial; and
3. Notice of the facility's rights to a hearing.

## § 1.37. Locally-operated facilities.

The notification of intent to deny a license or certificate will be a letter signed by the licensing/certification authority(ies) sent by certified mail to the facility and to the appropriate local governing body or official responsible therefore, stating the reasons for the action, as well as the applicable state board or departmental sanctions or actions to which they are liable.

## § 1.38. State-operated public facilities.

The notification of intent to deny an approval will be a letter signed by the licensing/certification authority(ies) sent by certified mail to the facility, to the appropriate department head, and to the Secretary stating the reasons for the action and advising appropriate sanctions or actions.

## § 1.39. Out-of-state facilities.

The notification of denial of approval will be a letter signed by the licensing/certification authority(ies) sent by certified mail to the facility and to each of the four departments stating the reasons for the action. Any department having children placed in such a facility shall be responsible for immediate removal of the children when indicated.

## § 1.40. The hearing.

An interdepartmental hearing will be arranged when necessary. Hearings will be conducted in accordance with the requirements of the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia. Each licensing/certification authority will be provided with the report of the hearing on which to base the licensing authority's final decision. The Office of the Coordinator will be notified of the licensing authority's decision within 30 days after the report of the hearing is submitted. When more than one licensing/certification authority is involved, they will coordinate the final decision.

## § 1.41. Final decision.

A letter will be sent by registered mail notifying the

facility of the final decision of the licensing/certification authorities. This letter will be drafted for the signatures of those departmental authorities who are delegated responsibility for such actions by statute. In case of denial, the facility shall cease operation or change its program so that it no longer requires licensure/certification. This shall be done within 30 days.

## Article 14.

### Renewal of License/Certificate.

§ 1.42. Approximately 90 days prior to the expiration of a license/certificate, the licensee will receive notice of expiration and an application for renewal of the license/certificate. The materials to be submitted will be indicated on the application.

In order to renew a license/certificate, the licensee shall complete the renewal application and return it and any required attachments. The licensee should submit this material within 30 days after receipt in order to allow at least 60 days to process the application prior to expiration of the license.

§ 1.43. The process for review of the facility and issuance or denial of the license/certificate will be the same as for an initial application (See Part I, Articles 8, 9, 12, 13).

## Article 15.

### Early Compliance.

§ 1.44. A provisional or conditional license/certificate may be replaced with an annual license/certificate when all of the following conditions exist:

1. The facility complies with all standards as listed on the face of the provisional or conditional license/certificate well in advance of its expiration date and the facility is in substantial compliance with all other standards;
2. Compliance has been verified by an on-site observation by a representative(s) of the licensing/certification authority or by written evidence provided by the licensee; and
3. All other terms of the license/certificate remain the same.

§ 1.45. A request to replace a provisional license/certificate and to issue an annual license/certificate shall be made in writing by the licensee.

§ 1.46. If the request is approved, the effective date of the new annual license/certificate will be the same as the beginning date of the provisional license/certificate.

## Article 16.

### Situations Requiring a New Application.

§ 1.47. A new application shall be filed in the following circumstances:

1. Change of ownership ~~and/~~ or sponsorship;
2. Change of location; ~~and/~~ or
3. Substantial change in services provided ~~and/~~ or target population.

Article 17.  
Modification of License/Certificate.

§ 1.48. The conditions of a license/certificate may be modified during the term of the license with respect to the number of ~~children residents~~, the age range or other conditions which do not constitute substantial changes in the services or target population.

The licensee shall submit a written report of any contemplated changes in operation which would affect either the terms of the license/certificate or the continuing eligibility for a license/certificate.

A determination will be made as to whether changes may be approved and the license/certificate modified accordingly or whether an application for a new license/certificate must be filed. The licensee will be notified in writing within 30 days as to whether the modification is approved or a new license is required.

Article 18.  
Visitation of Facilities.

§ 1.49. Representatives of the departments shall make announced and unannounced visits during the effective dates of the license/certificate. The purpose of these visits is to monitor compliance with applicable standards.

Article 19.  
Investigation of Complaints and Allegations.

§ 1.50. The four departments are responsible for complete and prompt investigation of all complaints and allegations, and for notification of the appropriate persons or agencies when removal of ~~children residents~~ may be necessary. Suspected criminal violations shall be reported to the appropriate law-enforcement authority.

Article 20.  
Revocation of License/Certificate.

§ 1.51. Grounds for revocation.

The license, certificate or approval may be revoked when the licensee:

1. Violates any provision of the applicable licensing laws or any applicable standards made pursuant to such laws;

2. Permits, aids or abets the commission of any illegal act in such facility;

3. Engages in conduct or practices which are in violation of statutes related to abuse or neglect of children; or

4. Deviates significantly from the program or services for which a license was issued without obtaining prior written approval from the licensing/certification authority and/or fails to correct such deviations within the time specified.

§ 1.52. Notification of intent to revoke.

If revocation of a license, certificate or approval is recommended, the facility will be notified in writing of the deficiencies and the proposed action.

§ 1.53. Private facilities.

The notification of intent to revoke a license or certificate will be a letter signed by the licensing/certification authority(ies) sent by certified mail to the facility. This notice will include:

1. A statement of the intent of the licensing/certification authorities to revoke;
2. A list of noncompliances and circumstances leading to the revocation; and
3. Notice of the facility's rights to a hearing.

§ 1.54. Locally-operated facilities.

The notification of intent to revoke a license or certificate will be a letter signed by the licensing/certification authority(ies) sent by certified mail to the facility and to the appropriate local governing body or official responsible therefore stating the reasons for the action as well as the applicable state board or departmental sanctions or actions to which they are liable.

§ 1.55. State-operated public facilities.

The notification of intent to revoke an approval will be a letter signed by the licensing/certification authority(ies) sent by certified mail to the facility, to the appropriate department head, and to the appropriate Secretary in the Governor's Cabinet, stating the reasons for the action and advising appropriate sanctions or actions.

§ 1.56. Out-of-state facilities.

The notification of revocation of approval will be a letter signed by the licensing/certification authority(ies) sent by certified mail to the facility, and to each of the four departments stating the reasons for the action. Any department having children placed in such a facility shall be responsible for immediate removal of the children

# Proposed Regulations

---

when indicated.

## § 1.57. The hearing.

An interdepartmental hearing will be arranged, when necessary. Hearings will be conducted in accordance with the requirements of the Administrative Process Act, §9-6.14:1 et seq. of the Code of Virginia. Each licensing/certification authority will be provided with the report of the hearing on which to base the licensing authority's final decision. The Office of the Coordinator will be notified of the licensing authority's decision within 30 days after the report of the hearing is submitted. When more than one licensing/certification authority is involved, they will coordinate the final decision.

## § 1.58. Final decision.

A letter will be sent by registered mail notifying the facility of the final decision of the licensing/certification authorities. This letter will be drafted for the signatures of those departmental authorities who are delegated responsibility for such actions by statute. In case of revocation, the facility shall cease operation or change its program so that it no longer requires licensure/certification. This shall be done within 30 days.

## § 1.59. Suppression of unlicensed operations.

The suppression of illegal operations or activities involves action against a person or group operating without a license/certificate or operating after a license/certificate has expired or has been denied or revoked. All allegations of illegal operations shall be investigated promptly. After consultation with counsel, action may be initiated by the licensing/certification authority against illegally operating facilities by means of civil action, by injunction or by criminal action.

## § 1.60. Appeals.

A. Following receipt of the final order transmitting the decision of the licensing/certification authority(ies) after an administrative hearing, the applicant/licensee has the right to appeal pursuant to the applicable sections of the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia.

B. Continued operation of a facility during the appeal process shall conform to applicable sections of the Code of Virginia.

## PART II. ORGANIZATION AND ADMINISTRATION.

### Article 1. Governing Body.

§ 2.1. The residential facility for children shall clearly identify the corporation, association, partnership, individual, or public agency that is the licensee.

§ 2.2. The licensee shall clearly identify any governing board, body, entity or person to whom it delegates the legal responsibilities and duties of the licensee.

### Article 2. Responsibilities of the Licensee.

§ 2.3. The licensee shall appoint a qualified chief administrative officer to whom it delegates in writing the authority and responsibility for the administrative direction of the facility.

§ 2.4. The licensee shall develop and implement written policies governing the licensee's relationship to the chief administrative officer that shall include, but shall not be limited to:

1. Annual evaluation of the performance of the chief administrative officer; and
2. Provision for the chief administrative officer to meet with the governing body or with the immediate supervisor to periodically review the services being provided, the personnel needs and fiscal management of the facility.

§ 2.5. The licensee shall develop a written statement of the philosophy and the objectives of the facility including a description of the population to be served and the program to be offered.

§ 2.6. The licensee shall review, at least annually, the program of the facility in light of the population served and the objectives of the facility.

§ 2.7. The licensee shall review, develop and implement programs and administrative changes in accord with the defined purpose of the facility.

### Article 3. Fiscal Accountability.

§ 2.8. The facility shall have a documented plan of financing which gives evidence that there are sufficient funds to operate.

§ 2.9. A new facility shall with the initial application document funds or a line of credit sufficient to cover at least 90 days of operating expenses unless the facility is operated by a state or local government agency, board or commission.

§ 2.10. A new facility operated by a corporation, unincorporated organization or association, an individual or a partnership shall submit with the initial application evidence of financial responsibility. This shall include:

1. A working budget showing projected revenue and expenses for the first year of operation; and
2. A balance sheet showing assets and liabilities.

§ 2.11. Facilities having an approved rate established in accordance with the Interdepartmental Rate Setting Process shall submit evidence of financial responsibility. This shall include:

1. A copy of the facility's most recently completed financial audit;
2. A report on any changes in income, expenses, assets, and liabilities that significantly change the fiscal condition of the facility as reflected in the financial audit submitted or a statement that no such changes have occurred; and
3. A working budget showing projected revenue and expenses for the coming year.

§ 2.12. Facilities operated by state or local government agencies, boards and commissions that do not have an approved rate established in accordance with the Interdepartmental Rate Setting Process shall submit evidence of financial responsibility. This shall include a working budget showing appropriated revenue and projected expenses for the coming year.

§ 2.13. Facilities operated by corporations, unincorporated organizations or associations, individuals or partnerships that do not have a rate set in accordance with the Interdepartmental Rate Setting Process shall submit evidence of financial responsibility. This shall include:

1. An operating statement showing revenue and expenses for the past operating year;
2. A working budget showing projected revenue and expenses for the coming year;
3. A balance sheet showing assets and liabilities; and
4. A written assurance from the licensee that the documentation provided for in *subdivisions* 1, 2, and 3 above presents a complete and accurate financial report reflecting the current fiscal condition of the facility.

§ 2.14. The facility shall provide additional evidence of financial responsibility as the licensing authority, at its discretion, may require.

#### Article 4. Internal Operating Procedures.

§ 2.15. There shall be evidence of a system of financial record keeping that is consistent with generally accepted accounting principles unless the facility is a state or local program operating as required by the State Auditor of Public Accounts.

§ 2.16. There shall be a written policy, consistent with generally accepted accounting principles, for collection and disbursement of funds unless the facility is a state or local

program operating as required by the State Auditor of Public Accounts.

§ 2.17. There shall be a system of financial record keeping that shows a separation of the facility's accounts from all other records.

#### Article 5. Insurance.

§ 2.18. A facility shall maintain liability insurance covering the premises and the facility's operations.

§ 2.19. There shall be liability insurance on vehicles operated by the facility.

#### Article 6. Bonding.

§ 2.20. Those members of the governing body and staff who have been authorized responsibility for handling the funds of the facility shall be bonded.

#### Article 7. Fund-Raising.

§ 2.21. The facility shall not use ~~children residents~~ in its fund-raising activities without written permission of ~~parent, legal guardian or agency holding custody~~.

#### Article 8. Relationship to Licensing Authority.

§ 2.22. The facility shall submit or make available to the licensing authority such reports and information as the licensing authority may require to establish compliance with these standards and the appropriate statutes.

§ 2.23. The governing body or its official representative shall notify the licensing authority(ies) within five working days of:

1. Any change in administrative structure or newly hired chief administrative officer; and
2. Any pending changes in the program.

§ 2.24. In the event of a disaster, fire, emergency or any other condition at the facility that may jeopardize the health, safety and well-being of the children in care, the facility shall:

1. Take appropriate action to protect the health, safety and well-being of the children in care;
2. Take appropriate actions to remedy such conditions as soon as possible, including reporting to and cooperating with local health, fire, police or other appropriate officials; and
3. Notify the licensing authority(ies) of the conditions

# Proposed Regulations

---

at the facility and the status of the ~~children in care residents~~ as soon as possible.

## Article 9.

### Participation of ~~Children Residents~~ in Research.

§ 2.25. The facility shall establish and implement written policies and procedures regarding the participation of ~~children residents~~ as subjects in research that are consistent with Chapter 13 of Title 37.1 of the Code of Virginia, unless the facility has established and implemented a written policy explicitly prohibiting the participation of ~~children residents~~ as subjects of human research as defined by the above statute.

## Article 10.

### ~~Children's Resident's~~ Records.

§ 2.26. A separate case record on each ~~child resident~~ shall be maintained and shall include all correspondence relating to the care of that ~~child resident~~.

§ 2.27. Each case record shall be kept up to date and in a uniform manner.

§ 2.28. Case records shall be maintained in such manner as to be accessible to staff for use in working with the ~~child resident~~.

## Article 11.

### Confidentiality of ~~Children's Resident's~~ Records.

§ 2.29. The facility shall make information available only to those legally authorized to have access to that information under federal and state laws.

§ 2.30. There shall be written policy and procedures to protect the confidentiality of records which govern acquiring information, access, duplication, and dissemination of any portion of the records. The policy shall specify what information is available to the ~~youth resident~~.

## Article 12.

### Storage of Confidential Records.

§ 2.31. Records shall be kept in areas which are accessible only to authorized staff.

§ 2.32. Records shall be stored in a metal file cabinet or other metal compartment.

§ 2.33. When not in use, records shall be kept in a locked compartment or in a locked room.

## Article 13.

### Disposition of ~~Children's Resident's~~ Records.

§ 2.34. ~~Children's Resident's~~ records shall be kept in their entirety for a minimum of three years after the date of the discharge unless otherwise specified by state or federal

requirements.

§ 2.35. Permanent information shall be kept on each ~~child resident~~ even after the disposition of the ~~child's resident's~~ record unless otherwise specified by state or federal requirements. Such information shall include:

1. ~~Child's Resident's~~ name;
2. Date and place of ~~child's resident's~~ birth;
3. Dates of admission and discharge;
4. Names and addresses of parents and siblings; and
5. Name and address of legal guardian.

§ 2.36. Each facility shall have a written policy to provide for the disposition of records in the event the facility ceases operation.

## Article 14.

### Residential Facilities for Children Serving Persons Over the Age of 17 Years.

§ 2.37. Residential facilities for children subject to Interdepartmental licensure/certification which are also approved to maintain in care persons over 17 years of age, shall comply with the requirements of the Interdepartmental Standards for the care of all residents, regardless of age, except that residential programs serving persons over 17 years of age, shall be exempt from this requirement when it is determined by the licensing/certification authority(ies) that the housing, staff and programming for such persons is maintained separately from the housing, staff and programming for the ~~children in care residents~~.

## PART III. PERSONNEL.

### Article 1.

#### Health Information.

§ 3.1. Health information required by these standards shall be maintained for the chief administrative officer, for all staff members who come in contact with ~~children residents~~ or handle food, and for any individual who resides in a building occupied by ~~children residents~~ including any such persons who are neither staff members nor ~~children in care residents~~ of the facility.

### Article 2.

#### Initial Tuberculosis Examination and Report.

§ 3.2. Within 30 days of employment or contact with ~~children residents~~ each individual shall obtain an evaluation indicating the absence of tuberculosis in a communicable form except that an evaluation shall not be required for an individual who (i) has separated from employment with a facility licensed/certified by the

# Proposed Regulations

Commonwealth of Virginia, (ii) has a break in service of six months or less, and (iii) submits the original statement of tuberculosis screening.

§ 3.3. Each individual shall submit a statement that he is free of tuberculosis in a communicable form including the type(s) of test(s) used and the test result(s).

§ 3.4. The statement shall be signed by licensed physician the physician's designee, or an official of a local health department.

§ 3.5. The statement shall be filed in the individual's record.

## Article 3.

### Subsequent Evaluations for Tuberculosis.

§ 3.6. Any individual who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms of four weeks duration or longer shall, within 30 days of exposure/development, receive an evaluation in accord with Part III, Article 2.

## Article 4.

### Physical or Mental Health of Personnel.

§ 3.7. At the request of the licensee/administrator of the facility or the licensing authority a report of examination by a licensed physician shall be obtained when there are indications that the care of ~~children~~ residents may be jeopardized by the physical, mental, or emotional health of a specific individual.

§ 3.8. Any individual who, upon examination by a licensed physician or as result of tests, shows indication of a physical or mental condition which may jeopardize the safety of ~~children in care~~ residents or which would prevent the performance of duties:

1. Shall immediately be removed from contact with ~~children~~ residents and food served to ~~children~~ residents ; and
2. Shall not be allowed contact with ~~children~~ residents or food served to ~~children~~ residents until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed statement from the physician.

## Article 5.

### Qualifications.

§ 3.9. Standards in Part III, Articles 12-14 establishing minimum position qualifications shall be applicable to all facilities. In lieu of these minimum position qualifications, (i) facilities subject to the rules and regulations of the Virginia Department of Personnel and Training, or (ii) facilities subject to the rules and regulations of a local government personnel office may develop written minimum entry level qualifications in accord with the

rules and regulations of the supervising personnel authority.

§ 3.10. Any person who assumes or is designated to assume the responsibilities of a staff position or any combination of staff positions described in these standards shall meet the qualifications of that position(s) and shall fully comply with all applicable standards for each function.

§ 3.11. When services or consultations are obtained on a contract basis they shall be provided by professionally qualified personnel.

## Article 6.

### Job Descriptions.

§ 3.12. For each staff position there shall be a written job description which, at a minimum, shall include:

1. The job title;
2. The duties and responsibilities of the incumbent;
3. The job title of the immediate supervisor; and
4. The minimum knowledge, skills and abilities required for entry level performance of the job.

§ 3.13. A copy of the job description shall be given to each person assigned to that position at the time of employment or assignment.

## Article 7.

### Written Personnel Policies and Procedures.

§ 3.14. The licensee shall approve written personnel policies.

§ 3.15. The licensee shall make its written personnel policies readily accessible to each staff member.

§ 3.16. The facility shall develop and implement written policies and procedures to assure that persons employed in or designated to assume the responsibilities of each staff position possess the knowledge, skills and abilities specified in the job description for that staff position.

§ 3.17. Written policies and procedures related to child abuse and neglect shall be distributed to all staff members. These shall include:

1. Acceptable methods for discipline and behavior management of ~~children~~ residents ;
2. Procedures for handling accusations against staff; and
3. Procedures for promptly referring suspected cases of child abuse and neglect to the local protective service unit and for cooperating with the unit during

# Proposed Regulations

---

any investigation. (See § 5.143)

§ 3.18. Each staff member shall demonstrate a working knowledge of those policies and procedures that are applicable to his specific staff position.

## Article 8. Personnel Records.

§ 3.19. A separate up-to-date personnel record shall be maintained for each staff member. The record shall include:

1. A completed employment application form or other written material providing:
  - a. Identifying information (name, address, phone number, social security number, and any names previously utilized);
  - b. Educational history; and
  - c. Employment history.
2. Written references or notations of oral references;
3. Reports of required health examinations;
4. Annual performance evaluations; and
5. Documentation of staff development activities.

§ 3.20. Each personnel record shall be retained in its entirety for two years after employment ceases.

§ 3.21. Information sufficient to respond to reference requests on separated employees shall be permanently maintained. Information shall minimally include name, social security number, dates of employment, and position(s) held.

## Article 9. Staff Development.

§ 3.22. New employees, relief staff, volunteers and students, within one calendar month of employment, shall be given orientation and training regarding the objectives and philosophy of the facility, practices of confidentiality, other policies and procedures that are applicable to their specific positions, and their specific duties and responsibilities.

§ 3.23. Provision shall be made for staff development activities, designed to update staff on items in § 3.22 and to enable them to perform their job responsibilities adequately. Such staff development activities include, but shall not necessarily be limited to, supervision and formal training.

§ 3.24. Regular supervision of staff shall be provided.

§ 3.25. Regular supervision of staff shall not be the only method of staff development.

§ 3.26. Participation of staff, volunteers and students in orientation, training and staff development activities shall be documented.

## Article 10. Staff Supervision of Children.

§ 3.27. No member of the child care staff shall be on duty more than six consecutive days between rest days except in an emergency except:

1. A child care staff member may attend training FOLLOWING WORKING AT THE FACILITY without a rest day. However, the staff member shall not work more than 10 consecutive days between rest days including working at the facility and training.
2. A child care staff member may accompany an excursion FOLLOWING WORKING AT THE FACILITY without a rest day. However, the staff member shall not work more than 14 consecutive days between rest days including working at the facility and the excursion.
3. A child care staff member accompanying an excursion shall not work at the facility for more than two consecutive days PRIOR TO THE EXCURSION.
4. A child care staff member may return to work at the facility without a rest day AFTER ACCOMPANYING AN EXCURSION OR ATTENDING TRAINING. However, a staff member who returns to work at the facility shall not work more than six consecutive days between rest days including excursion and training days.

§ 3.28. Child care staff shall have an average of not less than two rest days per week in any four-week period. This shall be in addition to vacation time and holidays.

§ 3.29. Child care staff other than live in staff shall not be on duty more than 16 consecutive hours except in an emergency.

§ 3.30. There shall be at least one responsible adult on the premises and on duty at all times that one or more children are present.

§ 3.31. Each facility shall develop and implement written policies and procedures which address deployment of staff and supervision of children. The number of children being supervised may vary among staff members except that the total number of child care staff on duty shall not be less than the minimum number required by §§ 3.33 and 3.34 to supervise the total number of children on the premises and participating in off campus, facility sponsored activities.

§ 3.32. Written policies and procedures governing deployment of staff shall be reviewed and approved by the regulatory authority prior to implementation.

§ 3.33. During the hours that children normally are awake there shall be no less than one child care staff member awake, on duty and responsible for supervision of every 10 children, or portion thereof, on the premises or participating in off campus, facility sponsored activities except that:

1. In approved independent living programs, there shall be one child care staff member awake, on duty and responsible for supervision of every 15 children on the premises or participating in off campus, facility sponsored activities;
2. For children under four years of age, there shall be one child care staff member awake, on duty and responsible for supervision of every three children who are on the premises or participating in off campus, facility sponsored activities except that this requirement shall not apply to severely, multihandicapped, nonambulatory children; and
3. For severely multihandicapped, nonambulatory children under four years of age, there shall be one child care staff member awake, on duty and responsible for supervision of every six children.

§ 3.34. Supervision during sleeping hours.

A. During the hours that ~~children~~ residents normally are sleeping there shall be no less than one child care staff member on duty and responsible for supervision of every 16 children, or portion thereof, on the premises.

B. There shall be at least one child care staff member awake and on duty:

1. In each building where 30 or more children are sleeping,
2. On each floor where 30 or more children are sleeping, and
3. On each major wing of each floor where 30 or more children are sleeping.

§ 3.35. Emergency telephone numbers.

A. When ~~children~~ residents are away from the facility they and the adults responsible for their care during that absence shall be furnished with a telephone number where a responsible facility staff member or other responsible adult may be reached at all times except that this requirement shall not apply to secure detention facilities.

B. When children are on the premises of the facility, the staff on duty shall be furnished with a telephone number where the administrator or his designee may be

reached at all times.

§ 3.36. Children shall be provided privacy from routine sight supervision by staff members of the opposite gender while bathing, dressing, or conducting toileting activities. This requirement shall not apply to medical personnel performing medical procedures, to staff providing assistance to infants, or to staff providing assistance to children whose physical or mental disabilities dictate the need for assistance with these activities as justified in the client's record.

§ 3.37. Searches.

A. If a facility conducts pat downs it shall develop and implement written policies and procedures governing them. A facility that does not conduct pat downs shall have a written policy prohibiting them.

B. Written policies and procedures governing pat downs shall be reviewed and approved by the regulatory authority prior to implementation.

C. Written policies and procedures governing pat downs shall include:

1. A requirement that pat downs be limited to instances where they are necessary to prohibit contraband;
2. A listing of the specific circumstances when pat downs are permitted;
3. A statement that pat downs shall be conducted only in the specific circumstances enumerated in the written policies and procedures;
4. A requirement that pat downs be conducted by personnel of the same gender as the client(s) being searched;
5. A listing of the personnel authorized to conduct pat downs;
6. A statement that pat downs shall be conducted only by personnel authorized to conduct searches by the written policies and procedures;
7. A requirement that witnesses, if any, be of the same gender as the client(s) being searched; and
8. Provisions to ensure the client's privacy.

D. Strip searches and body cavity searches are prohibited except:

1. As permitted by other applicable state regulations, or
2. As ordered by a court of competent jurisdiction.



# Proposed Regulations

---

## Article 11.

### The Chief Administrative Officer.

§ 3.38. The chief administrative officer shall be responsible to the governing body for:

1. The overall administration of the program;
2. Implementation of all policies;
3. Maintenance of the physical plant; and
4. Fiscal management of the residential facility for children.

§ 3.39. Duties of the chief administrative officer may be delegated to qualified subordinate staff.

§ 3.40. Duties delegated by the chief administrative officer shall be reflected in the job description of the position assigned each delegated function.

§ 3.41. A qualified staff member shall be designated to assume responsibility for the operation of the facility in the absence of the chief administrative officer.

## Article 12.

### The Program Director.

§ 3.42. The program director shall be responsible for the development and implementation of the programs and services (See Part V) offered by the residential facility for children.

§ 3.43. A program director appointed after July 1, 1981, shall have:

1. A baccalaureate degree from an accredited college or university with two years of successful work experience with children in the field of institutional management, social work, education or other allied profession; or
2. A graduate degree from an accredited college or university in a profession related to child care and development; or
3. A license or certification in the Commonwealth of Virginia as a drug or alcoholism counselor/worker if the facility's purpose is to treat drug abuse or alcoholism.

§ 3.44. Any qualified staff member, including the chief administrative officer, may serve as the program director.

§ 3.45. When a facility is licensed/certified to care for 13 or more children residents, a full-time, qualified staff member shall fulfill the duties of the program director.

## Article 13.

### Child and Family Service Worker(s).

§ 3.46. If not provided by external resources in accord with § 5.45, counseling and social services (see § 5.43), shall be provided by a staff member(s) qualified to provide such services.

§ 3.47. If employment begins after July 1, 1981, the Child and Family Service Worker shall have:

1. A graduate degree in social work, psychology, counseling or a field related to family services or child care and development; or
2. A baccalaureate degree and two years of successful experience in social work, psychology, counseling or a field related to family services or child care and development (In lieu of two years of experience, the person may work under the direct supervision of a qualified supervisor for a period of two years); or
3. A license or certificate in the Commonwealth of Virginia to render services as a drug abuse or alcoholism counselor/worker only in facilities which are certified to provide drug abuse or alcoholism counseling; or
4. A license or certificate when required by law issued in the Commonwealth of Virginia to render services in the field of:

- a. Social Work, or
- b. Psychology, or
- c. Counseling (individual, group or family).

## Article 14.

### Child Care Staff.

§ 3.48. In each child care unit a designated staff member shall have responsibility for the development of the daily living program within the child care unit.

§ 3.49. A designated staff member shall be responsible for the coordination of all services offered to each ~~child~~ resident.

§ 3.50. A designated staff member(s) shall have responsibility for the orientation, training and supervision of child care workers.

§ 3.51. An individual employed after July 1, 1981, to supervise child care staff shall have:

1. A baccalaureate degree from an accredited college or university and two years experience in the human services field, at least one of which shall have been in a residential facility for children; or
2. A high school diploma or a General Education Development Certificate (G.E.D.) and a minimum of five years experience in the human service field with

# Proposed Regulations

at least two years in a residential facility for children.

§ 3.52. The child care worker shall have direct responsibility for guidance and supervision of the children to whom he is assigned. This shall include:

1. Overseeing physical care;
2. Development of acceptable habits and attitudes;
3. Discipline; and
4. Helping to meet the goals and objectives of any required service plan.

§ 3.53. A child care worker shall be no less than 18 years of age.

§ 3.54. A child care worker shall:

1. Be a high school graduate or have a General Education Development Certificate (G.E.D.) except that individuals employed prior to the effective date of these standards shall meet this requirement by July 1, 1986; and
2. Have demonstrated, through previous life and work experiences, an ability to maintain a stable environment and to provide guidance to children in the age range for which the child care worker will be responsible.

## Article 15. Relief Staff.

§ 3.55. Sufficient qualified relief staff shall be employed to maintain required staff/child ratios during:

1. Regularly scheduled time off of permanent staff, and
2. Unscheduled absences of permanent staff.

## Article 16. Medical Staff.

§ 3.56. Services of a licensed physician shall be available for treatment of ~~children~~ residents as needed.

§ 3.57. Any nurse employed shall hold a current nursing license issued by the Commonwealth of Virginia.

§ 3.58. At all times that youth children are present there shall be at least one responsible adult on the premises who has received within the past three years a basic certificate in standard first-aid (Multi-Media, Personal Safety, or Standard First Aid Modular) issued by the American Red Cross or other recognized authority except that this requirement does not apply during those hours when a licensed nurse is present at the facility.

§ 3.59. At all times that youth children are present there shall be at least one responsible adult on the premises who has received a certificate in cardiopulmonary resuscitation issued by the American Red Cross or other recognized authority.

## Article 17. Recreation Staff.

§ 3.60. There shall be designated staff responsible for organized recreation who shall have:

1. Experience in working with and providing supervision to groups of children with varied recreational needs and interests;
2. A variety of skills in group activities;
3. A knowledge of community recreational facilities; and
4. An ability to motivate children to participate in constructive activities.

## Article 18. Volunteers and Students Receiving Professional Training.

§ 3.61. If a facility uses volunteers or students receiving professional training it shall develop written policies and procedures governing their selection and use. A facility that does not use volunteers shall have a written policy stating that volunteers will not be utilized.

§ 3.62. The facility shall not be dependent upon the use of volunteers/students to ensure provision of basic services.

§ 3.63. The selection of volunteers/students and their orientation, training, scheduling, supervision and evaluation shall be the responsibility of designated staff members.

§ 3.64. Responsibilities of volunteers/students shall be clearly defined.

§ 3.65. All volunteers/students shall have qualifications appropriate to the services they render based on experience and/or orientation.

§ 3.66. Volunteers/students shall be subject to all regulations governing confidential treatment of personal information.

§ 3.67. Volunteers/students shall be informed regarding liability and protection.

## Article 19. Support Functions.

§ 3.68. Facilities shall provide for support functions including, but not limited to, food service, maintenance of buildings and grounds, and housekeeping.

# Proposed Regulations

---

§ 3.69. All food handlers shall comply with applicable State Health Department regulations and with any locally adopted health ordinances.

§ 3.70. Child care workers and other staff may assume the duties of service personnel only when these duties do not interfere with their responsibilities for child care.

§ 3.71. ~~Children~~ Residents shall not be solely responsible for support functions.

## PART IV. RESIDENTIAL ENVIRONMENT.

### Article 1. Location.

§ 4.1. A residential facility for children shall be located so that it is reasonably accessible to schools, transportation, medical and psychiatric resources, churches, and recreational and cultural facilities.

### Article 2. Buildings, Inspections and Building Plans.

§ 4.2. All buildings and installed equipment shall be inspected and approved by the local building official when required. This approval shall be documented by a Certificate of Use and Occupancy indicating that the building is classified for its proposed licensed/certified purposes.

§ 4.3. At the time of the original application and at least annually thereafter the buildings shall be inspected and approved by:

1. Local fire authorities with respect to fire safety and fire hazards, except in state operated facilities;
2. State fire officials, where applicable; and
3. State or local health authorities, whose inspection and approval shall include:
  - a. General sanitation;
  - b. The sewage disposal system;
  - c. The water supply;
  - d. Food service operations; and
  - e. Swimming pools.

§ 4.4. The buildings shall be suitable to house the programs and services provided.

### Article 3. Plans and Specifications for New Buildings and Additions, Conversions, and Structural Modifications to Existing Buildings.

§ 4.5. Building plans and specifications for new construction, conversion of existing buildings, and any structural modifications or additions to existing licensed buildings shall be submitted to and approved by the licensing/certification authority and the following authorities, where applicable, before construction begins:

1. Local building officials;
2. Local fire departments;
3. Local or state health departments; and
4. Office of the State Fire Marshal.

§ 4.6. Documentation of the approvals required by § 4.5 shall be submitted to the licensing authority(ies).

### Article 4. Heating Systems, Ventilation and Cooling Systems.

§ 4.7. Heat shall be evenly distributed in all rooms occupied by the ~~children~~ residents such that a temperature no less than 65°F is maintained, unless otherwise mandated by state or federal authorities.

§ 4.8. Natural or mechanical ventilation to the outside shall be provided in all rooms used by ~~children~~ residents .

§ 4.9. All doors and windows capable of being used for ventilation shall be fully screened unless screening particular doors and windows is explicitly prohibited in writing by state or local fire authorities and those doors and windows are not used for ventilation.

§ 4.10. Air conditioning or mechanical ventilating systems, such as electric fans, shall be provided in all rooms occupied by ~~children~~ residents when the temperature in those rooms exceeds 85°F.

### Article 5. Lighting.

§ 4.11. Artificial lighting shall be by electricity.

§ 4.12. All areas within buildings shall be lighted for safety.

§ 4.13. Night lights shall be provided in halls and bathrooms.

§ 4.14. Lighting shall be sufficient for the activities being performed in a specific area.

§ 4.15. Operable flashlights or battery lanterns shall be available for each staff member on the premises between dusk and dawn for use in emergencies.

§ 4.16. Outside entrances and parking areas shall be lighted for protection against injuries and intruders.

## Article 6. Plumbing and Toilet Facilities.

§ 4.17. All plumbing shall be maintained in good operational condition.

§ 4.18. There shall be an adequate supply of hot and cold running water available at all times.

§ 4.19. Precautions shall be taken to prevent scalding from running water. In all newly constructed or renovated facilities mixing faucets shall be installed.

§ 4.20. There shall be at least one toilet, one hand basin and one shower or bathtub in each living unit, and there shall be at least one bathroom equipped with a bathtub in each facility.

§ 4.21. There shall be at least one toilet, one hand basin and one shower or tub for every eight ~~children in care~~ residents .

§ 4.22. In any facility constructed or reconstructed after July 1, 1981, except secure detention facilities there shall be one toilet, one hand basin and one shower or tub for every four ~~children in care~~ residents .

§ 4.23. When a separate bathroom is not provided for staff on duty less than 24 hours, the maximum number of staff members on duty in the living unit at any one time shall be counted in the determination of the number of toilets and hand basins.

§ 4.24. There shall be at least one mirror securely fastened to the wall at a height appropriate for use in each room where hand basins are located except in security rooms in hospitals, secure detention facilities and learning centers.

§ 4.25. At all times an adequate supply of personal necessities shall be available to the ~~children~~ residents for purposes of personal hygiene and grooming; such as, but not limited to, soap, toilet tissue, toothpaste, individual tooth brushes, individual combs and shaving equipment.

§ 4.26. Clean, individual washclothes and towels shall be available once each week or more often if needed.

## Article 7. Facilities and Equipment for Residents with Special Toileting Needs.

§ 4.27. When residents are in care who are not toilet trained:

1. Provision shall be made for sponging, diapering and other similar care on a nonabsorbent changing surface which shall be cleaned with warm soapy water after each use.

2. A covered diaper pail, or its equivalent, with

leakproof disposable liners shall be available. If both cloth and disposable diapers are used there shall be a diaper pail for each.

3. Adapter seats and toilet chairs shall be cleaned with warm soapy water immediately after each use.

4. Staff shall thoroughly wash their hands with warm soapy water immediately after assisting an individual resident *child* or themselves with toileting.

## Article 8. Sleeping Areas.

§ 4.28. When ~~children~~ residents are four years of age or older, boys shall have separate sleeping areas from girls.

§ 4.29. No more than four children may share a bedroom or sleeping area.

§ 4.30. When a facility is not subject to the Virginia Public Building Safety Regulations or the Uniform Statewide Building Code, children who are dependent upon wheelchairs, crutches, canes or other mechanical devices for assistance in walking shall be assigned sleeping quarters on ground level and provided with a planned means of effective egress for use in emergencies.

§ 4.31. There shall be sufficient space for beds to be at least three feet apart at the head, foot and sides and five feet apart at the head, foot and sides for double-decker beds.

§ 4.32. In facilities previously licensed by the Department of Social Services and in facilities established, constructed or reconstructed after July 1, 1981, sleeping quarters shall meet the following space requirements:

1. There shall be not less than 450 cubic feet of air space per person;

2. There shall be not less than 80 square feet of floor area in a bedroom accommodating only one person;

3. There shall be not less than 60 square feet of floor area per person in rooms accommodating two or more persons; and

4. All ceilings shall be at least 7-1/2 feet in height.

§ 4.33. Each child shall have a separate, clean, comfortable bed equipped with mattress, pillow, blanket(s), bed linens, and, if needed, a waterproof mattress cover.

§ 4.34. Bed linens shall be changed at least every seven days or more often, if needed.

§ 4.35. Mattresses and pillows shall be clean and those placed in service after July 1, 1981, shall also be fire retardant as evidenced by documentation from the manufacturer.

# Proposed Regulations

---

§ 4.36. Cribs shall be provided for ~~children~~ *residents* under two years of age.

§ 4.37. Each ~~child~~ *resident* shall be assigned drawer space and closet space, or their equivalent, accessible to the sleeping area for storage of clothing and personal belongings.

§ 4.38. The sleeping area environment shall be conducive to sleep and rest.

§ 4.39. Smoking by any person shall be prohibited in sleeping areas.

## Article 9.

### Privacy for ~~Children~~ *Residents* .

§ 4.40. Where bathrooms are not designated for individual use, each toilet shall be enclosed for privacy except in secure detention facilities.

§ 4.41. Where bathrooms are not designated for individual use, bathtubs and showers, except in secure detention facilities, shall provide visual privacy for bathing by use of enclosures, curtains or other appropriate means.

§ 4.42. Windows in bathrooms shall provide for privacy.

§ 4.43. Every sleeping area shall have a door that may be closed for privacy or quiet and this door shall be readily openable in case of fire or other emergency.

§ 4.44. Windows in sleeping and dressing areas shall provide for privacy.

## Article 10.

### Living Rooms/Indoor Recreation Space.

§ 4.45. Each living unit shall contain a living room or an area for informal use for relaxation and entertainment. The furnishings shall provide a comfortable, home-like environment that is age appropriate.

§ 4.46. In facilities licensed to care for more than 12 ~~children~~ *residents* there shall be indoor recreational space that contains recreational equipment appropriate to the ages and interests of the ~~children in residence~~ *residents* . Such indoor recreational space shall be distinct from the living room in each living unit required by § 4.45, but such space shall not be required in every living unit.

## Article 11. Study Space.

§ 4.47. Study space shall be provided in facilities serving a school age population and may be assigned in areas used interchangeably for other purposes.

§ 4.48. Study space shall be well lighted, quiet, and equipped with at least tables or desks and chairs.

## Article 12. Kitchen and Dining Areas.

§ 4.49. Meals shall be served in areas equipped with sturdy tables and benches or chairs of a size appropriate for the sizes and ages of the residents.

§ 4.50. Adequate kitchen facilities and equipment shall be provided for preparation and serving of meals.

§ 4.51. Walk-in refrigerators, freezers, and other enclosures shall be equipped to permit emergency exits.

## Article 13. Laundry Areas.

§ 4.52. If laundry is done at the facility, appropriate space and equipment in good repair shall be provided.

## Article 14. Storage.

§ 4.53. Space shall be provided for safe storage of items such as first-aid equipment, household supplies, recreational equipment, luggage, out-of-season clothing, and other materials.

## Article 15. Staff Quarters.

§ 4.54. A separate (private) bathroom and bedroom shall be provided for staff and their families when staff are required to be in the living unit for 24-hours or more except, that when there are no more than four persons, including staff and family of staff, residing in , ~~and/~~ or on duty , in the living unit, a private bathroom is not required for staff.

§ 4.55. Off duty staff and members of their families shall not share bedrooms with ~~children in care~~ *residents* .

§ 4.56. When 13 or more ~~children~~ *residents* reside in one living unit a separate (private) living room shall be provided for child care staff who are required to be in the living unit for 24 hours or more.

§ 4.57. When child care staff are on duty for less than 24 hours, a bed shall be provided for use of each staff member on duty during night hours unless such staff member is required to remain awake.

## Article 16. Office Space.

§ 4.58. Space shall be provided for administrative activities including provision for storage of records and materials (See Part II, Article 12).

## Article 17. Buildings and Grounds.

# Proposed Regulations

§ 4.59. Buildings and grounds, including roads, pavements, parking lots, stairways, railings and other potentially hazardous areas, shall be safe, properly maintained and free of clutter and rubbish.

§ 4.60. There shall be outdoor recreational space appropriately equipped for the ~~children to be served~~ residents .

## Article 18. Equipment and Furnishings.

§ 4.61. All furnishings and equipment shall be safe, easy to clean, and suitable to the ages and number of residents.

§ 4.62. There shall be at least one continuously operable, nonpay telephone accessible to staff in each building in which children sleep or participate in programs.

§ 4.63. The facility shall have a written policy governing the possession and use of firearms, pellet guns, air rifles and other weapons on the premises of the facility that shall provide that no firearms, pellet guns, air rifles, or other weapons, shall be permitted on the premises of the facility unless they are:

1. In the possession of licensed security personnel; or
2. Kept under lock and key; or
3. Used under the supervision of a responsible adult in accord with policies and procedures developed by the facility for their lawful and safe use.

## Article 19. Housekeeping and Maintenance.

§ 4.64. The interior and exterior of all buildings, including required locks and mechanical devices, shall be maintained in good repair.

§ 4.65. The interior and exterior of all buildings shall be kept clean and free of rubbish.

§ 4.66. All buildings shall be well-ventilated and free of stale, musty or foul odors.

§ 4.67. Adequate provisions shall be made for the collection and legal disposal of garbage and waste materials.

§ 4.68. Buildings shall be kept free of flies, roaches, rats and other vermin.

§ 4.69. All furnishings, linens, and indoor and outdoor equipment shall be kept clean and in good repair.

§ 4.70. A sanitizing agent shall be used in the laundering of bed, bath, table and kitchen linens.

§ 4.71. Lead based paint shall not be used on any surfaces

and items with which ~~children~~ residents and staff come in contact.

## Article 20. Farm and Domestic Animals.

§ 4.72. Horses and other animals maintained on the premises shall be quartered at a reasonable distance from sleeping, living, eating, and food preparation areas.

§ 4.73. Stables and corrals shall be located so as to prevent contamination of any water supply.

§ 4.74. Manure shall be removed from stalls and corrals as often as necessary to prevent a fly problem.

§ 4.75. All animals maintained on the premises shall be tested, inoculated and licensed as required by law.

§ 4.76. The premises shall be kept free of stray domestic animals.

§ 4.77. Dogs and other small animal pets and their quarters shall be kept clean.

## Article 21. Primitive Campsites.

§ 4.78. The standards in Article 21 through Article 28 are applicable exclusively to the residential environment and equipment at primitive campsites. Permanent buildings and other aspects of the residential environment at a wilderness camp shall comply with the remaining standards in Part IV.

§ 4.79. All campsites shall be well drained and free from depressions in which water may stand.

§ 4.80. Natural sink-holes and other surface collectors of water shall be either drained or filled to prevent the breeding of mosquitoes.

§ 4.81. Campsites shall not be in proximity to conditions that create or are likely to create offensive odors, flies, noise, traffic, or other hazards.

§ 4.82. The campsite shall be free from debris, noxious plants, and uncontrolled weeds or brush.

## Article 22. Water in Primitive Campsites.

§ 4.83. Drinking water used at primitive campsites and on hikes away from permanent campsites shall be from a source known to be safe (free of coliform organisms) or shall be rendered safe before use in a manner approved by the Virginia Department of Health.

§ 4.84. An adequate supply of water, under pressure where possible, shall be provided at the cooking area for handwashing, dishwashing, food preparation and drinking.

# Proposed Regulations

---

## Article 23.

### Food Service Sanitation in Primitive Campsites.

- § 4.85. Food shall be obtained from approved sources and shall be properly identified.
- § 4.86. Milk products shall be pasteurized.
- § 4.87. Food and drink shall be maintained and stored so as to prevent contamination and spoilage.
- § 4.88. The handling of food shall be minimized through the use of utensils.
- § 4.89. Fruits and vegetables shall be properly washed prior to use.
- § 4.90. Food and food containers shall be covered and stored off the ground and on clean surfaces. Refrigerated food shall also be covered.
- § 4.91. Sugar and other condiments shall be packaged or served in closed dispensers.
- § 4.92. Poisonous and toxic materials shall be properly used, properly identified and stored separately from food.
- § 4.93. Persons with wounds or communicable diseases shall be prohibited from handling food.
- § 4.94. Persons who handle food and eating utensils for the group shall maintain personal cleanliness, shall keep hands clean at all times, and shall thoroughly wash their hands with soap and water after each visit to the toilet.
- § 4.95. Food contact surfaces shall be kept clean.
- § 4.96. All eating utensils and cookware shall be properly stored.
- § 4.97. Disposable or single use dishes, receptacles and utensils shall be properly stored, handled and used only once.
- § 4.98. Eating utensils shall not be stored with food or other materials and substances.
- § 4.99. The use of a common drinking cup shall not be permitted.
- § 4.100. Only food which can be maintained in a wholesome condition with the equipment available shall be used at primitive camps.
- § 4.101. Ice which comes in contact with food or drink shall be obtained from an approved source and shall be made, delivered, stored, handled, and dispensed in a sanitary manner and be free from contamination.
- § 4.102. When ice and ice chests are used, meats and other perishable foods shall not be stored for more than

24 hours.

§ 4.103. Eating utensils and cookware shall be washed and sanitized after each use.

§ 4.104. No dish, receptacle or utensil used in handling food for human consumption shall be used or kept for use if chipped, cracked, broken, damaged or constructed in such a manner as to prevent proper cleaning and sanitizing.

§ 4.105. Solid wastes which are generated in primitive camps shall be disposed of at an approved sanitary landfill or similar disposal facility. Where such facilities are not available, solid wastes shall be disposed of daily by burial under at least two feet of compacted earth cover in a location which is not subject to inundation by flooding.

## Article 24.

### Toilet Facilities in Primitive Campsites.

§ 4.106. Where a water supply is not available sanitary type privies or portable toilets shall be provided. All such facilities shall be constructed as required by the Virginia Department of Health.

§ 4.107. All facilities provided for excreta and liquid waste disposal shall be maintained and operated in a sanitary manner to eliminate possible health or pollution hazards, to prevent access of flies and animals to their contents, and to prevent flybreeding.

§ 4.108. Privies shall be located at least 150 feet from a stream, lake or well and at least 75 feet from a sleeping or housing facility.

§ 4.109. Primitive campsites which are not provided with approved permanent toilet facilities shall have a minimum ratio of one toilet seat for every 15 persons.

§ 4.110. If chemical control is used to supplement good sanitation practices, proper pesticides and other chemicals shall be used safely and in strict accordance with label instructions.

## Article 25.

### Heating in Primitive Campsites.

§ 4.111. All living quarters and service structures at primitive campsites shall be provided with properly installed, operable, heating equipment.

§ 4.112. No portable heaters other than those operated by electricity shall be used.

§ 4.113. Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases.

§ 4.114. If a solid or liquid fuel stove is used in a room

with wooden or other combustible flooring, there shall be a concrete slab, installed metal sheet, or other fireproof materials on the floor under each stove and extending at least 18 inches beyond the perimeter of the base of the stove.

§ 4.115. Any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stove-pipe shall be of fireproof material.

§ 4.116. A vented metal collar or other insulating device shall be installed around a stove pipe or vent passing through a wall, ceiling, floor or roof to prevent melting or combustion.

§ 4.117. A vented collar, insulating device, or chimney shall extend above the peak of the roof or otherwise be constructed in a manner which allows full draft of smoke.

§ 4.118. When a heating system has automatic controls the controls shall be of the type which will cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded.

§ 4.119. All heating equipment shall be maintained and operated in a safe manner to prevent the possibility of fire.

## Article 26.

### Sleeping Areas and Equipment in Primitive Campsites.

§ 4.120. Bedding shall be clean, dry, and sanitary.

§ 4.121. Bedding shall be adequate to ensure protection and comfort in cold weather.

§ 4.122. If used, sleeping bags shall be fiberfill and rated for O°F.

§ 4.123. Linens shall be changed as often as required for cleanliness and sanitation but not less frequently than once a week.

§ 4.124. Bedwetters shall have their bedding changed or dried as often as it is wet.

§ 4.125. If mattresses are used they shall be clean.

§ 4.126. Mattresses placed in service after July 1, 1981, shall be fire retardant as evidenced by documentation from the manufacturer.

§ 4.127. A mattress cover shall be provided for each mattress.

§ 4.128. Sleeping areas shall be protected by screening or other means to prevent admittance of flies and mosquitos.

§ 4.129. A separate bed, bunk, or cot shall be made available for each person.

## Article 27.

### Clothing in Primitive Campsites.

§ 4.130. Each ~~child~~ resident shall be provided with an adequate supply of clean clothing suitable for outdoor living appropriate to the geographic location and season.

§ 4.131. Sturdy, water-resistant, outdoor shoes or boots shall be provided for each ~~child~~ resident.

§ 4.132. An adequate personal storage area shall be available for each resident.

## Article 28.

### Fire Prevention in Primitive Campsites.

§ 4.133. With the consultation and approval of the local fire authority a written fire plan shall be established indicating the campsite's fire detection system, fire alarm and evacuation procedures.

§ 4.134. The fire plan shall be implemented through the conduct of fire drills at the campsite at least once each month.

§ 4.135. A record of all fire drills shall be maintained.

§ 4.136. The record for each fire drill shall be retained two years subsequent to the drill.

§ 4.137. An approved 2A 10BC fire extinguisher in operable condition shall be maintained immediately adjacent to the kitchen or food preparation area.

§ 4.138. Fire extinguishers of a 2A 10BC rating shall be maintained so that it is never necessary to travel more than 75 feet to a fire extinguisher from combustion-type heating devices, campfires, or other combustion at the primitive campsite.

## PART V. PROGRAMS AND SERVICES.

### Article 1.

#### Criteria for Admission.

§ 5.1. Each residential facility for children except secure detention facilities shall have written criteria for admission that shall be made available to all parties when placement for a child is being considered. Such criteria shall include:

1. A description of the population to be served;
2. A description of the types of services offered; and
3. Intake and admission procedures including necessary referral documentation.

§ 5.2. No child with special needs shall be accepted for placement by a facility unless that facility has a program appropriate to meet those needs or arrangements are



# Proposed Regulations

---

made for meeting those needs through community resources unless the child's admission is required by court order.

§ 5.3. The facility shall accept and maintain only those children whose needs are compatible with those services provided through the facility unless a child's admission is required by court order.

§ 5.4. A facility shall not knowingly accept into care a child whose health or behavior shall present a clear and present danger to the child or others residing in the facility unless the facility is licensed or certified to provide such care or a child's admission is required by court order. (See requirements for certification or special licensure.)

## Article 2.

### Admission of Blind or Visually Impaired Children.

§ 5.5. When a blind or visually impaired child is admitted to a residential facility for children, the facility shall obtain the services of the staff of the Virginia Department for the Visually Handicapped as consultants for assessment, program planning and prescribed teaching (if not previously obtained).

§ 5.6. Provision of the services of the Department for the Visually Handicapped shall be documented in the ~~child's~~ *resident's* record.

§ 5.7. If the services of the Department for the Visually Handicapped are not obtained the ~~child's~~ *resident's* placement shall be considered inappropriate.

## Article 3.

### Interstate Compact on the Placement of Children.

§ 5.8. No child shall be accepted for placement from outside of the Commonwealth of Virginia without the prior approval of the administrator of the Interstate Compact on the Placement of Children, Virginia Department of Social Services, except that this section shall not apply when the Interstate Compact Relating to Juveniles applies.

§ 5.9. Documentation of approval of the compact administrator shall be retained in the ~~child's~~ *resident's* record.

## Article 4.

### Documented Study of the Child.

§ 5.10. Acceptance for care, other than emergency or diagnostic care, shall be based on an evaluation of a documented study of the child except that the requirements of this article shall not apply (i) to temporary care facilities, or (ii) to secure detention facilities.

§ 5.11. If a facility is specifically approved to provide residential respite care, the acceptance by the facility of a

child as eligible for respite care is considered admission to the facility. Each individual period of respite care is not considered a separate admission.

§ 5.12. In facilities required to base their acceptance for care on a documented study of the child, at the time of a routine admission or 30 days after an emergency admission each ~~child's~~ *resident's* record shall contain all of the elements of the documented study.

§ 5.13. The documented study of the child shall include all of the following elements (When information on the child is not available, the reason shall be documented in the ~~child's~~ *resident's* record):

1. A formal request or written application for admission;
2. Identifying information documented on a face sheet (see § 5.14);
3. Physical examination as specified in § 5.59;
4. Medical history (see § 5.15);
5. A statement, such as a report card, concerning the ~~child's~~ *resident's* recent scholastic performance, including a current Individual Education Plan (IEP), if applicable;
6. Results of any psychiatric or psychological evaluations of the ~~child~~ *resident*, if applicable;
7. Social and developmental summary (see § 5.16);
8. Reason for referral; and
9. Rationale for acceptance.

§ 5.14. Identifying information on a face sheet shall include:

1. Full name of resident;
2. Last known residence;
3. Birthdate;
4. Birthplace;
5. Sex of ~~child~~ *resident* ;
6. Racial and national background;
7. ~~Child's~~ *Resident's* social security number;
8. Religious preference of ~~child~~ *resident* or parents;
9. Custody status indicating name and address of legal guardian, if any;

10. Names, addresses and telephone numbers for emergency contacts, parents, *legal* guardians or representative of the child-placing agency, as applicable; and

11. Date of admission.

§ 5.15. A medical history shall include:

1. Serious illnesses and chronic conditions of the *child's resident's* parents and siblings, if known;
2. Past serious illnesses, infectious diseases, serious injuries, and hospitalizations of the *child resident* ;
3. Psychological, psychiatric and neurological examinations, if applicable;
4. Name, address and telephone number of *child's resident's* former physician(s), when information is available; and
5. Name, address and telephone number of *child's resident's* former dentist(s), when information is available.

§ 5.16. A social and developmental summary shall include:

1. Description of family structure and relationships;
2. Previous placement history;
3. Current behavioral functioning including strengths, talents, and problems;
4. Documentation of need for care apart from the family setting;
5. Names, address(es), Social Security numbers, and marital status of parents; and
6. Names, ages, and sex of siblings.

#### Article 5.

##### Preplacement Activities Documentation.

§ 5.17. At the time of the admission, except emergency admissions, involuntary admissions to security settings or admissions by court order the facility shall provide evidence of its cooperation with the placing agency in preparing the child and the family for the child's admission by documenting the following:

1. A preplacement visit by the *child resident* accompanied by a family member, an agency representative or other responsible adult;
2. Preparation through sharing information with the *child resident* , the family and the placing agency about the facility, the staff, the *children residents* and activities; and

3. Written confirmation of the admission decision to the family or legal guardian and to the placing agency.

#### Article 6.

##### Authority to Accept Children.

§ 5.18. Children shall be accepted only by court order or by written placement agreement with parents, legal guardians or other individuals or agencies having legal authority to make such an agreement except that this requirement shall not apply to temporary care facilities when a voluntary admission is made according to Virginia law. (See Part V, Article 9)

#### Article 7.

##### Written Placement Agreement.

§ 5.19. At the time of admission the *child's resident's* record shall contain the written placement agreement from the individual or agency having custody or a copy of the court order, or both, authorizing the *child's resident's* placement.

§ 5.20. The written placement agreement shall:

1. Give consent for the *child's resident's* placement in the facility designating the name and physical location of the facility and the name of the *child resident* ;
2. Recognize the rights of each of the parties involved in the placement clearly defining areas of joint responsibility in order to support positive placement goals;
3. Include financial responsibility, where applicable;
4. Specify the arrangements and procedures for obtaining consent for necessary medical, dental and surgical treatment or hospitalization;
5. Address the matter of all absences from the facility and shall specify the requirements for notifying or obtaining approval of the party having legal responsibility for the *child resident* . If there are to be regular and routine overnight visits away from the facility without staff supervision the agreement must state that advance approval of the individual(s) or agency legally responsible for the *child resident* is required.

#### Article 8.

##### Emergency Admissions.

§ 5.21. Facilities other than temporary care facilities or secure detention facilities receiving children under emergency circumstances shall meet the following requirements:

1. Have written policies and procedures governing such admissions; and

# Proposed Regulations

---

2. Place in each *child's resident's* record a written request for care or documentation of an oral request for care.

## Article 9. Temporary Care Facility.

§ 5.22. At the time of admission to a temporary care facility the following shall be documented in the *child's resident's* record:

1. A written request for admission or documentation of an oral request for care;
2. A court order or a written placement agreement (see § 5.18), if the facility is licensed pursuant to Chapter 10 of Title 63.1 of the Code of Virginia as a Child Caring Institution;
3. Identifying information documented on a face sheet which shall include:
  - a. Full name of *child resident* ,
  - b. Birthdate,
  - c. Sex of *child resident* ,
  - d. Racial/ethnic background,
  - e. Last known address,
  - f. Names and addresses of persons or agencies to contact in case of emergency,
  - g. Date of admission, and
  - h. *Child's Resident's* social security number;
4. The *child's resident's* health status including:
  - a. A statement of known or obvious illnesses and handicapping conditions;
  - b. A statement of medications currently being taken;
  - c. A statement of the *child's resident's* general health status; and
  - d. Name, address and telephone number of the *child's resident's* physician, if known; and
5. A statement describing the *child's resident's* need for immediate temporary care.

§ 5.23. When identifying information is not available the reason shall be documented on the face sheet.

## Article 10. Discharge.

§ 5.24. If a facility is specifically approved to provide residential respite care a *child resident* will be discharged when the *child resident* and his ~~parents~~ *legal* guardians no longer intend to use the facility's services.

§ 5.25. All facilities, except for secure detention facilities, shall have written criteria for termination of care that shall include:

1. Criteria for a *child's resident's* completion of the program as described for compliance with § 2.5; and
2. Conditions under which a *child resident* may be discharged before completing the program.

§ 5.26. Except when discharge is ordered by a court of competent jurisdiction prior to the planned discharge date each *child's resident's* record shall contain the following:

1. Documentation that the termination of care has been planned with the parent/ *legal* guardian/child-placing agency and with the ~~child~~ *resident* ; and
2. A written discharge plan and documentation that it was prepared and discussed with the *child resident* , when appropriate, prior to the *child's resident's* discharge. The plan shall contain at least:
  - a. An assessment of the *child's resident's* continuing needs; and
  - b. A recommended plan for services in the *youth's resident's* new environment.

§ 5.27. No later than 10 days after any discharge, except those from secure detention, the *child's resident's* record shall contain the following information:

1. Date of discharge;
2. Reason for discharge;
3. Documentation that the reason for discharge was discussed with the parent/ *legal* guardian/child-placing agency and, when appropriate, with the *child resident* , except that this requirement does not apply to court ordered discharges;
4. Forwarding address of the *child resident* , if known;
5. Name and address of legally responsible party to whom discharge was made; and
6. In cases of interstate placement documentation that the Administrator of the Interstate Compact on the Placement of Children was notified of the discharge.

§ 5.28. A comprehensive discharge summary shall be placed in the *child's resident's* record no later than 30 days after discharge except in a secure detention facility.

§ 5.29. A comprehensive discharge summary shall include:

1. Length of a *child's resident's* residence at the time of discharge;
2. The name of the *child's resident's* designated case coordinator, if assigned;
3. Information concerning new or currently prescribed medication including when and why it was prescribed, the dosage, and whether it is to be continued;
4. Summary of the *child's resident's* overall progress during placement;
5. Summary of family ~~contracts~~ *contacts* during placement, if any; and
6. Reasons for discharge.

§ 5.30. Except in secure detention, ~~children residents~~ shall be discharged only to the legally responsible party from whom they were accepted except (i) in cases where legal responsibility has been transferred to another person or agency during the period of the *child's resident's* stay in the facility or (ii) in cases where a *child resident* committed pursuant to a court order is given a direct discharge by the agents of the appropriate State Board in accordance with law and policy.

#### Article 11.

##### Placement of ~~Children Residents~~ Outside the Facility.

§ 5.31. Except in a secure detention facility the facility shall not place a *child resident* away from the facility, including in staff residences regardless of location, without first having obtained a Child Placing Agency license from the Department of Social Services. Temporary absences for the purposes of medical care, attendance at day school, or vacations shall not be deemed to be placements.

#### Article 12.

##### Service Plan.

§ 5.32. A written individualized service plan, based on information derived from the documented study of the child and other assessments made by the facility, shall be developed for each *child resident*, within 30 days of admission and placed in the *child's resident's* master file except that the requirements of this article do not apply (i) to secure detention facilities or (ii) to temporary care facilities.

§ 5.33. The following parties shall participate, unless clearly inappropriate, in developing the initial individualized service plan:

1. The *child resident* ;
2. The *child's resident's* family or legally authorized representative;

3. The placing agency; and

4. Facility staff.

§ 5.34. The degree of participation, or lack thereof, of each of the parties listed in § 5.33 in developing the service plan shall be documented in the *child's resident's* record.

§ 5.35. The individualized service plan shall include, but not necessarily be limited to, the following:

1. A statement of the resident's current level of functioning including strengths and weaknesses, and corresponding educational, residential and treatment/training needs;
2. A statement of goals and objectives meeting the above identified needs;
3. A statement of services to be rendered and frequency of services to accomplish the above goals and objectives;
4. A statement identifying the individual(s) or organization(s) that will provide the services specified in the statement of services;
5. A statement identifying the individual(s) delegated the responsibility for the overall coordination and integration of the services specified in the plan;
6. A statement of the timetable for the accomplishment of the resident's goals and objectives; and
7. The estimated length of the resident's stay.

#### Article 13.

##### Quarterly Progress Reports.

§ 5.36. For all facilities except secure detention facilities written progress summary reports completed at least every 90 days shall be included in each *child's resident's* record and shall include:

1. Reports of significant incidents, both positive and negative;
2. Reports of visits with the family;
3. Changes in the *child's resident's* family situation;
4. Progress made toward the goals and objectives described in the Service Plan required by § 5.32;
5. School reports;
6. Discipline problems in the facility and the community;

# Proposed Regulations

---

7. Summary of the ~~child's~~ *resident's* social, emotional, and physical development during the previous three months including a listing of any specialized services and on-going medications prescribed;

8. Reevaluation of the placement including tentative discharge plans.

## Article 14. Annual Service Plan Review.

§ 5.37. For all facilities except secure detention facilities at least annually the following parties shall participate, unless clearly inappropriate, in formally reviewing and rewriting the service plan based on the ~~child's~~ *resident's* current level of functioning and needs:

1. The resident;
2. The resident's family or legally authorized representative;
3. The placing agency; and
4. Facility staff.

§ 5.38. The degree of participation, or lack thereof, of each of the parties listed in § 5.37 in reviewing and rewriting the service plan shall be documented in the ~~child's~~ *resident's* record except that this section does not apply to secure detention facilities.

§ 5.39. Staff responsible for the daily implementation of the ~~child's~~ *resident's* individual service plan shall be represented on the staff team that evaluates adjustment and progress and makes plans for individual ~~children~~ *residents* except that this section does not apply to secure detention facilities.

§ 5.40. Staff responsible for daily implementation of the ~~child's~~ *resident's* individualized service plan shall be able to describe resident behavior in terms of the objectives in the service plan except that this section does not apply to secure detention facilities.

## Article 15. Service Plan for Temporary Care Facilities.

§ 5.41. An individualized service plan including the elements required by § 5.42 shall be developed for each ~~child~~ *resident* admitted to a temporary care facility and placed in the ~~child's~~ *resident's* master file within 72 hours of admission.

§ 5.42. The individualized service plan shall include:

1. The ~~child's~~ *resident's* description of his situation/problem;
2. Documentation of contact with the ~~child's~~ *resident's* parent or *legal* guardian to obtain his description of

the ~~child's~~ *resident's* situation/problem;

3. The facility staff's assessment of the ~~child's~~ *resident's* situation/problem;

4. A plan of action including:

- a. Services to be provided,
- b. Activities to be provided,
- c. Who is to provide services and activities, and
- d. When services and activities are to be provided;

5. The anticipated date of discharge; and

6. An assessment of the ~~child's~~ *resident's* continuing need for services.

## Article 16. Counseling and Social Services.

§ 5.43. For all facilities except secure detention facilities the program of the facility shall be designed to provide counseling and social services which address needs in the following areas:

1. Helping the ~~child~~ *resident* and the parents or *legal* guardian to understand the effects on the ~~child~~ *resident* of separation from the family and the effect of group living;

2. Assisting the ~~child~~ *resident* and the family in maintaining their relationships and planning for the future care of the ~~child~~ *resident* ;

3. Utilizing appropriate community resources in providing services and maintaining contacts with such resources;

4. Helping the ~~child~~ *resident* with problems affecting the ability to have satisfying personal relationships and use of the capacity for growth;

5. Conferring with the child care staff to help them understand the ~~child's~~ *resident's* needs in order to promote adjustment to group living; and

6. Working with the ~~child~~ *resident* and with the family or any placing agency that may be involved in planning for the ~~child's~~ *resident's* future and in preparing the ~~child~~ *resident* for return home, for independent living, or for other residential care.

§ 5.44. The provision of counseling and social services shall be documented in each ~~child's~~ *resident's* record except that this section does not apply to secure detention facilities.

§ 5.45. For all facilities, except secure detention facilities,

counseling and/or other social services consistent with the goals of the Service Plan shall be provided to meet the specific needs of each ~~child~~ *resident* in one of the following ways:

1. By a qualified staff member;
2. By service staff of the agency that placed the ~~child~~ *resident* provided such staff is available on an as needed basis rather than on a limited basis (e.g., quarterly or semiannually);
3. On a contract basis by a professional child and family service worker licensed to practice in the Commonwealth of Virginia, other state(s) or the District of Columbia; or
4. On a contract basis by a professional child and family service worker who is working under the auspices of a public or private, nonprofit agency sponsored by a community based group.

## Article 17. Residential Services.

§ 5.46. There shall be evidence of a structured program of care that is designed to:

1. Meet the ~~child's~~ *resident's* physical needs;
2. Provide protection, guidance and supervision;
3. Promote a sense of security and self-worth; and
4. Meet the objectives of any required service plan.

§ 5.47. There shall be evidence of a structured daily routine that is designed to assure the delivery of program services.

§ 5.48. A daily activity log shall be maintained as a means of informing staff of significant happenings or problems experienced by ~~children~~ *residents* including health and dental complaints or injuries.

§ 5.49. Entries in the daily activity log shall be signed or initialed by the person making the entry.

§ 5.50. Routines shall be planned to assure that each ~~child~~ *resident* shall have the amount of sleep and rest appropriate for his age and physical condition.

§ 5.51. Staff shall provide daily monitoring and supervision, and instruction, as needed, to promote the personal hygiene of the ~~children~~ *residents*.

## Article 18. Health Care Procedures.

§ 5.52. Facilities shall have written procedures for the prompt provision of:

1. Medical and dental services for health problems identified at admission;
2. Routine ongoing and follow-up medical and dental services after admission; and
3. Emergency services for each ~~child~~ *resident* as provided by statute or by agreement with the ~~child's~~ *resident's* ~~parent(s)~~ or legal guardian ; or both .

§ 5.53. For all facilities except temporary care facilities written information concerning each ~~child~~ *resident* shall be readily accessible to staff who may have to respond to a medical or dental emergency:

1. Name, address, and telephone number of the physician or dentist, or both, to be notified;
2. Name, address, and telephone number of relative or other person to be notified;
3. Medical insurance company name and policy number or Medicaid number except that this requirement does not apply to secure detention facilities;
4. Information concerning:
  - a. Use of medication,
  - b. Medication allergies,
  - c. Any history of substance abuse except that this requirement does not apply to secure detention, and
  - d. significant medical problems; and
5. Written permission for emergency medical or dental care or a procedure and contacts for obtaining consent for emergency medical or dental care except that this section does not apply to secure detention facilities.

§ 5.54. Facilities specifically approved to provide respite care shall update the information required by § 5.53 at the time of each individual stay at the facility.

## Article 19. Physical Examinations.

§ 5.55. Each child accepted for care shall have a physical examination by or under the direction of a licensed physician no earlier than 90 days prior to admission to the facility, except that (i) the report of an examination within the preceding 12 months shall be acceptable if a child transfers from one residential facility licensed or certified by a state agency to another, (ii) a physical examination shall be conducted within 30 days after admission if a child is admitted on an emergency basis and a report of physical examination is not available, and (iii) this section does not apply if a child is admitted to a secure detention

# Proposed Regulations

---

facility or to a temporary care facility.

§ 5.56. Following the initial examination, each ~~child~~ *resident* shall have a physical examination annually except that this section does not apply to (i) security detention facilities, or (ii) temporary care facilities.

§ 5.57. In all facilities except (i) secure detention facilities, and (ii) temporary care facilities additional or follow-up examination and treatment shall be required when:

1. Prescribed by the examining physician; or
2. Symptoms indicate the need for an examination or treatment by a physician.

§ 5.58. Each physical examination report shall be included in the ~~child's~~ *resident's* record.

§ 5.59. For all facilities except (i) secure detention facilities and (ii) temporary care facilities each physical examination report shall include:

1. Immunizations administered;
2. Visual acuity;
3. Auditory acuity;
4. General physical condition, including documentation of apparent freedom from communicable disease including tuberculosis;
5. Allergies, chronic conditions, and handicaps, if any;
6. Nutritional requirements, including special diets, if any;
7. Restriction of physical activities, if any;
8. Recommendations for further treatment, immunizations, and other examinations indicated;
9. The date of the physical examination; and
10. The signature of a licensed physician, the physician's designee, or an official of a local health department.

§ 5.60. In all facilities except (i) secure detention facilities and (ii) temporary care facilities a child with a communicable disease, whose best interests would not be served by prohibiting admission, may be admitted only after a licensed physician certifies that:

1. The facility is capable of providing care to the child without jeopardizing ~~other children in care~~ *residents and staff*; and
2. The facility is aware of the required treatment for the child and procedures to protect ~~other children in~~

~~care residents~~ and staff.

§ 5.61. Recommendations for follow-up medical observation and treatment shall be carried out at the recommended intervals except that this section does not apply to (i) secure detention facilities or (ii) temporary care facilities.

§ 5.62. Except for (i) secure detention facilities, (ii) temporary care facilities, and (iii) respite care facilities, each facility shall provide written evidence of:

1. Annual examinations by a licensed dentist; and
2. Follow-up dental care as recommended by the dentist or as indicated by the needs of each ~~child~~ *resident*.

§ 5.63. Each ~~child's~~ *resident's* record shall include notations of health and dental complaints and injuries showing symptoms and treatment given.

§ 5.64. Each ~~child's~~ *resident's* record shall include a current record of ongoing psychiatric or other mental health treatment and reports, if applicable.

§ 5.65. Provision shall be made for suitable isolation of any ~~child~~ *resident* suspected of having a communicable disease.

§ 5.66. A well stocked first-aid kit shall be maintained and readily accessible for minor injuries and medical emergencies.

## Article 20. Medication.

§ 5.67. All medication shall be securely locked and properly labeled.

§ 5.68. Medication shall be delivered only by staff authorized by the director to do so.

§ 5.69. Staff authorized to deliver medication shall be informed of any known side effects of the medication and the symptoms of the effect.

§ 5.70. A program of medication shall be instituted for a specific ~~child~~ *resident* only when prescribed in writing by a licensed physician.

§ 5.71. Medications that are classified as "controlled substances" as defined in § 54.1-3401 of the Code of Virginia shall only be obtained from a licensed physician or from a licensed pharmacist upon individual prescription of a licensed physician.

§ 5.72. A daily log shall be maintained of all medicines received by the individual ~~child~~ *resident*.

§ 5.73. The attending physician shall be notified immediately of drug reactions or medication errors.

# Proposed Regulations

§ 5.74. The telephone number of a Regional Poison Control Center shall be posted on or next to at least one nonpay telephone in each building in which children sleep or participate in programs.

§ 5.75. At least one 30cc bottle of syrup of Ipecac shall be available on the premises of the facility for use at the direction of the Poison Control Center or physician.

## Article 21. Nutrition.

§ 5.76. Provisions shall be made for each ~~child~~ resident to have three nutritionally balanced meals daily.

§ 5.77. Menus shall be planned at least one week in advance.

§ 5.78. Any deviation(s) from the menu shall be noted.

§ 5.79. The menus including any deviations shall be kept on file for at least six months.

§ 5.80. The daily diet for ~~children~~ residents shall be based on the generally accepted "Four Food Groups" system of nutrition planning. (The Virginia Polytechnic Institute and State University Extension Service is available for consultation.)

§ 5.81. The quantity of food served shall be adequate for the ages of the ~~children~~ in care residents .

§ 5.82. Special diets shall be provided when prescribed by a physician.

§ 5.83. The established religious dietary practices of the ~~child~~ resident shall be observed.

§ 5.84. Staff who eat in the presence of the ~~children~~ residents shall be served the same meals.

§ 5.85. There shall be no more than 15 hours between the evening meal and breakfast the following day.

## Article 22. Discipline and Management of Resident Behavior.

§ 5.86. The facility shall have written ~~disciplinary and policies and procedures governing management of resident behavior management policies~~ , including written rules of conduct, appropriate to the age and developmental level of the ~~children~~ in care residents. *Policies and procedures governing management of resident behavior shall address both discipline and positive reinforcement.*

§ 5.87. ~~Disciplinary and behavior management policies~~ *Policies governing management of resident behavior, which address both discipline and positive reinforcement, and rules of conduct shall be provided to children prospective residents , families legal guardian(s) and referral agencies prior to admission except that for court*

ordered or emergency admissions this information shall be provided ~~within 72 hours after admission.~~ :

1. *To residents within 12 hours following admission, and*

2. *To legal guardian(s) and referral agencies within 72 hours following the resident's admission.*

§ 5.88. *Policies governing management of resident behavior, which address both discipline and positive reinforcement, and rules of conduct shall be provided to residents, legal guardians, and referral agencies when substantive revisions are made.*

~~§ 5.88. § 5.89. There~~ *The facility shall be have written procedures for documenting and monitoring use of the disciplinary and behavior management policies discipline .*

~~§ 5.89. § 5.90. Control, discipline and behavior management shall be the responsibility of the staff. Only staff may administer discipline.~~

## Article 23. Confinement Procedures .

~~§ 5.90. § 5.91. When a child resident is confined to his own room as a means of discipline , the room shall not be locked nor the door secured in any manner that will prohibit prevents the child resident from opening it, except that this section does not apply to secure custody facilities such as learning centers and secure detention facilities.~~

~~§ 5.91. § 5.92. Any child resident confined to his own room shall be able to communicate with staff.~~

~~§ 5.92. § 5.93. There shall be a staff check on the room at least every 30 minutes.~~

~~§ 5.93. § 5.94. The use of confinement procedures shall be documented when confinement is used as discipline .~~

## Article 24. Prohibitions.

~~§ 5.94. § 5.95. The following actions are prohibited:~~

1. *Deprivation of drinking water or food necessary to meet a client's resident's daily nutritional needs except as ordered by a licensed physician for a legitimate medical purpose and documented in the client's resident's record;*

2. *Denial of Limitation on contacts and visits with attorney, probation officer, regulatory personnel or placing agency representative;*

3. *Denial of Bans on contacts and visits with family or legal guardian guardian(s) except as permitted by other applicable state regulations or by order of a*



# Proposed Regulations

court of competent jurisdiction;

4. Delay or withholding of incoming or outgoing mail except as permitted by other applicable state and federal regulations or by order of a court of competent jurisdiction;

5. Any action which is humiliating, degrading, or abusive;

6. Corporal punishment except as permitted in a public school or a school maintained by the state pursuant to § 22.1-280 of the Code of Virginia ;

7. Subjection to unsanitary living conditions;

8. Deprivation of opportunities for bathing or access to toilet facilities except as ordered by a licensed physician for a legitimate medical purpose and documented in the client's resident's record;

9. Deprivation of health care including counseling;

10. Intrusive aversive therapy except as permitted by other applicable state regulations;

11. 10. Application of aversive stimuli except as permitted as part of an intrusive aversive therapy plan approved pursuant to other applicable state regulations;

12. 11. Administration of laxatives, enemas, or emetics except as ordered by a licensed physician for a legitimate medical purpose and documented in the client's resident's record;

13. 12. Deprivation of opportunities for sleep or rest except as ordered by a licensed physician for a legitimate medical purpose and documented in the client's resident's record; and

14. 13. Denial of Limitation on contacts and visits with advocates employed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to implement § 37.1-84.1 of the Code of Virginia and advocates employed by the Department for Rights of the Disabled Virginian's With Disabilities to implement §§ 51.5-36 through 51.5-39 of the Code of Virginia, PL 99-319 § 201.42 USC 10841, and PL 98-527, 42 USC § 6000 et seq.

## Article 25.

### Chemical or Mechanical Restraints.

§ 5.95. § 5.96 The use of mechanical or chemical restraints is prohibited unless use is specifically permitted by a special license or certification module except as permitted by other applicable state regulations or as ordered by a court of competent jurisdiction .

§ 5.97. The use of chemical restraints is prohibited.

## Article 26.

### Physical Restraint.

§ 5.96. § 5.98. ~~After less intrusive interventions have failed, child staff may be physically restrained only when restrain a resident if the child's resident's uncontrolled behavior would result in harm to the child resident or others and when less restrictive interventions have failed .~~

§ 5.97. § 5.99. The use of physical restraint shall be only that which is minimally necessary to protect the child resident or others.

§ 5.100. The facility shall have written policies and procedures governing the use of physical restraint.

§ 5.98. § 5.101. If the use of physical restraint or the use of other measures permitted by a certification module is unsuccessful in calming and moderating the child's behavior the child's physician, the rescue squad, the police or other emergency resource shall be contacted for assistance. The facility's procedures shall include methods to be followed should physical restraint, less intrusive interventions, or measures permitted by other applicable state regulations prove unsuccessful in calming and moderating the resident's behavior.

5.99. § 5.102. Any Each application of physical restraint shall be fully documented in the child's resident's record as to date, time, staff involved, circumstances, reasons for use of physical restraint, duration and extent method(s) of physical restraint used.

§ 5.103. Each staff member responsible for supervision of children shall receive basic orientation to the facility's physical restraint procedures and less intrusive interventions as follows:

1. Within seven days of employment, and
2. Prior to assuming sole responsibility for the supervision of one or more residents.

## Article 27.

### Seclusion.

§ 5.100. § 5.104. Secluding a child in a room with the door secured in any manner that will prohibit the child from opening it shall be prohibited unless it is specifically permitted by a special license or certification module. Seclusion is allowed only as permitted by other applicable state regulations.

## Article 28.

### Timeout Procedures .

§ 5.101. § 5.105. Timeout procedures may only be used at times and under conditions specified in the facility's disciplinary or behavior management policies. Timeout is allowed only as permitted by other applicable state regulations.

# Proposed Regulations

§ 5.102. When a child is placed in a timeout room, the room shall not be locked nor the door secured in any manner that will prohibit the child from opening it.

§ 5.103. Any child in a timeout room shall be able to communicate with staff.

§ 5.104. The use of timeout procedures shall not be used for periods longer than 30 consecutive minutes.

§ 5.105. Written documentation shall be maintained verifying that each child placed in a timeout room has been checked by staff at least every 15 minutes.

§ 5.106. A child placed in a timeout room shall have bathroom privileges according to need. [Repealed.]

§ 5.107. If a meal is scheduled while a child is in timeout, the meal shall be provided to the child at the end of the timeout procedure. [Repealed.]

## Article 29. Education.

§ 5.108. Each ~~child~~ *resident* of compulsory school attendance age shall be enrolled in an appropriate educational program as provided in the Code of Virginia.

§ 5.109. The facility shall provide educational guidance and counseling for each ~~child~~ *resident* in selection of courses and shall ensure that education is an integral part of the ~~child's~~ *resident's* total program.

§ 5.110. Facilities operating educational programs for handicapped children shall operate those programs in compliance with applicable state and federal regulations.

§ 5.111. When a handicapped child has been placed in a residential facility without the knowledge of school division personnel in the ~~child's~~ *resident's* home locality, the facility shall contact the superintendent of public schools in that locality in order to effect compliance with applicable state and federal requirements relative to the education of handicapped children.

§ 5.112. When a facility has an academic or vocational program that is not certified or approved by the Department of Education, teachers in the program shall provide evidence that they meet the qualifications that are required in order to teach those specific subjects in the public schools.

## Article 30. Religion.

§ 5.113. The facility shall have written policies regarding the opportunities for the ~~children~~ *residents* to participate in religious activities.

§ 5.114. The facility's policies on religious participation shall be available to the ~~child~~ *resident* and any individual

or agency considering the placement of a child in the facility.

§ 5.115. ~~Children~~ *Residents* shall not be coerced to participate in religious activities.

## Article 31. Recreation.

§ 5.116. There shall be a written description of the recreation program for the facility showing activities which are consistent with the facility's total program and with the ages, developmental levels, interests, and needs of the ~~children~~ *residents* and which includes:

1. Opportunities for individual and group activities;
2. Free time for ~~children~~ *residents* to pursue personal interests which shall be in addition to a formal recreation program;
3. Except in secure detention facilities, use of available community recreational resources and facilities;
4. Scheduling of activities so that they do not conflict with meals, religious services, educational programs or other regular events; and
5. Regularly scheduled indoor and outdoor recreational activities that are specifically structured to develop skills and attitudes (e.g., cooperation, acceptance of losing, etc.).

§ 5.117. The recreational program provided indoors, outdoors (both on and off the premises), and on field trips shall be directed and supervised by adults who are knowledgeable in the safeguards required for the specific activities.

§ 5.118. Opportunities shall be provided for coeducational activities appropriate to the ages and developmental levels of the ~~children~~ *residents* .

## Article 32. Community Relationships.

§ 5.119. Opportunities shall be provided for the ~~children~~ *residents* in a group living situation to participate in activities and to utilize resources in the community except that this section does not apply to secure detention facilities.

§ 5.120. Community interest in ~~children~~ *residents* and efforts on their behalf (public parties, entertainment, invitations to visit families) shall be carefully evaluated to ascertain that these are in the best interest of the ~~children~~ *residents* .

## Article 33. Clothing.

# Proposed Regulations

---

§ 5.121. Provisions shall be made for each ~~child~~ *resident* to have his own adequate supply of clean, comfortable, well-fitting clothes and shoes for indoor and outdoor wear.

§ 5.122. Clothes and shoes shall be similar in style to those generally worn by children of the same age in the community who are engaged in similar activities.

§ 5.123. ~~Children~~ *Residents* shall have the opportunity to participate in the selection of their clothing except that this section does not apply to secure detention facilities.

§ 5.124. Each ~~child's~~ *resident's* clothing shall be inventoried and reviewed at regular intervals to assure repair or replacement as needed.

§ 5.125. The ~~child~~ *resident* shall be allowed to take personal clothing when the ~~child~~ *resident* leaves the facility.

## Article 34. Allowances and Spending Money.

§ 5.126. The facility shall provide opportunities appropriate to the ages and developmental levels of the ~~children~~ *residents* for learning the value and use of money through earning, budgeting, spending, giving and saving except that this section does not apply to secure detention facilities.

§ 5.127. There shall be a written policy regarding allowances except that this section does not apply to secure detention facilities.

§ 5.128. The written policy regarding allowances shall be made available to ~~parents or legal guardians ; or both,~~ at the time of admission except that this section does not apply to secure detention facilities.

§ 5.129. The facility shall provide for safekeeping and for record keeping of any money that belongs to ~~children~~ *residents* .

## Article 35. Work and Employment.

§ 5.130. Any assignment of chores, which are paid or unpaid work assignments, shall be in accordance with the age, health, ability, and service plan of the ~~child~~ *resident* .

§ 5.131. Chores shall not interfere with regular school programs, study periods, meals or sleep.

§ 5.132. Work assignments or employment outside the facility including reasonable rates of payment shall be approved by the program director with the knowledge and consent of the ~~parent, legal guardian or placing agency~~ except that this section does not apply to secure detention facilities.

§ 5.133. The facility shall ensure that any ~~child~~ *resident* employed inside or outside the facility is paid at least at

the minimum wage required by the applicable law concerning wages and hours and that such employment complies with all applicable laws governing labor and employment except that this section does not apply to secure detention facilities.

§ 5.134. Any money earned through employment of a ~~child~~ *resident* shall accrue to the sole benefit of that ~~child~~ *resident* .

## Article 36. Visitation at the Facility and to the ~~Child's~~ *Resident's* Home.

§ 5.135. The facility shall provide written visitation policies and procedures permitting reasonable visiting privileges and flexible visiting hours.

§ 5.136. Copies of the written visitation policies and procedures shall be made available to the parents, *legal* guardians, the ~~child~~ *resident*, and other interested persons important to the ~~child~~ *resident* no later than the time of admission except that when parents or *legal* guardians do not participate in the admission process, visitation policies and procedures shall be mailed to them within 12 hours after admission.

## Article 37. Use of Vehicles and Power Equipment.

§ 5.137. Any transportation provided for or used by children shall be in compliance with state, federal or international laws relating to:

1. Vehicle safety and maintenance;
2. Licensure of vehicles; and
3. Licensure of drivers.

§ 5.138. There shall be written safety rules for transportation of children, including handicapped children, appropriate to the population served.

§ 5.139. There shall be written safety rules for the use and maintenance of vehicles and power equipment.

## Article 38. Reports to Court.

§ 5.140. When the facility has received legal custody of a child pursuant to §§ 16.1-279 A or 16.1-279 B of the Code of Virginia copies of any foster care plans (required by §§ 16.1-281 and 16.1-282 of the Code of Virginia) submitted to the court shall be filed in the ~~child's~~ *resident's* record except that this section does not apply to secure detention facilities.

## Article 39. Emergency Reports.

§ 5.141. Any serious incident, accident or injury to the ~~child~~ *resident*; any overnight absence from the facility without permission; any runaway; or any other unexplained absence shall be reported to the parent/ *legal* guardian/placing agency within 24 hours.

§ 5.142. The ~~child's~~ *resident's* record shall contain:

1. The date and time the incident occurred;
2. A brief description of the incident;
3. The action taken as a result of the incident;
4. The name of the person who completed the report;
5. The name of the person who made the report to the parent/ *legal* guardian or placing agency; and
6. The name of the person to whom the report was made.

#### Article 40. Suspected Child Abuse or Neglect.

§ 5.143. Any case of suspected child abuse or neglect shall be reported immediately to the local department of public welfare/social services as required by § 63.1-248.3 of the Code of Virginia.

§ 5.144. The ~~child's~~ *resident's* record shall include:

1. Date and time the suspected abuse or neglect occurred;
2. Description of the incident;
3. Action taken as a result of the incident; and
4. Name of the person to whom the report was made at the local department.

#### PART VI. DISASTER OR EMERGENCY PLANS.

##### Article 1. Procedures for Meeting Emergencies.

§ 6.1. Established written procedures shall be made known to all staff and residents, as appropriate for health and safety, for use in meeting specific emergencies including:

1. Severe weather;
2. Loss of utilities;
3. Missing persons;
4. Severe injury; and
5. Emergency evacuation including alternate housing.

##### Article 2. Written Fire Plan.

§ 6.2. Each facility with the consultation and approval of the appropriate local fire authority shall develop a written plan to be implemented in case of a fire at the facility.

§ 6.3. 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~~ *children* 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 of fire doors, fire windows or 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.

§ 6.4. Floor plans showing primary and secondary means of egress shall be posted on each floor in locations determined by the appropriate local fire authority.

§ 6.5. The written fire plan shall be reviewed with the local fire authority at least annually and updated, if necessary.

§ 6.6. The procedures and responsibilities reflected in the written fire plan shall be made known to all staff and residents.

##### Article 3. Posting of Fire Emergency Phone Number.

§ 6.7. The telephone number of the fire department to be called in case of fire shall be prominently posted on or next to each telephone in each building in which children sleep or participate in programs.

##### Article 4. Portable Fire Extinguishers.

§ 6.8. Portable fire extinguishers shall be installed and maintained in the facility in accordance with state and local fire/building code requirements. In those buildings where no such code requirements apply, on each floor there shall be installed and maintained at least one approved type ABC portable fire extinguisher having at

# Proposed Regulations

---

least a 2A rating.

§ 6.9. Fire extinguishers shall be mounted on a wall or a post where they are clearly visible and so that the top is not more than five feet from the floor except that if a fire extinguisher weighs more than 140 pounds, it shall be installed so that the top is not more than 2-1/2 feet from the floor. They shall be easy to reach and remove and they shall not be tied down, locked in a cabinet, or placed in a closet or on the floor, except that where extinguishers are subject to malicious use, locked cabinets may be used provided they include a means of emergency access.

§ 6.10. All required fire extinguishers shall be maintained in operable condition at all times.

§ 6.11. Each fire extinguisher shall be checked by properly oriented facility staff at least once each month to ensure that the extinguisher is available and appears to be in operable condition. A record of these checks shall be maintained for at least two years and shall include the date and initials of the person making the inspection.

§ 6.12. Each fire extinguisher shall be professionally maintained at least once each year. Each fire extinguisher shall have a tag or label securely attached which indicates the month and year the maintenance check was last performed and which identifies the company performing the service.

## Article 5. Smoke Alarms.

§ 6.13. Smoke detectors or smoke detection systems shall be installed and maintained in the facility in accordance with state and local fire/building code requirements. In those buildings where no such code requirements apply, the facility shall provide at least one approved and properly installed smoke detector:

1. In each bedroom hallway;
2. At the top of each interior stairway;
3. In each area designated for smoking;
4. In or immediately adjacent to each room with a furnace or other heat source; and
5. In each additional location directed by the local building official, the local fire authority, or the state fire authority.

§ 6.14. Each smoke detector shall be maintained in operable condition at all times.

§ 6.15. If the facility is provided with single station smoke detectors each smoke detector shall be tested by properly oriented facility staff at least once each month and if it is not functioning, it shall be restored immediately to proper working order. A record of these tests shall be maintained

for at least two years and shall include the date and initials of the person making the test.

§ 6.16. If the facility is provided with an automatic fire alarm system, the system shall be inspected by a qualified professional firm at least annually. A record of these inspections shall be maintained for at least two years and shall include the date and the name of the firm making the inspection.

## Article 6. Fire Drills.

§ 6.17. At least one fire drill (the simulation of fire safety procedures included in the written fire plan) shall be conducted each month in each building at the facility occupied by ~~children~~ residents.

§ 6.18. 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.

§ 6.19. During any three consecutive calendar months, at least one fire drill shall be conducted during each shift.

§ 6.20. False alarms shall not be counted as fire drills.

§ 6.21. The facility shall designate at least one staff member to be responsible for conducting and documenting fire drills.

§ 6.22. A record shall be maintained on each fire drill conducted and shall include the following information:

1. Building in which the drill was conducted;
2. Date of drill;
3. Time of drill;
4. Amount of time to evacuate building;
5. Specific problems encountered;
6. Staff tasks completed:
  - a. Doors and windows closed,
  - b. Head count,

c. Practice in notifying fire authority, and

d. Other;

7. Summary; and

8. Signature of staff member responsible for conducting and documenting the drill.

§ 6.23. The record for each fire drill shall be retained for two years subsequent to the drill.

§ 6.24. The facility shall designate a staff member to be responsible for the fire drill program at the facility who shall:

1. Ensure that fire drills are conducted at the times and intervals required by these standards and the facility's written fire plan;

2. Review fire drill reports to identify problems in the conduct of fire drills and in the implementation of the requirements of the written fire plan;

3. Consult with the local fire authority, as needed, and plan, implement and document training or other actions taken to remedy any problems found in the implementation of the procedures required by the written fire plan; and

4. Consult and cooperate with the local fire authority to plan and implement an educational program for facility staff and residents on topics in fire prevention and fire safety.

Article 7.

Staff Training in Fire Procedures.

§ 6.25. Each new staff member shall be trained in fire procedures and fire drill procedures within seven days after employment.

§ 6.26. Each new staff member shall be trained in fire procedures and fire drill procedures prior to assuming sole responsibility for the supervision of one or more children.

Article 8.

"Sighted Guide" Training for Emergency Use.

§ 6.27. When a blind or visually impaired child is admitted the facility shall obtain the services of an orientation and mobility specialist from the Department of Visually Handicapped to provide "sighted guide" training for use in emergencies except that this requirement shall not apply to secure detention facilities.

§ 6.28. "Sighted guide" training for use in emergencies shall be required of all personnel having responsibility for supervision of a blind or visually handicapped child except that this requirement shall not apply to secure detention facilities.

\* \* \* \* \*

Title of Regulation: VR 615-45-1. Child Protective Services Central Registry Information.

Statutory Authority: § 63.1-248.1 et seq. of the Code of Virginia.

Public Hearing Dates:

May 15, 1991 - 10 a.m.

May 20, 1991 - 9 a.m.

(See Calendar of Events section for additional information)

Summary:

These regulations establish criteria for determining in which cases identifying information on individuals involved in child abuse and neglect should be entered into the central registry. The regulations further establish the time frames for retention of such identifying information in the registry. Section 63.1-248.8 of the Code of Virginia requires that the State Board of Social Services promulgate these regulations.

VR 615-45-1. Child Protective Services Central Registry Information.

PART I. DEFINITIONS.

§ 1.1. The following words and terms when used in conjunction with this regulation shall have the following meaning, unless the context clearly indicates otherwise:

"Central registry" means the name index of individuals involved in child abuse and neglect reports maintained by the Virginia Department of Social Services.

"Child protective services" means the identification, receipt and immediate investigation of complaints and reports of child abuse and neglect for children under 18 years of age. It also includes documenting, arranging for, and or providing social casework and other services for the child, his family, and the alleged abuser.

"Complaint" means a valid report of suspected child abuse/neglect which must shall be investigated by the local department of social services.

"Founded" means that a review of all the facts shows clear and convincing evidence that child abuse or neglect exists has occurred .

"Identifying information" means name, race, sex, and date of birth of the subject.

"Investigating agency" means the local department of social services responsible for conducting investigations of child abuse/neglect complaints pursuant to § 63.1-248.6 of

# Proposed Regulations

the Code of Virginia.

"Reason to suspect" means that a review of the facts shows no clear and convincing evidence that child abuse and neglect ~~exists~~ *has occurred*. However, the child's situation gives the worker reason to believe that abuse or neglect may have *has* occurred.

"Unfounded" means that a review of the facts shows no reason to believe that abuse or neglect occurred.

## PART II. POLICY.

### § 2.1. Determination of risk.

The investigating agency determines risk by completing a thorough assessment of factual information available to the investigating agency as it pertains to the complaint situation. The assessment includes information about the abuse/neglect incident, the care-taker, the child, the family and any other special circumstances to determine what level of risk the situation poses to the child or to other children.

### § 2.2. Levels of risk.

The three levels of risk are:

#### 1. High risk.

The worker's assessment of risk-related factors indicates a likelihood that the child is in jeopardy of abuse/neglect, and that intervention is necessary in order to protect the child or other children.

#### 2. Moderate risk.

The worker's assessment of risk-related factors indicates that the child or other children are in possible jeopardy, but that a positive change in the situation is likely to occur with minimal intervention.

#### 3. No reasonably assessable risk.

The worker's assessment of risk-related factors indicates that the situation can and will be changed, that no additional intervention is necessary and that the child or other children are at no reasonably assessable risk of abuse/neglect.

### § 2.3. Maintenance of identifying information.

Identifying information in reports of child abuse and neglect shall be maintained in the central registry as follows:

1. Seven years for a complaint determined by the investigating agency to be founded or reason to suspect and high risk, except sexual complaints.

2. Thirty years for a sexual abuse complaint determined to be founded or reason to suspect and high risk.

3. Ten years for a sexual abuse complaint determined to be founded or reason to suspect and moderate risk. (All sexual abuse complaints that are founded or reason to suspect and are not high risk shall be entered as moderate risk.)

### § 2.1. Levels of founded cases.

The three levels of founded cases are:

#### Level 1

This level includes those injuries/conditions, real or threatened, that result in or could have resulted in serious harm to a child.

#### Level 2

This level includes those injuries/conditions, real or threatened, that result in or could have resulted in harm to a child.

#### Level 3

This level includes those injuries/conditions, real or threatened, that result in minimal harm to a child.

### § 2.2. Maintenance of identifying information.

Identifying information in reports of child abuse and neglect shall be maintained in the central registry as follows:

1. Eighteen years past the date of the complaint for all complaints determined by the investigating agency to be founded, Level 1.

2. Seven years past the date of the complaint for all complaints determined by the investigating agency to be founded, Level 2.

3. Three years past the date of the complaint for all complaints determined by the investigating agency to be founded, Level 3.

4. One year past the date of the complaint for all complaints determined by the investigating agency to be reason to suspect.

If an individual is involved in multiple complaints, the information from all complaints will be maintained until the last deletion date has been reached.

\* \* \* \* \*

Title of Regulation: VR 615-45-3. Child Protective Services Release of Information to Family Advocacy

Representatives of the United States Armed Forces.

Statutory Authority: §§ 2.1-386 and 63.1-248.6 of the Code of Virginia.

Public Hearing Date: N/A - Written comments may be submitted until June 8, 1991. (See Calendar of Events section for additional information)

Summary:

These regulations are intended to establish guidelines for sharing child protective services information in cases involving active duty military personnel or their household members with family advocacy representatives of the United States Armed Forces. Sections 2.1-380 and 63.1-248.6 were amended to allow for this exchange and require the State Board of Social Services to promulgate these regulations.

VR 615-45-3. Child Protective Services Sharing of Information with Family Advocacy Representatives of the United States Armed Forces.

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:

"Alleged abuser/neglector" means any person who is the subject of a complaint and is suspected of or is found to have committed the abuse or neglect of a child pursuant to § 63.1-248 et seq. of the Code of Virginia.

"Child protective services" means the identification, receipt and immediate investigation of complaints and reports of child abuse and neglect for children under 18 years of age. It also includes documenting, arranging for, and providing social casework and other services for the child, his family, and the alleged abuser/neglector.

"Complaint" means a valid report of suspected child abuse/neglect which must be investigated by the local department of social services.

"Family Advocacy Program representative" means the professional employed by the United States Armed Forces who has responsibility for the program which is designed to address prevention, identification, evaluation, treatment, rehabilitation, follow-up and reporting of family violence.

"Investigation" means the formal fact-finding process utilized by the local department of social services in determining whether or not abuse/neglect has occurred. This process is employed for each valid complaint received by the local department.

"Reports" means any information transmitted to the local department of social services relating the suspicion of possible abuse/neglect of a child pursuant to § 63.1-248 et seq. of the Code of Virginia.

PART II. POLICY.

§ 2.1. Release of information to Family Advocacy Program representatives of the United States Armed Forces.

Information regarding child protective services reports, complaints, investigations and related services and follow-up may be shared with the appropriate Family Advocacy Program representative of the United States Armed Forces when the local agency determines such release to be in the best interest of the child. Provision of information as addressed in this regulation shall apply to instances where the alleged abuser/neglector is a member (or the spouse of a member) of the United States Armed Forces. In these situations coordination between child protective services and the Family Advocacy Program is intended to facilitate identification, treatment and service provision to the military family.

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-2-335. Individual Income Tax: Virginia Tax Reform Credit.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Publication Date: 6:6 VA.R. 884-887 December 18, 1989.

NOTICE: The Department is WITHDRAWING the proposed regulation entitled Individual Income Tax: Virginia Tax Reform Credit (VR 630-2-335) published in 6:6 VA.R. 884-887 December 18, 1989.

\* \* \* \* \*

Title of Regulation: VR 630-2-492. Declaration of Estimated Income Tax by Individuals: Failure by Individuals to Pay Estimated Tax.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Publication Date: 7:1 VA.R. 39-42 October 8, 1990.

NOTICE: The Department is WITHDRAWING the proposed regulation entitled Declaration of Estimated Income Tax by Individuals: Failure by Individual to Pay Estimated Tax (VR 630-2-492) published in 7:1 VA.R. 39-42 October 8, 1990.

\* \* \* \* \*

Title of Regulation: VR 630-10-24.4. Retail Sales and use Tax: Computer Software.



# Proposed Regulations

Statutory Authority: § 58.1-203 of the Code of Virginia.

Publication Date: 1:6 V.A.R. 253-254 December 24, 1984.

**NOTICE:** The Department is WITHDRAWING the proposed regulation entitled Retail Sales and Use Tax: Computer Software (VR 630-10-24.4) published in 1:6 V.A.R. 253-254 December 24, 1984.

\* \* \* \* \*

Title of Regulations: VR 630-27-286 through VR 630-27-293. Cigarette Sales Below Wholesale Cost Act.

Statutory Authority: §§ 58.1-203 and 59.1-291 of the Code of Virginia.

Publication Date: 2:3 V.A.R. 217-222 November 11, 1985.

**NOTICE:** The Department is WITHDRAWING the proposed regulations entitled Cigarette Sales Below Wholesale Cost Act (VR 630-27-286 through VR 630-27-293) published in 2:3 V.A.R. 217-222 November 11, 1985.

\* \* \* \* \*

Title of Regulation: VR 630-28-796.13 and VR 630-28-796.25 through VR 630-28-796.27. Virginia Cattle Assessment Regulations.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Publication Date: 2:7 V.A.R. 810-812 January 6, 1986.

**NOTICE:** The Department is WITHDRAWING the proposed regulations entitled Virginia Cattle Assessment Regulations (VR 630-28-796.13 and VR 630-28-796.25 through VR 630-28-796.27) published in 2:7 V.A.R. 810-812 January 6, 1986.



DEPARTMENT OF YOUTH AND FAMILY SERVICES  
(STATE BOARD OF)

Title of Regulations: VR 690-40-004. Standards for Interdepartmental Regulation of Residential Facilities for Children.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-10, 37.1-182, 37.1-189.1, 63.1-25, 63.1-196.4, 63.1-217, 66-10, and 66-24 of the Code of Virginia.

Public Hearing Date: N/A – Written comments may be submitted until June 7, 1991.

(See Calendar of Events section

for additional information)

## Summary:

*Under the current definitions and exceptions in the Code of Virginia, the Departments of Education; Mental Health, Mental Retardation and Substance Abuse Services; Social Services; and Youth and Family Services are responsible for the regulation of public and private residential facilities which provide care, treatment, or education to children.*

*The regulation is designed to assure that adequate care, treatment, and education are provided by children's residential facilities. The proposed revisions amend and clarify requirements governing management of resident behavior in §§ 1.1 and 5.86 of this regulation. The proposed revisions are designed to: (i) emphasize the use of positive behavioral interventions; (ii) limit, and require documentation of, the use of negative behavioral interventions; (iii) clarify and make distinctions among definitions; and (iv) reduce redundancies between definitions and standards.*

**NOTICE:** Please refer to the Department of Social Services in the Proposed Regulations section of this issue of the *Virginia Register of Regulations* for the publication of "Standards for Interdepartmental Regulations of Residential Facilities for Children."

# 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.

## STATE AIR POLLUTION CONTROL BOARD

**NOTICE:** Due to its length, VR 120-01, Regulations for the Control and Abatement of Air Pollution filed by the Department of Air Pollution Control, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Air Pollution Control.

**Title of Regulation:** VR 120-01. Regulations for the Control and Abatement of Air Pollution.

**Statutory Authority:** § 10.1-1308 of the Code of Virginia.

**Effective Date:** July 1, 1991.

### Summary:

The amendments to the Emission Standards for Volatile Organic Compounds affect the definition of "volatile organic compound"; "the once in, always in" concept with respect to exemption levels; compliance time frames; general recordkeeping and reporting requirements; relationship of state regulations to federal regulations; disposal of volatile organic compounds (VOC); malfunction and breakdown reporting requirements; control technology requirements for major sources ( 100 TPY) not covered by other VOC standards; emission standard exemption levels and averaging periods, definitions, equivalency determination methods, capture and destruction test methods, cleaning and purging technique requirements, and transfer efficiency determination methods for coating operations; VOC and gasoline fixed roof tank storage inspection and recordkeeping requirements; automobile and light duty truck coating definitions, emission limits and control technology guidelines; miscellaneous metal parts definitions; graphic arts emission standards and definitions; expansion of the geographic applicability of the rule covering gasoline storage and transfer operations (terminals, bulk plants, service stations) from VOC emissions control areas to the entire state; gasoline storage and transfer emission standard applicability exemption levels for bulk plants and service station storage tanks, and vapor recovery requirements for tank/account trucks; seasonal exemptions for incinerators and afterburners; episode prevention procedures; new and modified source permit exemption levels; test methods and capture efficiency measurement procedures for facilities subject to VOC emission standards; and recordkeeping

*procedures for surface coating operations and the graphics arts industry.*

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

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

**Statutory Authority:** §§ 54.1-113 and 54.1-404 of the Code of Virginia.

**Effective Date:** May 8, 1991.

**NOTICE:** As provided in § 9-6.14:22 of the Code of Virginia, this regulation is not being republished. It was adopted as it was proposed in 7:7 VA.R. 1029-1047 December 31, 1990.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

**EDITOR'S NOTE:** The final regulation, VR 394-01-6. Virginia Statewide Fire Prevention Code 1990 Edition, published December 31, 1990, was withdrawn for further amendments. This withdrawal should have been published simultaneously with the further amended final regulation in 7:11 VA.R. February 25, 1991.

**Title of Regulation:** VR 394-01-6. Virginia Statewide Fire Prevention Code/1990.

**Publication:** 7.7 VA.R 1084 December, 1990

The Department of Housing and Community Development has requested that the final regulation entitled Virginia Statewide Fire Prevention Code, 1990 Edition (VR 394-01-6) be temporarily WITHDRAWN so that the Board of Housing and Community Development can adopt further amendments prior to distribution.

# Final Regulations

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

**REGISTRAR'S NOTICE:** This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 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 Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** State Plan for Medical Assistance Relating to Federal Poverty Income Guidelines.  
**VR 460-03-2.6101. Income Eligibility Levels.**

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

**Effective Date:** May 8, 1991.

**Summary:**

The action amends the State Plan for Medical Assistance (Plan) regarding the 1991 Federal Poverty Income Guidelines.

This amendment incorporates the 1991 Poverty Income Guidelines, as published by the Department of Health and Human Services (DHHS) in the February 20, 1991, Federal Register, into the Plan and adds language to reflect that the affected eligibility income levels will be updated annually. The Plan currently contains the 1990 Federal Poverty Income Guidelines.

The Federal Register notice provided updated guidelines, and are effective on the date of the Federal Register publication. Sections 1902(1), 1902(m) and 1905(s) of the Social Security Act require states to base Medicaid eligibility on percentages of the Federal Poverty Income Guidelines for certain categories of eligible individuals.

1902(1) Pregnant Women and Children Under age 6	133%
1902(m) Qualified Medicare Beneficiaries	100%
1905(s) Qualified Disabled and Working Individuals	200%

Each year when the annual Federal Poverty Income Guidelines are published, states must revise the financial eligibility income standards for the affected categories by incorporating the new income levels into the State Plan for Medical Assistance in order to maintain compliance with federal law.

The fiscal impact of increasing the Federal Poverty Income Guidelines is accounted for in the Utilization and Inflation amendment to the Appropriations Act.

VR 460-03-2.6101. Income Eligibility Levels.

### A. Income eligibility levels—categorically needy.

#### 1. For AFDC related groups:

No. of Persons	Group I	Group II	Group III
1	\$131	\$157	\$220
2	207	231	294
3	265	291	354
4	322	347	410
5	380	410	488
6	427	458	534
7	482	512	590
8	541	572	650
9	591	623	701
10	647	678	755
Each person above 10	56	56	56

2. For aged, blind, disabled groups: the SSI income levels.

3. For individuals meeting the requirements of §§ 435.231 and 435.2 the income level is 300% of the SSI payment level for an individual.

### B. Income eligibility levels—optional categorically needy groups with incomes up to federal poverty line.

1. Pregnant women, infants, and children. The levels for determining income eligibility for groups of pregnant women, infants, and children under the provisions of § 1902(1)(2) of the Act are as follows:

Based on 133%, and updated annually, of the official federal nonfarm income poverty line:

Size of Family Unit	Poverty Guideline
1	\$ 8,352
2	11,199
3	14,045
4	16,891
5	19,737
6	22,583
7	25,430
8	28,276
Each additional person	3,006

2. Aged and disabled individuals. The levels for determining income eligibility for groups of aged disabled individuals under the provisions of § 1902(m)(4) of the Act are as follows:

Based on ....% of the official federal nonfarm income poverty line:

Not covered.

C. Income eligibility levels—optional group of qualified Medicare beneficiaries with incomes up to federal poverty line.

The levels for determining income eligibility for groups of qualified Medicare beneficiaries under the provisions of § 1905(p)(2)(A) of the Act are as follows:

Based on 90%, 100%, and updated annually, of the office federal nonfarm income poverty line:

Size of Family Unit Poverty Guideline

1	\$ 5,652
2	7,578
3	9,504
4	11,430
5	13,356
6	15,282
7	17,208
8	19,134

Size of Family Unit Poverty Guideline

1	\$ 6,620
2	8,880

### Grouping of Localities

Group I

<u>Counties</u>	<u>Counties</u>	<u>Counties</u>	<u>Cities</u>
Accomack	Highland	Sussex	Lynchburg
Alleghany	Isle of Wight	Tazewell	Martinsville
Amelia	James City	Washington	Newport News
Amherst	King George	Westmoreland	Norfolk
Appomattox	King and Queen	Wise	Petersburg
Bath	King William	Wythe	Portsmouth
Bedford	Lancaster	York	Radford
Bland	Lee		Richmond
Botetourt	Louisa	<u>Cities</u>	Roanoke
Brunswick	Lunenburg		Salem
Buchanan	Madison	Bristol	Staunton
Buckingham	Mathews	Buena Vista	Virginia Beach
Campbell	Mecklenburg	Clifton Forge	Williamsburg

Caroline	Middlesex	Danville	Winchester
Carroll	Nelson	Emporia	***
Charles City	New Kent	Franklin	<u>Group III</u>
Charlotte	Northhampton	Galax	
Clarke	Northumberland	Norton	<u>Cities</u>
Craig	Nottoway	Poquoson	
Culpeper	Orange	Suffolk	Arlington
Cumberland	Page	***	Fairfax
Dickenson	Patrick	<u>Group III</u>	Montgomery
Dinwiddie	Pittsylvania		Prince William
Essex	Powhatan	Albemarle	
Fauquier	Prince Edward	Augusta	<u>Cities</u>
Floyd	Prince George	Chesterfield	Alexandria
Fluvanna	Pulaski	Henrico	Charlottesville
Franklin	Rappahannock	Loudoun	Colonial Heights
Frederick	Richmond	Roanoke	Fairfax
Giles	Rockbridge	Rockingham	Falls Church
Gloucester	Russell	Warren	Fredericksburg
Goochland	Scott		Hampton
Grayson	Shenandoah	<u>Cities</u>	Manassas
Greene	Smyth	Chesapeake	Manassas Park
Greensville	Southampton	Covington	Waynesboro
Halifax	Spotsylvania	Harrisonburg	
Hanover	Stafford	Hopewell	
Henry	Surry	Lexington	

*D. Income eligibility levels—mandatory group of qualified disabled and working individuals with incomes up to federal poverty line.*

*The levels for determining income eligibility for groups of qualified disabled and working individuals under the provisions of § 1905(s) of the Act are as follows:*

*Based on 200%, and updated annually, of the official federal nonfarm income poverty level:*

Size of Family Unit Poverty Guideline	
1	\$ 13,240
2	17,760

E. Income levels—medically needy.

Applicable to all groups

Applicable to:


# Final Regulations

1. Family size.
2. Net income level protected for maintenance.
3. Net income level for persons living in rural areas.

urban only

urban and rural

	Group I	Group II	Group III
1	\$ 2,600	\$ 3,000	\$ 3,900
2	3,400	3,700	4,800
3	3,900	4,300	5,300
4	4,400	4,800	5,800
5	4,900	5,300	6,300
6	5,400	5,800	6,800
7	5,900	6,300	7,300
8	6,500	6,900	7,800
9	7,100	7,500	8,500
10	7,800	8,200	9,100
For each additional person, add:	600	600	600



**COMMONWEALTH of VIRGINIA**  
**VIRGINIA CODE COMMISSION**  
 General Assembly Building

JOAN W. SMITH  
REGISTRAR OF REGULATIONS      310 CAPITOL STREET  
RICHMOND, VIRGINIA 23219  
(804) 786-3381

March 22, 1991

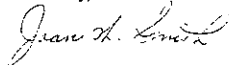
Mr. Bruce U. Kozlowski, Director  
 Department of Medical Assistance  
 600 East Broad Street, Suite 1300  
 Richmond, Virginia 23219

Re: VR 460-03-2.610 - Federal Poverty Income Guidelines

Dear Mr. Kozlowski:

This will acknowledge receipt of the above-referenced regulations from the Department of Medical Assistance.

As required by § 9-6.10:4.1 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

BOARD OF PROFESSIONAL COUNSELORS

**Title of Regulation:** VR 560-01-02. Regulations Governing the Practice of Professional Counseling.

**Statutory Authority:** § 54.1-2400 of the Code of Virginia.

**Effective Date:** May 8, 1991.

**Summary:**

*The regulations establish the requirements governing the practice of professional counseling in the Commonwealth. They include the educational and experiential requirements necessary for licensure, provide criteria for the written and oral examinations, set the standards of practice, and establish procedures for the disciplining of licensed professional counselors. As a result of some of the public comments received, minor revisions for clarity were made.*

VR 560-01-02. Regulations Governing the Practice of Professional Counseling.

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:

*"Applicant"* means any individual who has submitted an official application and paid the application fee for licensure as a professional counselor.

*"Appraisal activities"* has the same meaning as defined in § 54.1-3500 of the Code of Virginia, "selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements and interests, and shall not include the use of projective techniques in the assessment of personality."

*"Board"* means the Virginia Board of Professional Counselors.

*"Candidate for licensure"* means a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for its examinations.

*"Competency area"* means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

*"Counseling"* means assisting an individual, through the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan action reflecting his interests, abilities, aptitudes and needs as

they relate to educational progress, occupations and careers, and personal or social concerns.

*"Group supervision"* means the process of clinical supervision of no more than six persons in a group setting provided by a qualified supervisor.

*"Internship"* means supervised, planned, practical, advanced experience obtained in the clinical setting [ , ] observing and applying the principles, methods and techniques learned in training or educational settings. The internship involves a longer period of time than the practicum.

*"Practicum"* means supervised, planned, practical experience occurring in a clinical setting, for an early introduction to subject matter. It is generally time-bound and for a shorter period of time than an internship, but it allows for demonstration and testing of information, knowledge, and skills acquired.

*"Professional counselor"* means a person trained in counseling and guidance services with an emphasis on individual and group guidance and counseling designed to assist individuals in achieving more effective personal, social, educational and career development and adjustment.

*"Regional accrediting agency"* means one of the regional accreditation agencies recognized by the United States Secretary of Education responsible for accrediting senior postsecondary institutions.

*"Supervision"* means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented face-to-face consultation, guidance and instruction with respect to the clinical skills and competencies of the person supervised.

§ 1.2. Fees required by the board.

A. The board has established the following fees applicable to licensure as a professional counselor:

Registration of supervision .....	\$ 75.
Change of supervisor .....	20.
Application processing .....	100.
Examination .....	150.
Reexamination	
Written .....	75.
Oral .....	75.
Provisional license .....	30.
Renewal of provisional license .....	30.

# Final Regulations

License renewal .....	75 100 .
Duplicate license .....	15.
Endorsement to another jurisdiction .....	10.
Late renewal .....	10.
Replacement of or additional wall certificate .....	15.
Name change .....	10.
Returned check .....	15.

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board.

## § 1.3. Substance abuse counseling.

VR ~~560-02-01~~ 560-01-03, Regulations Governing the Certification of Substance Abuse Counselors are incorporated by reference in these regulations.

## PART II. REQUIREMENTS FOR LICENSURE.

### § 2.1. Requirements, general.

No person shall practice as a professional counselor in the Commonwealth of Virginia except as provided in these regulations and when licensed by this board.

A. Licensure by the board shall be by examination.

B. Every applicant for licensure examination by the board shall:

1. Meet the education and experience requirements prescribed in § 2.2 of these regulations;
2. Have the institution(s) where the applicant completed the required graduate work sent directly to the executive director of the board, at least 60 days prior to the date of the written examination, official transcripts documenting the applicant's completion of the education requirements prescribed in § 2.2 A; and
3. Submit to the executive director of the board, not less than 60 days prior to the date of the written examination:
  - a. A completed application, on forms provided by the board;
  - b. Documented evidence of having fulfilled the experience requirements of § 2.2 B;
  - c. [ ~~Endorsement Reference~~ ] letters from three [ ~~responsible persons~~ ] *health or mental health care*

*practitioners* ] attesting to the applicant's character and professional integrity; and

d. The licensure application fee prescribed in § 1.2 of these regulations.

C. *The board may license by endorsement [ those persons an individual ] who [ are is ] currently licensed in another state as a professional counselor and who [ have has ] been licensed in another state through a similar process with equivalent requirements as described in subsection B.*

§ 2.2. Education and experience requirements for licensure examinations.

Every applicant for examination for licensure shall meet the requirements of subsections A and B of this section.

### A. Education.

The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study that are primarily counseling in nature, including a graduate degree in counseling or a related discipline, from a college or university accredited by a regional accrediting agency.

1. The graduate course work shall have included study in the nine core areas of:

- a. Professional identity, function and ethics;
- b. Theories of counseling and psychotherapy;
- c. Counseling and psychotherapy techniques;
- d. Group dynamics, theories, and techniques;
- e. Theories of human behavior, learning, and personality;
- f. Career development;
- g. ~~Evaluation and appraisal~~ *Appraisal, evaluation and diagnostic* procedures;
- h. Abnormal behavior; and
- i. Supervised practicum or internship.

2. One course may satisfy study in more than one of the nine study areas required in subdivision 1 of this subsection.

### B. Supervised experience.

1. The applicant.

The applicant for licensure shall have completed 4,000 hours of post-graduate degree experience in counseling practice under supervision satisfactory to the board.

The post-graduate experience shall consist of supervised practice in the following areas:

- [ 1. ] *Counseling and psychotherapy techniques.*
- [ 2. ] *Appraisal, evaluation and diagnostic procedures.*
- [ 3. ] *Professional identity, function, and ethics.*
- [ 4. ] *Case management and record keeping.*

a. The experience shall include 200 hours of individual supervision during the 4,000 hours, with a minimum of one hour per week of face-to-face ~~consultation~~ supervision between supervisor and applicant. *The experience shall be continuous and integrated, that is, no credit will be given for satisfying the 4,000 hours of required experience in the absence of approved individual face-to-face supervision and conversely, no credit will be given for individual face-to-face supervision that does not occur as a part of the 4,000 hours of post-graduate experience. The experience shall include supervised practice with various populations, clinical problems and theoretical approaches.*

b. Group supervision will be acceptable for not more than 100 hours of the required 200 hours of individual supervision on the basis of two hours of group supervision being equivalent to one hour of individual supervision, *but in no instance shall group supervision substitute for the required on site individual face-to-face supervision.*

c. A post-graduate degree practicum or internship may count for up to 2,000 hours of the required 4,000 hours of experience.

d. For applicants enrolled in an integrated course of study in an accredited institution leading to a graduate degree beyond the Master's level, supervised experience may begin after the completion of 30 graduate semester hours or 45 graduate quarter hours, including a practicum.

e. *Applicants may not call themselves professional counselors, solicit clients, bill for services rendered, or in any way represent themselves as professional counselors. During the post-graduate supervisory experience, applicants shall use their names, and the initials of their degree. Clients shall be informed of the applicant's supervisee status, the supervisor's name, professional address, and phone number.*

f. *Applicants shall not engage in practice under supervision in any areas for which they have not had appropriate education.*

## 2. The supervisor.

[ a. ] A person who provides supervision for a prospective applicant for licensure as a professional counselor shall be licensed as a professional counselor, psychologist, school psychologist, clinical psychologist, clinical social worker, or psychiatrist *with at least one-half of the individual face-to-face supervision rendered by a licensed professional counselor.*

[ ~~(1)~~ a. ] Supervision by [ ~~relatives of a prospective applicant will not be approved any individual whose relationship to the supervisee compromises the objectivity of the supervisor is prohibited~~ ].

[ ~~(2)~~ b. ] The supervisor of a prospective applicant shall assume full responsibility for the clinical activities of that prospective applicant specified within the supervisory contract for the duration of the supervised experience. *In every instance there shall be an identifiable individual who is appropriately credentialed to provide supervision in the jurisdiction where the applicant provides counseling services.*

[ ~~(3)~~ c. ] Supervisors shall only be approved to provide supervision in areas for which they possess documented skills, training, and experience.

[ ~~(4)~~ d. ] Supervisors shall provide the board with documentation regarding their areas of expertise [ ~~in~~ on ] a form specified by the board.

[ ~~(5)~~ e. ] *At least one-half of the required individual face-to-face supervision shall occur on site where the counseling services are provided and be provided by the board approved supervisor of record.*

[ b. Persons who do not meet the requirements of § 2.2 B 2 a but were approved by the board prior to July 31, 1988, to provide supervision to prospective applicants for licensure may continue to provide supervision to that individual, provided that the supervisory arrangement was registered with the board prior to July 31, 1988 ]

## 3. Registration of supervision.

a. Applicants who render counseling services in a nonexempt agency shall:

(1) With their supervisor, register with the board their supervisory contract on the appropriate forms for board approval before starting to practice under supervision;

(2) Have submitted directly to the board an official transcript of their relevant coursework in counseling; and

(3) Pay the registration fee prescribed by the board in § 1.2 of these regulations.



# Final Regulations

---

b. Applicants who render counseling services in an exempt agency, as defined in § 54.1-3500 of the Code of Virginia, may register their supervision with the board, as outlined above. Board approval and successful completion of a planned supervision arrangement in an exempt setting will assure its acceptability at the time of application.

*c. The board may accept as equivalent post-graduate supervised experience that occurs in another jurisdiction provided that the board's requirements are met.*

#### 4. Documentation of supervision.

Applicants shall document successful completion of their supervised experience on appropriate forms at the time of application. Supervised experience obtained prior to [ July 31, 1988, that was not registered with the board May 8, 1991, ] may be accepted towards licensure if this [ supervision supervised experience ] met the [ board's ] requirements [ of the board ] which were in effect at the time the supervision was rendered.

*The supervisor shall conduct an annual evaluation of the applicant and report to the board the total number of hours of the experience and the number of hours of individual face-to-face on site hours of supervision.*

#### [ § 2.3. Character and professional integrity.

*If the applicant has been under treatment for substance abuse within the last four years, the applicant shall provide a written statement from the certified or licensed individual responsible for the treatment. The written statement shall address the capability of the applicant to assume the responsibility of a licensed professional counselor. ]*

### PART III. EXAMINATIONS.

#### § 3.1. General examination requirements.

A. Every applicant for initial licensure by the board as a professional counselor shall take a written examination and an oral examination as prescribed by the board.

B. The board may waive examination requirements if the applicant for licensure has been certified or licensed in another jurisdiction by standards and procedures equivalent to the board's.

#### C. Examination schedules.

A written and an oral examination will be given at least twice each year. The board may schedule such additional examinations as it deems necessary.

1. The executive director of the board shall notify all candidates in writing of the time and place of the examinations for which they have been approved to sit.

2. The candidate shall submit the applicable fees and a case study as prescribed in § 3.3 C.

3. If the candidate fails to appear for the examination without providing written notice at least one week before the examinations, the examination fee shall be forfeited.

4. The executive director will notify all candidates in writing of their success or failure on any examinations.

#### D. Deferrals by candidate; time limit.

A candidate approved by the board to sit for an examination shall take that examination within two years from the date of such initial board approval. If the candidate has not taken the examination by the end of the two-year period here prescribed:

1. The initial board approval to sit for such examination shall then become invalid; and

2. In order to be considered for such examination later, the applicant shall file a complete new application with the board.

#### § 3.2. Written examination.

A. The written examination will be a competency-based validated examination and will cover the core areas of counseling.

B. The board will establish passing scores on the written examination.

#### § 3.3. Oral examination.

A. Successful completion of the written examination requirement shall be a prerequisite to taking the oral examination.

B. [ Candidates A candidate ] who [ pass passes ] the written examination will be notified by the board of the time and place of the oral examination and will be instructed to submit a case study.

C. The case study shall be a report of a case performed [ in by ] the [ candidate as the primary provider of counseling services in the ] candidate's counseling practice during the last six months and shall be prepared as follows:

1. The [ report case study ] shall be not less than six [ or nor ] more than eight double-spaced typewritten pages in length. The names of persons in the study

shall be disguised to protect clients' identities. The name and address of the candidate shall appear on a cover page.

2. The report case study shall be a brief summary of biographical data, personal social history, and any relevant medical history of a client, presenting the problem, diagnosis, treatment plan and prognosis summary of the presenting problem, diagnosis, [ and ] formulation and implementation of the treatment plan. This should include supporting biographical data, personal [ and ] social history and relevant medical history [ of the client ] . The [ report case study ] should focus on the candidate's role in facilitating the change process, including theoretical position, dialogue and tools and techniques used in the treatment plan clearly state candidate's theoretical position. It should delineate tools and techniques used and the counselor's role in facilitating the change process consistent with the theoretical [ orientation ] .

D. The oral examination shall consist of an interview between the board [ or and ] its designees [ who are selected, approved and trained by the board as oral examiners, ] and the candidate for the purpose of:

[ 1. Reviewing the candidate's education, training and experience; ]

[ 2. 1. ] Evaluating the candidate's professional, emotional, and social maturity; the extent and nature of professional identity; and application of Standards of Practice as defined in § 6.1 of these regulations; [ and ]

[ 3. 2. ] Assessing the candidate's case study [ ; and as described in § 3.3 C 2 and evaluating the candidate's knowledge and competency to engage in the independent practice of counseling. ]

[ 4. Evaluating the candidate's breadth of knowledge of and competency to engage in the independent practice of counseling. ]

E. Following the oral examination, the examination committee will make a recommendation to the board. A majority decision of the board will determine whether the candidate has passed the oral examination.

## § 3.4. Reexamination.

A. Reexamination will be required only on the examination failed.

B. After paying the written reexamination fee, a candidate may be reexamined for the written exam within an 18-month period without filing a new application and without presenting evidence of additional education and experience . In the case of a reexamination for the oral [ examination ] , a new case study must be provided.

[ C. To be reexamined, a candidate shall notify the board and pay the appropriate fee no less than 60 days before a scheduled examination. ]

[ D. C. ] A candidate who fails any examination two times shall reapply and submit documentation of additional education and experience as required by the board.

## PART IV. LICENSURE RENEWAL; REINSTATEMENT; NAME CHANGE.

### § 4.1. Annual renewal of licensure.

All licensees shall renew licenses on or before June 30 of each year.

A. Every license holder who intends to continue to practice shall submit to the executive director on or before June 30 of each year:

1. A completed application for renewal of the license; and
2. The renewal fee prescribed in § 1.2.

B. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

### § 4.2. Late renewal; reinstatement.

A. A person whose license has expired may renew it within four years after its expiration date by paying the penalty fee prescribed in § 1.2 as well as the license fee prescribed for each year the license was not renewed.

B. A person who fails to renew a license for four years or more and wishes to resume practice shall:

1. Pay the oral examination fee prescribed in § 1.2;
2. Take an oral examination; and
3. Upon approval for reinstatement, pay the penalty fee prescribed in § 1.2 and the license fee prescribed for each year the license was not renewed.

### § 4.3. Legal name change.

[ A. An individual practicing under a license issued by the board shall ensure that the current license bears the current legal name of that individual. ]

[ B. ] A licensee whose name is changed by marriage or court order [ shall promptly may ]:

1. Notify the board of such change and provide a copy of the legal paper documenting the change.
2. Pay the "name change" fee prescribed in § 1.2.

# Final Regulations

---

3. Request and obtain from the board a new license bearing the individual's new legal name.

## PART V. ADVISORY COMMITTEES.

### § 5.1. Advisory committees.

A. The board may establish examining and advisory committees to assist it in evaluating candidates for licensure.

B. The board may establish an advisory committee to evaluate the mental and emotional competence of any licensee or candidate for licensure when such competence is in issue before the board.

## PART VI. STANDARDS OF PRACTICE. UNPROFESSIONAL CONDUCT; DISCIPLINARY ACTIONS; REINSTATEMENT.

### § 6.1. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

B. Persons licensed by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.

2. Be able to justify all service rendered to clients as necessary for diagnostic or therapeutic purposes.

3. Practice only within the competency areas for which they are qualified by training or experience.

4. Report to the board known or suspected violations of the laws and regulations governing the practice of professional counselors.

5. Use only those educational credentials in association with their licensure and practice as a professional counselor that have been earned at a college or university accredited by a regional accrediting agency and that are counseling in nature. These credentials include the title "Doctor" as well as academic designations following one's name such as M.Ed. and Ph.D.

6. Use only indicators of current counseling-related credentials awarded by independent credentialing agencies (such as American Association of Marriage and Family Therapists, Certified Rehabilitation Counselors, Certified Clinical Mental Health Counselors) in association with their licensure and

practice as professional counselors.

7. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.

8. Ensure that clients are aware of fees and billing arrangements before rendering services.

9. Keep confidential their counseling relationships with clients, with the following exceptions: (i) when the client is in danger to self or others; and (ii) when the professional counselor is under court order to disclose information.

10. Disclose counseling records to others only with the expressed consent of the client.

11. Ensure that the welfare of clients is in no way compromised in any experimentation or research involving those clients.

12. Not engage in dual relationships with clients that might compromise the client's well-being or impair the counselor's objectivity and professional judgment (to include such activities as counseling close friends or relatives; engaging in sexual intimacies with a client).

13. When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading.

3. Be aware of the areas of competence of related professions and make full use of other professional, technical and administrative resources to secure for clients the most appropriate services.

4. Strive [ ; through continuing education ] to stay abreast of new developments, concepts and practices which are important to providing appropriate professional services.

5. Be able to justify all services rendered to clients as necessary for diagnostic or therapeutic purposes and attempt to terminate a private service or consulting relationship when it becomes clear that the consumer is not benefiting from the relationship.

6. [ Avoid Not engage in ] offering services to a client who is receiving services from another mental health professional without attempting to inform such other professionals in order to avoid confusion and conflict for the consumer.

7. Provide counseling services for the purpose of diagnosis, treatment or personalized advice only in the context of a professional relationship, not by means of public lectures or demonstrations, newspapers or magazine articles, radio or television programs, mail or similar media.

8. Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients.

9. Disclose to clients all experimental methods of treatment and inform clients of the risks and benefits of any such treatment.

[ 10. Avoid any action that may violate or diminish the legal and civil rights of clients and safeguard the rights of each family member or group who is receiving services.

~~11.~~ Be sensitive to multicultural and gender differences among clients.

~~12.~~ 10. ] Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.

[ ~~13.~~ 11. ] Inform clients [ of ] (i) [ ~~of~~ ] the purposes of an interview, testing or evaluation session and (ii) the ways in which information obtained in such sessions will be used before asking the client to reveal personal information or allowing such information to be divulged.

[ ~~14.~~ 12. ] Consider the validity, reliability and appropriateness of tests selected for use with clients and carefully interpret the performance of individuals from groups not represented in standardized norms.

[ ~~15.~~ 13. ] Represent accurately their competence, education, training and experience.

[ ~~16.~~ 14. ] Use only those educational and professional credentials that have been earned at a college or university accredited by a regional accrediting agency, or by a national certifying agency, and that are counseling in nature. Those credentials include the title "Doctor" as well as academic and professional certification designations following one's name, such as M.Ed., Ph.D., N.B.C.C.

[ ~~17.~~ Avoid 15. Not engage in ] improper direct solicitation of clients and announce professional services fairly and accurately in a manner which will aid the public in forming their own informed judgments, opinions and choices and which avoids fraud and misrepresentation through sensationalism, exaggeration [ ~~of or~~ ] superficiality.

[ ~~18.~~ 16. ] Provide clients with accurate information of what to expect in the way of tests, reports, billing, therapeutic regime and schedules before rendering services.

[ ~~19.~~ 17. ] Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destructions of records which are no longer useful.

[ ~~20.~~ 18. ] Obtain expressed client permission before taping or otherwise recording sessions with clients.

[ ~~21.~~ 19. ] Disclose counseling records to others only with the expressed [ ~~informed~~ written ] consent of the client and ensure the accuracy and indicate the validity of any client information which is disclosed.

[ ~~22.~~ 20. ] Keep confidential their counseling relationships with clients, with the following exceptions: (i) when the client is in danger to self or others; and (ii) when the professional counselor is under court order to disclose information.

[ ~~23.~~ Avoid 21. Not engage in ] public behavior which is in violation of accepted professional, moral and legal standards.

[ ~~24.~~ Avoid 22. Not engage in ] dual relationships with clients, [ former clients, ] supervisees [ , ] and supervisors that might compromise the client's or supervisee's well being, impair the counselor's or supervisor's objectivity and professional judgment or increase the risk of client or supervisee exploitation. This prohibition includes, but is not limited to, such activities as counseling close friends, employees or relatives, engaging in sexual intimacies with clients, [ former clients, ] supervisees or supervisors.

[ ~~25.~~ 23. ] Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

[ ~~26.~~ 24. ] Report to the board known or suspected violations of the laws and regulations governing the practice of professional counselors.

§ 6.2. Grounds for revocation, suspension, [ probation, reprimand, censure, ] or denial of renewal of license.

A. In accordance with [ ~~subdivision 7 of §~~ ] § 54.1-2400 [ and 54.1-2401 ] of the Code of Virginia, the board may, after a hearing, revoke, suspend or decline to renew a board license [ or impose a fine ] for just cause [ ~~or fines~~ ].

B. Action by the board to revoke, suspend or decline to renew a license [ ~~shall may~~ ] be taken in accord with the following:

1. Conviction of a felony or misdemeanor involving moral turpitude.

2. Procuring of license by fraud or misrepresentation.

3. Conducting one's practice in such a manner as to make it a danger to the health and welfare of one's clients or to the public, or if one is unable to practice counseling with reasonable skill and safety to clients by reason of illness, [ ~~drunkenness, excessive abusive~~ ] use of [ alcohol, ] drugs, narcotics, chemicals, or other type of material or result of any mental or physical

# Final Regulations

---

condition.

4. Negligence in professional conduct or nonconformance with the Standards of Practice (§ 6.1 B of these regulations).

5. Performance of functions outside the demonstrable areas of competency.

7. Violation of or aid to another in violating any provision of Chapter 35 of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of professional counseling, or any provision of these regulations.

## C. Petition for rehearing.

[ ~~A petition may be made to~~ *Following the revocation or suspension of a license the licensee may petition* ] the board for reinstatement upon good cause shown or as a result of substantial new evidence having been obtained that would alter the determination reached in subsection B of this section.

## D. Reinstatement procedure.

*Reference powers of board to provide monetary penalties § 54.1-2401 [ of the Code of Virginia ] .*

## § 6.3. Reinstatement following disciplinary action.

A. Any person whose license has been revoked or denied renewal by the board under the provisions of § 6.2 may, two years subsequent to such board action, submit a new application to the board for licensure.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.

C. The applicant for such reinstatement, if approved, shall be licensed upon payment of the appropriate fees applicable at the time of reinstatement.

DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF PROFESSIONAL COUNSELORS  
 1601 Rolling Hills Drive  
 Richmond, Virginia 23229-5005

RECEIVED  
 91 APR 18 10:11:05

DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF PROFESSIONAL COUNSELORS  
 1601 Rolling Hills Drive, Suite 200  
 Richmond, Virginia 23229-5005  
 (804) 662-9912

RECEIVED  
 91 APR 18 10:11:57

Professional Counselor  
 Licensure Application

TO WHOM IT MAY CONCERN:

An application for licensure as a Professional Counselor has been filed with this Board by \_\_\_\_\_, who lists you as an employment supervisor.

Since the Board cannot assess any application without evaluating the applicant's professional experience, we request that you complete this standardized form adding any comments of your own which you consider pertinent.

Thank you in advance for your cooperation.

1. Institution's Name \_\_\_\_\_
2. Institution's Function \_\_\_\_\_
3. Are you licensed? \_\_\_\_\_ License title (i.e., counselor, psychologist, etc.) \_\_\_\_\_  
 License No. \_\_\_\_\_ If not licensed, attach vita.
4. Applicant's position \_\_\_\_\_
5. Dates of Employment \_\_\_\_\_ Total hours per week \_\_\_\_\_  
 Period of supervision by you \_\_\_\_\_  
 Total overall supervised experience hours \_\_\_\_\_
6. Number of hours per week of face-to-face supervision \_\_\_\_\_
7. Total overall number of hours of face-to-face supervision \_\_\_\_\_
8. Duties performed by applicant: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
9. If any of the above items was considered an internship, please describe: \_\_\_\_\_  
 \_\_\_\_\_
10. In your opinion, is the applicant competent to practice counseling? \_\_\_\_\_
11. Further Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Date Supervisor's Name (Please Print)

\_\_\_\_\_  
 Supervisor's Signature

INSTRUCTIONS PLEASE TYPE OR PRINT USE BLACK INK

1. Applicants must complete all sections.
2. Completed applications should be mailed to the above address.
3. Applications must be received NOT LESS THAN 60 DAYS PRIOR TO THE DATE OF THE WRITTEN EXAMINATION.
4. Fees: An application fee of \$100 must be submitted with the application. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. THE APPLICATION FEE IS NOT REFUNDABLE. (Make check or money order payable to the Treasurer of Virginia.)

I. GENERAL INFORMATION

NAME (LAST, FIRST, MIDDLE INITIAL, SUFFIX, MARDEN NAME)	SOCIAL SECURITY NUMBER	DATE OF BIRTH
MAILING ADDRESS (STREET AND/OR BOX NO., CITY, STATE, ZIP)	HOME PHONE NUMBER	PLACE OF BIRTH
BUSINESS ADDRESS (IF DIFFERENT THAN ABOVE)	BUSINESS PHONE NUMBER	

LIST ALL OF THE STATES IN WHICH YOU NOW HOLD OR HAVE EVER HELD AN OCCUPATIONAL LICENSE OR CERTIFICATE TO PRACTICE IN ORDER OF ATTAINMENT.

STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE/CERTIFICATE

ANSWER THE FOLLOWING QUESTIONS: YES NO

- A. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of examination and where.
- B. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? If yes, explain in detail.
- C. Have you ever failed an examination for occupational licensure or certification? If so, how many times? Where?
- D. Have you ever been convicted or pled nolo contendere to a violation of any federal or state statute or to a violation of a local regulation or ordinance or entered into any plea bargaining relating to a felony or misdemeanor (excluding traffic violations, except for driving under the influence)? If yes, explain in detail.
- E. Have you ever been physically or emotionally dependent upon the use of alcohol or drugs or been treated by, consulted with, or under the care of a professional for substance abuse? If yes, please provide a letter from the treating professional stating the diagnosis, treatment, and prognosis.
- F. Have you ever received treatment or been hospitalized for a nervous, emotional, or mental disorder? If yes, please provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis.

YES NO

G Have you ever been censured, warned, requested to withdraw, or your employment terminated from any health care facility, agency, or practice?

H List all of the jurisdictions in which you now hold, or have ever held, an occupational license or certificate to practice \_\_\_\_\_

**II. SUPERVISED COUNSELING EXPERIENCE**

Applicants must have completed 4 000 hours of post-graduate degree training, with a total of 200 hours of face-to-face supervision provided by their supervisor(s).

SUPERVISOR'S NAME \_\_\_\_\_

INSTITUTION OR BUSINESS NAME & ADDRESS \_\_\_\_\_

CURRENT ADDRESS (IF DIFFERENT FROM ABOVE) \_\_\_\_\_

DATES APPLICANT EMPLOYED FROM _____ TO _____	TOTAL HOURS OF FACE-TO-FACE SUPERVISION
DESCRIPTION OF SUPERVISION _____	TOTAL HOURS OF GROUP SUPERVISION _____
DESCRIPTION OF APPLICANT'S PROFESSIONAL WORK DURING THE SUPERVISED COUNSELING EXPERIENCE _____	
SUPERVISOR'S NAME _____	
INSTITUTION OR BUSINESS NAME & ADDRESS _____	
CURRENT ADDRESS (IF DIFFERENT FROM ABOVE) _____	
DATES APPLICANT EMPLOYED FROM _____ TO _____	TOTAL HOURS OF FACE-TO-FACE SUPERVISION
DESCRIPTION OF SUPERVISION _____	TOTAL HOURS OF GROUP SUPERVISION _____
DESCRIPTION OF APPLICANT'S PROFESSIONAL WORK DURING THE SUPERVISED COUNSELING EXPERIENCE _____	
SUPERVISOR'S NAME _____	
INSTITUTION OR BUSINESS NAME & ADDRESS _____	
CURRENT ADDRESS (IF DIFFERENT FROM ABOVE) _____	
DATES APPLICANT EMPLOYED FROM _____ TO _____	TOTAL HOURS OF FACE-TO-FACE SUPERVISION
DESCRIPTION OF SUPERVISION _____	TOTAL HOURS OF GROUP SUPERVISION _____
DESCRIPTION OF APPLICANT'S PROFESSIONAL WORK DURING THE SUPERVISED COUNSELING EXPERIENCE _____	

YES NO

**III. POST-GRADUATE DEGREE INTERNSHIP**

Have you had a post-graduate degree internship or practicum?

Location: \_\_\_\_\_

Hours per week: \_\_\_\_\_ Dates: \_\_\_\_\_ to \_\_\_\_\_

(Submit Verification of Supervision Form)

**IV. PROFESSIONAL EXPERIENCE**

List in chronological order your entire post-graduate degree professional experience. (Attach additional sheets if needed.)

DATE Month and Year		INSTITUTION (Name and Address)	DUTIES	SUPERVISOR OR DEPARTMENT HEAD
From	To			

**V. STANDARDS OF PRACTICE**

The Standards of Practice limit your practice to your demonstrated areas of competence. Please list below your specialized areas of practice that can be supported by documentation of training or education.

CLIENT POPULATION(S)	COUNSELING TECHNIQUES USED	ASSESSMENT INSTRUMENTS USED

**VI. EDUCATION**

State in chronological order the name and location of each undergraduate and graduate institution you attended.

NAME OF INSTITUTION	YEARS ATTENDED	DEGREE RECEIVED	MAJOR

**VII. REFERENCES**

Please submit references from three individuals other than your supervisors who are acquainted with your professional work.

NAME AND ADDRESS	TITLE	YEARS KNOWN APPLICANT

**THE FOLLOWING STATEMENT MUST BE EXECUTED BY A NOTARY PUBLIC. THIS FORM IS NOT VALID UNLESS PROPERLY NOTARIZED.**

The individual whose name is signed to this statement appeared before me, acknowledged the below-signed signature to be his or hers, and having been duly sworn by me, made oath that the statements in this document are true.

\_\_\_\_\_  
Applicant's Signature

State of \_\_\_\_\_ City/County of \_\_\_\_\_ on this, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. My Commission expires \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary

(Seal)

DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF PROFESSIONAL COUNSELORS  
 1601 Rolling Hills Drive, Suite 200  
 Richmond, Virginia 23229-5005  
 (804) 662-9912

Registration of Counselor  
 Post-Graduate Degree  
 Supervised Experience

Fee: \$75 (Make all checks payable to the  
 TREASURER OF VIRGINIA — Registration  
 Fees are NOT Refundable)

THIS FORM IS TO BE COMPLETED BY THE TRAINEE AND THE SUPERVISOR

**TRAINEE INFORMATION**

Name: \_\_\_\_\_

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

Business Address: \_\_\_\_\_

Phone Number: Home ( ) \_\_\_\_\_; Work ( ) \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Birth Date: \_\_\_\_\_

**EDUCATION:** State in chronological order the name and location of each graduate school where graduate course work has been completed. **GRADUATE TRANSCRIPTS MUST BE SUBMITTED DIRECTLY FROM THE GRADUATE INSTITUTION(S).**

NAME OF INSTITUTION	YEARS ATTENDED	DEGREE RECEIVED	MAJOR

**SUPERVISOR INFORMATION**

Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Licensure: \_\_\_\_\_ License No.: \_\_\_\_\_

State: \_\_\_\_\_ (If supervisor is not licensed in Virginia, a Verification of Licensure Form must be completed by the state where the supervisor is licensed and submitted to the Board.)



**SUPERVISION**

NATURE OF CONTINUING SUPERVISION (SUPERVISION AGREEMENT SHOULD INCLUDE 1 HOUR PER WEEK OF FACE TO FACE SUPERVISION. TWO HOURS OF GROUP SUPERVISION MAY BE SUBSTITUTED FOR 1 HOUR OF INDIVIDUAL FACE TO FACE SUPERVISION FOR ONE HALF OF THE REQUIRED 200 HOURS OF SUPERVISION.)

---

---

---

---

---

---

---

---

**NATURE OF SERVICES TO BE RENDERED**

---

---

---

---

---

---

---

---

**NAME OF INDIVIDUALS PRESENTLY BEING SUPERVISED FOR LICENSURE (TO BE COMPLETED BY SUPERVISOR)**

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_

We hereby agree to the post-graduate degree training contract.

As supervisor, I assume responsibility for the clinical activities of the individual registered under my supervision.

Signature of Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Trainee: \_\_\_\_\_

Date: \_\_\_\_\_

PLEASE REFER TO THE REGULATIONS OF THE VIRGINIA BOARD FOR PROFESSIONAL COUNSELORS (EFFECTIVE JULY 6, 1998) FOR THE REQUIREMENTS GOVERNING THE SUPERVISED EXPERIENCE (SECTION 2.2.B.).

EXPIRES \_\_\_\_\_

\_\_\_\_\_

\* \* \* \* \*

**Title of Regulation:** VR 560-01-03. Regulations Governing the Certification of Substance Abuse Counselors.

**Statutory Authority:** § 54.1-2400 of the Code of Virginia.

**Effective Date:** May 8, 1991.

**Summary:**

The regulations establish the requirements governing the practice of substance abuse counseling in the Commonwealth. They include the educational and experiential requirements necessary for certification, provide criteria for the written examinations, set the standards of practice, and establish procedures for the disciplining of certified substance abuse counselors. As a result of some of the public comments received, minor revisions for clarity were made.

VR 560-01-03. Regulations Governing the Certification of Substance Abuse Counselors.

**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:

“Applicant” means an individual who has submitted a completed application with documentation and the appropriate fees to be examined for certification as a substance abuse counselor.

[ “Appropriately credentialed authority” means an entity licensed by an agency of the Commonwealth to render the services of substance abuse counselors. ]

“Board” means the Virginia Board of Professional Counselors.

“Candidate” means a person who has been approved to take the examinations for certification as a substance abuse counselor.

“Certified substance abuse counselor” means a person certified to provide substance abuse counseling in a state-approved public or private substance abuse program or facility.

“Competency area” means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

“Didactic” means teaching-learning methods which impart facts and information, usually in the form of one-way communication (includes directed readings and

lectures).

“Substance abuse counseling” means applying a counseling process, treatment strategies and rehabilitative services to help an individual to:

1. Understand his substance use, abuse or dependency; and
2. Change his drug-taking behavior so that it does not interfere with effective physical, psychological, social or vocational functioning.

“Clinical supervision” means the ongoing process performed by a clinical supervisor who monitors the performance of the person supervised and provides regular, documented face-to-face consultation, guidance and education with respect to the clinical skills and competencies of the person supervised.

“Clinical supervisor” means one who provides case related supervision, consultation, education and guidance for the applicant. The supervisor must be credentialed as defined in §§ 2.1 A and 2.3 D of these regulations.

**§ 1.2. Cross-referencing.**

These regulations are incorporated by reference in VR 560-01-02 Regulations Governing the Practice of Professional Counseling.

**§ 1.3. Fees required by the board.**

A. The board has established the following fees applicable to the certification of substance abuse counselors:

Registration of supervision .....	\$ 25
Application processing .....	50
Examination .....	100
Reexamination .....	100
Certification renewal .....	50
Duplicate certificate .....	15
Late renewal .....	10
Replacement of or additional wall certificate .....	15
Name change .....	10
Returned check .....	15

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the Board of Professional Counselors.

**PART II.  
REQUIREMENTS FOR CERTIFICATION.**

**§ 2.1. Certification, general.**

No person shall use the title of “certified substance abuse counselor” in the Commonwealth of Virginia except as provided in these regulations.

# Final Regulations

---

A. [ 1. ] A certified substance abuse counselor [ ~~shall be is~~ ] employed to deliver substance abuse counseling in a state-approved public or private facility [ ~~under the supervision of an appropriately licensed professional—a professional counselor, clinical psychologist, psychologist, clinical social worker, medical doctor credentialed as a psychiatrist or addictionologist—who shall assume ultimate responsibility for the professional activities of the certified substance abuse counselor~~ ] .

[ 2. In every instance there shall be an identifiable appropriately credentialed individual or authority to provide supervision. ]

B. A candidate for certification as a substance abuse counselor shall meet all the requirements of these regulations, including passing the examination prescribed in § 3.1 General examination requirements.

## C. Prerequisite to examination.

Every prospective applicant for examination for certification by the board shall:

1. Meet the educational requirements prescribed in § 2.2 of these regulations;

2. Register [ ~~their~~ ] supervision with the board at least one year before applying, using the appropriate form and paying the fees prescribed by the board. The board, in its discretion, may waive this one-year period for [ ~~applicants an applicant~~ ] who [ ~~have has~~ ] met the work experience requirements prescribed in § 2.3.

3. Meet the experience requirements prescribed in § 2.3;

4. Meet the requirements of character and professional integrity prescribed in § 2.4; and

5. Submit to the executive director of the board, at least 60 days prior to the date of the written examination:

a. A completed application form;

b. Documented evidence of having fulfilled the education, supervision, experience [ , ] and references required in subdivisions 1, 2, 3, and 4 of this subsection; [ ~~and~~ ]

[ c. Reference letters from three health or mental health care professionals attesting to the applicant's character and professional integrity; and ]

[ e. d. ] The examination fee prescribed in § 1.3 of these regulations.

D. Every applicant for examination shall take the

examination at the time prescribed by the board.

[ E. The board may certify by endorsement an individual who is currently certified in another state as a substance abuse counselor and who has been certified in another state through a similar process with equivalent requirements as described in this section. ]

## § 2.2. Educational requirements.

A. An applicant for examination for certification as a substance abuse counselor shall:

1. Have [ ~~a~~ an official ] high school diploma or general educational development (GED) certificate; and

2. Have completed 400 [ clock ] hours of substance abuse education [ : from one of the following programs:

a. An accredited university or college;

b. An integrated program approved by the board; or

c. An individualized program of seminars and workshops to be approved by the board at the time of application. ]

## B. Substance abuse education.

1. The education will include 220 hours spent in receiving didactic training in substance abuse counseling. Each applicant shall have received a minimum of 10 clock hours in each of the following six areas:

a. Understanding the dynamics of human behavior;

b. Signs and symptoms of substance abuse;

c. Counseling and treatment approaches, [ ~~including information on the group therapy process~~ substance abuse research, group therapy, and other adjunctive treatment and recovery support groups ] ;

d. Continuum of care and case management skills;

e. Recovery process and relapse prevention methods;

f. Ethics and professional identity.

2. The education shall also consist of 180 hours of experience performing the following tasks with substance abuse clients:

a. Screening clients to determine eligibility and appropriateness for admission to a particular program.

b. Intake of clients by performing the administrative and initial assessment tasks necessary for admission to a program.

c. Orientation of new clients to program's rules, goals, procedures, services, costs and the rights of the client.

d. Assessment of client's strengths, weaknesses, problems, and needs for the development of a treatment plan.

e. Treatment planning with the client to identify and rank problems to be addressed, establish goals, and agree on treatment processes.

f. Counseling [ ] the client utilizing specialized skills [ to facilitate agreed upon changes in the client in both individual and group approaches to achieve treatment goals and objectives ] .

g. Case management activities which bring services, agencies, people and resources together in a planned framework of action to achieve established goals.

h. Crisis intervention responses to clients' needs during acute mental, emotional or physical distress.

i. Education of clients by providing information about drug abuse and available services and resources.

j. Referral of clients in order to meet identified needs unable to be met by the counselor and assisting the client in effectively utilizing those resources.

k. Reporting and charting information about client's assessment, treatment plan, progress, discharge summaries and other client-related data.

l. Consultation with other professionals to assure comprehensive quality care for the client.

Each of these tasks shall be performed for at least eight hours under supervision and shall be verified as a part of the application by the supervisor.

[ C. Groups and classes attended as a part of a therapy or treatment program will not be accepted as any part of the educational experience. ]

## § 2.3. Experience requirements.

A. An applicant for certification as a substance abuse counselor shall have had 2,000 hours of supervised experience in the delivery of clinical substance abuse counseling services.

B. The work experience shall be supervised by a [

board approved ] licensed professional or certified substance abuse counselor [ working under the supervision of a licensed professional satisfactory to the board ] . In every instance there shall be an identifiable [ licensed professional who is ] appropriately credentialed [ individual or authority ] to provide supervision [ and who is ultimately responsible for services provided by the trainee ] .

C. The supervised experience shall include at least [ a minimum of ] two hours per week of face-to-face consultation between the supervisor and the applicant.

D. Supervision shall be provided under this section according to the following requirements:

1. The supervision contract provided by the board shall be completed and signed by the applicant and the supervisor.

2. The supervisor shall assume responsibility for the professional activities of the applicant.

3. The supervisor shall not provide supervision for activities for which the prospective applicant has not had appropriate education.

4. The supervisor shall provide supervision only for those [ substance abuse ] counseling services which he is qualified to render.

5. Group supervision involving up to six members in a group will be acceptable for one hour of the two hours per week of supervision required in subsection C of this section, substituting on the basis of two hours of group supervision equaling one hour of individual supervision. In no case shall a person receiving supervision receive less than one hour of face-to-face individual supervision per week.

6. Supervision must be provided by a professional who has had specialized training or experience in [ alcoholism or drug abuse counseling and who is a licensed professional counselor, licensed clinical psychologist, licensed psychologist, licensed clinical social worker, or medical doctor credentialed as a psychiatrist, addictionologist or a certified substance abuse counselor working under the supervision of a licensed professional satisfactory to the board substance abuse counseling or a certified substance abuse counselor approved by the board ] .

[ 7. A board approved supervisor shall:

a. Be a licensed professional counselor, licensed clinical psychologist, licensed psychologist, licensed clinical social worker, medical doctor, or registered nurse with a minimum of one year experience in substance abuse counseling and at least 100 hours of didactic training covering the areas outlined in § 2.2 B 1 a through f; or

# Final Regulations

b. Be a substance abuse counselor certified by the board who has:

(1) Board recognized national certification in substance abuse counseling; and

(2) Has two years experience as a board certified substance abuse counselor. ]

[ 7. 8. ] At the time of formal application for certification, the [ ~~individual providing supervision~~ board approved supervisor ] shall document for the board the applicant's total hours of supervision, length of work experience, competence in [ substance abuse ] counseling and any needs for additional supervision or training.

[ 9. Supervision by any individual whose relationship to the supervisee compromises the objectivity of the supervisor is prohibited.

10. The applicant shall keep the board informed of his current supervisor's license or certificate number, business address, and phone number. The board shall be informed within 30 days of any changes in the applicant's supervision.

## § 2.4. Documentation of supervision.

Applicants must document successful completion of their supervised experience on appropriate forms at the time of application. Supervised experience obtained prior to May 8, 1991, may be accepted towards certification if this supervised experience met the board's requirements which were in effect at the time the supervision was rendered. ]

## [ § 2.4. § 2.5. ] Character and professional integrity.

[ A. Along with the application, the applicant shall submit endorsement letters from three responsible persons attesting to the applicant's character and professional integrity.

B. A. ] If the applicant has been under treatment for [ alcohol or other drug problems substance abuse ] within the last [ ~~two~~ four ] years, the applicant shall provide a written statement from the certified or licensed individual responsible for the treatment. The written statement shall address the capability of the applicant to assume the responsibilities of a certified substance abuse counselor.

## [ § 2.5. Continuing supervision.

The certified substance abuse counselor shall keep the board informed of his current supervisor's name, business address and phone number. The board shall be informed within 30 days of any changes in the certified substance abuse counselor's supervision. ]

## PART III. EXAMINATIONS.

## § 3.1. General examination requirements.

A. Every applicant for certification as a substance abuse counselor shall [ ~~pass take~~ ] a written examination [ ~~in order to be certified~~ approved by the board and achieve a passing score as defined by the board ] .

B. A written examination will be given at least once each year. The board may schedule such additional examinations as it deems necessary.

1. The executive director of the board shall notify all applicants in writing of the time and place of the examination for which they have been approved to sit.

2. If the applicant fails to appear for the examination without providing written notice at least one week before the examination, the examination fee shall be forfeited.

3. The executive director will notify all applicants in writing of their success or failure on any examination.

4. The applicant shall submit the applicable fees as prescribed in § 1.3.

## § 3.2. Written examination.

The written examination shall consist of objective, multiple-choice, or essay questions.

## PART IV. RENEWAL AND REINSTATEMENT.

## § 4.1. Annual renewal of certificate.

Every certificate issued by the board shall expire on June 30 of each year.

A. Along with the renewal application, the certified substance abuse counselor shall submit the renewal fee prescribed in § 1.3.

B. Failure to receive a renewal notice and application form(s) shall not excuse the certified substance abuse counselor from the renewal requirement.

## § 4.2. Reinstatement.

A. A person whose certificate has expired may renew it within four years after its expiration date by paying the penalty fee prescribed in § 1.3 and the certification fee prescribed for each year the certificate was not renewed.

B. A person who fails to renew a certificate for four years or more shall:

1. Pay the late renewal fee prescribed in § 1.3 and the certification fee prescribed for each year the

certificate was not renewed.

2. Provide evidence satisfactory to the board of current ability to practice as evidenced by:

a. Continuous practice of substance abuse counseling during the preceding two years [ ; and completion of 20 hours of continuing education in substance abuse counseling per year for the preceding two years, or ]

[ b. Continuing education in substance abuse counseling consisting of at least 20 hours per year for the preceding two years, or

[ e. b. Completing ] at least [ ; ] 40 hours of substance abuse education in the [ preceding ] 12 months [ preceding reapplication ] .

[ § 4.3. Legal name change.

A certified substance abuse counselor whose name is changed by marriage or court order may:

1. Notify the board of such change and provide a copy of the legal paper documenting the change.

2. Pay the "name change" fee prescribed in § 1.3.

3. Request and obtain from the board a new certificate bearing the individual's new legal name and pay the fee prescribed in § 1.3. ]

## PART V. STANDARDS OF PRACTICE; DISCIPLINARY ACTIONS; REINSTATEMENT.

§ 5.1. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

[ 1. A certified substance abuse counselor is employed to deliver substance abuse counseling in a state-approved public or private facility.

2. In every instance there shall be an identifiable individual or authority that is appropriately credentialed to provide supervision. ]

B. Persons certified by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.

2. Be able to justify all [ service services ] rendered to clients as necessary for diagnostic or therapeutic [

purpose purposes ] .

3. Practice only within the competency area for which they are qualified by training or experience.

4. Report to the board known or suspected violations of the laws and regulations governing the practice of certified substance abuse counselors.

5. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.

6. Keep confidential their counseling relationships with clients, except: (i) when the client is a danger to self or others; and (ii) when the counselor is under court order to disclose information.

7. Disclose counseling records to others only with written consent of the client.

8. [ Avoid dual relationships with clients that might compromise the client's well-being or impair the counselor's objectivity and professional judgment (includes such activities as counseling close friends or relatives and engaging in sexual intimacies with a client) Not engage in dual relationships with clients, former clients, supervisees and supervisors that are harmful to the client's, former client's, or supervisee's well being, or which would impair the substance abuse counselor's or supervisor's objectivity and professional judgment, or increase the risk of client or supervisee exploitation. This prohibition includes, but is not limited to, such activities as counseling close friends, employees or relatives; or engaging in sexual intimacies with clients, supervisees, or supervisors. ]

§ 5.2. Grounds for revocation, suspension, [ probation, reprimand, censure ] or denial of renewal of certificate; petition for rehearing.

A. In accordance with § 54.1-240(7) of the Code of Virginia, the board may revoke, suspend or decline to renew a certificate based upon the following conduct:

1. Conviction of a felony or misdemeanor involving moral turpitude.

2. Procuring a certificate by fraud or misrepresentation.

3. Conducting one's practice in such a manner so as to make it a danger to the health and welfare of one's clients or to the public; or if one is unable to practice [ substance abuse ] counseling with reasonable skill and safety to clients by reason of illness, [ drunkenness, excessive abusive ] use of [ alcohol, ] drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

# Final Regulations

---

4. *Negligence in professional conduct or nonconformance with the standards of practice outlined in § 5.1 B of these regulations.*

5. *Performance of functions outside the board-certified area of competency.*

6. *Violation of or aid to another in violating any provision of Chapter 35 of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of the profession regulated, or any provision of these regulations.*

*B. Petition for rehearing.*

*A petition may be made to the board for a rehearing upon good cause shown or as a result of substantial new evidence having been obtained which would alter the determination reached in subsection A of this section.*

*§ 5.3. Reinstatement following disciplinary action.*

*A. Any person whose certificate has been revoked or denied renewal by the board under the provisions of § 5.2 must submit a new application for certification to the board.*

*B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.*

*C. The applicant for such reinstatement, if approved, shall be certified upon payment of the appropriate fees applicable at the time of reinstatement.*

DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF PROFESSIONAL COUNSELORS  
 1601 Rolling Hills Drive, Suite 203  
 Richmond, Virginia 23229-5005  
 (804) 662-9912

Application for Certification as a  
 Substance Abuse Counselor

INSTRUCTIONS PLEASE TYPE OR PRINT USE BLACK INK

- Applicants must complete all sections.
- Completed applications should be mailed to the above address.
- Applications must be received NOT LESS THAN 60 DAYS PRIOR TO THE DATE OF THE WRITTEN EXAMINATION.
- Fees: An application fee of \$50 must be submitted with the application. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. THE APPLICATION FEE IS NOT REFUNDABLE. (Make check or money order payable to the Treasurer of Virginia.)

I. GENERAL INFORMATION

NAME (LAST, FIRST, MIDDLE INITIAL, SUFFIX, MAIDEN NAME)	SOCIAL SECURITY NUMBER	DATE OF BIRTH
MAILING ADDRESS (STREET AND/OR BOX NO., CITY, STATE, ZIP)	HOME PHONE NUMBER	PLACE OF BIRTH
BUSINESS ADDRESS (IF DIFFERENT THAN ABOVE)	BUSINESS PHONE NUMBER	

LIST ALL OF THE STATES IN WHICH YOU NOW HOLD OR HAVE EVER HELD AN OCCUPATIONAL LICENSE OR CERTIFICATE TO PRACTICE IN ORDER OF ATTAINMENT.

STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE CERTIFICATE

ANSWER THE FOLLOWING QUESTIONS:

- |   | YES                      | NO                       |
|---|--------------------------|--------------------------|
| 1. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of occupational examination and where.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Have you ever failed an examination for occupational licensure or certification? If so, how many times? Where?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? If yes, explain in detail.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Have you ever been convicted of a violation of or pled not guilty to any federal, state, or local statute, regulation or ordinance or entered into any plea bargaining relating to a felony or misdemeanor, excluding traffic violations, except for driving under the influence? If yes, explain in detail. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Have you ever been physically or emotionally dependent upon the use of alcohol or drugs or been treated by, consulted with, or under the care of a professional for substance abuse? If yes, please provide a letter from the treating professional stating the diagnosis, treatment, and prognosis.         | <input type="checkbox"/> | <input type="checkbox"/> |

- |   | YES                      | NO                       |
|---|--------------------------|--------------------------|
| 6. Have you ever received treatment or been hospitalized for a nervous, emotional, or mental disorder? If yes, please provide a letter from your treating professional summarizing diagnosis, treatment, and prognosis. | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Have you ever been censured, warned, or requested to withdraw or your employment terminated from any health care facility, agency, or practice?  | <input type="checkbox"/> | <input type="checkbox"/> |

II. SUPERVISED COUNSELING EXPERIENCE

INDICATE BELOW PERSON(S) DESIGNATED AS YOUR SUPERVISOR OF SUBSTANCE ABUSE COUNSELING SUPERVISED EXPERIENCE TO WHOM VERIFICATION FORM(S) WILL BE SENT. VERIFICATION OF SUPERVISION FORMS MUST BE RETURNED TO THE BOARD OFFICE BY THE SUPERVISOR, NOT THE APPLICANT.

SUPERVISOR'S NAME \_\_\_\_\_  
 INSTITUTION OR BUSINESS NAME & ADDRESS \_\_\_\_\_  
 CURRENT ADDRESS (IF DIFFERENT FROM ABOVE) \_\_\_\_\_

DATES APPLICANT EMPLOYED	FROM	TO	TOTAL HOURS OF ONE TO ONE SUPERVISION
DESCRIPTION OF SUPERVISION			TOTAL HOURS OF GROUP SUPERVISION

DESCRIPTION OF APPLICANT'S PROFESSIONAL WORK DURING THE SUPERVISION \_\_\_\_\_

SUPERVISOR'S NAME \_\_\_\_\_  
 INSTITUTION OR BUSINESS NAME & ADDRESS \_\_\_\_\_  
 CURRENT ADDRESS (IF DIFFERENT FROM ABOVE) \_\_\_\_\_

DATES APPLICANT EMPLOYED	FROM	TO	TOTAL HOURS OF ONE TO ONE SUPERVISION
DESCRIPTION OF SUPERVISION			TOTAL HOURS OF GROUP SUPERVISION

DESCRIPTION OF APPLICANT'S PROFESSIONAL WORK DURING THE SUPERVISION \_\_\_\_\_

SUPERVISOR'S NAME \_\_\_\_\_  
 INSTITUTION OR BUSINESS NAME & ADDRESS \_\_\_\_\_  
 CURRENT ADDRESS (IF DIFFERENT FROM ABOVE) \_\_\_\_\_

DATES APPLICANT EMPLOYED	FROM	TO	TOTAL HOURS OF ONE TO ONE SUPERVISION
DESCRIPTION OF SUPERVISION			TOTAL HOURS OF GROUP SUPERVISION

DESCRIPTION OF APPLICANT'S PROFESSIONAL WORK DURING THE SUPERVISION \_\_\_\_\_



**SUBSTANCE ABUSE EDUCATIONAL TASKS**

H. A total of 180 hours of the following tasks must be documented, with at least four hours performed in each task (see Section 2.2.B.2.c. of the Board of Professional Counselors' Regulations governing the Certification of Substance Abuse Counselors).

TASK	NUMBER OF HOURS	INSTITUTION AGENCY	COURSE NUMBER AND TITLE WORKSHOP TITLE
Intake			
Assisting in Developing a Treatment Plan			
Facilitating Transportation			
Individual and Group Counseling			
Continuous Client Evaluation			
Referral			
Crisis Intervention			
Case Finding			
Client Orientation and Motivation			
Client Follow-up Contact			
Working with Families			
Seeking and Using Collateral Support			
Recording and Record Keeping			
Coordination of Treatment Plan			
Outreach			
Case consultation			
Identification of Treatment Gaps and Overlaps			
Assisting in Program Development			
Identifying, Mobilizing, and Coordinating Community Resources			
Education and Prevention			
Staff Training			
Program Consultation			

**III. REFERENCES**

List the names of three individuals who are acquainted with your professional work and who will be submitting letters of reference.

Name and Address	Title

**II. EDUCATIONAL EXPERIENCE**

EDUCATIONAL INSTITUTIONS ATTENDED	DEGREE			
	FROM	TO	DEGREE	EDUCATED
HIGH SCHOOL / COLLEGE	CITY AND STATE	YEAR	YEAR	YEAR
A				
B				
C				
D				
E				
F				

\*Applicants are to have the high school they graduated from submit an official transcript directly to the Board. Applicants with GED certificates must provide official documentation to the Board of that certificate.

**G. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL REQUIREMENTS:**

Applicants are required to document 400 hours in a substance abuse educational program from one of the following: (1) an accredited university or college; (2) an integrated program approved by the Board; or (3) an individualized program of seminars and workshops approved by the Board at the time of application. APPLICANTS MUST VERIFY THE COURSE WORK DESCRIBED BELOW THROUGH OFFICIAL COLLEGE TRANSCRIPTS SENT DIRECTLY TO THE BOARD FOR COLLEGE/UNIVERSITY PROGRAMS. COPIES OF SEMINAR/WORKSHOP CERTIFICATES MUST BE SUBMITTED TO THE BOARD TO DOCUMENT HOURS ACCUMULATED IN SEMINARS/WORKSHOPS.

**SUBSTANCE ABUSE EDUCATIONAL REQUIREMENTS EXPERIENTIAL AND DIDACTIC TRAINING (220 hours)**

Content	Institution or Agency	Course Number and Title or Workshop Title	Clock Hours
Knowledge of Drugs, Alcohol, and Substance Abuse Treatment			
Case Management			
Counseling Principles and Techniques			
Information and Referral			
Recovery Process			

\*One semester credit is equivalent to 15 clock hours  
One quarter credit is equivalent to 10 clock hours

COMMENTS:

IV. AFFIDAVIT

IV. I, the below-named applicant being duly sworn, states that I am the person referred to in this application for a certificate to practice as a substance abuse counselor in the Commonwealth of Virginia and that all foregoing statements and enclosures are true in every respect.

I submit for consideration the documentation as required in support of my application in accordance with the rules and regulations of the Board of Professional Counselors. Should I furnish any false information in this application, I agree that such an act shall constitute cause for the denial, suspension, or revocation of my certificate to practice substance abuse counseling in the Commonwealth of Virginia.

MUST BE SIGNED IN PRESENCE OF NOTARY

APPLICANT SIGNATURE

NOTARY PUBLIC EMBOSSEER SEAL

COMMONWEALTH OF VIRGINIA

COUNTY OR CITY

SUBSCRIBED AND SWORN BEFORE ME, THIS

DAY OF

NOTARY PUBLIC SIGNATURE

MY COMMISSION EXPIRES

USE RUBBER STAMP IN CLEAR AREA BELOW.

NOTARY PUBLIC NAME (TYPED OR PRINTED)

DEPARTMENT OF HEALTH REGULATORY BOARDS  
VIRGINIA BOARD OF PROFESSIONAL COUNSELORS  
1601 Rolling Hills Drive  
Richmond, Virginia 23229-5005  
(804) 662-9912

Registration of Supervision for  
Substance Abuse Counselor Certification

Fee: \$25 (Make all checks payable to the  
TREASURER OF VIRGINIA — Registration  
Fees are NOT Refundable)

RECEIVED AT REGISTRATION  
STATION 19 APR 11 1991

SUPERVISEE INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: Home ( ) \_\_\_\_\_; Work ( ) \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Highest Educational Level Achieved: \_\_\_\_\_

Degree: \_\_\_\_\_ Institution: \_\_\_\_\_

An official transcript must be sent directly from your institution to the Board of Professional Counselors. **REGISTRATION OF SUPERVISION WILL NOT BE COMPLETE UNTIL A TRANSCRIPT IS RECEIVED IN THE BOARD OFFICE.**

SUPERVISOR INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: Home ( ) \_\_\_\_\_; Work ( ) \_\_\_\_\_

Social Security Number: \_\_\_\_\_

License or Certificate Number: \_\_\_\_\_ State: \_\_\_\_\_

(If the supervisor is not licensed or certified in Virginia, a copy of the supervisor's vita must be attached.)

For Office Use Only:

Check No.	Amount	Class	Date

DEPARTMENT OF HEALTH PROFESSIONS  
 BOARD OF PROFESSIONAL COUNSELORS  
 1601 Rolling Hills Drive, Suite 200  
 Richmond, Virginia 23229-5005  
 (804) 662-9912

Substance Abuse Counselor  
 Verification of Supervision

INSTRUCTIONS

The Virginia Board of Professional Counselors has received an application for certification as a substance abuse counselor from the applicant named below. Your name has been submitted by the applicant as a person who has supervised the applicant's professional experience in the delivery of clinical substance abuse services.

Please provide the Board with the information requested on this form and return this form directly to the Board at the above address. APPLICATIONS WILL NOT BE CONSIDERED COMPLETE UNTIL ALL VERIFICATION OF SUPERVISION FORMS ARE RECEIVED IN THE BOARD OFFICE.

1. APPLICANT NAME \_\_\_\_\_ SUPERVISOR NAME \_\_\_\_\_  
 SUPERVISED EMPLOYMENT SETTING (NAME) \_\_\_\_\_ ADDRESS (STREET CITY STATE ZIP) \_\_\_\_\_

2. LIST TITLES, DEGREES, LICENSES OR CERTIFICATES YOU HELD DURING SUPERVISION OF THE APPLICANT

TITLE	DEGREE	DATE	UNIVERSITY	ISSUE DATE	EXPIRES DATE	STATE

3. LIST THE ADDRESS WHERE THE APPLICANT ENGAGED IN PROFESSIONAL EXPERIENCE UNDER YOUR SUPERVISION

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. DESCRIPTION OF COUNSELING DUTIES PERFORMED UNDER YOUR SUPERVISION

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NATURE OF SUPERVISION**

Supervisory setting (name of institution, agency, private practice): \_\_\_\_\_

Hours of individual and/or group supervision planned per week: \_\_\_\_\_

Individual \_\_\_\_\_ Group: \_\_\_\_\_

Nature of services to be rendered by supervisee: \_\_\_\_\_

Nature of services to be rendered by supervisor: \_\_\_\_\_

**SUPERVISORY AGREEMENT**

I, \_\_\_\_\_ (name of supervisor), agree to provide supervision of the type described within this agreement for a total of \_\_\_\_\_ (Individual/Group (circle one)) hours. I agree to supervise \_\_\_\_\_ (name of supervisee) in accordance with the Regulations of the Virginia Board of Professional Counselors Governing the Certification of Substance Abuse Counselors. I also agree to report the performance of the supervisee on a form provided by the Board at the conclusion of the supervised experience.

I, \_\_\_\_\_ (name of supervisee), agree to present myself for supervision to the supervisor named in this form for the number of hours designated in this agreement. I understand \_\_\_\_\_ (name of supervisor) is responsible for my professional activities during the time that I am working under his/her supervision.

\_\_\_\_\_  
 Signature of Supervisor

\_\_\_\_\_  
 Signature of Supervisee

Date: \_\_\_\_\_

SUPERVISEES MUST SUBMIT A REGISTRATION OF SUPERVISION FORM FOR EACH INDIVIDUAL PROVIDING SUPERVISION FOR THE PURPOSE OF CERTIFICATION.



# Final Regulations

---

## REAL ESTATE BOARD

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

Statutory Authority: §§ 54.1-113, 54.1-201 and 54.1-2105 of the Code of Virginia.

Effective Date: May 15, 1991.

**NOTICE:** As provided in § 9-6.14:22 of the Code of Virginia, this regulation is not being republished. It was adopted as it was proposed in 7:5 V.A.R. 672-685 December 3, 1990.

# EMERGENCY REGULATIONS

## REAL ESTATE APPRAISER BOARD

Title of Regulation: VR 583-01-03. Real Estate Appraiser Board Emergency Regulations.

Statutory Authority: § 54.1-2013 of the Code of Virginia.

Effective Dates: March 14, 1991, through October 31, 1991.

### Preamble:

*The Real Estate Appraiser Board is repealing its current emergency regulations and adopting new emergency regulations as directed by § 9-6.14:4.1(5) of the Code of Virginia governing the practice of real estate appraisal in the Commonwealth.*

*Title 11 of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 provides protection for federal financial and public policy interests by requiring states to establish real estate appraiser regulatory programs by July 1, 1991. To ensure that appraisals are performed under uniform standards and that appraisers are subject to effective supervision nationwide, Title 11 creates an Appraisal Subcommittee of the Federal Financial Institutions Examination Council to monitor each state's compliance with uniform licensing standards and to approve or disapprove of each state's appraiser regulatory program. In May 1990, the Department of Commerce transmitted a copy of the Virginia Real Estate Appraiser Act for the Appraisal Subcommittee's review.*

*Given the impending July 1, 1991 deadline, the Director of the Department of Commerce, pursuant to § 54.1-2013 of the Code of Virginia, promulgated an initial set of emergency regulations to comply with applicable federal requirements. However, the recommendations presented in the Appraisal Subcommittee's review of Virginia's statute, received by the Appraiser Board on November 29, 1990, require the Virginia Appraiser Board to repeal its current Emergency Regulations and adopt new regulations under § 9-6.14:4.1(5) of the Code of Virginia for compliance with federal and statutory requirements by July 1, 1991.*

*The new emergency regulations will remain in effect until October 31, 1991, whereas by that date the Board will have repromulgated the regulations in accordance with the Administrative Process Act.*

/s/ Robert E. Barton, Chairman  
Real Estate Appraiser Board  
Date: February 19, 1991

/s/ Milton K. Brown, Director  
Department of Commerce  
Date: February 19, 1991

/s/ Lawrence H. Framme, III  
Secretary of Economic Development  
Date: February 20, 1991

/s/ Lawrence Douglas Wilder  
Governor of Virginia  
Date: March 8, 1991

/s/ Joan W. Smith  
Virginia Registrar of Regulations  
Date: March 14, 1991

VR 583-01-03. Real Estate Appraiser Board Emergency Regulations.

## PART I. GENERAL.

### § 1.1. Definitions.

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

*"Accredited colleges, universities, junior and community colleges," means those accredited institutions of higher learning approved by the Virginia Council of Higher Education or listed in the Transfer Credit Practices of Designated Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers.*

*"Adult distributive or marketing education programs" means those programs offered at schools approved by the Virginia Department of Education or any other local, state, or federal government agency, board or commission to teach adult education or marketing courses.*

*"Appraisal Foundation" means the foundation incorporated as an Illinois Not for Profit Corporation on November 30, 1987 to establish and improve uniform appraisal standards by defining, issuing and promoting such standards.*

*"Appraiser Qualification Board" means the board created by the Appraisal Foundation to establish appropriate criteria for the certification and recertification of qualified appraisers by defining, issuing and promoting such qualification criteria; to disseminate such qualification criteria to states, governmental entities and others; and to develop or assist in the development of appropriate examinations for qualified appraisers.*

*"Certified general real estate appraiser" means an individual who meets the requirements for licensure that relate to the appraisal of all types of real estate and real property and is licensed as a certified general real estate appraiser.*

*"Certified residential real estate appraiser" The specific*

# Emergency Regulations

---

requirements to appraise real estate or real property have not yet been adopted pursuant to Title 11 of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

“Classroom hour” means 50 minutes out of each 60 minute segment.

“Experience” as used in these regulations includes but is not limited to experience gained in the performance of traditional appraisal assignments, or in the performance of the following: fee and staff appraisals, ad valorem tax appraisal, review appraisal, appraisal analysis, real estate counseling, highest and best use analysis, feasibility analysis/study, and teaching of appraisal courses.

“Licensed residential real estate appraiser” means an individual who meets the requirements for licensure for the appraisal of any residential real estate or real property of one to four residential units, residential properties where the production of agricultural income is not significant, including federally related transactions, where the transaction value is less than \$1,000,000. Licensed residential real estate appraisers may also appraise non-residential properties with a transaction value up to \$250,000, including rural properties primarily used for non-income producing recreational, agricultural, or other purposes.

A licensed residential appraiser may not appraise rural properties with one or more of the following:

- a. primary use for production of agricultural income;
- b. commercially valuable timber or mineral interests;
- c. development potential for commercial or industrial improvements;
- d. commercial or industrial improvements; and
- e. environmentally sensitive land or properties with environmental hazards.

“Licensee” means any individual holding a license issued by the Real Estate Appraiser Board to act as a certified general real estate appraiser or licensed residential real estate appraiser as defined, respectively, in § 54.1-2009 of the Code of Virginia and in these regulations.

“Local, state or federal government agency, board or commission” means an entity established by any local, federal or state government to protect or promote the health, safety and welfare of the citizens of its domain.

“Proprietary School” means a privately owned school, under the authority of a local, state or federal government agency, board or commission, offering appraisal or appraisal related courses.

“Real estate appraisal or real estate related organization” means any appraisal or real estate related organization formulated on a national level, where its membership extends to more than one state or territory of the United States, and where its educational courses or seminars meet standards set forth by the organization.

“Registrant” means any corporation, partnership or other business entity which provides appraisal services and which is registered with the Real Estate Appraiser Board in accordance with § 54.1-2011(E) of the Code of Virginia.

“Substantially equivalent” is a description for any educational course or seminar, experience, or examination taken in this or another jurisdiction which is equivalent in classroom hours, course content and subject, and degree of difficulty, respectively, to those requirements outlined in these regulations and Chapter 20 of Title 54.1 of the Code of Virginia for licensure and renewal.

“Transaction value” means the amount of a transaction which may require the services of a certified or licensed appraiser for completion. The transaction value is not always equal to the market value of the real property interest involved. For loans or other extensions of credit, the transaction value equals the amount of the loan or other extensions of credit. For sales, leases, purchases and investments in or exchanges of real property, the transaction value is the market value of the real property interest involved. For the pooling of loans or interests in real property for resale or purchase, the transaction value is the amount of the loan or the market value of real property calculated with respect to each such loan or interest in real property.

“Uniform Standards of Professional Appraisal Practice” means those standards promulgated by the Appraisal Standards Board of the Appraisal Foundation for use by all appraisers in the preparation of appraisal reports.

## PART II. ENTRY.

### § 2.1. Requirement for registration.

A corporation, partnership or other business entity seeking to provide appraisal services shall register with the board by completing an application furnished by the board describing the location, nature and operation of its practice, and the name and address of the registered agent, an associate, a partner or the sole proprietor of the business entity. Along with a completed application form corporations shall provide a copy of the Certificate of Authority from the State Corporation Commission; partnerships shall provide a copy of the certified Partnership Certificate; and other business entities shall provide a copy of written authority from the appropriate local court to the board.

### § 2.2. General qualifications for licensure.

# Emergency Regulations

Every applicant to the Real Estate Appraiser Board for a certified general or licensed residential real estate appraiser license shall have the following qualifications:

1. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a licensed real estate appraiser in such a manner as to safeguard the interests of the public.
2. The applicant shall meet the current educational and experience requirements and submit a license application to the Department or its agent prior to the time the applicant is approved to sit for the licensing examination. Applications for licensure must be complete within twelve months of the date of the receipt of the license application and fee by the Department of Commerce or its agent.
3. The applicant shall be in good standing as a real estate appraiser in every jurisdiction where licensed or certified; the applicant may not have had a license or certification which was suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.
4. The applicant may not have been convicted, found guilty or pled guilty, regardless of adjudication, in any jurisdiction of a misdemeanor involving moral turpitude or of any felony. Any plea of *nolo contendere* shall be considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as *prima facie* evidence of such conviction.
5. The applicant shall be at least 18 years old.
6. Applicants for licensure who do not meet the requirements set forth in items § 2.2.3. and § 2.2.4. may be approved for licensure following consideration of their application by the Board.

## § 2.3. Additional qualifications for licensure of licensed residential real estate appraisers.

An applicant for a license as a licensed residential real estate appraiser shall meet the requirements of § 2.3.A. in addition to those set forth in § 2.2 of these regulations:

### A. Education, experience and examination requirements.

1. The applicant shall have successfully completed 75 classroom hours of courses in subjects related to real estate appraisal to include coverage of the Uniform Standards of Professional Appraisal Practice from accredited colleges, universities, junior and community colleges; adult distributive or marketing education programs; local, state or federal government agencies,

boards or commissions; proprietary schools; or real estate appraisal or real estate related organizations.

2. The applicant shall have a minimum of two calendar years and 2,000 hours experience as an appraiser. The maximum number of appraisal credit hours which may be awarded in one calendar year is 1,000 hours. Hours may be treated as cumulative in order to achieve the necessary 2,000 hours of appraisal experience. The applicant shall execute an affidavit as a part of the application for licensure attesting to his experience in the field of real estate appraisal. This experience must be supported by adequate written reports or file memoranda which shall be made available to the board upon request.

3. Within twelve months after being approved by the Board to sit for the licensed residential real estate appraiser examination, the applicant shall have registered for and passed a written examination provided by the board or by a testing service action on behalf of the board.

## § 2.4 Additional qualifications for licensure for certified general real estate appraisers.

An applicant for a license as a certified general real estate appraiser shall meet the requirements of § 2.4.A. in addition to those set forth in § 2.2 of these regulations:

### A. Education, experience and examination requirements.

1. The applicant shall have successfully completed 165 classroom hours of courses in subjects related to real estate appraisal to include coverage of the Uniform Standards of Professional Appraisal Practice from accredited colleges, universities, junior and community colleges; adult distributive or marketing education programs; local, state or federal government agencies, boards or commissions; proprietary schools; or real estate appraisal or real estate related organizations. The 165 classroom hours may include the 75 classroom hours required for the licensed residential real estate appraiser.

2. The applicant shall have a minimum of two calendar years and 2,000 hours experience as a real estate appraiser. The maximum number of appraisal credit hours which may be awarded in one calendar year is 1,000 hours. Hours may be treated as cumulative in order to achieve the necessary 2,000 hours of appraisal experience. For all applicants for a certified general real estate appraiser license, at least fifty-percent of the appraisal experience required (1,000 hours) must be in non-residential appraisal assignments.

The applicant shall execute an affidavit as a part of the application for licensure attesting to his experience in the field of real estate appraisal. This experience must be supported by adequate written reports or file



# Emergency Regulations

---

memoranda which shall be made available to the board upon request.

3. Within twelve months after being approved by the Board to sit for the certified general real estate appraiser examination, the applicant shall have registered for and passed a written examination provided by the board or by a testing service acting on behalf of the board.

## § 2.5 Qualifications for licensure by reciprocity.

Every applicant to the Real Estate Appraiser Board for a license by reciprocity shall have met the following qualifications:

A. An individual who is currently licensed or certified as a real estate appraiser in another jurisdiction may obtain a Virginia real estate appraiser license by providing documentation that the applicant has met educational, experience and examination requirements that are substantially equivalent to those required in Virginia for the appropriate level of licensure. All reciprocal applicants shall be required to pass the Virginia appraiser law and regulation section of the licensing examination prior to licensure.

B. The applicant shall be at least 18 years of age.

C. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia real estate appraiser license law and the regulations of the Real Estate Appraiser Board.

D. The applicant shall be in good standing as a licensed or certified real estate appraiser in every jurisdiction where licensed or certified; the applicant may not have had a license or certification as a real estate appraiser which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.

E. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate appraiser in such a manner as to safeguard the interest of the public.

F. The applicant may not have been convicted, found guilty or pled guilty, regardless of adjudication, in any jurisdiction of a misdemeanor involving moral turpitude or of any felony. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

G. Applicants for licensure who do not meet the requirements set forth in items § 2.5.D. and § 2.5.F. may be approved for licensure following consideration by the

board.

§ 2.6 Qualifications for temporary licensure as a certified general real estate appraiser or licensed residential real estate appraiser.

An individual who is currently licensed or certified as a real estate appraiser in another jurisdiction may obtain a temporary Virginia real estate appraiser's license as required by Section 1121 of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

The appraiser's certification or license issued by another state shall be recognized as equivalent to a Virginia license provided that:

A. The appraiser's business is of a temporary nature, and is limited to one specific assignment.

B. The education, experience and general examination completed in the jurisdiction of original licensure is deemed to be substantially equivalent to those required for the appropriate level of licensure in Virginia.

C. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia real estate appraiser license law and the regulations of the Real Estate Appraiser Board.

D. The applicant shall be in good standing as a licensed or certified real estate appraiser in every jurisdiction where licensed or certified; the applicant may not have had a license or certification as a real estate appraiser which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.

E. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate appraiser in such a manner as to safeguard the interest of the public.

F. The applicant may not have been convicted, found guilty or pled guilty, regardless of adjudication, in any jurisdiction of a misdemeanor involving moral turpitude or of any felony. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

G. Applicants for licensure who do not meet the requirements set forth in items § 2.5.D and § 2.5.F. may be approved for licensure following consideration by the board.

H. The applicant shall be at least 18 years of age.

# Emergency Regulations

Applicants for temporary licensure shall verify the above information on an application form provided by the board. A temporary license cannot be renewed.

## § 2.8. Application and registration fees.

All application fees for licenses and registrations are nonrefundable.

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

Registration of corporation, partnership or business entity .....	\$180.00
Certified General Real Estate Appraiser by education and examination .....	\$120.00
Certified General Real Estate Appraiser by reciprocity .....	\$120.00
Temporary Certified General Real Estate Appraiser .....	\$200.00
Licensed Residential Real Estate Appraiser by education and examination .....	\$120.00
Licensed Residential Real Estate Appraiser by education and examination .....	\$120.00
Temporary Licensed Residential Real Estate Appraiser .....	\$200.00
Certification of licensure .....	\$25.00

### B. Examination fees.

Examination services will be secured following a competitive bidding process in accordance with the Virginia Procurement Act. Examination fees will be determined as a result of this bidding process and promptly reported to all interested parties.

C. National Registry Fee Assessment for all permanent license applicants .....	\$50.00
--	---------

To be assessed of each applicant in accordance with Section 1109 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. If the applicant fails to qualify for licensure, then this assessment fee will be refunded.

National Registry Fee Assessment for all temporary license applicants .....	\$25.00
---	---------

To be assessed of each temporary appraiser license applicant in accordance with Section 1109 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. If the applicant fails to qualify for licensure, then this assessment fee will be refunded.

## PART III RENEWAL OF LICENSE/REGISTRATION.

### § 3.1. Renewal required.

Licenses issued under these regulations for certified general real estate appraisers and licensed residential real estate appraisers and registrations for corporations, partnerships and business entities shall expire two years from the last day of the month in which they were issued, as indicated on the license or registration.

### § 3.2. Qualifications for renewal.

#### A. Continuing education requirements.

As a condition of renewal, and under § 54.1-2014, of the Code of Virginia, all certified general real estate appraisers and licensed residential real estate appraisers, resident or non-resident, shall be required to complete continuing education courses satisfactorily within each licensing term.

#### 1. Continuing education requirements for certified general real estate appraisers.

a. Certified general real estate appraisers must satisfactorily complete continuing education courses or seminars offered by accredited colleges, universities, junior and community colleges; adult distributive or marketing education programs; local, state or federal government agencies, boards or commissions; proprietary schools; or real estate appraisal or real estate related organizations of not less than 20 classroom hours during each licensing term.

b. Certified general real estate appraisers may also satisfy continuing education requirements by participation other than as a student in educational processes and programs approved by the board to be substantially equivalent for continuing education purposes to include, but is not limited to teaching, program development, or authorship of textbooks.

c. Six of the classroom hours completed to satisfy the continuing education requirements shall be a course approved by the board on recent developments in federal, state and local real estate appraisal law and regulation.

#### 2. Continuing education requirements for licensed residential real estate appraisers.

a. Licensed residential real estate appraisers must

# Emergency Regulations

---

satisfactorily complete continuing education courses or seminars offered by accredited colleges, universities, junior and community colleges; adult distributive or marketing education programs; local, state or federal government agencies, boards or commissions; proprietary schools; or real estate appraisal or real estate related organization of not less than 20 classroom hours during each licensing term.

b. Licensed residential real estate appraisers may also satisfy continuing education requirements by participation other than as a student in educational processes and programs approved by the board to be substantially equivalent for continuing education purposes to include, but is not limited to teaching, program development, or authorship of textbooks.

c. Six of the classroom hours completed to satisfy the continuing education requirements shall be a course approved by the board on recent developments in federal, state and local real estate appraisal law and regulation.

B. Applicants for renewal of a license shall meet the standards for entry as set forth in § 2.2.1, § 2.2.3 and § 2.2.4 of these regulations.

C. Applicants for the renewal of a registration shall meet the requirement for registration as set forth in § 2.1.

## § 3.3. Procedures for renewal.

A. The board will mail a renewal application form to the licensee at the last known home address and to the registered firm or at the last known business address. This form shall outline the procedures for renewal. Failure to receive the renewal application form shall not relieve the licensee or the registrant of the obligation to renew.

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

C. The date on which the renewal application form and the appropriate fees are received by the Department of Commerce or its agent will determine whether the licensee or registrant is eligible for renewal. If either the renewal application form or renewal fee, including the registry fee, is received by the Department of Commerce or its agent after the expiration date, the license or registration cannot be renewed and the licensee or registrant shall reapply for licensure as a new applicant, meeting current education, examination and experience requirements.

## § 3.4. Fees for renewal.

### A. National registry fee assessment.

In accordance with the requirements of Section 1109 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, \$50 of the biennial renewal fee assessed for all certified general real estate appraisers and licensed residential real estate appraisers shall be submitted to the Appraisal Subcommittee. Should a license be revoked or surrendered during the current licensing term, the remaining \$25 National Registry Fee assessment for that year will be refunded. All remaining fees for renewal are nonrefundable.

### B. Renewal fees are as follows:

Certified general real estate appraiser .....	\$165.00
Certified residential real estate appraiser .....	\$165.00
Licensed residential real estate appraiser .....	\$165.00
Registered corporation, partnership or other business entity .....	\$175.00

## § 3.5. Board discretion to deny renewal.

The board may deny renewal of a license or registration for the same reasons as it may refuse initial licensure or registration or discipline a current licensee or registrant.

## PART IV. STANDARDS

### § 4.1. Grounds for disciplinary action.

The board has the power to fine any licensee or registrant, and to suspend or revoke any license or registration issued under the provisions of Title 54.1, Chapter 20.1 of the Code of Virginia, and the regulations of the board, in accordance with § 54.1-201(7), § 54.1-202 and the provisions of the Administrative Process Act, Title 9, Chapter 1.1:1 of the Code of Virginia, when any licensee or registrant has been found to have violated or cooperated with others in violating any provision of Title 54.1, Chapter 20.1 of the Code of Virginia, any relevant provision of the Uniform Standards of Professional Appraisal Practice as developed by the Appraisal Standards Board of the Appraisal Foundation<sup>1</sup>, or any regulation of the board.

### § 4.2. Standards of ethical conduct.

In obtaining a real estate appraiser license and performing a real estate appraisal, a licensee shall comply with the Ethics Provisions of the Uniform Standards of Professional Appraisal Practice and the following standards of ethical conduct:

A. All applicants for licensure shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include any written

# Emergency Regulations

instructions communicated prior to the examination date and any instruction communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board or a testing service acting on behalf of the board with regard to conduct at the examination shall be grounds for denial of a license.

B. A licensee or registrant shall not obtain a license or registration by false or fraudulent representation.

C. A licensee or registrant shall not make any misrepresentation.

## § 4.3. Standards of professional practice.

### A. Maintenance of licenses.

#### 1. Change of address.<sup>3</sup>

a. Certified general real estate appraisers and licensed residential real estate appraisers shall at all times keep the board informed in writing of their current home address.

b. Registered real estate appraisal corporations, partnerships and business entities shall at all times keep the board informed in writing of their current business address.

#### 2. Change of name.<sup>3</sup>

a. Certified general real estate appraisers and licensed residential real estate appraisers shall promptly notify the board in writing and provide appropriate written legal verification of any change of name.

b. Registered real estate appraisal corporations, partnerships and business entities shall promptly notify the board of any change of name or change of business structure in writing. In addition to written notification, corporations shall provide a copy of the Certificate of Amendment from the State Corporation Commission; partnerships shall provide a copy of a certified Partnership Certificate; and other business entities trading under a fictitious name shall provide written authority from the appropriate local court.

3. Upon the the change of name or address of the registered agent, associate, partner, or sole proprietor designated by a registered corporation, association, partnership or other business entity; the corporation, association, partnership, or other registered business entity shall notify the board in writing of the change within ten days of such event.

4. No license or registration issued by the board shall be assigned or otherwise transferred.

5. All licensees and registrants shall operate under the name in which the license or registration is issued.

6. All certificates of licensure/registration in any form are the property of the Real Estate Appraiser Board. Upon death of a licensee, dissolution or restructure of a registered business entity, or change of licensee/registrant name or address, such licenses/registrations must be returned with proper instructions and supplemental material to the board within ten days of such event.

### B. Use of seal.

1. The application of a licensed appraiser's seal shall indicate that the licensee has exercised complete direction and control over the appraisal. Therefore, no licensee shall affix his seal to any appraisal which has been prepared by an unlicensed person unless such work was performed under the direction and supervision of the licensee in accordance with § 54.1-2011(C) of the Code of Virginia.

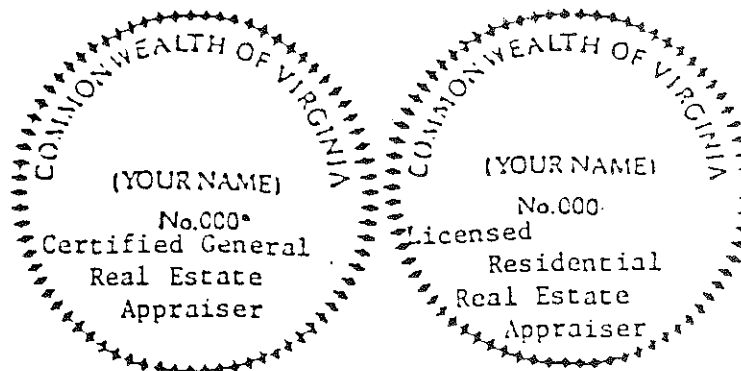
2. All licensed real estate appraisers shall apply a rubber stamp, preprinted seal or raised seal to any page of an appraisal report containing the final estimate or conclusion of value. All temporary licensed real estate appraisers shall sign and affix their temporary license to the appraisal report for which they obtained the license to authenticate such report.

a. All seal imprints on final documents shall be signed.

b. An appraiser may provide written reports, market analysis studies or valuations, which do not constitute appraisals, provided, that such reports, studies or evaluations shall contain a conspicuous statement that such reports, studies or valuations are not an appraisal as defined in § 54.1-2009 of the Code of Virginia.

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

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



# Emergency Regulations

---

\*The number on the seal shall be the number on your license issued by the board.

## C. Development of Appraisal.

In developing a real property appraisal, an appraiser shall comply with the provisions of Standard I of the Uniform Standards of Professional Appraisal Practice (USPAP).<sup>4</sup>

## D. Appraisal report requirements.

In reporting a real property appraisal, an appraiser shall meet the requirements of Standard II of the Uniform Standards of Professional Appraisal Practice.

## E. Reviewing an appraisal.

In performing a review appraisal, a licensee shall comply with the requirements of Standard III of the Uniform Standards of Professional Appraisal Practice.

## F. Record keeping requirements.

1. A licensee or registrant of the Real Estate Appraiser Board shall, upon request or demand, promptly produce to the board or any of its agents any document, book, or record in a licensee's possession concerning any appraisal which the licensee performed, or for which the licensee is required to maintain records for inspection and copying by the board or its agents. These records shall be made available at the licensee's place of business during regular business hours.

2. Upon the completion of an assignment, a licensee or registrant shall return to the rightful owner, upon demand, any document or instrument which the licensee possesses.

## G. Disclosure requirements.

1. A licensee appraising property in which he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest, has any interest shall disclose, in writing, to any client such interest in the property and his status as a real estate appraiser licensed in the Commonwealth of Virginia. As used in the context of this regulation, "any interest" includes but is not limited to an ownership interest in the property to be appraised or in an adjacent property or involvement in the transaction, such as deciding whether to extend credit to be secured by such property.

## H. Competency.

1. A licensee shall not enter into an agreement to perform any appraisal assignment without the knowledge and experience to complete the assignment competently.

2. A licensee shall be considered to have performed an incompetent appraisal if the licensee enters into an agreement to perform an appraisal for which he does not have the knowledge or experience to complete competently, and the licensee:

a. fails to disclose his lack of knowledge and experience to the client before accepting the appraisal assignment; and

b. fails to take all steps necessary or appropriate to complete the appraisal competently; or

c. fails to describe the lack of knowledge or experience and the steps taken in the report.

## I. Unworthiness.

1. A licensee shall act as a certified general real estate appraiser or licensed residential real estate appraiser in such a manner as to safeguard the interests of the public, and shall not engage in improper, fraudulent, or dishonest conduct.

2. A licensee may not have been convicted, found guilty or pled guilty, regardless of adjudication, in any jurisdiction of the United States of a misdemeanor involving moral turpitude or of any felony there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this paragraph. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt.

3. A licensee shall inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty, regardless of adjudication, of any felony or of a misdemeanor involving moral turpitude.

4. A licensee may not have had a license or certification as a real estate appraiser which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction.

5. A licensee shall inform the board in writing within 30 days of the suspension, revocation or surrender of an appraiser license or certification in connection with a disciplinary action in any other jurisdiction, and a licensee shall inform the board in writing within 30 days of any appraiser license or certification which has been the subject of discipline in any jurisdiction.

## PART V. COURSES

### § 5.1. Courses.

Pursuant to the mandate of Title 11 of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, and § 54.1-2013 of the Code of Virginia, the qualifications criteria set forth by the Appraisal Qualifications Board of the Appraisal Foundation for the content for courses, seminars, workshops or conferences which may be accepted for pre-licensure and continuing education credit are outlined below.

## A. Pre-licensure education.

1. Applicants for licensure as a licensed residential or a certified general appraiser shall have successfully completed coverage of the Uniform Standards of Professional Appraisal Practice in a qualified course as defined in § 5.2 of these regulations prior to licensure.

2. While various appraisal courses may be credited toward the classroom requirement specified for each level of licensure, all applicants for licensure as a licensed residential real estate appraiser must demonstrate that their coursework included coverage of all the topics listed below with particular emphasis on the appraisal of residential properties. All applicants for licensure as a certified general real estate appraiser must demonstrate that their education included coverage of all the topics listed below with particular emphasis on the appraisal of non-residential properties as evidenced by an advanced level appraisal course of at least thirty classroom hours.

Appraisal standards and ethics  
Influences on real estate value  
Legal considerations in appraisal  
Types of value  
Economic principles  
Real estate markets and analysis  
Valuation process  
Property description and analysis  
Highest and best use analysis  
Appraisal statistical concepts  
Sales comparison approach  
Site valuation  
Cost approach  
Income approach  
Valuation of partial interests

## B. Continuing education.

1. The content of courses, seminars, workshops or conferences which may be accepted for continuing education credit includes, but is not limited to those topics listed in § 5.1.A. and below.

Ad valorem taxation  
Arbitrations  
Business courses related to the practice of real estate appraisal  
Construction estimating Ethics and Uniform Standards of Professional Appraisal Practice

Land use planning, zoning, and taxation  
Property development  
Real estate appraisal (valuations/evaluations)  
Real estate financing and investment  
Real estate law  
Real estate related computer applications  
Real estate securities and syndication  
Real property exchange

2. Courses, seminars, workshops or conferences submitted for continuing education credit must indicate that the licensee participated in an educational program that maintained and increased his knowledge, skill and competency in real estate appraisal.

## § 5.2. Standards for approval of appraisal courses.

A. All appraisal and appraisal-related courses offered by accredited colleges, universities, junior and community colleges; adult distributive or marketing education programs; local, state or federal government agencies, boards or commissions; proprietary schools; or real estate appraisal or real estate related organizations that are presented for pre-licensure credit must have a final, written examination. Applicants must furnish written proof of having received a passing grade.

B. All courses, seminars, workshops or conferences submitted for credit must have a grade or indicate successful completion of the course, seminar, workshop or conference.

C. Course credit shall be awarded only once for courses having substantially equivalent content.

D. All courses, seminars and workshops must indicate the number of credit hours and an explanation of those hours. Credit toward the classroom hour requirement to satisfy the continuing education requirements shall be granted only where the length of the educational offering is at least two hours. Credit toward the classroom hour requirement to satisfy the educational requirement prior to licensure shall be granted only where the length of the educational offering is at least 15 hours.

E. All courses, seminars, workshops or conferences submitted for satisfaction of requirements must have been offered by accredited colleges, universities, junior and community colleges; adult distributive or marketing education programs; local, state or federal government agencies, boards or commissions; proprietary schools; or real estate appraisal or real estate related organizations.

F. Proof of completion of such course, seminar, workshop or conference may be in the form of a transcript, certificate or certified true copy of such.

G. Information which may be requested by the Board in order to further evaluate course content includes, but is not limited to course

# Emergency Regulations

---

H. Courses taken by correspondence method are not acceptable for pre-licensure or continuing education credit.

I. Credit may be awarded for courses completed by challenge examination without classroom attendance, if such credit was granted by the course provider prior to July 1, 1990, and provided that the Board is satisfied with the quality of the challenge examination that was administered by the course provider.

## § 5.3. Required continuing education course.

As outlined in Part III of these regulations all certified general real estate appraisers and licensed residential real estate appraisers shall complete twenty classroom hours prior to the renewal of any license. Six classroom hours shall cover recent developments in federal, state and local real estate appraisal law and regulation.

### Footnotes

<sup>1</sup> The Uniform Standards of Professional Appraisal Practice ("USPAP") Copyright (c) 1987, 1990 are published by the Appraisal Foundation. All rights reserved. Copies of the Uniform Standards of Professional Appraisal Practice are available from the Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington D.C. 20005. The cost is \$25.00 payable by check or money order.

Some of the provisions contained in the Uniform Standards of Professional Appraisal Practice are inapplicable to real estate appraisals, and therefore are not applicable to Virginia Appraiser Board licensees. For example, the USPAP includes standards for the performance of personal property appraisals and a license is not required to perform such appraisals.

<sup>2</sup> The board shall not be responsible for the licensee's/registrant's failure to receive notices, communications and correspondence caused by the licensee's/registrant's failure to promptly notify the board of any change of address.

<sup>3</sup> The board shall not be responsible for the licensee's/registrant's failure to receive notices, communications and correspondence caused by the licensee's/registrant's failure to promptly notify the board of any change of name.

<sup>4</sup> Application of the Departure Provision of USPAP is not allowed for all federally related transactions requiring the services of an appraiser.

---

# MARINE RESOURCES COMMISSION

---

## MARINE RESOURCES COMMISSION

### FINAL REGULATIONS

NOTICE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purpose of promulgating regulations. However, the Commission is required to publish the full text of final regulations.

Title of Regulation: VR 450-01-9101. Closed Public Oyster Season.

Statutory Authority: § 28.1-82 of the Code of Virginia.

Effective Date: April 1, 1991, to October 1, 1991.

Preamble:

*The following order of the Marine Resources Commission closes all public oyster rocks, grounds and shoals within certain designated areas of the state in order to promote and protect the oyster fishery.*

VR 450-01-9101. Closed Public Oyster Season.

§ 1. Authority, effective date.

A. This order is promulgated pursuant to the authority contained in § 28.1-82 of the Code of Virginia

B. The effective date of this order is April 1, 1991.

§ 2. Purpose.

*The purpose of this order is to close all public oyster grounds, rocks, and shoals in the "clean cull" areas of the state, except the Jail Island clean cull area of the James River; and all public oyster grounds, rocks, and shoals on the Seaside of Eastern Shore to the taking of oysters in order to conserve the resource and promote the growth of the oysters in these areas.*

§ 3. Designated areas.

*The following areas in the state, where public oyster rocks, grounds, and shoals are located are closed to the taking of oysters:*

1. Seaside of Eastern Shore.
2. All "clean cull" areas of the state, except the Jail Island clean cull area of the James River.

§ 4. Expiration date.

*This order shall terminate on October 1, 1991.*

/s/ William A. Pruitt  
Commissioner  
Date: February 26, 1991



---

# GOVERNOR

---

## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

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

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

Governor's Comment:

The proposed regulations, in accordance with the Callahan Act, would enable the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects to cover administrative expenses. Pending public comment, I recommend approval.

/s/ Lawrence Douglas Wilder  
Governor  
Date: March 13, 1991

### BOARD OF CORRECTIONS

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

Governor's Comment:

I recommend the promulgation of these regulations with the understanding that: technical corrections suggested by the Department of Planning and Budget (DPB) be made; and, the State Board of Corrections carefully consider the comments submitted by DPB in the "Procedures for Receiving State Reimbursement for Local Correctional Facility Construction, Enlargement or Renovation" or a future amendment to these regulations.

/s/ Lawrence Douglas Wilder  
Governor  
Date: March 8, 1991

### DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: **VR 270-01-0034. Regulations Governing the Operation of Proprietary School and Issuing of Agent Permits.**

Governor's Comment:

I concur with the adoption of these regulations. I recommend that the Board of Education closely monitor compliance with the regulations particularly as they relate to the operation of branch schools under one certificate of

operation.

/s/ Lawrence Douglas Wilder  
Governor  
Date: March 8, 1991

### DEPARTMENT OF HISTORIC RESOURCES (BOARD OF)

Title of Regulation: **VR 390-01-02. Regulations Governing Permits for the Archaeological Excavation of Human Remains.**

Governor's Comment:

I recommend that the Department of Historic Resources provide additional information to demonstrate that the proposed qualifications for supervising archaeologists are essential and are not overly restrictive or arbitrary. I further recommend that the agency assess the provisions governing permit issuance, specifically in the areas of permit enforceability and grounds for permit denial. Pending public comment and review of these issues, I recommend approval of the regulations.

/s/ Lawrence Douglas Wilder  
Governor  
Date: March 15, 1991

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **State Plan for Medical Assistance Relating to Restoration of Income and Resource Methodologies.**

**VR 460-02-2100. Groups Covered and Agencies Responsible for Eligibility Determination.**

**VR 460-02-6100. Eligibility Conditions and Requirements.**

**VR 460-03-2.6105. Methodologies for Treatment of Income and Resources that Differ From Those of the SSI Program.**

**VR 460-03-6112. More Liberal Methods Under Social Security Act § 1902(r)(2).**

Governor's Comment:

I concur with the form and content of this proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder  
Governor  
Date: March 8, 1991

---

# GENERAL NOTICES/ERRATA

---

<b>Symbol Key †</b>
† Indicates entries since last publication of the Virginia Register

## STATE AIR POLLUTION CONTROL BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The purpose of the proposed action is to provide the latest edition of referenced technical and scientific documents and to incorporate newly promulgated federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

A public meeting will be held on April 24, 1991, at 10 a.m. in House Room 1, State Capitol Building, Richmond, Virginia, to receive input on the development of the proposed regulation.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until April 24, 1991, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240.

**Contact:** Nancy S. Saylor, Policy Analyst, Division of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249.

## ALCOHOLIC BEVERAGE CONTROL BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Board intends to consider amending regulations of the Alcoholic Beverage Control Board entitled:

**VR 125-01-01. Procedural Rules for the Conduct of Hearings Before the Board and its Hearing Officers and the Adoption or Amendment of Regulations.**

**VR 125-01-02. Advertising.**

**VR 125-01-03. Tied House.**

**VR 125-01-04. Requirements for Product Approval.**

**VR 125-01-05. Retail Operations.**

**VR 125-01-06. Manufacturers and Wholesalers Operations.**

**VR 125-01-07. Other Provisions.**

The purpose of the proposed action is to receive information from industry, the general public and licensees

of the board concerning adopting, amending or repealing the board's regulations. A public meeting will be held on June 20, 1991, at 10 a.m. in the First Floor Hearing Room, 2901 Hermitage Road, Richmond, Virginia, to receive comments from the public (See notice in General Notices Section.)

Statutory Authority: §§ 4-7(1), 4-11, 4-36, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103(b) and 9-6.14:1 et seq. of the Code of Virginia.

Written comments may be submitted until April 18, 1991.

**Contact:** Robert N. Swinson, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616.

## 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 amending regulations entitled: **VR 230-20-001. Operational Standards for Adult Institutions.** The purpose of the proposed action is to establish minimum operations standards for adult institutions of the Department of Corrections.

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

Written comments may be submitted until May 15, 1991.

**Contact:** John T. Britton, Manager, Certification and Research, P.O. Box 26963, Richmond, VA 23261, telephone (804) 674-3237.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Corrections intends to consider amending regulations entitled: **VR 230-30-006. Jail Work/Study Release Program Standards.** The purpose of the proposed action is to establish minimum standards for the establishment and operation of a jail work/study release program.

Statutory Authority: § 53.1-131 of the Code of Virginia.

Written comments may be submitted until May 15, 1991.

**Contact:** A. T. Robinson, Local Facilities Administrator, P.O. Box 26963, Richmond, VA 23261, telephone (804) 674-3251.

# General Notices/Errata

---

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Education intends to consider promulgating regulations entitled: **Licensure Regulations for School Personnel**. The primary purpose for licensing school personnel is to maintain standards of professional competence.

The existing Certification Regulations for Teachers, effective July 1, 1986, and the addendum to the regulations effective October 22, 1987, shall be repealed. Licensure regulations shall be promulgated as a result of the Board of Education's mandates to restructure preparation programs for teachers and administrators. The new regulations are substantially different in form and content.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia.

Written comments may be submitted until April 8, 1991.

Contact: Patty S. Pitts, Associate Specialist, Teacher Certification, Virginia Department of Education, P.O. Box 6Q, Richmond, VA 23216-2060.

## BOARD FOR GEOLOGY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Geology intends to consider amending regulations entitled: **VR 335-01-2. Virginia Board for Geology Rules and Regulations**. Biannual regulatory review.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until April 8, 1991.

Contact: Nelle P. Hotchkiss, Assistant Director, Asbestos Licensing Program, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

## DEPARTMENT OF HEALTH (STATE BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Health intends to consider amending regulations entitled: **VR 355-30-01. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations**. The purpose of the proposed action is to amend the existing Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations so that the regulations are consistent with the

amended law.

Statutory Authority: § 32.1-12 of the Code of Virginia.

Written comments may be submitted until April 23, 1991.

Contact: Wendy V. Brown, Acting Director, Division of Resources Development, Virginia Department of Health, 1500 East Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-7463.

## 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 have licensed home for adult beds or have licensed nursing home beds as part of a hospital, and 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 April 15, 1991.

Contact: G. Edward Dalton, Deputy Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-01-06. Virginia Statewide Fire Prevention Code/1990**. The purpose of the proposed action is to establish a fee schedule for explosive permits issued by the Professional Services Office.

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

Written comments may be submitted until April 12, 1991.

Contact: Gregory H. Revels, Program Manager, Department of Housing and Community Development, Code Development Office, 205 N. Fourth St., Richmond, VA

23219, telephone (804) 786-4884.

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **VR 394-02-21. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1990.** The purpose of the proposed action is to amend floodproofing provisions to be consistent with the National Flood Insurance Program administered by the Federal Emergency Management Agency.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Written comments may be submitted until April 11, 1991.

**Contact:** Gregory H. Revels, Code Development Program Manager, Department of Housing and Community Development, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 786-7772.

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **OBRA 89 Requirements for EPSDT.** The purpose of the proposed action is to implement the OBRA 89 requirements for the Early and Periodic Screening, Diagnosis and Treatment Program.

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

Written comments may be submitted until April 12, 1991, to Scott Crawford, Policy Analyst, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **Payment for Other Types of Care (Attachment 4.19 B): Reduction of Payment for Nonemergency Services Delivered in Emergency Rooms to Medicaid Recipients.** The purpose of the proposed action is to reduce payments to physicians and hospitals for the delivery of nonemergency services in the

emergency room setting.

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

Written comments may be submitted until April 22, 1991, to Michael Jurgensen, Division of Policy and Research, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Virginia.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **VR 460-01-29, 460-01-29.1, 460-01-31.1, 460-02-3.2100, 460-02-4.1920, and 460-03-4.1922. Limitation of XIX Payment of XVIII Part B Coinsurance.** The purpose of the proposed action is to promulgate permanent regulations to supersede the current emergency regulation providing for reducing Medicaid's payment when Medicare Part B coinsurance covers part of the service.

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

Written comments may be submitted until April 22, 1991, to C. Mack Brankley, Director, Division of Client Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **VR 460-03-3.1120. Case Management for Mental Retardation Waiver Clients.** The purpose of the proposed action is to promulgate permanent regulations to supersede the current emergency regulation providing for the provision of case management services to persons participating in the mental retardation waived program.

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

Written comments may be submitted until April 22, 1991, to Ann E. Cook, Eligibility and Regulatory Consultant, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad

# General Notices/Errata

---

St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **VR 460-04-8.12. Community Based Care Services for Persons with Mental Retardation.** The purpose of the proposed action is to promulgate permanent regulations to supersede the current emergency regulation providing for community services for persons having mental retardation.

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

Written comments may be submitted until April 22, 1991, to Chris Pruett, Management Analyst, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

**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 MINES, MINERALS AND ENERGY

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **VR 480-01-1. Public Participation Guidelines for the Formulation and Promulgation of Regulations by the Virginia Department of Mines, Minerals and Energy.** The purpose of the proposed action is to allow participation by the public in the formulation of regulations that are written to carry out the legislative mandates of the department and its associated boards and commissions.

This is a re-issue of a notice of intended regulatory action published October 22, November 5, and November 19, 1990.

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

Written comments may be submitted until May 3, 1991.

**Contact:** Bill Edwards, Policy Analyst, Department of Mines, Minerals and Energy, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 376-0330 or toll-free 1-800-532-3831.

## BOARD OF NURSING AND BOARD OF MEDICINE

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Nursing and Board of Medicine intends to consider amending regulations entitled: **VR 465-07-1 and 495-02-1. Regulations Governing the Licensure of Nurse Practitioners.** The purpose of the proposed action is to establish standards on education, licensure and practice of nurse practitioners. The Boards of Nursing and Medicine will propose amendments as necessary following a biennial review for effectiveness, efficiency, necessity, clarity and cost of compliance. A public meeting to receive oral comments on existing regulations will be held on April 5, 1991, at 1:30 p.m. in Conference Room 1, Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia.

Statutory Authority: §§ 54.1-2400 and 54.1-2957 of the Code of Virginia.

Written comments may be submitted until April 30, 1991.

**Contact:** Corrine F. Dorsey, Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9909 or toll-free 1-800-533-1560.

## DEPARTMENT OF PERSONNEL AND TRAINING

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Personnel and Training intends to consider promulgating regulations entitled: **VR 525-01-01. Public Participation Guidelines.** The purpose of the proposed action is to publish guidelines for public participation in the development of regulations.

Statutory Authority: §§ 2.1-20.1 and 2.1-20.1:02 of the Code of Virginia.

Written comments may be submitted until June 14, 1991.

**Contact:** Audrey M. Harris, Legislative Liaison, Department of Personnel and Training, James Monroe Building, 12th Floor, Richmond, VA 23219, telephone (804) 225-2131.

## REAL ESTATE APPRAISER BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Real Estate Appraiser Board intends to consider promulgating regulations entitled: **VR 583-01-01. Real Estate Appraiser Board Public Participation Guidelines.** The purpose of the proposed action is to establish guidelines for the

solicitation of public comment in the development of regulations by the Real Estate Appraiser Board.

You may refer to Real Estate Appraiser Board Emergency Public Participation Guidelines, promulgated October 31, 1990, for comment.

Statutory Authority: § 54.1-2013 of the Code of Virginia.

Written comments may be submitted until May 22, 1991.

**Contact:** Demetra Y. Kontos, Assistant Director, Real Estate Appraiser Board, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2175.

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Real Estate Appraiser Board intends to consider promulgating regulations entitled: **VR 583-01-02. Real Estate Appraiser Board Regulations.** The purpose of the proposed action is to establish final regulations regarding qualifications for the licensure of real estate appraisers and standards of practice for licensed appraisers.

You may refer to the current Real Estate Appraiser Board Emergency Regulations promulgated March 14, 1991, for comment.

Statutory Authority: § 54.1-2013 of the Code of Virginia.

Written comments may be submitted until May 22, 1991.

**Contact:** Demetra Y. Kontos, Assistant Director, Real Estate Appraiser Board, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2175.

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider amending regulations entitled: **General Relief (GR) and Auxiliary Grants (AG) Programs - Attempted Recovery of Overpayments.** The purpose of the proposed action is to require that local departments of social services attempt to recover overpayments of \$94 or more in General Relief and Auxiliary Grants cases.

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

Written comments may be submitted until April 10, 1991, to Ms. Diana Salvatore, Program Manager, Medical Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond,

Virginia.

**Contact:** Peggy Friedenber, Legislative Analyst, Bureau of Governmental Affairs, Division of Planning and Program Review, 8007 Discovery Drive, Richmond, VA 23229-0899, telephone (804) 662-9217.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider amending regulations entitled: **General Relief (GR) and Auxiliary Grants (AG) Programs - Services Included in the Home for Adults Rate.** The purpose of the proposed action is to specify the services that are covered by the rate established by the department for a Home for Adults (HFA) so that GR/AG recipients do not pay extra for those services.

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

Written comments may be submitted until April 10, 1991, to Ms. Diana Salvatore, Program Manager, Medical Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia.

**Contact:** Peggy Friedenber, Legislative Analyst, Bureau of Governmental Affairs, Division of Planning and Program Review, 8007 Discovery Drive, Richmond, VA 23229-0899, telephone (804) 662-9217.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider amending regulations entitled: **VR 615-42-2. Foster Care.** The purpose of the proposed action is to continue foster care services beyond a child's eighteenth birthday.

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

Written comments may be submitted until April 11, 1991, to Pamela T. Fitzgerald, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia.

**Contact:** Margaret J. Friedenber, Regulatory Coordinator, 8007 Discovery Drive, Richmond, VA 23229-0899, telephone (804) 662-9217.

# General Notices/Errata

---



## BOARD OF YOUTH AND FAMILY SERVICES

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Youth and Family Services intends to consider amending regulations entitled: **Minimum Standards for Pre and Post Dispositional Group Homes**. The purpose of the proposed action is to establish minimum standards for the operation of pre and post dispositional group homes for children.

Statutory Authority: § 66-10 of the Code of Virginia.

Written comments may be submitted until April 15, 1991, to Paul Steiner, Department of Youth and Family Services, P.O. Box 3AG, Richmond, Virginia 23208.

Contact: Glen Radcliffe, Chief of Operations, P.O. Box 3AG, Richmond, VA 23208-1108, telephone (804) 371-0697.

## GENERAL NOTICES

### DEPARTMENT FOR THE AGING

#### Notice of Public Comment Period on 1991-95 State Plan for Aging Services

Notice is hereby given that the Department for the Aging will accept comments on the proposed State Plan for Aging Services developed pursuant to Title III of the Older Americans Act, as amended. Interested persons may submit data, views, and arguments, either orally or in writing, to the Department.

The State Plan for Aging Services will (i) identify the Virginia Department for the Aging as the sole agency designated to develop and administer Title III programs in Virginia; (ii) identify the geographic boundaries of each Planning and Service Area in Virginia and the Area Agency on Aging designated for each Planning and Service Area; (iii) include a plan for the distribution and proposed use of Title III funds within Virginia; (iv) set forth statewide program objectives to implement the requirements of Title III; and (v) provide prior federal fiscal year information related to low-income minority and rural older persons in Virginia. The Plan is for the four-year period from October 1, 1991, through September 30, 1995. The Department anticipates submitting the Plan to the Federal Administration on Aging in August, 1991.

Five public hearings will be held on the Plan. Persons who testify at the hearings are encouraged to provide a written copy of their comments to the hearing officer. An interpreter for the hard-of-hearing will be provided upon request.

June 4, 1991

Southwest Virginia Community College  
Russell Hall Auditorium  
Richlands, Virginia  
10 a.m. - 12 p.m.

June 5, 1991

Melrose Towers  
3038 Melrose Avenue NW  
Roanoke, Virginia  
10 a.m. - 12 p.m.

June 12, 1991

Richard Bland College  
11301 Johnson Road  
Petersburg, Virginia  
10 a.m. - 12 p.m.

June 13, 1991

Norfolk State University  
2401 Corprew Avenue  
Norfolk, Virginia  
10 a.m. - 12 p.m.

June 26, 1991

The Massey Building  
4100 Chain Bridge Road  
Fairfax, Virginia  
10 a.m. - 12 p.m.

Written comments on the Plan may be submitted until 5 p.m. on June 28, 1991. Comments should be sent to: Mr. William H. McElveen, Deputy Commissioner, Virginia Department for the Aging, 700 East Franklin Street, 10th Floor, Richmond, Virginia 23219-2327.

To receive a copy of the proposed State Plan and to obtain further information, write to the Department of the Aging at the address above or call 804-225-2271 or toll-free in Virginia 1-800-552-04464.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Notice to the Public

The Pesticide Control Board has decided to extend the deadline for receipt of public comment on proposed amendments to VR 115-04-03, Rules and Regulations for Enforcement of the Virginia Pesticide Law; and on proposed regulation VR 115-04-23, Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act. The deadline for receipt of

written comment specified for these proposed regulations published in the Virginia Register of Regulations (Volume 7, Issue 11, pp. 1745-1748) and in the Richmond Times-Dispatch on February 25, 1991 is hereby extended to 5 p.m., May 17, 1991. The public hearing will be held at the date, time, and place advertised on February 25 in those publications.

Comments may be addressed to:

Dr. Marvin A. Lawson  
Office of Pesticide Management  
Department of Agriculture and Consumer Services  
1100 Bank Street, Room 403  
Richmond, Virginia 23209  
Telephone: (804) 371-6558; FAX (804) 371-8598.

### Notice to the Public

#### RECORD HELD OPEN ON PROPOSED AMENDMENT TO VR 115-04-04, RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA WEIGHTS AND MEASURES LAW

At its meeting of February 20, 1991, the Board of Agriculture and Consumer Services decided to hold the record open to receive additional public comment on its proposed amendment to VR 115-04-04, Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law, proposed in the Virginia Register on January 29, 1990 (Vol 6, Issue 9, pp. 1235 ff.). This proposed amendment would establish a method of sale and standards of fill, as determined by weight, for clams, mussels, oysters, and other mollusks.

The Board's decision to hold the record open came after it received a report from the Board's staff of a survey, requested by the Board, of the free-liquid content of oysters and other mollusks offered for retail sale in Virginia. The survey is entitled "Oyster Standards Survey - September 1, 1990 - January 31, 1991.

For further information, to receive a copy of the survey, or to comment on the proposed regulation or the survey, contact:

J. Alan Rogers  
Bureau Chief  
Weights and Measures Bureau  
Washington Building  
Room 402  
1100 Bank Street  
P.O. Box 1163  
Richmond, Virginia 23209  
(804) 786-2476

The deadline for additional oral or written comment is 5 p.m., April 29, 1991. The Board will hold an informational proceeding on the proposed amendment to the regulation on May 23, 1991, beginning at 1 p.m.

## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

### Public Notice

A. Pursuant to the Virginia Alcoholic Beverage Control Board's "Public Participation Guidelines for Adoption or Amendment of Regulations" (VR 125-01-1, Part V of the Regulations of the Virginia Alcoholic Beverage Control Board), the board will conduct a public meeting on June 20, 1991, at 10 a.m. in its Hearing Room, First Floor, A.B.C. Board, Main Offices, 2901 Hermitage Road, City of Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of board regulations. Any group or individual may file with the board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information, if available.

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. Recommended adoption, amendment or repeal of specific regulation(s).
4. Why is change needed? What problem is it meant to address?
5. What is the anticipated effect of not making the change?
6. Estimated costs or savings to regulate entities, the public, or others incurred by this change as compared to current regulations.
7. Who is affected by recommended change? How affected?
8. Supporting documents.

The board may also consider any other request for regulatory change at its discretion. All petitions or requests for regulatory change should be submitted to the board no later than April 18, 1991.

B. The board will also be appointing an Ad Hoc Advisory Panel consisting of persons on its general mailing list who will be affected by or interested in the adoption, amendment or repeal of board regulations. This panel will study requests for regulatory changes, make recommendations, and suggest actual draft language for a regulation, if it concludes a regulation is necessary. Anyone interested in serving on such panel should notify the undersigned by April 18, 1991, requesting that their name be placed on the general mailing list.

C. Petitions for regulatory change and requests to be appointed to the Ad Hoc Advisory Panel should be sent to Robert N. Swinson, Secretary to the Board, 2901 Hermitage Road, Richmond, Virginia 23220 or may be faxed (804) 367-8249 if the original paperwork is also mailed.



# General Notices/Errata

---

D. Applicable laws or regulation (authority to adopt regulations): Sections 4-11, 4-69, 4-69.2, 4-72.1, 4-98.4, 4-103 and 9-6.14:1 et seq., Virginia Code; VR 125-01-1, Part V, Board Regulations.

E. Entities affected: (1) all licensees (manufacturers, wholesalers, importers, retailers) and (2) the general public.

F. For further information contact Robert Swinson at the above address or by phone at (804) 367-0616.

## DEPARTMENT OF HEALTH PROFESSIONS

Informational Public Hearing on the Need for State Regulation of Therapeutic Recreation Specialists and Activity Professionals

As authorized by Code of Virginia § 54.1-2501.2 the Board of Health Professions is evaluating proposals for state regulation of two unregulated professions: (i) Therapeutic Recreation Specialists, and (ii) Activity Professionals. The board will evaluate these professions using seven formal criteria which are available on request.

The board will convene informational public hearings on Monday, April 15, 1991, at the Department of Health Professions, 1601 Rolling Hills Drive (Surry Building, Koger Executive Center, West), Richmond to hear comments from agencies, organizations and individuals regarding the two proposals.

4 p.m. - 6 p.m. - Therapeutic Recreation Specialists

6 p.m. - 8 p.m. - Activity Professionals

Oral comments should be limited to five minutes and may be accompanied or complemented with written materials. Written comments are also solicited and must be received by Friday, May 17, 1991, at the address below.

For additional information, travel directions, or to reserve a specific speaking time, please contact the Board of Health Professions (see below).

Contact: Richard Morrison, Executive Director, Department of Health Professions, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229-5005, telephone (804) 662-9904.

## REAL ESTATE APPRAISER BOARD

### † Public Notice

In accordance with the provision of § 54.1-2012 B of the Code of Virginia, the Real Estate Appraiser Board has determined that there will be a scarcity of certified general real estate appraisers and licensed residential real estate appraisers to perform appraisals in connection with federally related transactions in Virginia that will lead to

inordinate delays in the performance of such appraisals. Therefore, the Real Estate Appraiser Board, subject to federal approval, hereby extends the effective date of the licensing requirements of Chapter 20.1 of Title 54.1, §§ 54.1-2009 through 54.1-2019, December 31, 1991.

For further information on this determination of the Real Estate Appraiser Board, please contact Mrs. Demetra Y. Kontos, Assistant Director, Real Estate Appraiser Board, Department of Commerce, 3600 West Broad Street, Richmond, Virginia 23230 or (804) 367-2175.

## DEPARTMENT OF WASTE MANAGEMENT

### † Public Notice

#### Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of § 10.1-1411 of the Code of Virginia, and Part V, Regulations for the Development of Solid Waste Management Plans, VR 672-50-01, the Director of the Department of Waste Management intends to designate a solid waste management region for the local governments of the County of Rockingham and the Towns of Bridgewater, Broadway, Dayton, Elkton, Grottoes, Mt. Crawford and Timberville. Rockingham County will be the designated contact for development and/or implementation of a regional solid waste management plan and programs for the recycling of solid waste generated within the designated region.

A petition has been received by the Department of Waste Management for the designation on behalf of the local governments.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on Wednesday, May 8, 1991, to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219. FAX 804-225-3753 or TDD 804-371-8737.

Immediately following the closing date for comments, the Director of the Department of Waste Management will notify the affected local governments of its approval as a region or of the need to hold a public hearing on the designation.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at 1-800-552-2075 or (804) 225-2667.

### † Public Notice

#### Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of § 10.1-1411 of the

Code of Virginia, and Part V, Regulations for the Development of Solid Waste Management Plans, VR 672-50-01, the Director of the Department of Waste Management intends to designate a solid waste management region for the local governments of the Crater Planning District Commission comprised of the Cities of Colonial Heights, Hopewell and Petersburg and the County of Prince George and the Richmond Regional Planning District Commission comprised of the Town of Ashland, the Counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent and Powhatan and the City of Richmond. The Crater Planning District Commission and Richmond Regional Planning District Commission will be the designated contact for developing their respective sub-regions solid waste management plan. The Central Virginia Waste Management Authority is designated as the implementing authority for the Solid Waste Management Plan and programs for the recycling of solid waste generated within the designated region.

A petition has been received by the Department of Waste Management for the designation on behalf of the local governments.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on Wednesday, May 8, 1991, to Ms. Cheryl Cashman, Legislative Liaison, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219. FAX 804-225-3753 or TDD 804-371-8737.

Immediately following the closing date for comments, the Director of the Department of Waste Management will notify the affected local governments of its approval as a region or of the need to hold a public hearing on the designation.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at 1-800-552-2075 or (804) 225-2667.

## NOTICES TO STATE AGENCIES

**CHANGE OF ADDRESS:** Our new mailing address is: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you do not follow-up with a mailed in copy. Our FAX number is: 371-0169.

**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.

# CALENDAR OF EVENTS

## Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

## NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

## VIRGINIA CODE COMMISSION

### EXECUTIVE

#### BOARD FOR ACCOUNTANCY

† April 22, 1991 - 10 a.m. – Open Meeting

† April 23, 1991 - 8 a.m. – Open Meeting

Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) review correspondence; (iii) review enforcement cases; (iv) conduct regulatory review; and (v) consider routine board business.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

#### DEPARTMENT FOR THE AGING

June 4, 1991 - 10 a.m. – Public Hearing  
Southwest Virginia Community College, Russell Hall Auditorium, Richlands, Virginia

June 5, 1991 - 10 a.m. – Public Hearing  
Melrose Towers, 3038 Melrose Avenue NW, Roanoke, Virginia

June 12, 1991 - 10 a.m. – Public Hearing  
Richard Bland College, 11301 Johnson Road, Petersburg, Virginia

June 13, 1991 - 10 a.m. – Public Hearing  
Norfolk State University, 2401 Corprew Avenue, Norfolk, Virginia

June 26, 1991 - 10 a.m. – Public Hearing  
The Massey Building, 4100 Chain Bridge Road, Fairfax, Virginia

A meeting to accept comments on the proposed State Plan for Aging Services developed pursuant to Title III of the Older Americans Act, as amended. Interested persons may submit data, views, and arguments, either orally or in writing, to the Department.

To receive a copy of the proposed State Plan and to obtain further information, write to or call the Department for the Aging.

See the General Notices section for additional information.

Contact: William H. McElveen, Deputy Commissioner, Virginia Department for the Aging, 700 East Franklin Street, 10th Floor, Richmond, Virginia 23219-2327, (804) 225-2271 or toll-free in Virginia 1-800-552-04464.

#### BOARD OF AGRICULTURE AND CONSUMER SERVICES

May 23, 1991 - 9 a.m. – Open Meeting  
Washington Building, Room 204, 1100 Bank Street, Richmond, Virginia. ☒

A regular meeting of the board to review issues relating to regulations and fiscal matters and to receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities. The final item for the meeting will be opportunity for the public to make comment to the board, pursuant to § 2.1-343 of the Code of Virginia, with time reserved for this purpose not to exceed 30 minutes.

Contact: Roy E. Seward, Secretary to the Board, VDACS, Room 210, Washington Building, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-3501 or (804) 371-6344/TDD

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

May 23, 1991 - 1 p.m. – Public Hearing  
Washington Building, Room 204, 1100 Bank Street,

Richmond, Virginia.

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.**

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

Written comments may be submitted until April 29, 1991.

**Contact:** J. Alan Rogers, Bureau Chief, Weights and Measures Bureau, Washington Bldg., Room 402, 1100 Bank St., P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-2476.

**Pesticide Control Board**

† **May 9, 1991 - 10 a.m.** – Open Meeting  
† **May 10, 1991 - 9 a.m.** – Open Meeting  
Sheraton Airport Inn, 4700 South Laburnum Avenue, Richmond, Virginia. ☒

10 a.m., May 9, 1991 - Pesticide Control Board committee meetings.

9 a.m., May 10, 1991 - Pesticide Control Board will conduct a general business meeting.

10:30 a.m., May 10, 1991 - Pesticide Control Board will conduct a public hearing on proposed Regulations Governing Pesticide Applicator Certification under authority of the Virginia Pesticide Control act and proposed amendments to Rules and Regulations for Enforcement of the Virginia Pesticide Law.

The public will have an opportunity to comment on any matter not on the Pesticide Control Board's agenda at 9 a.m., May 10, 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.

\*\*\*\*\*

**May 10, 1991 - 10:30 a.m.** – Public Hearing  
Sheraton Airport Inn, Salons A and B of Ballroom, 4700 South Laburnum Avenue, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to amend regulations entitled: **VR 115-04-03. Rules and Regulations for Enforcement of the Virginia Pesticide Law.** The 1989 Virginia Pesticide Control Act authorizes the Pesticide Control Board to adopt regulations to accomplish the Act's purpose. To this end, the board has proposed VR

015-04-23, Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act. Parts of this proposed regulation are intended to supersede § 21, "Categories for commercial applicators"; § 22, Standards of certification of commercial applicators"; § 24, Standards for certification of private applicators"; and § 25, "Standards for application of pesticides classified for restricted use by noncertified applicators" of VR 115-04-03, Rules and Regulations for Enforcement of the Virginia Pesticide Law. The provisions of VR 115-04-03 are to remain in effect, according to the Act, "until repealed by the Pesticide Control Board." The purpose of this regulatory action is to propose the repeal of these four identified sections of VR 115-04-03.

Statutory Authority: § 3.1-249.28 of the Code of Virginia.

NOTE: CHANGE IN WRITTEN COMMENT DATE  
Written comments may be submitted until 5 p.m., May 17, 1991.

**Contact:** C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 403, 1100 Bank St., Richmond, VA 23209, telephone (804) 786-3523.

\*\*\*\*\*

**May 10, 1991 - 10:30 a.m.** – Public Hearing  
Sheraton Airport Inn, Salons A and B of Ballroom, 4700 South Laburnum Avenue, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to adopt regulations entitled: **VR 115-04-23. Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act.**

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

NOTE: CHANGE IN WRITTEN COMMENT DATE  
Written comments may be submitted until 5 p.m., May 17, 1991.

**Contact:** C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, P.O. Box 1163, Room 403, 1100 Bank St., Richmond, VA 23209, telephone (804) 786-3523.

**VIRGINIA AGRICULTURAL COUNCIL**

† **May 13, 1991 - 9 a.m.** – Open Meeting  
Holiday Inn - Airport, 5203 Williamsburg, Sandston, Virginia.

# Calendar of Events

---

A meeting to (i) review progress reports on approved research projects; (ii) hear new project proposals which are properly supported by the Board of Directors of a commodity group; (iii) review financial statements; and (iv) any other business that may come before the members of the Council.

**Contact:** Henry H. Budd, Assistant Secretary, 7th Floor, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 371-0266.

## STATE AIR POLLUTION CONTROL BOARD

**April 24, 1991 - 10 a.m. - Public Hearing**  
State Capitol Building, House Room 1, Richmond, Virginia.

A meeting to consider the latest edition of referenced technical and scientific documents and to incorporate newly promulgated federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

Input will be received on the development of the proposed regulation.

**Contact:** Nancy S. Saylor, Policy Analyst, Division of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249.

## DEPARTMENT OF AIR POLLUTION CONTROL

† **April 22, 1991 - 7 p.m. - Public Hearing**  
Little Theatre, Graham Middle School, Route 720, Bluefield, Virginia.

The Department of Air Pollution Control staff, on behalf of the State Air Pollution Control Board, will conduct a public hearing in order to receive comment on the engineering analysis of Woodtech, Inc.'s permit application to install, modify, and operate a laminated wood veneer manufacturing facility at Route 102 in Bluefield, Virginia.

**Contact:** Department of Air Pollution Control, 121 Russell Road, P.O. Box 1190, Abingdon, VA 24210, telephone (703) 676-5582.

## BOARD OF AUDIOLOGY AND SPEECH PATHOLOGY

**May 23, 1991 - 10 a.m. - Open Meeting**  
1601 Rolling Hills Drive, Richmond, Virginia. ☒

A regularly scheduled board meeting.

**Contact:** Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9907.

## BOARD FOR BARBERS

**April 8, 1991 - 9 a.m. - Open Meeting**  
Department of Commerce, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) review correspondence; (iii) review enforcement cases; (iv) conduct regulatory review; and (v) consider routine board business.

**Contact:** Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590.

## BOARD FOR BRANCH PILOTS

† **April 11, 1991 - 9 a.m. - Open Meeting**  
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ☒

A regular quarterly meeting of the board.

**Contact:** Florence R. Brassier, Deputy Director for Regulatory Programs, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230-4917, telephone (804) 367-2194.

## STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **April 19, 1991 - 10 a.m. - Open Meeting**  
Fourth Street Office Building, 205 North Fourth Street, Second Floor Conference Room, Richmond, Virginia. ☒  
(Interpreter for deaf provided upon request)

A meeting (i) to consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) to consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) approve minutes of previous meetings.

**Contact:** Jack A. Proctor, 205 North Fourth St., Richmond, VA 23219, telephone (804) 786-4752.

## VIRGINIA CATTLE INDUSTRY BOARD

**April 15, 1991 - 11 a.m. - Open Meeting**  
**April 16, 1991 - 8:15 a.m. - Open Meeting**  
Holiday Inn Koger Center, 1021 Koger Center Boulevard, Richmond, Virginia. ☒

The Virginia Cattle Industry Board will meet to determine the budget for 1991-92. The board will determine which projects in the areas of research, consumer education, and industry information will be funded.

Contact: Reggie Reynolds, Executive Director, P.O. Box 176, Daleville, VA 24083, telephone (703) 992-1992.

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† April 11, 1991 - 10 a.m. - Open Meeting  
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to consider for publication proposed amendments to Chesapeake Bay Preservation Area Designation and Management Regulations (VR 173-02-01). Public comment will be taken early in the meeting.

Contact: Scott Crafton, Technical Assistance Coordinator, 805 East Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or 1-800-243-7229/TDD ☎

† May 9, 1991 - 10 a.m. - Open Meeting  
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to conduct general business and review local Chesapeake Bay Preservation Act programs. Tentative agenda will be available at the Chesapeake Bay Local Assistance Department by May 2, 1991. Public comment will be taken early in the meeting.

Contact: Receptionist, 805 East Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or 1-800-243-7229/TDD ☎

## VIRGINIA COUNCIL ON CHILD DAY CARE AND EARLY CHILDHOOD PROGRAMS

April 10, 1991 - 2 p.m. - Public Hearing  
April 10, 1991 - 7 p.m. - Public Hearing  
Alexandria City Council Chambers, Alexandria City Hall, 301 King Street, Alexandria, Virginia.

The Council is the lead agency in Virginia for administration of a new federal grant, the Child Care and Development Block Grant. The Council is holding public hearings to solicit comments on child care needs in the state. Interested persons or groups are encouraged to attend. Individuals who want to testify should contact the Council's Richmond Office (1-804-371-8603) to reserve a time slot.

Contact: Linda Sawyers, Director, Virginia Council on Child Day Care and Early Childhood Programs, Suite 1116, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 371-8603.

## BOARD OF COMMERCE

April 24, 1991 - 9 a.m. - Public Hearing  
Department of Commerce, 3600 West Broad Street, 3rd Floor Multipurpose Room, Richmond, Virginia. ☒

A public hearing in connection with the administration's "Project Streamline" on the need for the Commonwealth to continue a regulatory and voluntary certification program for landscape architects.

April 24, 1991 - 9 a.m. - Public Hearing  
Department of Commerce, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☒

A public hearing in connection with the administration's "Project Streamline" on the need for the Commonwealth to continue a regulatory and voluntary certification program for interior designers.

April 24, 1991 - 1 p.m. - Public Hearing  
Department of Commerce, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☒

A public hearing in connection with the administration's "Project Streamline" on the need for the Commonwealth to continue a regulatory program within the Real Estate Board for rental agents.

April 24, 1991 - 1 p.m. - Public Hearing  
Department of Commerce, 3600 West Broad Street, 3rd Floor Multipurpose Room, Richmond, Virginia. ☒

A public hearing in connection with the administration's "Project Streamline" on the need for the Commonwealth to continue a regulatory and licensing program for polygraph (lie detector) examiners.

April 24, 1991 - 3 p.m. - Public Hearing  
Department of Commerce, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☒

A public hearing in connection with the administration's "Project Streamline" on the need for the Commonwealth to continue a regulatory and voluntary certification program for soil scientists.

April 24, 1991 - 3 p.m. - Public Hearing  
Department of Commerce, 3600 West Broad Street, 3rd Floor Multipurpose Room, Richmond, Virginia. ☒

A public hearing in connection with the administration's "Project Streamline" on the need for the Commonwealth to continue a regulatory and voluntary certification program for geologists.

April 25, 1991 - 2 p.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☒

# Calendar of Events

---

A regular meeting of the board to discuss the progress and results of studies directed by the administration's "Project Streamline" (studies of the department's regulatory programs).

**Contact:** Alvin D. Whitley, Staff Assistant to Board, Department of Commerce, 3600 West Broad St., Richmond, VA 23230, telephone (804) 367-8564 or SCATS 367-8519.

## COMPENSATION BOARD

**April 25, 1991 - 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 meeting to conduct business of the board.

**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

### Catoctin Creek Scenic River Advisory Board

† **April 26, 1991 - 2 p.m. - Open Meeting**  
Waterford, Virginia.

A meeting to review river issues and programs.

### Falls of the James Scenic River Advisory Board

† **April 19, 1991 - noon - Open Meeting**  
Planning Commission, Conference Room, Fifth Floor of City Hall, Richmond, Virginia.

A meeting to review river issues and programs.

### Guest Scenic River Advisory Board

**April 18, 1991 - 7 p.m. - Open Meeting**  
Coeburn Town Hall, 403 Second Street, Coeburn, Virginia.

A meeting to review river issues and programs.

### Upper James Scenic River Advisory Board

† **April 10, 1991 - noon - Open Meeting**  
SunnyBrook Inn.

A meeting to review river issues and programs.

**Contact:** Richard Gibbons, Environmental Programs Manager, Department of Conservation and Recreation, Division of Planning and Recreation Resources, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or 786-2121/TDD ☎

## BOARD FOR CONTRACTORS

† **April 17, 1991 - 9 a.m. - Open Meeting**  
3600 West Broad Street, Richmond, Virginia. ☒

A regular quarterly meeting of the board to address policy and procedural issues as well as other routine business matters. The meeting is open to the public; however, a portion of the board's discussion may be conducted in Executive Session.

† **April 16, 1991 - 6:30 p.m. - Open Meeting**  
Hyatt Richmond, West Broad Street and I 64, Richmond, Virginia. ☒

The Request Review Committee will meet to consider requests which involve policy issues and regulatory interpretation. The meeting is open to the public; however, a portion of the board's discussions may be conducted in Executive Session.

**Contact:** Kelly G. Ragsdale, Assistant Director, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8557.

## BOARD OF CORRECTIONS

**April 17, 1991 - 10 a.m. - Open Meeting**  
† **May 22, 1991 - 10 a.m. - Open Meeting**  
† **June 19, 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

† **May 6, 1991 - 9 a.m. - Open Meeting**  
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) review correspondence; (iii) review enforcement cases; (iv) conduct regulatory review; and (v) consider routine board business.

**Contact:** Roberta L. Banning, Assistant Director, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590.

## BOARD OF DENTISTRY

April 24, 1991 - 2 p.m. - Open Meeting  
April 25, 1991 - 8:30 a.m. - Open Meeting  
April 26, 1991 - 8:30 a.m. - Open Meeting  
April 27, 1991 - 1 p.m. - Open Meeting  
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

Committee Meetings on Wednesday

Regulatory, Executive and Advertising

Committee Reports on Thurs, Fri and Sat  
Regulatory Committee  
Advertising Committee  
Executive Committee  
Legislative Committee  
Budget Committee  
Exam Committee  
Dental Hygiene Endorsement Committee

Regular Board Business on Thurs, Fri and Sat

Formal Hearings on Thurs, Fri and Sat

This is a public meeting and the public is invited to observe. Public testimony will be received by the board at this meeting.

April 27, 1991 - 10 a.m. - Public Hearing  
Surry Building, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

The board will conduct its Biennial Informational Public Hearing to receive comments on the current regulations and topics.

Contact: Nancy Taylor Feldman, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9906.

## DEPARTMENTS OF EDUCATION, MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; SOCIAL SERVICES; AND YOUTH AND FAMILY SERVICES

† June 7, 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 Departments of Education; Mental Health, Mental Retardation and Substance Abuse Services; Social Services; and Youth and Family Services intends to amend regulations entitled: VR 270-01-003, VR 470-02-01, VR 615-29-02, VR 690-40-004. Standards for Interdepartmental Regulation of Residential Facilities for Children. This regulation is designed to assure adequate care, treatment, and education are provided by residential

facilities for children. The proposed revisions amend and clarify requirements governing management of resident behavior.

## STATEMENT

**Basis:** Sections 16.1-311, 22.1-321, 37.1-10, 37.1-182, 37.1-189.1, 63.1-25, 63.1-196.4, 66-10, and 66-24 of the Code of Virginia provide the statutory basis for promulgation of standards for regulation of residential facilities for children. The State Boards of Education; Mental Health, Mental Retardation and Substance Abuse Services; Social Services; and Youth and Family Services have approved the proposed revisions for a 60-day period of public comment.

**Purpose:** The regulation is designed to assure that adequate care, treatment, and education are provided by children's residential facilities. The proposed revisions amend and clarify requirements governing management of resident behavior.

**Substance:** The Departments of Education; Mental Health, Mental Retardation and Substance Abuse Services; Social Services; and Youth and Family Services are responsible for the regulation of public and private residential facilities which provide care, treatment, or education to children.

The regulation is designed to assure that adequate care, treatment, and education are provided by children's residential facilities.

**Issues:** The proposed revisions are designed to: (i) emphasize the use of positive behavioral interventions; (ii) limit, and require documentation of, the use of negative behavioral interventions; (iii) clarify and make distinctions among definitions; and (iv) reduce redundancies between definitions and the standards.

**Impact:** Approximately 150 residential facilities for children are currently regulated under the Interdepartmental Standards. These facilities are subject to regulation under the revised requirements. The impact is expected to be minimal since all are currently regulated under substantially similar requirements. All will experience programmatic changes which have no financial impact.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-10, 37.1-182, 37.1-189.1, 63.1-25, 63.1-196.4, 66-10, and 66-24 of the Code of Virginia.

Written comments may be submitted until June 7, 1991, to Rhonda G. Merhout-Harrell, Office of Interdepartmental Regulation, 8007 Discovery Drive, Richmond, Virginia.

Contact: John J. Allen, Coordinator, Office of Coordinator, Interdepartmental Regulation, 8007 Discovery Drive, Richmond, VA 23229, telephone (804) 662-7124.



# Calendar of Events

---

## BOARD OF EDUCATION

† April 24, 1991 - 10 a.m. - Open Meeting  
† April 25, 1991 - 9 a.m. - Open Meeting  
† April 26, 1991 - 9 a.m. - Open Meeting  
Airfield Conference Center, Wakefield, Virginia. ☒

† May 30, 1991 - 8 a.m. - Open Meeting  
† May 31, 1991 - 9 a.m. - Open Meeting  
General Assembly Building, 910 Capitol Street, House Room D, First Floor, Richmond, Virginia. ☒

The Board of Education and Board of Vocational Education will hold a regularly scheduled meeting to conduct business 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 Board of Education, State Department of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 225-2540.

## LOCAL EMERGENCY PLANNING COMMITTEE - ARLINGTON COUNTY/CITY OF FALLS CHURCH

April 25, 1991 - 7:30 p.m. - Open Meeting  
Fire State Number 1, 500 South Glebe Road, Arlington, Virginia. ☒ (Interpreter for deaf provided upon request)

Local Emergency Planning committee meeting to meet requirements of SARA.

Contact: Thomas M. Hawkins, Jr., Chairman, 2100 Clarendon Blvd., Suite 400, Fire Department Administration, Arlington, VA 22201, telephone (703) 358-3365 or (703) 558-2096/TDD ☎

## LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

May 2, 1991 - 5:30 p.m. - Open Meeting  
June 6, 1991 - 5:30 p.m. - Open Meeting  
Chesterfield County Administration Building, Room 502, 10,001 Ironbridge Road, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236.

## LOCAL EMERGENCY PLANNING COMMITTEE - GLOUCESTER COUNTY

April 24, 1991 - 6:30 p.m. - Open Meeting  
Gloucester Administration Office Building, Gloucester, Virginia. ☒

The spring quarterly meeting of the Gloucester LEPC will address election of officers and review of a draft for the Hazmat Plan Update.

Contact: Georgette N. Hurley, Assistant County Administrator, P.O. Box 329, Gloucester, VA 23061, telephone (703) 693-4042.

## LOCAL EMERGENCY PLANNING COMMITTEE - GOOCHLAND

† April 16, 1991 - 8 p.m. - Open Meeting  
Goochland Courthouse Complex, General District Courtroom, Goochland, Virginia. ☒

A regularly scheduled semi-annual meeting of the Goochland LEPC.

Contact: Gregory K. Wolfrey, County Administrator, Emergency Services Coordinator, P.O. Box 10, Goochland, VA 23063, telephone (804) 556-5300.

## LOCAL EMERGENCY PLANNING COMMITTEE - COUNTY OF PRINCE WILLIAM, CITY OF MANASSAS, AND CITY OF MANASSAS PARK

† April 15, 1991 - 1:30 p.m. - Open Meeting  
† May 20, 1991 - 1:30 p.m. - Open Meeting  
† June 17, 1991 - 1:30 p.m. - Open Meeting  
1 County Complex Court, Prince William, Virginia. ☒

Local Emergency Planning committee to discharge the provisions of SARA Title III.

Contact: Thomas J. Hajduk, Information Coordinator, 1 County Complex Court, Prince William, VA 22192-9201, telephone (703) 335-6800.

## VIRGINIA EMERGENCY RESPONSE COUNCIL

April 22, 1991 - 10 a.m. - Open Meeting  
Monroe Building, Conference Room B, 101 North 14th Street, Richmond, Virginia. ☒

This meeting will provide the VERC with an update of issues concerning local governments/and Local Emergency Planning Committees (LEPCs) regarding emergency planning and preparedness; and this meeting will recommend additional outreach to local governments and to LEPCs to further their SARA Title III activities to Virginia communities.

Contact: Cathy L. Harris, Environmental Program Manager, Virginia Department of Waste Management, Monroe Building, 14th Floor, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2513, 225-2613, toll-free 1-800-552-2075 or (804) 371-8737/TDD ☎

## VIRGINIA FIRE SERVICES BOARD

† April 18, 1991 - 7:30 p.m. - Public Hearing  
Virginia Beach Hilton Inn, 8th and Atlantic, Virginia Beach, Virginia.

A public hearing to discuss Fire Training and Fire Policies. This public hearing is for comments and questions relating to the Fire Services in the Commonwealth and the area in which the hearing is held.

† April 19, 1991 - 9 a.m. - Open Meeting  
Virginia Beach Hilton Inn, 8th and Atlantic, Virginia Beach, Virginia.

A regular business meeting open to the public for their input and comment.

### Fire Prevention and Control Committee

† April 18, 1991 - 9 a.m. - Open Meeting  
Virginia Beach Hilton Inn, 8th and Atlantic, Virginia Beach, Virginia.

Fire Services Board Committee meeting to discuss Fire Training and Fire Policies. The committee meeting is open to the public for their input.

### Legislative Committee

† April 18, 1991 - 1 p.m. - Open Meeting  
Virginia Beach Hilton Inn, 8th and Atlantic, Virginia Beach, Virginia.

Fire Services Board Committee meeting to discuss Fire Training and Fire Policies. The committee meeting is open to the public for their input.

### Training/EMS Education Committee

† April 18, 1991 - 1 p.m. - Open Meeting  
Virginia Beach Hilton Inn, 8th and Atlantic, Virginia Beach, Virginia.

Fire Services Board Committee meeting to discuss Fire Training and Fire Policies. The committee meeting is open to the public for their input.

Contact: Anne J. Bales, Executive Secretary Senior, Parham/64 Building, Suite 200, 2807 Parham Road, Richmond, VA 23294, telephone (804) 527-4236.

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

April 10, 1991 - 9 a.m. - Open Meeting  
April 19, 1991 - 9 a.m. - Open Meeting  
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

A regularly scheduled board meeting. Public comment will be received during last 30 minutes of meeting.

\* \* \* \* \*

April 15, 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 Funeral Directors and Embalmers intends to adopt regulations entitled: **VR 320-01-04. Curriculum for Resident Trainee Program.** The regulation is designed to provide consistency and accountability in the funeral trainee program.

Statutory Authority: § 54.1-2803 of the Code of Virginia.

Written comments may be submitted until April 15, 1991.

Contact: Meredyth Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9941 or SCATS 8-662-7390.

May 6, 1991 - 9 a.m. - Open Meeting  
1601 Rolling Hills Drive, Conference Rooms 1 and 3, Richmond, Virginia. ☒

Funeral directors and embalmers examinations and board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907.

## GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

† April 22, 1991 - 10:30 a.m. - Open Meeting  
The Richmond Radisson, 555 East Canal Street, Richmond, Virginia. ☒

A general meeting open to the public.

Contact: Abria M. Singleton, Executive Secretary, Commonwealth Building, 4615 W. Broad St., Third Floor, Richmond, VA 23230, telephone (804) 367-9816.

## DEPARTMENT OF HEALTH (STATE BOARD OF)

April 11, 1991 - 10 a.m. - Open Meeting  
Main Street Station, 1500 East Main Street, Community Room, Richmond, Virginia. ☒

A meeting to discuss the proposed plan for HIV Care Grant moneys under Title II of the Ryan White Care Comprehensive AIDS Resource Emergency Act of 1990.

# Calendar of Events

---

**Contact:** Kathryn A. Hafford, Coordinator of Education, Information and Training, Department of Health, Bureau of SID/AIDS, Room 112, P.O. Box 2448, Richmond, VA 23219, telephone (804) 225-4844.

\* \* \* \* \*

**April 25, 1991 - 9 a.m. – Public Hearing**  
James 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 State Board of Health intends to adopt regulations entitled: **VR 355-40-04. Regulations Governing the Virginia Medical Scholarship Program.** The proposed regulations set forth eligibility criteria award process, terms, conditions and circumstances under which Virginia medical scholarship will be awarded.

Statutory Authority: § 32.1-122.6 B of the Code of Virginia.

Written comments may be submitted until April 26, 1991.

**Contact:** Raymond O. Perry, Director, Virginia Department of Health, Office of Planning and Regulatory Services, 1500 E. Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-6970.

\* \* \* \* \*

**April 25, 1991 - 1 p.m. – Public Hearing**  
James 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 State Board of Health intends to adopt regulations entitled: **VR 355-40-05. Rules and Regulations for the Identification of Medically Underserved Areas in Virginia.** The regulations set forth the criteria for identification of areas within the Commonwealth that are in need of additional primary health care services and for the designation of areas so identified as medically underserved areas.

Statutory Authority: § 32.1-122.5 of the Code of Virginia.

Written comments may be submitted until April 26, 1991.

**Contact:** Raymond O. Perry, Director, Virginia Department of Health, Office of Planning and Regulatory Services, 1500 E. Main St., Suite 105, Richmond, VA 23219, telephone (804) 786-6970.

## STATE BOARD OF HEALTH

† **April 24, 1991 - 11 a.m. – Open Meeting**  
Lynchburg Hilton Hotel, 2900 Candler's Mountain Road, Lynchburg, Virginia. ☒

A work session. Informal dinner at 7:30 p.m.

† **April 25, 1991 - 9 a.m. – Open Meeting**  
Lynchburg Local Health Department, 1900 Thomson Drive, Lynchburg, Virginia. ☒

A business meeting.

**Contact:** Susan R. Rowland, Policy Analyst Senior, Virginia Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-3561.

## BOARD OF HEALTH PROFESSIONS

† **April 16, 1991 - 10:30 a.m. – Open Meeting**  
Department of Health Professions, 1601 Rolling Hills Drive, Room 1, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

Regular quarterly meeting. The board will receive reports of all standing and special committees and consider comments on regulations proposed by boards within the Department of Health Professions. Public comments will be received at noon.

**Contact:** Richard Morrison, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23219, telephone (804) 662-9904.

## Administration and Budget Committee

**April 17, 1991 - 8:30 a.m. – Open Meeting**  
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

A meeting to consider preliminary cost center budgets requests for the 92-94 biennium.

**Contact:** Richard Morrison, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23219, telephone (804) 662-9904.

## † Executive Committee

**April 16, 1991 - 9 a.m. – Open Meeting**  
Department of Health Professions, 1601 Rolling Hills Drive, Room 2, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review the agenda for the Board of Health Professions' meeting to convene at 10:30 a.m.

**Contact:** Richard Morrison, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23219, telephone (804) 662-9904.

## Regulatory Research Committee

NOTE: CHANGE IN TIME

**April 15, 1991 - 3:30 p.m. – Public Hearing**  
† **April 16, 1991 - 3:30 p.m. – Public Hearing**  
Department of Health Professions, 1601 Rolling Hills Drive,  
Conference Room 1, Richmond, Virginia. ☒ (Interpreter for  
deaf provided upon request)

Monday, April 15  
3:30 p.m. Pre-hearing briefing for committee.  
4:00 p.m. Informational public hearing.  
8:00 p.m. Review regulations proposed on DHP boards.

Tuesday, April 16  
8:00 a.m. The committee will meet if necessary to  
conclude business.

**Contact:** Richard Morrison, Executive Director, 1601  
Rolling Hills Drive, Richmond, VA 23219, telephone (804)  
662-9904.

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

**April 23, 1991 - 9:30 a.m. – Open Meeting**  
Blue Cross/Blue Shield of Virginia, The Virginia Room,  
2015 Staples Mill Road, 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.

## BOARD OF HISTORIC RESOURCES

**April 17, 1991 - 10:30 a.m. – Open Meeting**  
General Assembly Building, Senate Room A, Richmond,  
Virginia. ☒ (Interpreter for the deaf provided if requested)

A general business meeting.

**Contact:** Margaret Peters, 221 Governor St., Richmond, VA  
23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

## DEPARTMENT OF HISTORIC RESOURCES

### State Review Board

**April 16, 1991 - 10 a.m. – Open Meeting**  
General Assembly Building, Senate Room A, Richmond,  
Virginia. ☒ (Interpreter for the deaf provided if requested)

A meeting to consider the nomination of the following  
properties to the Virginia Landmarks Register and the  
National Register of Historic Places:

Arrowhead, Albemarle County (DHR 02-195)

Batte, Alexander Watson, House, Greensville County  
(DHR 40-02)

Chilhowie Methodist Church, Chilhowie, Smyth County  
(DHR 86-14)

Dinwiddie County Pullman Car, Chesterfield County

Hare Forest, Orange County (DHR 68-124)

Kentland Farm Historic and Archeological District,  
Montgomery County (DHR 60-202)

Patrick Henry Hotel, City of Roanoke (DHR 128-235)

Seven Islands Farm, Buckingham County (DHR 14-23)

Sugar Loaf Farm, Augusta County

Wavertree Hall Farm, Albermarle County

**Contact:** Margaret Peters, 221 Governor St., Richmond, VA  
23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

† **May 7, 1991 - 9 a.m. – Open Meeting**

† **June 4 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 St., Hopewell, VA 23860, telephone (804)  
541-2298.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

**April 11, 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 Housing and  
Community Development intends to amend regulations  
entitled: **VR 394-01-105. Share Expansion Grant/Loan  
Program.** The SHARE Expansion Grant/Loan Program  
provides grants and loans for the expansion or  
creation of emergency shelters, transitional facilities  
and single room occupancy units.

Statutory Authority: § 36-141 et seq. Code of Virginia.

Written comments may be submitted until April 11, 1991.

# Calendar of Events

---

**Contact:** Irene Clouse DHCD, Program Administrator, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-8734.

\* \* \* \* \*

† **May 10, 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 Housing and Community Development intends to amend regulations entitled: **VR 394-01-102:1. Local Housing Rehabilitation Program.** The proposed amendments revise program guidelines to the Local Housing Rehabilitation Program.

## STATEMENT

**Purpose:** The proposed program guidelines for the Local Housing Rehabilitation Program provide the general requirements for distribution and administration of program funds throughout the Commonwealth.

**Basis:** Adoption in accordance with statutory authority § 36-141 et seq. of the Code of Virginia.

**Impact:** The program makes available loan and grant funds for the rehabilitation of owner-occupied homes and small rental properties (less than 10 units) housing low-to-moderate income persons.

**Statutory Authority:** §§ 36-137 and 36-141 of the Code of Virginia.

Written comments may be submitted until May 10, 1991.

**Contact:** Ron White, Program Administrator, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-7891.

\* \* \* \* \*

† **May 10, 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 Housing and Community Development intends to amend regulations entitled: **VR 394-01-103. Multifamily Loan Program.** The proposed amendments revise program guideline changes to the Multifamily Loan Program.

## STATEMENT

**Purpose:** The proposed program guidelines for the Multifamily Loan Program provide the basic technical and administrative framework for administering the program throughout Virginia.

**Basis:** To be adopted according to statutory authority § 36-141 et seq. of the Code of Virginia.

**Impact:** The program makes available low interest loan moneys for the rehabilitation and new construction of rental housing made available to low-and moderate-income Virginia residents.

**Statutory Authority:** § 36-141 et seq. of the Code of Virginia.

Written comments may be submitted until May 10, 1991.

**Contact:** Graham Driver, Program Administrator, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-1575.

## Amusement Device Technical Advisory Committee

† **May 16, 1991 - 9 a.m.** – Open Meeting  
205 North Fourth Street, Seventh Floor Conference Room,  
Richmond, Virginia. ☒

A meeting to review and discuss regulations pertaining to the construction, maintenance, operation and inspection of amusement devices adopted by the Board of Housing and Community Development.

**Contact:** Jack A. Proctor, Deputy Director, Building Regulation, Department of Housing and Community Development, 205 North Fourth St., Richmond, VA 23219, telephone (804) 786-4752.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **April 16, 1991 - 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 approve proposed Rules and Regulations for HUD-Insured Home Equity Conversion Mortgage Loans; and (v) consider such other matters and take such other actions as they may deem appropriate. Various committees of the board may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

## VIRGINIA INTERAGENCY COORDINATING COUNCIL

**May 8, 1991 - 9 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference

Rooms D and E, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The Virginia Interagency Coordinating Council (VICC) according to PL 101-476, Part H, early intervention program for disabled infants and toddlers and their families, is meeting to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency, to develop and implement a statewide interagency early intervention program.

**Contact:** Michael Fehl, Director, Mental Retardation Children/Youth Services, Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710.

## INTERAGENCY COORDINATING COUNCIL ON DELIVERY OF RELATED SERVICES TO HANDICAPPED CHILDREN

† April 23, 1991 - 2 p.m. - Open Meeting  
Virginia Housing Development Authority, 601 Belvidere Boulevard, Richmond, Virginia. ☒

A meeting of the council to facilitate the timely delivery of appropriate services to handicapped children and youth in Virginia.

**Contact:** Glen R. Slonneger, Program and Policy Specialist, Program for Infants, Children and Youth, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140.

## INTERDEPARTMENTAL REGULATION OF RESIDENTIAL FACILITIES FOR CHILDREN

### Coordinating Committee

April 19, 1991 - 8:30 a.m. - Open Meeting  
Office of the Coordinator, Interdepartmental Regulation, Suite 208, 1603 Santa Rosa Road, Tyler Building, Richmond, Virginia. ☒

Regularly scheduled meetings to consider such administrative and policy issues as may be presented to the committee. A period for public comment is provided at each meeting.

**Contact:** John J. Allen, Jr., Coordinator, Interdepartmental Regulation, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124.

## JOINT BOARD LIAISON COMMITTEE

April 19, 1991 - 10 a.m. - Open Meeting  
Department of Education, Monroe Building, 101 North 14th

Street, Richmond, Virginia. ☒

Quarterly meeting of the Joint Board Liaison Committee comprised of representatives of the Boards of Corrections, Education, Health, Medical Assistance Services; Mental Health, Mental Retardation and Substance Abuse Services; Rehabilitative Services; Social Services; Youth and Family Services; and the Advisory Board for the Department for Children. Agenda items include topics of common interest and the development of joint policies relative to clients who are mutually served.

**Contact:** Jane Helfrich, Administrative Staff, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921.

## DEPARTMENT OF LABOR AND INDUSTRY

### Safety and Health Codes Board

April 16, 1991 - 10 a.m. - Open Meeting  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

The board will meet to consider (i) technical corrections to amendment to the General Industry Standard for Control of Hazardous Energy Sources (Lockout/Tagout) - § 1910.147 - Final Rule; (ii) Safety Standards for Stairways and Ladders used in the Construction Industry - Final Rule; (iii) technical corrections to Safety Standards for Stairways and Ladders Used in the Construction Industry - Final Rule; and (iv) revision of the Boiler and Pressure Vessel Safety Rules and Regulations - Final Rule.

**Contact:** John Crisanti, Director, Policy Enforcement Office, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2384.

## LIBRARY BOARD

† May 16, 1991 - 10 a.m. - Open Meeting  
Virginia State Library and Archives, 11th Street at Capitol Square, 3rd Floor, Supreme Court Room, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

**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.

## COMMISSION ON LOCAL GOVERNMENT

April 29, 1991 - 11 a.m. - Open Meeting

# Calendar of Events

---

Alleghany County, Clifton Forge Area - Site to be determined.

Oral presentations regarding the proposed Alleghany County - City of Clifton Forge Consolidation.

Persons desiring to participate in the commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's office by April 22, 1991.

**April 30, 1991 - 9 a.m. - Open Meeting**  
Alleghany County, Clifton Forge Area - Site to be determined.

Oral presentations regarding the proposed Alleghany County - City of Clifton Forge Consolidation.

Persons desiring to participate in the commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's office by April 23, 1991.

**April 30, 1991 - 7 p.m. - Public Hearing**  
Alleghany County, Clifton Forge Area - Site to be determined.

Public hearing regarding the proposed Alleghany County - City of Clifton Forge Consolidation.

Persons desiring to participate in the commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's office by April 23, 1991.

**May 1, 1991 - 9 a.m. - Open Meeting**  
Alleghany County, Clifton Forge Area - Site to be determined.

Oral presentations regarding the proposed Alleghany County - City of Clifton Forge Consolidation.

Persons desiring to participate in the commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's office by April 24, 1991.

**† May 29, 1991 - 4 p.m. - Open Meeting**  
City Council Chambers, Bedford Municipal Building, 215 East Main Street, 2nd Floor, Bedford, Virginia.

A regular meeting to consider such matters as may be presented.

Persons desiring to participate in the Commission's regular meeting and requiring special accommodations or interpreter services should contact the Commission's offices by May 22, 1991.

**Contact:** Barbara W. Bingham, Administrative Assistant, 702 Eighth Street Office Bldg., Richmond, VA 23219, telephone

(804) 786-6508 or (804) 786-1860/TDD ☎

## LONGWOOD COLLEGE

### Board of Visitors

**April 28, 1991 - 7 p.m. - Open Meeting**  
**April 29, 1991 - 9 a.m. - Open Meeting**  
Longwood College, Ruffner Building, Virginia Room, Farmville, Virginia. ☎

A meeting to conduct routine business.

**Contact:** William F. Dorrill, President, Longwood College, Farmville, VA 23901, telephone (804) 395-2001.

## MARINE RESOURCES COMMISSION

**† April 23, 1991 - 9:30 a.m. - Open Meeting**  
2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☎ (Interpreter for deaf provided if requested)

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

**April 15, 1991 - 1 p.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, Policy Analyst, Suite 1300, 600

East Broad Street, Suite 1300, 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)**

**April 26, 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 adopt regulations entitled: **VR 460-03-4.1921. Methods and Standards for Other Types of Services: Obstetric and Pediatric Maximum Payments.** The purpose of this proposal is to promulgate permanent regulations regarding specific obstetric and pediatric maximum payment amounts by DMAS which became effective July 1, 1990.

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

Written comments may be submitted until April 26, 1991, to Mack Brankley, Director, Division of Client Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Virginia.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

\* \* \* \* \*

**April 26, 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 460-04-8.5. Home and Community Based Services for Technology Dependent Individuals.** The purpose of this proposal is to promulgate permanent regulations regarding Medicaid services for technology-assisted individuals, to supersede the temporary emergency regulation which became effective on June 22, 1990.

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

Written comments may be submitted until April 26, 1991, to Chris Pruet, Analyst, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Virginia.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

**May 10, 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 intends to amend regulations entitled: **VR 460-02-3.1100. Amount, Duration and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy; VR 460-02-3.1200. Amount, Duration and Scope of Services Provided Medically Needy Group(s): All; VR 460-03-3.1100. Amount, Duration and Scope of Services; VR 460-02-3.1300. Standards Established and Methods to Assure High Quality of Care; and VR 460-02-4.1920. Methods and Standards for Establishing Payment Rates - Other Types of Care; and to adopt new regulations entitled VR 460-04-8.8. Regulations for Hospice Services.** The purpose of this proposal is to promulgate permanent regulations providing for the coverage of hospice services.

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

Written comments may be submitted until May 10, 1991, 5 p.m., to Mary Chiles, R. N., Manager, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, Virginia.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

\* \* \* \* \*

**May 24, 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 adopt and amend regulations entitled: **State Plan for Medical Assistance Relating to Long-Stay Acute Care Hospitals. VR 460-02-3.1300, Standards Established and Methods Used to Assure High Quality Care and VR 460-04-8.10, Long-Stay Acute Care Hospitals.** The purpose of the proposed regulation is to regulate the provision of long-stay acute care hospital services.

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

Written comments may be submitted until May 24, 1991.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.



# Calendar of Events

---

\*\*\*\*\*

**June 7, 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: **State Plan for Medical Assistance Relating to Occupational/Speech-Language Services and Cost Management Initiatives for PIRS. VR 460-03-3.1100. Amount, Duration, and Scope of Services; VR 460-03-4.1940:1. Nursing Home Payment System; and VR 460-03-4.1943. Cost Reimbursement Limitations.** The proposed amendments would make permanent these three provisions currently existing under emergency regulations: the elimination of cost reimbursement to nursing facilities' licensed in-house pharmacies, limitations of the cost of management services, and reimbursement for occupational and speech/language therapies through nursing facility cost reports.

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

Written comments may be submitted until June 7, 1991, to Wm. R. Blakely, Jr., Director, Division of Cost Settlement and Audit, 600 East Broad Street, Suite 1300, Richmond, Virginia.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

\*\*\*\*\*

**May 24, 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 460-04-8.4. Home and Community Based Waiver Services for Elderly and Disabled Individuals.** These regulations control the provision of personal care (respite, adult day health, and personal care) services in the homes of qualifying recipients.

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

Written comments may be submitted until May 24, 1991, to Chris Pruett, Analyst, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

## BOARD OF MEDICINE

† **April 9, 1991 - 9 a.m.** – Open Meeting  
Sheraton-Fredricksburg Resort and Conference Center, I-95 and Route 3, Fredricksburg, Virginia. ☒

† **April 19, 1991 - 9 a.m.** – Open Meeting  
Williamsburg Hilton, 50 Kingsmill Road, Williamsburg, Virginia. ☒

The Informal Conference Committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The Committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia. Public comments will not be received.

**Contact:** Karen D. Waldron, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9908 or (804) 662-9943/TDD ☎

## Chiropractic Examination Committee

**April 18, 1991 - 1:30 a.m.** – Open Meeting  
Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The committee will meet in executive and closed session to develop test items for the chiropractic examination. Public comments will not be received.

## Advisory Committee On Optometry

**May 10, 1991 - 10 a.m.** – Open Meeting  
Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to review and consider other postgraduate training programs for approval for eligibility to sit for the certification examination for the treatment of certain diseases or abnormal conditions of the human eye and its adnexa with certain pharmaceutical agents; and approve completed applications to sit for the certification examination to be held on June 25, 1991. The committee will not receive public comments.

## Committee on Certification of Optometry

**April 12, 1991 - 10 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive, Board Room 2, Richmond, Virginia. ☒

The committee will meet in open and closed sessions to review postgraduate training courses to be eligible to sit for the certification examination for optometrists to treat certain diseased or abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents. Public comments will not be entertained.

**Contact:** Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Building, Second Floor, Richmond, VA 23229, telephone (804) 662-9925.

## Advisory Board on Physical Therapy

**May 3, 1991 - 9 a.m. - Open Meeting**  
Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The board will 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.

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

**April 24, 1991 - 10 a.m. - Open Meeting**  
James Madison Building, 13th Floor Conference Room, Richmond, Virginia. ☒

A regular monthly meeting. The agenda will be published on April 17 and may be obtained by calling Jane Helfrich.

Tuesday: Informal session - 6 p.m.

Wednesday: Committee meetings 8:45 a.m. and regular session 10 a.m.

See agenda for location.

**Contact:** Jane Helfrich, Board Administrative, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3912.

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

**April 8, 1991 - 1 p.m. - Public Hearing**  
**April 8, 1991 - 6 p.m. - Public Hearing**  
Virginia Housing Authority, Room Number 1, 601 South Belvidere Street, Richmond, Virginia.

**April 8, 1991 - 1 p.m. - Public Hearing**  
**April 8, 1991 - 6 p.m. - Public Hearing**  
Johnston Memorial Hospital, Conference Center, Room C, Abingdon, Virginia.

**April 8, 1991 - 1 p.m. - Public Hearing**  
**April 8, 1991 - 6 p.m. - Public Hearing**  
Central Virginia Training Center, Nagler Building, Lynchburg, Virginia.

**April 8, 1991 - 1 p.m. - Public Hearing**  
**April 8, 1991 - 6 p.m. - Public Hearing**  
Hampton Public Library, 4207 Victoria Boulevard,

Hampton, Virginia.

**April 8, 1991 - 1 p.m. - Public Hearing**  
**April 8, 1991 - 6 p.m. - Public Hearing**  
Fairfax Community Services Board, 14601 White Granite Drive, Oakton, Virginia.

Public hearings to receive comments on Virginia's Fourth Year Grant Application to U.S. Department of Education for PL 101-476, Part H, Early Intervention for Infants and Toddlers with Disabilities. Written testimony will be accepted from March 1, 1991 to May 1, 1991 and may be submitted to Early Intervention Program, Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.

**Contact:** Michael FehI, Ed.D, Director Mental Retardation, Children and/Youth Services, Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710 or (804) 371-8977/TDD ☒

## VIRGINIA MILITARY INSTITUTE

### Board of Visitors

† **May 17, 1991 - 8 a.m. - Open Meeting**  
Virginia Military Institute, Smith Hall Board Room, Smith Hall, Lexington, Virginia. ☒

Finals meeting of the VMI Board of Visitors and a regular meeting to (i) consider committee reports; (ii) approve awards, distinctions, and diplomas; (iii) discuss personnel changes; and (iv) elect president pro tem.

**Contact:** Col. Edwin L. Dooley, Jr., Secretary to the Board, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206.

## DEPARTMENT OF MINES, MINERALS AND ENERGY

† **April 24, 1991 - 10 a.m. - Public Hearing**  
University of Virginia, Division of Continuing Education, Highway 19 North, Abingdon, Virginia. ☒

A public hearing to receive comments on the department's guidelines for public participation in its regulatory development process. The agency plans to develop amendments to these regulations and seeks public input.

**Contact:** Bill Edwards, Policy Analyst, Department of Mines, Minerals and Energy, 2201 West Broad St., Richmond, VA 23220, telephone (804) 367-0330, SCATS 676-5501 or toll-free 1-800-552-3831.

\* \* \* \* \*

# Calendar of Events

---

**April 29, 1991 - 10 a.m. – Public Hearing**  
Virginia Division of Mined Land Reclamation, Upstairs  
Conference Room, 622 Powell Avenue, Big Stone Gap,  
Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Department of Mines,  
Minerals and Energy intends to amend regulations  
entitled: **VR 480-03-19. Coal Surface Mining  
Reclamation Regulations.** The proposed amendments  
define ownership and control of coal mining  
operations for the purpose of tracking outstanding  
regulatory violations and blocking permitted activity  
until such violations are abated.

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

Written comments may be submitted until 5 p.m., April 29,  
1991.

**Contact:** Bill Edwards, Policy Analyst, 2201 W. Broad St.,  
Richmond, VA 23220, telephone (804) 367-0330.

## DEPARTMENT OF MOTOR VEHICLES

† **April 10, 1991 - 1 p.m. – Open Meeting**  
Department of Motor Vehicles, 2300 West Broad Street,  
Richmond, Virginia. ☒

A regular business meeting open to the public.

**Contact:** Karen Ruby, Manager, Department of Motor  
Vehicles, 2300 West Broad Street, Richmond VA 23220,  
telephone (804) 376-0406.

## VIRGINIA MUSEUM OF NATURAL HISTORY

### Board of Trustees

**April 20, 1991 - 8 a.m. – Open Meeting**  
Dutch Inn Motor Hotel, 633 Virginia Avenue, Collinsville,  
Virginia. ☒

The meeting will include reports from the executive,  
finance, education and exhibits, marketing, personnel,  
planning/facilities, and research and collections  
committees. Public comment will be received following  
approval of the minutes of the January meeting:

**Contact:** Rhonda J. Knighton, Executive Secretary, Virginia  
Museum of Natural History, 1001 Douglas Ave.,  
Martinsville, VA 24112, telephone (703) 666-8616, SCATS  
857-6950/857-6951 or (703) 666-8638/TDD ☎

## BOARD OF NURSING

† **April 26, 1991 - 8:30 a.m. – Open Meeting**

Department of Health Professions, 1601 Rolling Hills Drive,  
Conference Room 4, Richmond, Virginia. ☒ (Interpreter for  
deaf provided upon request)

A meeting to inquire into allegations that certain  
licensees may have violated laws and regulations  
governing the practice of nursing in Virginia. Public  
comment will not be received.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 1601  
Rolling Hills Drive, Richmond, VA 23229, telephone (804)  
662-9909 or toll-free 1-800-533-1560.

## Education Advisory Committee

† **April 30, 1991 - 10 a.m. – Open Meeting**  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia. ☒ (Interpreter for deaf provided upon  
request)

A meeting to consider matters related to educational  
programs approved by the Board of Nursing and make  
recommendations to the board as needed. Public  
comment will be accepted at 1 p.m.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 1601  
Rolling Hills Drive, Richmond, VA 23229, telephone (804)  
662-9909 or toll-free 1-800-533-1560.

## Special Conference Committee

**April 9, 1991 - 8:30 a.m. – Open Meeting**  
Department of Health Professions, 1601 Rolling Hills Drive,  
Conference Room 1, Richmond, Virginia. ☒ (Interpreter for  
deaf provided upon request)

A meeting to inquire into allegations that certain  
licensees may have violated laws and regulations  
governing the practice of nursing in Virginia.

Public comment will not be received.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 1601  
Rolling Hills Drive, Richmond, VA 23229, telephone (804)  
662-9909 or toll-free 1-800-533-1560.

## BOARD OF NURSING HOME ADMINISTRATORS

† **April 11, 1991 - 8:30 a.m. – Open Meeting**  
1601 Rolling Hills Drive, Conference Rooms 1 and 2,  
Richmond, Virginia. ☒

Nursing Home Administrator Examinations.

**Contact:** Meredyth P. Partridge, Executive Director, 1601  
Rolling Hills Dr., Richmond, VA 23229-5005, telephone  
(804) 662-9907.

\* \* \* \* \*

**May 13, 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 Nursing Home Administrators intends to amend regulations entitled: **VR 500-01-2:1. Regulations of the Board of Nursing Administrators.** The purpose of the proposed regulations is to establish standards for the practice of nursing home administration.

Statutory Authority: §§ 54.1-2400 and 54.1-3101 of the Code of Virginia.

Written comments may be submitted until May 13, 1991.

**Contact:** Meredyth P. Partridge, Board Administrator, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-7390.

## OLD DOMINION UNIVERSITY

### Board of Visitors

† **April 11, 1991 - 3 p.m.** – Open Meeting  
Peninsula Graduate Engineering Center (ODU Extension),  
2713 Magruder Boulevard, Suite D, Hampton, Virginia. ☐

A meeting to discuss various issues pertaining to the University and to hear standing committee reports. Public comment will be received during meeting only in accordance with Board Policy #1102: "Communications with the Board of Visitors." An agenda for the meeting will be available five working days prior to the meeting.

**Contact:** Donna W. Meeks, Secretary to the Board of Visitors, Old Dominion University, Norfolk, VA 23529-0029, telephone (804) 663-3072.

## BOARD FOR OPTICIANS

† **April 16, 1991 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☐

An open meeting to (i) approve minutes of the February 5, 1991, meeting; (ii) review applications; (iii) sign certificates, and (iv) discuss other matters which require board action.

**Contact:** Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

\*\*\*\*\*

**May 15, 1991 - 9 a.m.** - Public Hearing  
Department of Commerce, 3600 West Broad Street,

Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Opticians intends to adopt regulations entitled: **VR 505-01-01:1. Board for Opticians Regulations.** The Board for Opticians proposes to repeal existing regulations and promulgate new regulations to establish the licensing requirements, renewal and reinstatement requirements and standards of practice for opticians in the Commonwealth of Virginia.

Statutory Authority: §§ 54.1-201 and 54.1-1705 of the Code of Virginia.

Written comments may be submitted until May 27, 1991.

**Contact:** Pamela M. Templin, Regulatory Programs Intern, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8531.

## BOARD OF OPTOMETRY

**July 18, 1991 - 10 a.m.** - Public Hearing  
1601 Rolling Hills Dr., 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 Optometry intends to amend regulations entitled: **VR 510-01-1. Regulations of the Virginia Board of Optometry.** The purpose of this action is to amend the regulations for purpose of fee changes, clarification of licensing, examinations, renewal, reinstatement procedures, clarification of unprofessional conduct, and continuing education requirements.

Statutory Authority: § 54.1-2400 and Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1 of the Code of Virginia.

Written comments may be submitted until July 18, 1991.

**Contact:** Lisa J. Russell, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9915 or SCATS (804) 662-9910.

## VIRGINIA OUTDOORS FOUNDATION

† **April 11, 1991 - 10:30 a.m.** – Open Meeting  
State Capitol, House Room 1, Richmond, Virginia. ☐

A general business meeting.

**Contact:** Tyson B. Van Auken, Executive Director, 221 Governor St., Richmond, VA 23219, telephone (804) 786-5539.

# Calendar of Events

---

## BOARD OF PHARMACY

† **April 17, 1991 - 9 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Conference Room 1, Richmond, Virginia.

A routine board meeting, and possible consideration of proceeding with regulatory changes. Public comments will be accepted at the beginning of the meeting or at any appropriate occasion during the meeting.

**Contact:** Jack B. Carson, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Drive, Richmond VA 23229, telephone (804) 662-9911.

## POLYGRAPH EXAMINERS ADVISORY BOARD

**April 9, 1991 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☐

The meeting is for the purpose of administering the Polygraph Examiners licensing examination to eligible polygraph examiner interns and to consider other matters which require board action.

**Contact:** Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534.

## COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

### Resources Committee

† **April 9, 1991 - 9:30 a.m.** – Open Meeting  
Capitol Building, House Room 1, Richmond, Virginia.

A meeting to (i) consider mission statement for work of the committee; (ii) analyze of resource data needs; and (iii) develop topics for referral to Technical Advisory Committee.

### Fianance Committee

† **April 18, 1991 - 10 a.m.** – Open Meeting  
Capitol Building, House Room 1, Richmond, Virginia.

A meeting to (i) consider techniques for discussing cost and benefits of growth; (ii) review work of the Keating Commission; and (iii) consider local examples of infrastructure needs and ways to plan for capital improvements.

### Governance Committee

† **April 25, 1991 - 10 a.m.** – Open Meeting  
Virginia State University, Foster Hall, Room 141,  
Petersburg, Virginia.

A meeting to consider (i) regional solutions to problems amenable to a regional approach; (ii) planning district authority: what is the potential; review of Hopkins and Hahn Commission recommendations; (iii) planning districts: what do they do, what are their funding mechanisms, what are their strengths and weaknesses; and (iv) what is happening with regard to regional approaches around the U.S.

**Contact:** Telephone (804) 371-4950 for a recorded message.

## PRIVATE SECURITY SERVICES ADVISORY BOARD

† **April 24, 1991 - 10 a.m.** – Open Meeting  
Wackenhut Corporate Offices, 5654 Parliament Drive,  
Virginia Beach, Virginia. ☐

A meeting to discuss business of the advisory board.

**Contact:** Paula J. Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-4000.

## BOARD OF PROFESSIONAL COUNSELORS

**April 18, 1991 - 10 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia.

Oral Examiners' Training Workshop.

**Contact:** Joyce D. Williams, Administrative Assistant, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9912.

**April 19, 1991 - 9 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Richmond, Virginia.

A board meeting to consider general business committee reports, and regulatory review. No public comments will be received.

**Contact:** Evelyn B. Brown, Executive Director or Joyce D. Williams, Administrative Assistant, Department of Health Professions, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9912.

## BOARD OF PSYCHOLOGY

### Examination Committee

**May 3, 1991 - 9 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,  
Conference Room 4, Richmond, Virginia. ☐

**June 28, 1991 - 9 a.m.** – Open Meeting  
Department of Health Professions, 1601 Rolling Hills Drive,

Conference Room 2, Richmond, Virginia. ☒

A regular meeting of the committee. Public comment will not be received.

**Contact:** Evelyn Brown, Executive Director, 1601 Rolling Hills Drive, Suite 200, Richmond, VA 23229-5005, telephone (804) 662-9913 or (804) 662-7197/TDD ☎

## VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

† **April 11, 1991 - 10 a.m.** – Open Meeting  
Department of Information Technology, Executive Teleconference Center, 110 South Seventh Street, 1st Floor, East Wing, Richmond, Virginia.

The Planning Committee will be reviewing the draft of the Master Plan and reporting on the policies and procedure development.

**April 11, 1991 - 10 a.m.** – Open Meeting  
Radisson Hotel, 555 East Canal Street, Richmond, Virginia.

The Budget/Legislative Committee will meet. At 1 p.m. there will be a regularly scheduled quarterly board meeting to consider approval of the Planning Committee's recommendations on the revised Master Plan for Public Telecommunications. Other agenda items include the 1991 legislative update, allocation of grants and contracts for 1991-92, budget planning for 1992-94, and updates on other items of interest.

**Contact:** Mamie White, Administrator Assistant to the Virginia Public Telecommunications Board, 110 S. Seventh St., 1st Floor, Richmond, VA 23219, telephone (804) 344-5522.

## VIRGINIA RACING COMMISSION

† **April 17, 1991 - 9:30 a.m.** – Open Meeting  
VSRS Building, 1204 East Main Street, Richmond, Virginia.

A regular commission meeting including a review of the regulations pertaining to stewards, commission veterinarian and appeal hearings.

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

\* \* \* \* \*

**April 17, 1991 - 9:30 a.m.** – Public Hearing  
VSRS Building, 1204 East Main Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to adopt regulations entitled: **VR 662-03-02. Regulations Pertaining to Horse Racing**

**with Pari-Mutuel Wagering: Participants.** This proposed regulation establishes the duties, qualifications and responsibilities of participants in horse racing.

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

\* \* \* \* \*

**April 17, 1991 - 9:30 a.m.** – Public Hearing  
VSRS Building, 1204 East Main Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to adopt regulations entitled: **VR 662-04-03. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Claiming Races.** This proposed regulation establishes procedures and conditions under which claiming races will be conducted at horse racing facilities licensed by the commission.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until April 26, 1991.

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

\* \* \* \* \*

**April 17, 1991 - 9:30 a.m.** – Public Hearing  
VSRS Building, 1204 East Main Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to adopt regulations entitled: **VR 662-05-02. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Standardbred Racing.** The proposed regulation will establish the conditions, procedures and driving rules for the conduct of Standardbred racing.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until May 13, 1991.

**Contact:** William H. Anderson, Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

## REAL ESTATE APPRAISER BOARD

† **May 28, 1991 - 11 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia.

# Calendar of Events

---

A meeting to approve and adopt proposed regulations.

**Contact:** Demetra Y. Kontos, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-2175 or (804) 367-9753/TDD ☎

## VIRGINIA RESOURCES AUTHORITY

† **April 9, 1991 - 9 a.m.** – Open Meeting  
Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia.

The board will meet to (i) approve minutes of the meeting of March 12, 1991; (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

† **May 14, 1991 - 9 a.m.** – Open Meeting  
Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia.

The board will meet to (i) approve minutes of the meeting of April 9, 1991; (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

† **June 11, 1991 - 9 a.m.** – Open Meeting  
Virginia Beach Ramada Inn, Virginia Beach, Virginia.

The board will meet to (i) approve minutes of the meeting of May 14, 1991; (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. Public comments will be received at the beginning of the meeting.

**Contact:** Shockley D. Gardner, Jr., Mutual Building, 909 East Main Street, Suite 707, Richmond, VA 23219, telephone (804) 644-3100 or FAX Number (804) 644-3109.

## BOARD FOR RIGHTS OF VIRGINIANS WITH DISABILITIES

† **April 17, 1991 - 10 a.m.** – Open Meeting  
101 North 14th Street, 1st Floor, Conference Rooms C and

D, Richmond, Virginia.

A quarterly meeting to discuss and review current, on-going, and completed projects.

**Contact:** Meade Boswell, Administrator, 101 North 14th Street, 17th Floor, James Monroe Building, Richmond, VA 23219, telephone (804) 225-2042, or 1-800-552-3962/TDD ☎

## SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

† **April 17, 1991 - 10 a.m.** – Open Meeting  
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

The board shall hear all administrative appeals of denials on onsite sewage disposal system permits and render its decision on any such appeal, which decision shall be the final administrative decision.

**Contact:** Deborah G. Pegram, Division of Sanitarian Services, Main St. Station, Richmond, VA 23219, telephone (804) 786-3559.

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

**April 26, 1991 - 10 a.m.** – Public Hearing  
Tyler Building, Suite 220, Conference Room, 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 615-08-01. Virginia Energy Assistance Program.** The proposed amendment will change the Cooling Assistance start date to July 1, 1991.

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

Written comments may be submitted until April 26, 1991, to Charlene H. Chapman, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia.

**Contact:** Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

\* \* \* \* \*

† **May 15, 1991 - 10 a.m.** – Public Hearing  
Commonwealth Building, Suite 100, 210 Church Street, S.W., Roanoke, Virginia.

† **May 20, 1991 - 9 a.m.** – Public Hearing  
Blair Building, Conference Room A-B, 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 adopt regulations entitled: VR 615-45-1. Child Protective Services Central Registry Information. The purpose of the proposed amendments is to establish timeframe and rationale for name entry into Central Registry.

STATEMENT

Basis: These regulations are issued under the authority granted in § 63.1-248.1 et seq. of the Code of Virginia.

Subject: These regulations relate to the entry and retention of identifying information of individuals involved in child abuse and neglect cases in the central registry.

Purpose: The intent of these regulations is to change the existing criteria for entry and retention of identifying information in the child abuse and neglect central registry.

Substance: These regulations establish the types of cases for which identifying information on individuals involved in child abuse and neglect should be entered into the central registry. The regulations further establish the time frames for retention of such identifying information in the central registry.

Issues: There is a need to maintain identifying information so that it can be used to track individuals involved in child abuse and neglect. This information is used in determining appropriate service strategies, suitability for foster home, adoptive home or day care approval. Determinations of suitability for child placement or child care are done with a signed and notarized release from the individual being checked and the actual determination is made by the requesting agency.

Placing identifying information about an individual into a central registry can have negative impact on such an individual when an authorized search of the registry reveals involvement in a child abuse and neglect matter. This negative impact may result in job loss.

Statutory Authority: § 63.1-248.1 et seq. of the Code of Virginia.

Written comments may be submitted until June 8, 1991, to Janine Tondrowski, 8007 Discovery Drive, Richmond, Virginia.

Contact: Margaret Friedenber, Regulatory Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

\*\*\*\*\*

† June 8, 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 615-45-3. Child Protective Services Release of Information to Family Advocacy Representatives of the United States Armed Forces. These regulations establish guidelines for sharing information which would be in the best interest of the children and families involved.

STATEMENT

Basis: These regulations are issued under the authority granted by the Code of Virginia.

Subject: These regulations relate to the sharing of child protective services information with family advocacy representatives of the United States Armed Forces.

Purpose: The intent of these regulations is to establish guidelines for sharing of information which will be in the best interest of the children and families involved in child protection matters.

Substance: These regulations establish the guidelines for circumstances when it is appropriate for local departments of social services to share child protective services information on cases involving active duty military personnel or members of their households with family advocacy representatives of the United States Armed Forces.

Issues: A family's involvement with child protective services needs to be confidential and directed toward helping the family. Notification of one's employer, in this instance the military, can have negative, as well as positive, consequences. The regulations address the need to balance the potential negative consequences against what is in the child(ren)'s best interest.

Statutory Authority: §§ 2.1-386 and 63.1-248.6 of the Code of Virginia.

Written comments may be submitted until June 8, 1991, to Janine Tondrowski, 8007 Discovery Drive, Richmond, Virginia.

Contact: Margaret Friedenber, Regulatory Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

COMMONWEALTH TRANSPORTATION BOARD

April 17, 1991 - 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 board and the Department of Transportation staff.

April 18, 1991 - 10 a.m. -- Open Meeting



# Calendar of Events

---

Virginia Department of Transportation, Board Room, 1401 E. Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A monthly meeting 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.

## TRANSPORTATION SAFETY BOARD

† April 26, 1991 - 1 p.m. - Open Meeting

Sheraton Hotel, 2727 Ferndale Drive, Roanoke, Virginia.

A meeting to discuss various subjects which pertain to transportation safety.

**Contact:** William H. Leighty, Deputy Commissioner for Transportation Safety, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23219, telephone (804) 367-6614 or 1-800-367-1752/TDD ☎

## TREASURY BOARD

April 17, 1991 - 9 a.m. - Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regularly scheduled meeting of the board.

**Contact:** Laura Wagner-Lockwood, Senior Debt Manager, Department of the Treasury, P.O. Box 6-H, Richmond, VA 23215, telephone (804) 225-4931.

## BOARD OF VETERINARY MEDICINE

### Informal Conference Committee

† April 17, 1991 - 9 a.m. - Open Meeting  
1601 Rolling Hills Drive, Conference Room 4, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

An informal conference.

**Contact:** Terri H. Behr, 1601 Rolling Hills Drive, Richmond VA 23229, telephone (804) 662-9915.

## COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

† April 25, 1991 - 1 p.m. - Open Meeting

† April 26, 1991 - 9 a.m. - Open Meeting

Patrick Henry Hotel, 617 South Jefferson Street, Roanoke, Virginia.

A regular meeting of the Commission.

**Contact:** William T. McCollum, Executive Director, Commission on VASAP, Richmond, VA 23219, telephone (804) 786-5895.

## BOARD FOR THE VISUALLY HANDICAPPED

April 20, 1991 - 11 a.m. - Open Meeting

397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A quarterly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped. The board will review and comment on the department's budget.

**Contact:** Joseph Bowman, Executive Assistant, 397 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3140 or toll-free 1-800-622-2155.

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Advisory Committee on Services

April 20, 1991 - 11 a.m. - Open Meeting

Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to consider matters related to services 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 1-800-622-2155 or 371-3140/TDD ☎

## VIRGINIA VOLUNTARY FORMULARY BOARD

April 17, 1991 - 10 a.m. - Public Hearing

109 Governor Street, Main Floor Conference Room, Richmond, Virginia.

The purpose of this hearing is to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Formulary add and delete drugs and drug products to the Formulary that became effective on April 23, 1990, and the most recent supplement to that

Formulary. Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia 23219. Written comments sent to the above address and received prior to 5 p.m. on April 17, 1991, will be made a part of the hearing record and considered by the Board.

**Contact:** James K. Thomson, Director Bur Pharmacy Services, 109 Governor St., Room B1-9, Richmond, VA 23219, telephone (804) 786-4326 or 786-3596.

## VIRGINIA WASTE MANAGEMENT BOARD

**April 15, 1991 - 10 a.m. – Open Meeting**  
Monroe Building, 11th Floor, 101 North 14th Street, Richmond, Virginia. ☐

An informational meeting will be held for Amendment 9 to the Regulations Governing the Transportation of Hazardous Materials. The proposed amendment will incorporate by reference changes that were made by U.S. DOT to Title 49 Code of Federal Regulations from July 1, 1989, to June 30, 1990. Therefore, this amendment (with the possible exception of the requirements relating to mandatory drug testing program) is not expected to have a significant impact on the regulated community.

**Contact:** C. Ronald Smith, Hazardous Waste Enforcement Chief, Virginia Department of Waste Management, 11th Fl., Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2667 or toll-free 1-800-552-2075.

\* \* \* \* \*

**April 15, 1991 - 11 a.m. – Public Hearing**  
Monroe Building, 101 North 14th Street, 11th Floor, 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 672-30-1. Regulations Governing the Transportation of Hazardous Materials.** The purpose of the amendments is to incorporate by reference changes that were made by U.S. DOT to Title 49 Code of Federal Regulations from July 1, 1989 to June 30, 1990.

Statutory Authority: §§ 10.1-1402 and 10.1-1450 of the Code of Virginia.

### PLEASE NOTE CHANGE IN WRITTEN COMMENTS DATE

Written comments may be submitted until April 15, 1991, to William E. Gilley, P.E., Director of Regulation, Department of Waste Management, 101 N. 14th St., 11th Floor, Monroe Bldg., Richmond, Va.

**Contact:** C. Ronald Smith, Hazardous Waste Enforcement Chief, 11th Fl., Monroe, Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2667 or toll-free 1-800-552-2075.

† **May 2, 1991 - 10 a.m. – Open Meeting**  
General Assembly Building, House Room C, Richmond, Virginia. ☐

A general business meeting.

**Contact:** Loraine Williams, Secretary, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2667, 1-800-552-2075 or 225-3753/TDD ☐

## THE COLLEGE OF WILLIAM AND MARY

### Board of Visitors

**April 11, 1991 - 3 p.m. – Open Meeting**  
**April 12, 1991 - 7:30 a.m. – Open Meeting**  
Blow Memorial Hall, Richmond Road, Williamsburg, Virginia.

A regularly scheduled meeting of the board to (i) approve the budgets and fees of the College and Richard Bland College, (ii) receive reports from several committees of the Board, and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the board meeting for those individuals and organizations who request it.

**Contact:** William N. Walker, Director, Office of University Relations, James Blair Hall, Room 101C, College of William and Mary, Williamsburg, VA 23185, telephone (804) 221-1004.

## VIRGINIA WINEGROWERS ADVISORY BOARD

**April 8, 1991 - 10 a.m. – Open Meeting**  
Oakencroft Vineyard and Winery, Charlottesville Virginia.

The board will hear reports from Committee chairs and project monitors, and review old and new business. The board will also hear and vote on new project proposals for the 91-92 Fiscal Year.

**Contact:** Annette C. Ringwood, Wine Marketing Specialist, 1100 Bank St., Suite 1010, Richmond, VA 23219, telephone (804) 371-7685

# Calendar of Events

---

## COUNCIL ON THE STATUS OF WOMEN

† May 3, 1991 - 10 a.m. - Open Meeting  
Twenty Three Hundred Club, 2218 East Grace Street,  
Richmond, Virginia.

A regular meeting of the Virginia Council on the Status of Women to conduct general business and to receive reports from the Council Standing Committees.

Contact: B. J. Northington, Executive Director, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9200 or 1-800-552-7096/TDD ☎



## BOARD OF YOUTH AND FAMILY SERVICES

May 9, 1991 - 10 a.m. - Open Meeting  
Natural Bridge Learning Center, Natural Bridge, Virginia.

A general business meeting of the board.

Contact: Paul E. Steiner, Regulatory Coordinator, 700 Centre Building, 4th Floor, 7th and Franklin Streets, Richmond, VA 23219, telephone (804) 371-0700.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

- April 8**  
Barbers, Board for  
Winegrowers Advisory Board, Virginia
- April 9**  
† Medicine, Board of  
Nursing, Board of  
- Special Conference Committee  
Polygraph Examiners Advisory Board  
† Resources Authority, Virginia
- April 10**  
† Conservation and Recreation, Department of  
- Upper James Scenic River Advisory Board  
Funeral Directors and Embalmers, Board of  
† Motor Vehicles, Department of
- April 11**  
† Branch Pilots, Board for  
† Chesapeake Bay Local Assistance Board  
Health, Department of
- † Nursing Home Administrators, Board of  
† Old Dominion University  
- Board of Visitors  
† Outdoors Foundation, Virginia  
Public Telecommunications Board, Virginia  
William and Mary, The College of
- April 12**  
Medicine, Board of  
- Committee on Certification of Optometry  
William and Mary, The College of
- April 15**  
Cattle Industry Board, Virginia  
† Emergency Planning Committee, Local - County of Prince William, City of Manassas, and City of Manassas Park  
† Health Professions, Board of  
- Regulatory Research Committee  
Medical Assistance Services, Board of  
Waste Management, Department of
- April 16**  
Cattle Industry Board, Virginia  
† Contractors, Board for  
† Emergency Planning Committee, Local - Goochland  
† Health Professions, Board of  
- Executive Committee  
- Regulatory Research Committee  
Historic Resources, Department of  
- State Review Board  
† Housing Development Authority, Virginia  
Labor and Industry, Department of  
- Safety and Health Codes Board  
† Opticians, Board for
- April 17**  
† Contractors, Board for  
Corrections, Board of  
Health Professions, Board of  
- Administration and Budget Committee  
Historic Resources, Board of  
† Pharmacy, Board of  
† Racing Commission, Virginia  
† Rights of Virginians with Disabilities, Board for  
† Sewage Handling and Disposal Appeals Review Board  
Transportation Board, Commonwealth  
Treasury Board  
† Veterinary Medicine, Board of
- April 18**  
Conservation and Recreation, Department of  
- Guest Scenic River Advisory Board  
† Fire Services Board, Virginia  
- Fire Prevention and Control Committee  
- Legislative Committee  
- Training/EMS Education Committee  
Medicine, Board of  
- Chiropractic Examination Committee  
Professional Counselors, Board of

# Calendar of Events

---

Transportation Board, Commonwealth

## April 19

† Building Code Technical Review Board, State  
† Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Board  
† Fire Services Board, Virginia  
Funeral Directors and Embalmers, Board of  
Interdepartmental Regulation of Residential Facilities  
for Children  
- Coordinating Committee  
Joint Board Liaison Committee  
† Medicine, Board of  
Professional Counselors, Board of

## April 20

Museum of Natural History, Virginia  
- Board of Trustees  
Visually Handicapped, Board for the  
Visually Handicapped, Department for the  
- Advisory Committee on Services

## April 22

† Accountancy, Board for  
† Air Pollution Control, Department of  
Emergency Response Council, Virginia  
† Governor's Job Training Coordinating Council

## April 23

† Accountancy, Board for  
Health Services Cost Review Council, Virginia  
† Interagency Coordinating Council on the Delivery of  
Related Services to Handicapped Children  
† Marine Resources Commission

## April 24

Dentistry, Board of  
† Education, Board of  
Emergency Planning Committee, Local - Gloucester  
County  
† Health, State Board of  
Mental Health, Mental Retardation and Substance  
Abuse Services Board, State  
† Mines, Minerals and Energy, Department of  
† Private Security Services Advisory Board

## April 25

Commerce, Board of  
Compensation Board  
Dentistry, Board of  
† Education, Board of  
Emergency Planning Committee, Local - Arlington  
County/City of Falls Church  
† Health, State Board of  
† Virginia Alcohol Safety Action Program, Commission  
on the

## April 26

† Conservation and Recreation, Department of  
- Catoctin Creek Scenic River Advisory Board  
Dentistry, Board of

† Education, Board of  
† Nursing, Board of  
- Special Conference Committee  
† Transportation Safety Board  
† Virginia Alcohol Safety Action Program, Commission  
on the

## April 27

Dentistry, Board of

## April 28

Longwood College  
- Board of Visitors

## April 29

Local Government, Commission on  
Longwood College  
- Board of Visitors

## April 30

Local Government, Commission on  
† Nursing, Board of  
- Education Advisory Committee

## May 1

Local Government, Commission on

## May 2

Emergency Planning Committee, Local - Chesterfield  
County  
† Waste Management Board, Virginia

## May 3

Medicine, Board of  
- Advisory Board on Physical Therapy  
Psychology, Board of  
- Examination Committee  
† Women, Council on the Status of

## May 6

† Cosmetology, Board for  
Funeral Directors and Embalmers, Board of

## May 7

† Hopewell Industrial Safety Council

## May 8

Interagency Coordinating Council, Virginia

## May 9

† Agriculture and Consumer Services, Department of  
- Pesticide Control Board  
† Chesapeake Bay Local Assistance Board  
Youth and Family Services, Board of

## May 10

† Agriculture and Consumer Services, Department of  
- Pesticide Control Board  
Medicine, Board of  
- Advisory Committee on Optometry

# Calendar of Events

---

- May 13**  
† Agricultural Council, Virginia
- May 14**  
† Resources Authority, Virginia
- May 16**  
† Housing and Community Development, Board of  
- Amusement Device Technical Advisory Committee  
† Library Board
- May 17**  
† Military Institute, Virginia  
- Board of Visitors
- May 20**  
† Emergency Planning Committee, Local - County of  
Prince William, City of Manassas, and City of  
Manassas Park
- May 22**  
† Corrections, Board of
- May 23**  
Audiology and Speech Pathology, Board of  
Agriculture and Consumer Services, Board of
- May 28**  
† Real Estate Appraiser Board
- May 29**  
† Local Government, Commission on
- May 30**  
† Education, Board of
- May 31**  
† Education, Board of
- June 4**  
† Hopewell Industrial Safety Council
- June 6**  
Emergency Planning Committee, Local - Chesterfield  
County
- June 11**  
† Resources Authority, Virginia
- June 17**  
† Emergency Planning Committee, Local - County of  
Prince William, City of Manassas, and City of  
Manassas Park
- June 19**  
† Corrections, Board of
- June 28**  
Psychology, Board of  
- Examination Committee

## PUBLIC HEARINGS

- April 8**  
Mental Health, Mental Retardation and Substance  
Abuse Services, Department of
- April 10**  
Child Day Care and Early Childhood Programs,  
Virginia Council on
- April 15**  
Health Professions, Board of  
- Regulatory Research Committee  
Waste Management, Department of
- April 17**  
Racing Commission, Virginia  
Virginia Voluntary Formulary Board
- April 18**  
† Fire Services Board, Virginia
- April 24**  
Air Pollution Control Board, State  
Commerce, Board of
- April 25**  
Health, Department of
- April 26**  
Social Services, Department of
- April 27**  
Dentistry, Board of
- April 29**  
Mines, Minerals and Energy, Department of
- April 30**  
Local Government, Commission on
- May 10**  
Agriculture and Consumer Services, Department of  
- Pesticide Control Board
- May 15**  
Opticians, Board for  
† Social Services, Department of
- May 20**  
† Social Services, Department of
- May 23**  
Agriculture and Consumer Services, Department of
- June 4**  
Aging, Department for the
- June 5**

Aging, Department for the

**June 12**

Aging, Department for the

**June 13**

Aging, Department for the

**June 26**

Aging, Department for the

**July 18**

Optometry, Board of

**Calendar of Events**

---