

20/7-15

K

THE VIRGINIA REGISTER

OF REGULATIONS

VA
DOC



ALDERMAN LIBRARY
 PUBLIC DOCUMENTS
 REFERENCE DEPARTMENT
 APR 25 1991
 VA DOC
 UNIVERSITY OF VIRGINIA

VOLUME SEVEN • ISSUE FIFTEEN

April 22, 1991

1991

Pages 2199 Through 2334

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. Browne, 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

BOARD OF MEDICINE

- Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture. (VR 465-02-01) 2201
- Regulations Governing the Practice of Physical Therapy. (VR 465-03-01) 2210

VIRGINIA RACING COMMISSION

- Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Entries. (VR 662-04-02) 2216

STATE WATER CONTROL BOARD

- Chlorine Standard and Policy. (VR 680-21-01.11) 2220
- Special Standards and Requirements. (VR 680-21-07.1) 2222
- Tennessee and Big Sandy River Basin. (VR 680-21-08.15) 2224

FINAL REGULATIONS

STATE AIR POLLUTION CONTROL BOARD

- Regulations for the Control and Abatement of Air Pollution. (VR 120-01) 2226

AUCTIONEERS BOARD

- Rules and Regulations of the Virginia Auctioneers Board. (VR 150-01-2) 2244

VIRGINIA STATE LIBRARY AND ARCHIVES (LIBRARY BOARD)

- Requirements Which Must be Met in Order to Receive Grants-In-Aid. (VR 440-02-02) 2244

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

- State Plan for Medical Assistance Relating to Restoration of Income and Resource Methodologies.
- Groups Covered and Agencies Responsible for Eligibility Determination. (VR 460-02-2.2100) 2252
- Eligibility Conditions and Requirements. (VR 460-02-2.6100) 2255
- Methodologies for Treatment of Income and Resources that Differ from Those of the SSI Program. (VR 460-03-2.6105) 2259

- More Liberal Methods Under Social Security Act § 1902(r)(2). (VR 460-03-2.6112) 2263

MILK COMMISSION

- Rules and Regulations for the Control, Regulation, and Supervision of the Milk Industry in Virginia. (VR 475-02-02) 2264

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

- Child Support Enforcement Program. (VR 615-70-17) 2265

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

- Board for Waterworks and Wastewater Operators Regulations. (VR 675-01-02) 2282

STATE CORPORATION COMMISSION

ORDERS

- Rules Governing the Reporting of Cost Utilization Data Relating to Mandated Benefits and Mandated Providers. (INS910044) 2283

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDERS

- Virginia's Seventeenth Instant Game Lottery; "Fast Scratch," Final Rules for Game Operation. (91-6) 2296
- Virginia Lottery Retailer Lotto Jackpot Bonus Program and Rules: Revised. (91-8) 2296

MARINE RESOURCES COMMISSION

- Pertaining to the Taking of Striped Bass. (VR 450-01-0034) 2297

GOVERNOR

EXECUTIVE ORDERS

- Declaration of State of Emergency Arising from a Fire Near Wakefield, Virginia. (91-21) 2302

Table of Contents

GOVERNOR'S COMMENTS

AUCTIONEERS BOARD

Rules and Regulations of the Virginia Auctioneers Board. (VR 150-01-2) 2302

BOARD FOR COSMETOLOGY

Board for Cosmetology Regulations. (VR 235-01-02) .. 2303

VIRGINIA STATE LIBRARY AND ARCHIVES (LIBRARY BOARD)

Requirements Which Must be Met in Order to Receive Grants-In-Aid. (VR 440-02-02) 2303

DEPARTMENT OF MINES, MINERALS AND ENERGY

Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing (Repealed). (VR 480-05-22) 2303

Gas and Oil Regulations. (VR 480-05-22.1) 2303

Regulations Governing Mine Ventilation Holes and Near Gas and Oil Wells. (VR 480-05-96) 2303

GENERAL NOTICES/ERRATA

NOTICES OF INTENDED REGULATORY ACTION

Notices of Intent 2304

GENERAL NOTICES

DIVISION OF LEGISLATIVE SERVICES

Public Notice Regarding the Publication of "The Legislative Record." 2307

REAL ESTATE APPRAISER BOARD

Public Notice Regarding the Extension of the Effective Date of the Licensing Requirements. 2307

DEPARTMENT OF WASTE MANAGEMENT

Public Notice Regarding Designation of Regional Solid Waste Management Planning Area. 2308

Public Notice Regarding Designation of Regional Solid Waste Management Planning Area. 2308

NOTICE TO STATE AGENCIES

Notice of change of address. 2308

Forms for filing material on dates for publication. ... 2308

ERRATA

STATE LOTTERY DEPARTMENT

Administration Regulations. (VR 447-01-2) 2309

Instant Game Regulations. (VR 447-02-1) 2309

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings 2310

CHRONOLOGICAL LIST

Open Meetings 2331

Public Hearings 2333

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.

BOARD OF MEDICINE

Title of Regulation: VR 465-02-01. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture.

Statutory Authority: § 54.1-2400 and Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia.

Public Hearing Date: N/A - Written comments may be submitted until June 24, 1991.

See Calendar of Events section for additional information)

Summary:

The proposed amendments (i) establish requirements for advertising professional services to include disclosure of the full or discounted fees to the public; (ii) establish that the address of record shall be the place of professional practice; (iii) establish as unprofessional conduct the referring of a patient for remuneration or fee; (iv) define requirements for licensure by examination or endorsement for the practice of medicine, osteopathy, podiatry, and chiropractic; (v) establish alternate or substitute postgraduate training or study for two years of the three-year requirement for medicine or osteopathy; and (vi) establish a fee for licensure after successfully passing the required licensure examination for the practice of medicine, osteopathy, and podiatry.

VR 465-02-01. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

A. The following words and terms, when used in these regulations, shall have the meaning ascribed to them in § 54.1-2900 of the Code of Virginia:

Acupuncture

Board

Clinical psychologist

Practice of clinical psychology

Practice of medicine or osteopathy

Practice of chiropractic

Practice of podiatry

The healing arts.

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

"American institution" means any accredited licensed medical school, college of osteopathic medicine, school of podiatry, chiropractic college, or institution of higher education offering a doctoral program in clinical psychology, located in the United States, its territories, or Canada.

"Approved foreign institution" means any foreign institution that is approved by the board under the provisions of VR 465-02-2, Regulations for Granting Approval of Foreign Medical Schools and Other Foreign Institutions That Teach the Healing Arts.

"Foreign institution" means any medical school, college of osteopathic medicine, school of podiatry, chiropractic college, or institution of higher education offering a doctoral program in clinical psychology, located elsewhere than in the United States, its territories, or Canada.

"Home country" means the country in which a foreign institution's principal teaching and clinical facilities are located.

"Principal site" means the location in the home country where a foreign institution's principal teaching and clinical facilities are located.

§ 1.2. A separate Virginia State Board of Medicine regulation, VR 465-02-02, Requirements for Approval of Foreign Medical Schools and Other Foreign Institutions That Teach the Healing Arts, is incorporated by reference in these regulations. Prospective applicants for licensure in Virginia who studied at a foreign institution should refer to that regulation in addition to the regulations contained here.

§ 1.3. A separate board regulation, VR 465-01-01, entitled Public Participation Guidelines, which provides for involvement of the public in the development of all regulations of the Virginia State Board of Medicine, is incorporated by reference in these regulations.

§ 1.4. Advertising ethics.

Proposed Regulations

A. Any statement specifying a fee for professional services which does not include the cost of all related procedures, services and products which, to a substantial likelihood will be necessary for the completion of the advertised service as it would be understood by an ordinarily prudent person, shall be deemed to be deceptive or misleading, or both. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of prices for specifically described services shall not be deemed to be deceptive or misleading.

B. Advertising ~~discounted or free services service~~, ~~examinations examination~~, or treatment and charging for any ~~type of~~ additional service, examination, or treatment which is performed as a result of and within 72 hours of the initial office visit in response to such advertisement is unprofessional conduct unless such professional services rendered are as a result of a bonafide emergency.

C. Advertisements of discounts shall disclose the full fee and documented evidence to substantiate the discounted fees.

§ 1.5. Vitamins, minerals and food supplements.

A. The use or recommendations of vitamins, minerals or food supplements and the rationale for that use or recommendation shall be documented by the practitioner. The rationale for said use must be therapeutically proven and not experimental.

B. Vitamins, minerals, or food supplements, or a combination of the three, shall not be sold, dispensed, recommended, prescribed, or suggested in toxic doses.

C. The practitioner shall conform to the standards of his particular branch of the healing arts in the therapeutic application of vitamins, minerals or food supplement therapy.

§ 1.6. Anabolic steroids.

It shall be considered unprofessional conduct for a licensee of the board to sell, prescribe, or administer anabolic steroids to any patient for other than accepted therapeutic purposes.

§ 1.7. Misleading or deceptive advertising.

A licensee or certificate holder's authorization of or use in any advertising for his practice of the term "board certified" or any similar words or phrase calculated to convey the same meaning shall constitute misleading or deceptive advertising under § 54.1-2914 of the Code of Virginia, unless the licensee or certificate holder discloses the complete name of the specialty board which conferred the aforementioned certification.

§ 1.8. Current business addresses.

Each licensee shall furnish the board his current

business address. All notices required by law or by these regulations to be mailed by the board to any such licensee shall be validly given when mailed to the latest address given by the licensee. Any change of address shall be furnished to the board within 30 days of such change.

§ 1.9. Solicitation or remuneration in exchange for referral.

It shall be unprofessional conduct for a licensee of the board to knowingly and willfully solicit or receive any remuneration, directly or indirectly, in return for referring an individual to a facility or institution as defined in § 37.1-179 of the Code of Virginia, or hospital as defined in § 32.1-123.

Remuneration shall be defined as compensation, received in cash or in kind, but shall not include any payments, business arrangements, or payment practices allowed by Title 42, § 1320a-7b(b) of the United States Code, as amended, or any regulations promulgated thereto.

PART II.

LICENSURE: GENERAL REQUIREMENTS AND LICENSURE BY EXAMINATION.

§ 2.1. Licensure, general.

A. No person shall practice medicine, osteopathy, chiropractic, podiatry, acupuncture, or clinical psychology in the Commonwealth of Virginia without a license from this board, except as provided in § 4.3, Exemption for temporary consultant, of these regulations.

B. For all applicants for licensure by this board except those in clinical psychology, licensure shall be by examination by this board or by endorsement, whichever is appropriate.

C. Applicants for licensure in clinical psychology shall take the examination of the Virginia State Board of Psychology, which will recommend those qualifying to the Board of Medicine for licensure.

§ 2.2. Licensure by examination.

A. Prerequisites to examination.

1. Every applicant for examination by the Board of Medicine for initial licensure shall:

a. Meet the educational requirements specified in subdivision 2 or 3 of this subsection;

b. File the complete application and credentials required in subdivision 4 of this subsection with the executive director of the board not less than 75 days prior to the date of examination; and

c. Pay the appropriate fee, specified in § 7.1, of these regulations, at the time of filing the

application.

2. Education requirements: Graduates of American institutions.

Such an applicant shall be a graduate of an American institution that meets the criteria of subdivision a, b, c, or d of § 2.2 A.2, whichever is appropriate to the profession in which he seeks to be licensed:

a. For licensure in medicine. The institution shall be a medical school that is approved or accredited by the Liaison Committee on Medical Education or other official accrediting body recognized by the American Medical Association, or by the Committee for the Accreditation of Canadian Medical Schools or its appropriate subsidiary agencies or any other organization approved by the board.

An applicant shall provide evidence of having completed one year of satisfactory postgraduate training as an intern or resident in a hospital or health care facility offering approved internship and residency training programs when such a program is approved by an accrediting agency recognized by the board for internship and residency training.

b. For licensure in osteopathy. The institution shall be a college of osteopathic medicine that is approved or accredited by the Committee on Colleges and Bureau of Professional Education of the American Osteopathic Association or any other organization approved by the board.

An applicant shall provide evidence of having completed one year of satisfactory postgraduate training as an intern or resident in a hospital or health care facility offering approved internship and residency training programs when such a program is approved by an accrediting agency recognized by the board for internship and residency training.

c. For licensure in podiatry. The institution shall be a school of podiatry approved and recommended by the Council on Podiatry Education of the American Podiatry Medical Association or any other organization approved by the board.

An applicant shall provide evidence of having completed one year of satisfactory postgraduate training as an intern or resident in a hospital or health care facility offering approved internship and residency training programs when such a program is approved by an accrediting agency recognized by the board for internship and residency training.

d. For licensure in chiropractic.

(1) If the applicant matriculated in a chiropractic college on or after July 1, 1975, he shall be a graduate of a chiropractic college approved by the

Commission on Accreditation of the Council of Chiropractic Education or any other organization approved by the board.

(2) If the applicant matriculated in a chiropractic college prior to July 1, 1975, he shall be a graduate of a chiropractic college approved by the American Chiropractic Association or the International Chiropractic Association or any other organization approved by the board.

3. Educational requirements: Graduates and former students of foreign institutions.

a. No person who studied at or graduated from a foreign institution shall be eligible for board examination unless that institution has been granted approval by the board according to the provisions of VR 465-02-2, Regulations for Granting Approval of Foreign Medical Schools and Other Foreign Institutions That Teach the Healing Arts.

b. A graduate of an approved foreign institution applying for board examination for licensure shall also present documentary evidence that he:

(1) Was enrolled and physically in attendance at the institution's principal site for a minimum of two consecutive years and fulfilled at least half of the degree requirements while enrolled two consecutive academic years at the institution's principal site.

(2) Received a degree from the institution; and

(3) Has fulfilled the applicable requirements of § § 54.1-2930 and ~~54.1-2935~~ of the Code of Virginia.

(4) *Has completed three years of satisfactory postgraduate training as an intern or resident in a hospital or health care facility offering an approved internship or residency training program when such a program is approved by an accrediting agency recognized by the board for internship and residency. The board may substitute other postgraduate training or study for up to two years of the three-year requirement when such training or study has occurred in the United States or Canada and is:*

(a) *An approved fellowship program; or*

(b) *A position teaching medical students, interns, or residents in a medical school program approved by an accrediting agency recognized by the board for internship and residency training.*

(5) *The Virginia Board of Medicine recognizes as accrediting agencies the Liaison Committee on Graduate Medical Education (LCGME) and the Liaison Committee on Medical Education (LCME) of the American Medical Association, the American*

Proposed Regulations

Osteopathic Association and the American Podiatric Medical Association and the License Medical Council of Canada (LMCC) or other official accrediting bodies recognized by the American Medical Association.

c. A graduate of an approved foreign institution applying for examination for licensure in medicine or osteopathy shall also possess a standard Educational Council of Foreign Medical Graduates certificate (ECFMG), or its equivalent. Proof of licensure by the board of another state or territory of the United States or a Province of Canada may be accepted in lieu of ECFMG certification.

d. An applicant for examination for licensure in medicine who completed all degree requirements except social services and postgraduate internship at an approved foreign institution shall be admitted to examination provided that he:

(1) Was enrolled at the institution's principal site for a minimum of two consecutive years and fulfilled at least half of the degree requirements while enrolled at the institution's principal site;

(2) Has qualified for and completed an appropriate supervised clinical training program as established by the American Medical Association;

(3) Has completed the postgraduate hospital training required of all applicants for licensure as defined in § 54.1-2930 and ~~54.1-2935~~ of the Code of Virginia; and

(4) *Has completed three years of satisfactory postgraduate training as an intern or resident in a hospital or health care facility offering an approved internship or residency training program when such a program is approved by an accrediting agency recognized by the board for internship and residency. The board may substitute other postgraduate training or study for up to two years of the three-year requirement when such training or study has occurred in the United States or Canada and is:*

(a) *An approved fellowship program; or*

(b) *A position teaching medical students, interns, or residents in a medical school program approved by an accrediting agency recognized by the board for internship and residency training.*

(5) *The Virginia Board of Medicine recognizes as accrediting agencies the Liaison Committee on Graduate Medical Education (LCGME) and the Liaison Committee on Medical Education (LCME) of the American Medical Association, the American Osteopathic Association and the American Podiatric Medical Association and the License Medical Council*

of Canada (LMCC) or other official accrediting bodies recognized by the American Medical Association.

~~(4)~~ (6) Presents a document issued by the approved foreign institution certifying that he has met all the formal requirements of the institution for a degree except social services and postgraduate internship.

These regulations are promulgated pursuant to § 54.1-2958 of the Code of Virginia and shall not be deemed to apply to graduates of foreign medical schools who matriculated before July 1, 1985. By resolution adopted at a public meeting on November 20, 1982, the board voted to promulgate the following regulations to be effective July 1, 1985, thereby placing potential foreign medical students on notice that such regulations would become effective on said date. Foreign medical students matriculating on and after July 1, 1985, should take care to determine whether their school satisfies these regulations before applying for licensure in Virginia. Inquiries may be directed to the board office at 1601 Rolling Hills Drive, Richmond, Virginia 23229-5005, (804) 662-9908.

4. Credentials to be filed prior to examination.

Applicants shall file with the executive director of the board, along with their applications for board examination (and at least 75 days prior to the date of examination) the credentials specified in subdivisions a, b, or c of § 2.2 A 4, whichever are appropriate:

a. Every applicant who is a graduate of an American institution shall file:

(1) Documentary evidence that he received a degree from the institution; and

(2) A complete chronological record of all professional activities since graduation, giving location, dates, and types of services performed.

b. Every applicant who attended a foreign institution shall file:

(1) The documentary evidence of education required by subdivisions 3 b, c, or d of this subsection, whichever is or are appropriate;

(2) For all such documents not in the English language, a translation made and endorsed by the consul of the home country of the applicant or by a professional translating service; and

(3) A complete chronological record of all professional activities since the applicant attended the foreign institution, giving location, dates, and types of services performed.

c. Every applicant discharged from the United

Proposed Regulations

States military service within the last 10 years shall in addition file with his application a notarized photostatic copy of his discharge papers.

B. Applicants for licensure by board examination shall take the appropriate examination prescribed by the board as provided in § 3.1 Examinations, of these regulations.

§ 2.3. Supervision of unlicensed persons practicing as psychologists in exempt settings.

A. Supervision.

Pursuant to subdivision 4 of § 54.1-3601 of the Code of Virginia, supervision by a licensed psychologists, shall mean that the supervisor shall:

1. Provide supervision of unlicensed personnel who are providing psychological services as defined in § 54.1-3600 and who are functioning in practice and title as a professional psychologist, including the review of assessment protocols, intervention plans and psychological reports, with review denoted by countersignature on all client records and reports as specified in the required protocols within 30 days of origination;

2. Determine and carry out instructional and evaluative consultation with supervisees appropriate to their levels of training and skill, and adjust their service delivery according to current standards of professional practice; and

3. Supervise only those psychological services that fall within the supervisor's area of competence as demonstrated by his own professional practice and experience.

B. Reporting.

A clinical psychologist who is providing supervision, as provided for in subdivision 4 of § 54.1-3601, shall:

1. Submit to the board, within 120 days of the effective date of this regulation, a copy of the supervisory protocol established for each unlicensed supervisee and signed by the supervisor, supervisee, and authorized representative of the institution or agency.

2. Notify the board of any changes in supervisory relationships, including terminations or additions, prior to or within 10 days of such change, with copies of supervisory protocol for all new supervisory relationships to follow within 30 days of such notice.

PART III. EXAMINATIONS.

§ 3.1. Examinations, general.

The following general provisions shall apply for applicants taking Board of Medicine examinations:

A. Applicants for licensure in medicine and osteopathy may take Components I and II of the Federation Licensing Examination (FLEX) separately or as a unit. However, in no case shall an applicant who has not passed Component I be eligible to sit for Component II as a separate examination. *The examination results shall be reported to the candidate as pass/fail.*

1. Applicants for licensure in medicine and osteopathy may be eligible to sit for Section 3 of the United States Medical Licensing Examination (USMLE) upon evidence of having passed Sections 1 and 2 of the United States Medical Licensing Examination (USMLE).

2. Applicants who have successfully passed one component of the FLEX may, upon evidence of having passed one component of the FLEX, be eligible to sit for Section 3 of the United States Medical Licensing Examination (USMLE) for licensure in Virginia.

B. Applicants who have taken both Components I and II of the Federation Licensing Examination (FLEX), in one sitting, and have failed to pass both components, or have taken and passed only one component in another state or territory of the United States, the District of Columbia, or Province of Canada, and have met all other requirements for licensure in Virginia may be eligible to take the failed or missing component upon payment of the fee prescribed in § 7.1.

C. ~~A minimum score of 75 is required for passing each part of the examination for licensure administered or recognized by the board.~~ Applicants for licensure in podiatry shall provide evidence of having passed the National Board of Podiatric Medical Examiners Examination, Parts I and II, to be eligible to sit for the Podiatric Medical Licensing Examination (PMLEXIS) in Virginia. *The examination results shall be reported to the candidate as pass/fail.*

D. Applicants for licensure in chiropractic shall provide evidence of having passed the National Board of Chiropractic Examiners Examination, Parts I, II and III, to be eligible to sit for the Virginia licensure examination administered by the board. Applicants who graduated prior to January 31, 1991, shall not be required to show evidence of having passed the National Board of Chiropractic Examiners Examination Part III to be eligible to sit for the licensure examination required by the board. A minimum score of 75 is required to pass the examination.

§ 3.2. Reexamination.

An applicant for licensure by examination who fails three consecutive attempts to pass the examination(s) administered by the board shall be eligible to sit for

Proposed Regulations

another series of three consecutive attempts upon presenting proof to the Credentials Committee of the board that he has fulfilled the requirements of subsection A, B, or C of this section, whichever is appropriate.

A. An applicant for licensure in medicine or osteopathy who fails three consecutive attempts to pass Component I and Component II, or Parts I, II, and III of the FLEX examination or the *United States Medical Licensing Examination* in Virginia or any other state or territory of the United States, the District of Columbia, or Province of Canada, or a combination of either of these examinations, shall engage in one year of additional postgraduate training to be obtained in a hospital in the United States or Canada approved by the American Medical Association or the American Osteopathic Association.

B. An applicant for licensure in podiatry who fails three consecutive attempts to pass the Virginia examination administered by the board shall appear before the Credentials Committee of the board and shall engage in such additional postgraduate training as may be deemed appropriate by the Credentials Committee.

C. An unsuccessful candidate for chiropractic licensure after each series of three unsuccessful attempts for licensure by examination, shall engage in one year of additional professional training approved by the board before he will be eligible to retake another series of examinations.

§ 3.3. Administration of examination.

A. The board may employ monitors for the examination.

B. For examinations given by the board other than those for which answer sheets are furnished, plain paper shall be used, preferably white, and no reference shall be made indicating either school or date of graduation. One side of paper only may be written upon and as soon as each sheet is finished, it shall be reversed to prevent its being read by others.

C. Questions will be given out and papers collected punctually at the appointed time and all papers shall be handed in at once when expiration time is announced by the chief proctor.

D. Sections of the examination shall be in such sequence as may be determined by the Federation Licensure Examination (FLEX) Committee or appropriate testing agency.

E. The order of examination shall be posted or announced at the discretion of the board. If the board has no objections, the examiners may exchange hours or days of monitoring the examination.

F. For the guidance of examiners and examinees, the following rules shall govern the examination.

1. Only members of the board, office staff, proctors and applicants shall be permitted in the examination room, except by consent of the chief proctor.

2. Applicants shall be seated as far apart as possible at desks or desk chairs and each shall have in plain view an admission card bearing his number and photograph.

3. No examinee shall have any compendium, notes or textbooks in the examination room.

4. Any conversation between applicants will be considered prima facie evidence of an attempt to give or receive assistance.

5. Applicants are not permitted to leave the room except by permission of and when accompanied by an examiner or monitor.

6. The use of unfair methods will be grounds to disqualify an applicant from further examination at that meeting.

7. No examiner shall tell an applicant his grade until the executive director has notified the applicant that he has passed or failed.

8. No examination will be given in absentia or at any time other than the regularly scheduled examination.

9. The chief proctor shall follow the rules and regulations recommended by the FLEX Test Committee or other testing agencies.

§ 3.4. Scoring of examination.

Scores forwarded to the executive director shall be provided to the candidate within 30 days or receipt of the scores provided by the testing service.

PART IV. LICENSURE BY ENDORSEMENT.

§ 4.1. Licensure by endorsement.

A. An applicant for licensure by endorsement will be considered on his merits and in no case shall be licensed unless the Credentials Committee is satisfied that he has passed an examination equivalent to the Virginia Board of Medicine examination at the time he was examined and meets all other requirements of the *Virginia Board of Medicine Part II of these regulations*.

B. A Doctor of Medicine who meets the requirements of the *Virginia Board of Medicine Part II of these regulations* and has passed the examination of the National Board of Medical Examiners, FLEX, *United States Medical Licensing Examination*, or the examination of the Licensing Medical Council of Canada may be accepted for licensure by endorsement without further examination.

Proposed Regulations

No applicant for licensure to practice medicine and surgery by endorsement will be considered for licensure unless the applicant has met all the following requirements for pre or postgraduate training as follows:

1. Graduates of schools of medicine approved by an accrediting agency recognized by the board shall have completed one year of satisfactory postgraduate training as an *intern or resident* in a hospital approved by the Accreditation Council for Graduate Medical Education, Licensing Medical Council of Canada or other official accrediting body recognized by the American Medical Association for intern or residency training.

2. Graduates of schools of medicine not approved by an accrediting agency recognized by the board who serve supervised clinical training in the United States as part of the curriculum of a foreign medical school, shall serve the clerkships in an approved hospital, institution or school of medicine offering an approved residency program in the specialty area for the clinical training received.

3. Graduates of schools of medicine not approved by an accrediting agency recognized by the board shall have completed three years of satisfactory postgraduate training as an *intern or resident* in a hospital approved by the Accreditation Council for Graduate Medical Education, Licensing Medical Council of Canada or other official accrediting body recognized by the American Medical Association for intern or residency training. The board may ~~consider~~ *substitute* other approved postgraduate training in the United States or Canada as a *substitute or study* for up to two years of the three years of the required postgraduate training if it finds that such training is substantially equivalent to that required by these regulations: year requirement when such training or study has occurred in the United States or Canada and is:

a. An approved fellowship program; or

b. A position teaching medical students, interns, or residents in a medical school program approved by an accrediting agency recognized by the board for internship and residency training.

4. An applicant for licensure by the FLEX examination who has experienced more than three unsuccessful attempts, shall submit proof of one additional year of approved postgraduate studies in the United States following each series of three attempts to pass the FLEX to be eligible for licensure to practice medicine and surgery in Virginia.

C. A Doctor of Osteopathy who meets the requirements of the Virginia Board of Medicine Part II of these regulations and has passed the examination of the National Board of Osteopathic Examiners may be accepted for

licensure by endorsement without further examination.

No applicant for licensure to practice osteopathy by endorsement will be considered for licensure unless the applicant has met all the following requirements for pre or postgraduate training as follows:

1. Graduates of schools of osteopathy approved by an accrediting agency recognized by the board shall have completed one year of satisfactory postgraduate training as an *intern or resident* in a hospital approved by the American Osteopathic Association, the American Medical Association, Licensing Medical Council of Canada or other official accrediting body recognized by the American Osteopathic Association, or the American Medical Association for intern or residency training.

2. Graduates of schools of osteopathy not approved by an accrediting agency recognized by the board who serve supervised clinical training in the United States as part of curriculum of a foreign osteopathic school, shall serve the clerkships in an approved hospital, institution or school of osteopathy or medicine offering an approved residency program in the specialty area for the clinical training received.

3. Graduates of schools of osteopathy not approved by an accrediting agency recognized by the board shall have completed three years of satisfactory postgraduate training as an *intern or resident* in a hospital approved by the American Osteopathic Association, the Accreditation Council for Graduate Medical Education, Licensing Medical Council of Canada or other official accrediting body recognized by the American Osteopathic Association, or the American Medical Association for intern or residency training. The board may ~~consider~~ *substitute* other approved postgraduate training in the United States or Canada as a *substitute or study* for up to two years of the three years of the required postgraduate training if it finds that such training is substantially equivalent to that required by these regulations: year requirement when such training or study has occurred in the United States or Canada and is:

a. An approved fellowship program; or

b. A position teaching osteopathic or medical students, interns, or residents in an osteopathic or medical school program approved by an accrediting agency recognized by the board for internship and residency training.

4. An applicant for licensure by the FLEX examination who has experienced more than three unsuccessful attempts, shall submit proof of one additional year of approved postgraduate studies in the United States following each series of three attempts to pass the FLEX to be eligible for licensure to practice osteopathy and surgery in Virginia.

Proposed Regulations

D. A Doctor of Podiatry who meets the requirements of the ~~Virginia Board of Medicine Part II of these regulations~~ , and has passed the National Board of Podiatry Examiners examination and has passed a clinical competence examination equivalent to the Virginia Board of Medicine examination may be accepted for licensure by endorsement without further examination.

E. A Doctor of Chiropractic who meets the requirements of ~~in Virginia Board of Medicine Part II of these regulations~~ , who has passed the National Board of Chiropractic Examiners examination, and has passed an examination equivalent to the Virginia Board of Medicine Part III examination, may be accepted for licensure without further examination.

§ 4.2. Licensure to practice acupuncture.

Acupuncture is an experimental therapeutic procedure, used primarily for the relief of pain, which involves the insertion of needles at various points in the human body. There are many acupuncture points, and these points are located on most portions of the human body. Insufficient information is available regarding the general usefulness of acupuncture and the risks attendant. Among the risks that attend upon it are the possibilities of prolonged and inappropriate therapy. It is clear that the administration of acupuncture is accompanied by the possibility of serious side effects and injuries, and there are reported cases of such injuries. Possible complications and injuries include peritonitis, damage from broken needles, infections, serum hepatitis, acquired immunity deficiency syndrome, pneumothorax, cerebral vascular accident (stroke), damage to the eye or the external or middle ear, and the inducement of cardiac arrhythmia.

In the judgment of the board, acupuncture shall be performed only by those practitioners of the healing arts who are trained and experienced in medicine, as only such a practitioner has (i) skill and equipment to determine the underlying cause of the pain; (ii) the capability of administering acupuncture in the context of a complete patient medical program in which other methods of therapeutics and relief of pain, including the use of drugs and other medicines, are considered and coordinated with the acupuncture treatment; and (iii) skill and training which will minimize the risks attendant with its use.

Based on the foregoing considerations, the board will license as acupuncturists only doctors of medicine, osteopathy, and podiatry, as only these practitioners have demonstrated a competence in medicine by passing the medicine/osteopathy licensure examination or podiatry licensure examination.

A. No person shall practice acupuncture in the Commonwealth of Virginia without being licensed by the board to do so.

B. The board shall license as acupuncturists only licensed doctors of medicine, osteopathy, and podiatry.

Such licensure shall be subject to the following condition:

The applicant shall first have obtained at least 200 hours of instruction in general and basic aspects, specific uses and techniques of acupuncture and indications and contraindications for acupuncture administration.

C. A podiatrist may use acupuncture only for treatment of pain syndromes originating in the human foot.

D. The licensee shall maintain records of the diagnosis, treatment and patient response to acupuncture and shall submit records to the board upon request.

E. Failure to maintain patient records of those patients treated with acupuncture or failure to respond to the board's request for patient records within 30 days shall be grounds for suspension or revocation of a license to practice acupuncture.

§ 4.3. Exemption for temporary consultant.

A. A practitioner may be exempted from licensure in Virginia if:

1. He is authorized by another state or foreign country to practice the healing arts;
2. Authorization for such exemption is granted by the executive director of the board; and
3. The practitioner is called in for consultation by a licensee of the Virginia State Board of Medicine.

B. Such practitioner shall not open an office or designate a place to meet patients or receive calls from his patient within this Commonwealth, nor shall he be exempted from licensure for more than two weeks unless such continued exemption is expressly approved by the board upon a showing of good cause.

PART V. RENEWAL OF LICENSE; REINSTATEMENT.

§ 5.1. Renewal of license.

Every licensee who intends to continue his practice shall renew his license biennially during his birth month and pay to the board the renewal fee prescribed in § 7.1, Fees ..., of these regulations.

A. A practitioner who has not renewed his license by the first day of the month following the month in which renewal is required shall be dropped from the registration roll.

B. An additional fee to cover administrative costs for processing a late application shall be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

§ 5.2. Reinstatement of lapsed license.

A practitioner who has not renewed his certificate in accordance with § 54.1-2904 of the Code of Virginia for two successive years or more and who requests reinstatement of licensure shall:

A. Submit to the board a chronological account of his professional activities since the last renewal of his license; and

B. Pay the reinstatement fee prescribed in § 7.1 of these regulations.

PART VI. ADVISORY COMMITTEES AND PROFESSIONAL BOARDS.

§ 6.1. Advisory committees to the board.

A. Advisory Committee on Acupuncture.

The board may appoint an Advisory Committee on Acupuncture from licensed practitioners in this Commonwealth to advise and assist the board on all matters relating to acupuncture. The committee shall consist of three members from the state-at-large and two members from the board. Nothing herein is to be construed to make any recommendation by the Advisory Committee on Acupuncture binding upon the board. The term of office of each member of the committee shall be for one year or until his successor is appointed.

B. Psychiatric Advisory Committee.

1. The board may appoint a Psychiatric Advisory Committee from licensed practitioners in this Commonwealth to examine persons licensed under these regulations and advise the board concerning the mental or emotional condition of such person when his mental or emotional condition is an issue before the board. Nothing herein is to be construed to make any recommendations by the Psychiatric Advisory Committee binding upon the Board of Medicine.

2. The term of office for each member of the Psychiatric Advisory Committee shall be one year or until his successor is appointed.

PART VII. FEES REQUIRED BY THE BOARD.

§ 7.1. Fees required by the board are:

A. Examination fee for medicine or osteopathy: The fee for the Federation Licensing Examination (FLEX) for Component I shall be ~~\$275~~ \$325 and Component II shall be \$275. *Upon successfully passing both components of the Federation Licensing Examination (FLEX) in Virginia, the applicant shall be eligible for licensure upon payment of a licensure fee of \$125 to the board.*

B. Examination fee for podiatry: The fee for the Virginia Podiatry Licensure Examination shall be ~~\$250~~ \$325.

C. Examination fee for chiropractic: The fee for the Virginia Chiropractic Examination shall be \$250.

D. The fees for taking the FLEX, podiatry, and chiropractic examination are nonrefundable. An applicant may, upon request 21 days prior to the scheduled exam, and payment of a \$100 fee, reschedule for the next time such examination is given.

E. The fee for rescoring the Virginia Chiropractic Examination or the Virginia Podiatry Examination shall be \$75.

F. Certification of licensure: The fee for certification of licensure/grades to another state or the District of Columbia by the board shall be \$25. The fee shall be due and payable upon submitting the form to the board.

G. The fee for a limited license issued pursuant to § 54.1-2936 of the Code of Virginia shall be \$125. The annual renewal is \$25.

H. The fee for a duplicate certificate shall be \$25.

I. Biennial renewal of license: The fee for renewal shall be \$125, due in the licensee's birth month. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

J. The fee for requesting reinstatement of licensure pursuant to § 54.1-2921 of the Code of Virginia shall be \$750.

K. The fee for a temporary permit to practice medicine pursuant to § 54.1-2927 B of the Code of Virginia shall be \$25.

L. The fee for licensure by endorsement for medicine, osteopathy, chiropractic, and podiatry shall be \$300. A fee of \$150 shall be retained by the board for a processing fee upon written request from the applicant to withdraw his application for licensure.

M. The fee for licensure to practice acupuncture shall be \$100. The biennial renewal fee shall be \$80, due and payable by June 30 of each even-numbered year.

N. Lapsed license: The fee for reinstatement of a license issued by the Board of Medicine pursuant to § 54.1-2904, which has expired for a period of two years or more, shall be \$250 and shall be submitted with an application for licensure reinstatement.

O. The fee for a limited license issued pursuant to § 54.1-2937 shall be \$10 a year. An additional fee for late

Proposed Regulations

renewal of licensure shall be \$10.

P. The fee for a letter of good standing/verification to another state for a license shall be \$10.

Q. The fee for taking the Special Purpose Examination (SPEX) shall be \$350. The fee shall be nonrefundable.

R. Any applicant having passed one component of the FLEX examination in another state shall pay \$325 to take the other component in the Commonwealth of Virginia.

* * *

NOTICE: The forms used in administering the Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Medicine, 1601 Rolling Hills Drive, Suite 200, Richmond, Virginia, or at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Room 262, Richmond, Virginia.

Instructions for Completing National Boards Endorsement Application (HRB-30-034) Revised 3/22/91
Application for a License to Practice Medicine/Osteopathy (DHP-30-056) Revised 7/24/89
Request for Endorsement of Certification by the National Board of Medical Examiners
Request for Physician Profile
Disciplinary Inquiries
Licensure Registration
Instructions for Completing an Application for Licensure to Practice Acupuncture
Application for Certification to Practice Acupuncture
Acupuncture Organizations Approved by the Virginia Board of Medicine
Information and Instructions Regarding the Chiropractic Examination
Application for a Certificate to Practice Chiropractic (HRB-30-058) Revised 9/3/87
Exam: Chiropractic Employment/Professional Activity Questionnaire
Instructions for Completing National Boards of Osteopathic Examiners Endorsement Application (HRB-30-034) Revised 3/22/91
Application for a License to Practice Medicine/Osteopathy (DHP-30-056) Revised 7/24/89
Request for Physician Profile
Licensure Registration
Instructions for Completing Podiatry Endorsement Application (HRB-30-034) Revised 9/7/89
Application for a Certificate to Practice Podiatry (HRB-30-057) Revised 10/15/84
Certification of Grades Attained on the Podiatric Medical Licensing Examinations for States (PMLEXIS)
National Board of Podiatric Medical Examiners Request for Scores on Part I and II
Request for Podiatry Disciplinary Action

Licensure Application

* * * * *

Title of Regulation: VR 465-03-01. Regulations Governing the Practice of Physical Therapy.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Public Hearing Date: N/A - Written comment may be submitted until June 24, 1991.

(See Calendar of Events section for additional information)

Summary:

The proposed amendments to the current regulations (i) establish the educational and training requirements for foreign-trained physical therapist assistants to be eligible for licensure by endorsement or to sit for the licensure examination; (ii) redefine the time period for relicensure traineeship; (iii) redefine the unlicensed graduate traineeship for failing to pass the licensure examination; (iv) redefine the physical therapy licensure examination and reporting the exam results; (v) establish requirements for therapists who apply for licensure by endorsement who have been inactive for specific periods of time; (vi) redefine the minimum hours of practice for license renewal in each biennium period; (vii) redefine the periods of inactive practice to reflect biennial license renewal and required examination for reinstatement of license; and (viii) amend the reinstatement examination fee to accommodate the cost associated for procurement and administration of the examination.

VR 465-03-01. Regulations Governing the Practice of Physical Therapy.

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:

“Board” means the Virginia Board of Medicine.

“Advisory board” means the Advisory Board on Physical Therapy.

“Evaluation” means the carrying out by a physical therapist of the sequential process of assessing a patient, planning the patient’s physical therapy treatment program, and appropriate documentation.

“Examination” means an examination approved and prescribed by the board for licensure as a physical therapist or physical therapist assistant.

Proposed Regulations

"Physical therapist" means a person qualified by education and training to administer a physical therapy program under the direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

"Physical therapist assistant" means a person qualified by education and training to perform physical therapy functions under the supervision of and as directed by a physical therapist.

"Physical therapy aide" means any nonlicensed personnel performing patient care functions at the direction of a physical therapist or physical therapist assistant within the scope of these regulations.

"Referral and direction" means the referral of a patient by a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery to a physical therapist for a specific purpose and for consequent treatment that will be performed under the direction of and in continuing communication with the referring doctor or dentist.

"Trainee" means a person undergoing a traineeship.

1. "Relicensure trainee" means a physical therapist or physical therapist assistant who has been inactive for ~~four~~ two years or more and who wishes to return to the practice of physical therapy.

2. "Unlicensed graduate trainee" means a graduate of an approved physical therapy or physical therapist assistant program who has not taken the state licensure examination or who has taken the examination but not yet received a license from the board or who has failed the examination three times as specified in § 3.3 A .

3. "Foreign trained trainee" means a physical therapist or physical therapist assistant who graduated from a school outside the United States, its territories, or the District of Columbia and who is seeking licensure to practice in Virginia.

"Traineeship" means a period of activity during which an unlicensed physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

"Direct supervision" means a physical therapist is present and is fully responsible for the activities assigned to the trainee.

§ 1.2. A separate board regulation entitled VR 465-01-01, Public Participation Guidelines, which provides for involvement of the public in the development of all regulations of the Virginia State Board of Medicine, is incorporated by reference in these regulations.

PART II LICENSURE: GENERAL REQUIREMENTS AND

LICENSURE BY EXAMINATION.

§ 2.1. Requirements, general.

A. No person shall practice as a physical therapist or physical therapist assistant in the Commonwealth of Virginia except as provided in these regulations.

B. Licensure by this board to practice as a physical therapist or physical therapist assistant shall be by examination or by endorsement, whichever is appropriate.

§ 2.2. Licensure by examination: Prerequisites to examination.

A. Every applicant for initial board licensure by examination shall:

1. Meet the age and character requirements of §§ 54.1-2947 and 54.1-2948 of the Code of Virginia;

2. Meet the educational requirements prescribed in § 2.3 or § 2.4 of these regulations;

3. Submit the required application and credentials to the board not less than 30 days prior to the date of examination; and

4. Submit, along with his application, the examination fee prescribed in § 9.1, Fees, of these regulations.

B. Every applicant shall take the examination at the time prescribed by the board.

§ 2.3. Education requirements: Graduates of American institutions or programs.

A. A graduate of an American institution who applies for licensure as a physical therapist shall be a graduate of a school of physical therapy approved by the American Physical Therapy Association and shall submit to the board documented evidence of his graduation from such a school.

B. An applicant for licensure as a physical therapist assistant who attended an American institution shall be a graduate of a two-year college-level educational program for physical therapist assistants approved by the board and shall submit to the board documented evidence of his graduation from such a program.

§ 2.4. Educational requirement: Graduates of foreign institutions.

A. An applicant for licensure as a physical therapist or physical therapist assistant who graduated from a school outside the United States or Canada shall be a graduate of such a school which offers and requires courses in physical therapy acceptable to the board on the advice of the advisory board.

Proposed Regulations

B. An applicant under this section for licensure as a physical therapist or physical therapist assistant, when filing his application and examination fee with the board, shall also:

1. Submit proof of proficiency in the English language by passing with a grade of not less than 560, the Test of English as a Foreign Language (TOEFL); or an equivalent examination approved by the board. TOEFL may be waived upon evidence of English proficiency.
2. Submit a photostatic copy of the original certificate or diploma verifying his graduation from a physical therapy curriculum which has been certified as a true copy of the original by a notary public.
3. If such certificate or diploma is not in the English language, submit either:
 - a. A translation of such certificate or diploma by a qualified translator other than the applicant; or
 - b. An official certification from the school attesting to the applicant's attendance and graduation date.
4. Submit verification of the equivalency of the applicant's education to the following standards from a scholastic credentials service approved by the advisory board.

~~Total education (general and professional) - 120 semester hours~~

~~a. The minimum educational requirements in general and professional education for licensure as a physical therapist shall be 120 semester hours as follows:~~

~~a. (1) General education requirements. 40 or more semester hours in the following subjects: humanities, social sciences, natural sciences, biological sciences and electives.~~

~~b. (2) Professional education requirements. 60 or more semester hours; the course of professional study shall include: basic health sciences, clinical sciences, clinical education, and other electives.~~

~~b. The minimum requirements in general and professional education for licensure as a physical therapist assistant shall be 68 semester hours as follows:~~

~~(1) General education requirements: 24 or more semester hours in the following subjects: humanities, social sciences, natural sciences, biological sciences, and electives.~~

~~(2) Professional educational requirements: 44 or more semester hours in the following course of professional study: basic health sciences, clinical~~

~~sciences, clinical education, and electives.~~

c. Education requirements of foreign trained physical therapists or physical therapist assistants shall be equivalent to the entry level degree of U.S. trained physical therapists or physical therapist assistants as established by the American Physical Therapy Association.

5. ~~Submit~~ An applicant for licensure as a physical therapist shall submit verification of having successfully completed a full-time 1000 hour traineeship (approximately six months) under the direct supervision of a physical therapist licensed under § 54.1-2946 of the Code of Virginia. The initial 500 hours must be in an acute care facility treating both in and out patients and 500 hours may be in another type of physical therapy facility which is on the list approved by the advisory board.

6. An applicant for licensure as a physical therapist assistant shall submit verification of having successfully completed a full-time 500 hour traineeship in an acute care facility under the direct supervision of a physical therapist licensed under § 54.1-2946 of the Code of Virginia treating both inpatients and outpatients in a facility which meets the requirements of subdivision 7 below.

6. 7. The traineeship must be completed in Virginia:

a. At a JCAH accredited hospital or other facility approved by the advisory board; and

b. At a ~~hospital~~ facility that serves as a clinical education facility for students enrolled in an accredited program in educating physical therapy education therapists or physical therapist assistants in Virginia.

7. 8. It will be the responsibility of the trainee to make the necessary arrangements for his training with the Director of Physical Therapy, or the director's designee at the facility selected by the trainee.

8. 9. The physical therapist supervising the trainee shall submit a progress report to the chairman of the advisory board at the end of 500 hours of training. A final report will be submitted at the end of the second 500 hours. These reports will be submitted on forms supplied by the advisory board.

9. 10. If the trainee's performance is unsatisfactory, during the training period, the supervising therapist will notify, in writing, the chairman of the advisory board.

10. 11. If the traineeship is not successfully completed at the end of the six-month period, the advisory board shall determine if the traineeship will be continued for a period not to exceed six months.

~~11.~~ 12. The traineeship requirements of this part may be waived, at the discretion of the advisory board, if the applicant for licensure can verify, in writing, the successful completion of one year of clinical practice in the United States, its territories or the District of Columbia.

~~12.~~ 13. A foreign trained physical therapist or physical therapist assistant licensed in another state who has not less than one year of clinical practice in the United States, its territories or the District of Columbia must comply with the 1000 hour traineeship requirement for licensure by endorsement.

PART III. EXAMINATION.

§ 3.1. Conditions of examinations.

A. The licensure examinations for both physical therapists and physical therapist assistants shall be prepared and graded as prescribed and approved by the board.

B. The advisory board shall schedule and conduct the examinations at least once each fiscal year, the time and place to be determined by the advisory board.

C. The physical therapy examination shall be a ~~three part examination as follows: Part I shall cover the topics of Basic Sciences; Part II shall cover the topics of Clinical Sciences; and Part III shall cover the topics of Theory and Procedures; and physical therapy treatment one-part comprehensive examination approved by the board as prescribed in § 54.1-2947 of the Code of Virginia.~~

D. The physical therapy assistant examination shall be an examination approved by the board as prescribed in § 54.1-2948.

§ 3.2. Examination scores.

A. The minimum passing scores shall be:

1. For the physical therapist therapy examination: ~~70%~~ on each of the three parts and an overall average of ~~75%~~ the grade shall be established by the board.

2. For the physical therapist assistant examination: ~~75%~~ the grade shall be established by the board.

B. The scores shall be filed with the appropriate interstate reporting services service.

§ 3.3. Failure to pass.

An applicant who fails the examination after three attempts shall be required to satisfactorily complete a full time supervised traineeship approved by the chairman of the Advisory Board on Physical Therapy as prescribed in } 8.4, Traineeship, prior to being eligible for three

additional attempts.

PART IV. LICENSURE BY ENDORSEMENT.

§ 4.1. Endorsement.

A. A physical therapist or physical therapist assistant who has been licensed by another state or territory or the District of Columbia by examination equivalent to the Virginia examination at the time of licensure and who has met all other requirements of the board may, upon recommendation of the advisory board to the board, be licensed in Virginia by endorsement.

B. Any physical therapist or physical therapist assistant seeking endorsement or as described in § 7.2 B who has been inactive for a period of two years or more and who wishes to resume practice shall first successfully complete a traineeship.

PART V. PRACTICE OF PHYSICAL THERAPY.

§ 5.1. General requirements.

All services rendered by a physical therapist shall be performed only upon medical referral by and under the direction of a doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

§ 5.2. Individual responsibilities to patients and to referring doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

A. The physical therapists' responsibilities are to evaluate a patient, plan the treatment program and administer and document treatment within the limit of his professional knowledge, judgment, and skills.

B. A physical therapist shall maintain continuing communication with and shall report the results of periodic evaluation of patients to the referring practitioner.

§ 5.3. Supervisory responsibilities.

A. A physical therapist shall supervise no more than three physical therapist assistants at any one time participating in the treatment of patients.

B. A physical therapist shall be responsible for any action of persons performing physical therapy functions under the physical therapist's supervision or direction.

C. A physical therapist may not delegate physical therapy treatments to physical therapy aides except those activities that are available without prescription in the public domain to include but not limited to hot packs, ice packs, massage and bandaging.

D. Supervision of a physical therapy aide means that a

Proposed Regulations

licensed physical therapist or licensed physical therapist assistant must be within the facility to give direction and instruction when procedures or activities are performed. Such nonlicensed personnel shall not perform those patient care functions that require professional judgment or discretion.

E. For patients assigned to a physical therapist assistant, the physical therapist shall make visits to such patients jointly with the assistant at the frequency prescribed in § 6.1 of these regulations.

F. The advisory board may at its discretion approve the utilization of more than three physical therapist assistants supervised by a single physical therapist in institutions under the supervision of the Department of Mental Health, Mental Retardation and Substance Abuse Services where the absence of physical therapy care would be detrimental to the welfare of the residents of the institution.

PART VI.

PRACTICE OF PHYSICAL THERAPIST ASSISTANTS.

§ 6.1. Scope of responsibility.

A. A physical therapist assistant is permitted to perform all physical therapy functions within his capabilities and training as directed by a physical therapist. The scope of such functions excludes initial evaluation of the patient, initiation of new treatments, and alteration of the plan of care of the patient.

B. Direction by the physical therapist shall be interpreted as follows:

1. The initial patient visit shall be made by the physical therapist for evaluation of the patient and establishment of a plan of care.
2. The physical therapist assistant's first visit to the patient shall be made jointly with the physical therapist.
3. The physical therapist shall provide on-site supervision one of every five visits made to the patient by the physical therapist assistant during a 30-day period. Should there be fewer than five visits to the patient by the physical therapist assistant in a 30-day period, the assistant shall be supervised on-site at least once during that period by the physical therapist.
4. Failure to abide by this regulation due to absence of the physical therapist in case of illness, vacation, or professional meeting, for a period not to exceed five consecutive days, will not constitute violation of the foregoing provisions.

PART VII.

RENEWAL OF LICENSURE; UPDATE FOR QUALIFICATIONS.

§ 7.1. Biennial renewal of license.

Every physical therapist and physical therapist assistant who intends to continue practice shall renew his license biennially during his birth month in each even numbered year and pay to the board the renewal fee prescribed in § 9.1 of these regulations.

A. A licensee whose license has not been renewed by the first day of the month following the month in which renewal is required shall be dropped from the registration roll.

B. An additional fee to cover administrative costs for processing a late application shall be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

§ 7.2. Updates on professional activities.

A. The board shall require from physical therapists and physical therapist assistants licensed or applying for licensure in Virginia reports concerning their professional activities as shall be necessary to implement the provisions of these regulations.

B. A minimum of ~~720~~ 320 hours of practice shall be required for licensure renewal for each biennium.

C. Any physical therapist or physical therapist assistant who fails to meet the requirements of subsection B of this section shall be considered to have been inactive since the professional activity requirement was last satisfied and the license shall be deemed to have expired and become invalid.

PART VIII.

TRAINEESHIP REQUIREMENTS.

§ 8.1. Traineeship required for relicensure.

A. Any physical therapist or physical therapist assistant who has been inactive as described in § 7.1 for a period of ~~four~~ two years or more and who wishes to resume practice shall first ~~serve~~ successfully complete a traineeship.

B. The period of traineeship to be served by such person shall be:

1. A minimum of one month full time for those inactive for a period of ~~four~~ two to six years.
2. A minimum of two months full time for those inactive for a period of ~~six~~ seven to 10 years.
3. A minimum of three months full time for those inactive for a period exceeding 10 years.

C. The physical therapist who serves as the supervisor of a trainee under this section shall certify to the advisory

Proposed Regulations

board upon completion of the traineeship that the trainee's knowledge and skills meet current standards of the practice of physical therapy.

D. Upon receipt of a petition from a person seeking relicensure and declaring hardship, the advisory board may, at its discretion, recommend to the board that the traineeship provision be waived.

§ 8.2. Additional requirement for physical therapist examination.

In addition to the traineeship required in § 8.1, any physical therapist seeking relicensure who has been inactive for ~~six~~ seven years or more shall take and pass the ~~theory and procedures portion of an examination prescribed~~ approved by the board with a grade of 70% or more and pay a fee as prescribed in § 9.1. *If a trainee fails the examination three times, the trainee must appear before the advisory board prior to additional attempts.*

§ 8.3. Exemption for physical therapist assistant.

A physical therapist assistant seeking relicensure who has been inactive shall be exempt from reexamination requirements but not from traineeship requirements.

§ 8.4. Traineeship required for unlicensed graduate scheduled to sit for the board's licensure examination as required by regulation in § 2.1.

A. Upon approval of the chairman of the advisory board, an unlicensed graduate trainee may be employed under the direct supervision of a physical therapist while awaiting the results of the next licensure examination.

B. The traineeship shall terminate upon receipt by the candidate of the licensure examination results.

C. A person not taking the licensure examination within three years after graduation shall *serve successfully complete a full-time* three-month traineeship before taking the licensure examination.

PART IX. FEES.

§ 9.1. The following fees have been established by the board:

1. The fee for physical therapist examination shall be \$200.
2. The fee for the physical therapist assistant examination shall be \$200.
3. The fee for licensure by endorsement for the physical therapist shall be \$225.
4. The fee for licensure by endorsement for the physical therapist assistant shall be \$225.

5. The fees for taking the physical therapy or physical therapist assistant examination are nonrefundable. An applicant may, upon request 21 days prior to the scheduled exam, and payment of the \$100 fee, reschedule for the next time such examination is given.

6. The fee for license renewal for a physical therapist assistant's license is \$80 and shall be due in the licensee's birth month, in each even numbered year. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

7. The fee for license renewal for a physical therapy license is \$125 and shall be due in the licensee's birth month, in each even numbered year. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

8. The examination fee for reinstatement of an inactive license as prescribed in § 8.2 shall be ~~\$75~~ \$200 .

9. Lapsed license. The fee for reinstatement of a physical therapist or a physical therapist assistant license issued by the Board of Medicine pursuant to § 54.1-2904, which has expired for a period of two years or more, shall be \$225 and must be submitted with an application for licensure reinstatement.

* * *

NOTICE: The forms used in administering the Physical Therapy regulations are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Medicine, 1601 Rolling Hills Drive, Suite 200, Richmond, Virginia, or at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Room 262, Richmond, Virginia.

Instructions for Licensure by Endorsement to Practice as a Physical Therapist/Physical Therapist Assistant (HRB-30-059) Revised 1/18/89
Application for a License to Practice Physical Therapy Licensure Registration
Verification of State Licensure (DHP-30-059) Revised 3/1/91
Verification of Physical Therapy Practice (HRB-30-059) Revised 8/23/89
Quiz - Physical Therapy Practice Act
Physical Therapist Licensing Physical Therapist Assistant Licensing The Interstate Reporting Service of Professional Examination Service (453irs) 6/90

VIRGINIA RACING COMMISSION

Proposed Regulations

Title of Regulation: VR 662-04-02. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Entries.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Public Hearing Date: June 19, 1991 - 9:30 a.m.

(See Calendar of Events section for additional information)

Summary:

The Virginia Racing Commission is authorized by § 59.1-369 of the Code of Virginia to promulgate regulations for the licensure, construction and operation of horse racing facilities with pari-mutuel wagering. The proposed regulation is to establish the conditions and procedures for the taking of entries for horse races with pari-mutuel wagering.

VR 662-04-02. Regulations Pertaining to Horse Racing with Pari-Mutual Wagering: Entries.

§ 1. Definitions.

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

"Added money" means money added by the licensee to the stakes fees paid by subscribers to form the total purse for a stakes race.

"Allowance" means a concession in the amount of weight that may be carried by a horse as specified in the conditions of the race.

"Closing" means the time specified by the racing secretary after which entries for a race will not be accepted.

"Condition book" means a book, published by the licensee, setting forth the conditions for each race for a specified period of time during a race meeting.

"Condition sheet" means a sheet, published by the licensee, setting forth the conditions for a specified period of time usually during a Standardbred race meeting.

"Conditions" means the terms of eligibility and entry, including the amount and deadlines for the payment of any fees.

"Declaration" means the withdrawal of a horse entered in a race before the time of closing of entries.

"Entry" means the act of naming a specific horse to run in a specific race.

"Free handicap" means a handicap for which no fee is required to be weighted, but an entrance or starting fee may be required for starting.

"Futurity" means a stakes race in which the horse is nominated either during the year of foaling or when the foal is in utero.

"Handicap" means a race in which the weights assigned to the horses are done so by the racing secretary with the intent of equalizing the chance for each horse to win.

"Overnight race" means any race for which entries close 72 hours or less before the running of the race and for which the owners of the horses running in the race are not required to pay any fee.

"Penalty" means the amount of weight a horse is obligated to carry in a race as specified in the conditions for the race.

"Race" means a contest among horses for a purse, prize or other reward and is contested at a race meeting licensed by the commission as well as in the presence of the stewards.

"Purse" means the total money for which a race is run.

"Scratch" means the withdrawal of a horse entered for a race after the time of closing of entries.

"Scratch time" means the time specified by the racing secretary as a deadline to scratch a horse out of a race.

"Stakes" means all fees paid by subscribers to a stakes race for nominating, sustaining, entrance or starting fees as required by the conditions and all fees shall be included in the purse.

"Stakes race" means a race that closes more than 72 hours before its running and for which the subscribers contribute fees toward the purse.

§ 2. Horses ineligible to be entered.

A horse is ineligible to be entered in a race when:

1. The horse is not identified by name, color, sex and age and the names of its sire and dam;
2. The horse has been raced under an identity other than its own for fraudulent purposes;
3. The horse's name and identity have been utilized for fraudulent purposes;
4. The horse is wholly or partially owned by a person who is under suspension, has been ruled off or whose permit or license has been revoked by the commission or by a similar regulatory body in another jurisdiction;
5. The horse is under the care and supervision of or being trained by, a person who is under suspension, has been ruled off or whose permit or license has been revoked by the commission or a similar

Proposed Regulations

regulatory body in another jurisdiction;

6. The horse does not have a report of an official negative test for equine infectious anemia conducted within the past 12 months and the test must be valid to cover the time the horse is expected to be within the enclosure;

7. The horse appears on the stewards' list or on a stewards' veterinarian's, starter's or similar list in another jurisdiction;

8. The horse is a first-time starter that has not been approved for racing by the starter;

9. The horse has a tracheal tube inserted to assist artificially its breathing;

10. The horse has been "high nerved" or its nerves have been desensitized by any means at or above the fetlock, including volar, palmar or plantar nerves;

11. The horse has impaired vision in both eyes; or

12. The horse is not eligible under the conditions specified for the race as published in the condition book or on the condition sheet.

§ 3. Horses ineligible to start.

A horse is ineligible to start in a race when:

1. The owner does not possess the required permit issued by the commission or has not applied for the appropriate permit;

2. The trainer, authorized agent or the person having care and supervision of the horse, does not possess the appropriate permit issued by the commission or has not applied for the required permit;

3. The horse's certificate of foal registration, eligibility certificate or other registration document issued by the appropriate breed registry is not on file with the racing secretary or permission to start the horse without these documents has not been obtained from the stewards;

4. The horse has not been lip-tattooed;

5. The ownership of the horse has been transferred without notifying the racing secretary and the appropriate breed registry;

6. The horse is subject to a lien or lease that has not been approved by the stewards and filed with the racing secretary and horsemen's bookkeeper; or

7. The horse for which nominating, sustaining, entry, starting or any other required fees have not been paid by the time specified in the published conditions of

the race.

§ 4. Filing.

The licensee shall provide forms on which entries may be filed with the racing secretary. All entries shall be in writing and any entries made by telephone or telegraph must be confirmed in writing upon the request of the racing secretary. The following provisions shall apply to the filing of entries:

1. No entry shall be considered filed until received by the racing secretary;

2. Every entry must be in the name of the horse's owner as completely disclosed and registered with the racing secretary and the appropriate breed registry;

3. Every entry must designate the horse's name as spelled on its certificate of registration, eligibility certificate or other registration document;

4. Every entry must designate the horse's owner, trainer, racing colors, jockey or driver, weight claimed where appropriate, color, sex, age, sire and dam, any penalties and allowances claimed, and where appropriate, claiming price;

5. Every entry must be signed and dated by the person making the entry;

6. No alteration may be made in any entry after the closing of entries. However, an error may be corrected with the permission of the stewards;

7. A horse may be entered in two races for the same day, only if one of the races is a stakes race, futurity or other special event; and

8. The following additional provisions shall apply to Standardbred races:

a. The licensee shall provide a locked entry box in which entries shall be deposited;

b. The entry box shall be opened by a steward at the time designated; and

c. All entries shall be listed, the eligibility verified, preference ascertained, starters selected and post positions drawn under the supervision of a steward.

§ 5. Stakes races.

Entry of a horse in a stakes race, futurity or other special event shall be made in accordance with the conditions specified for the race. In the event of a dispute between the person filing an entry and the sponsor of the race, the stewards shall make the final determination on the eligibility of the horse.

Proposed Regulations

§ 6. Closing of entries.

Entries for overnight races shall close at a time prescribed by the licensee and approved by the stewards. Entries for stakes races, futurities and other special events shall close at the time specified in the conditions. The following provisions shall apply to the closing of entries:

1. The racing secretary shall be responsible for the securing and safekeeping of all entries once they are filed with him and he shall be responsible for denying access to the entries by other permit holders;
2. No entry shall be accepted after the prescribed time for the closing of entries; and
3. In the event of an emergency or if an overnight race fails to fill, then the racing secretary, with the approval of the stewards, may extend the prescribed time for the closing of entries.

§ 7. Posting.

The racing secretary, upon the closing of entries, shall compile a list of the horses entered for each race for each day's racing program, and the racing secretary shall post the list in a prominent place in the racing office.

§ 8. Number of starters.

The maximum number of starters in any race shall be limited to the number of starting positions afforded by the licensee's starting gate and any extensions to the starting gate approved by the stewards. The stewards also shall consider any guidelines promulgated by the associations appropriate to the breed of horses racing, the distance from the start to the first turn, any other conditions affecting the safety and fairness of the start.

§ 9. Coupling.

All horses entered in the same race and trained by the same trainer shall be joined as a mutuel entry and shall be a single wagering interest. All horses entered in the same race and owned wholly or partially by the same owner or spouse, shall be joined as a mutuel entry and shall constitute a single wagering interest, except that in stakes races, futurities or other events, the stewards, in their discretion, may permit horses having common trainers but different owners to run as separate wagering interests. The following provisions shall apply to mutuel entries:

1. The racing secretary shall be responsible for coupling entries for wagering purposes whether based on common owners or trainers;
2. No more than two horses having common ties through ownership or training, which would result in a mutuel entry and a single wagering interest, may be entered in an overnight race;

3. When two horses having common ties through ownership or training are entered in an overnight race, then the nominator shall indicate a preference for one of the two horses to start, in Standardbred races, the determination will be based on the preference date;

4. Two horses having common ties through ownership or training shall not start as a mutuel entry in an overnight race to the exclusion of another horse; and

5. The racing secretary shall be responsible for assigning horses to the mutuel field when the number of wagering interests exceeds the numbering capacity of the infield results board.

§ 10. Penalties and allowances.

The primary responsibility for claiming the weight penalties and weight allowances for thoroughbreds and quarter horses shall rest with the person filing the entry. However, the racing secretary shall be secondarily responsible for verifying the correctness of the penalties and allowances claimed by the nominator. The following provisions shall apply to penalties and allowances:

1. Penalties are obligatory;
2. Allowances are optional as to all of the allowance or any part thereof;
3. Allowances must be claimed at the time of entry and cannot be waived after the closing of entries, except by permission of the stewards;
4. A horse shall start with only the allowance of weight to which it is entitled at the time of starting, regardless of the allowance it was entitled to at the time of entry;
5. Horses incurring penalties for a race shall not be entitled to any allowances, with the exception of age, sex or apprentice, for that race;
6. An apprentice allowance may be claimed only in overnight races and cannot be claimed in a stakes or handicap race;
7. Horses not entitled to the first allowance in a race shall not be entitled to any subsequent allowance specified in the conditions;
8. Allowances are not cumulative, unless specified in the conditions of the race;
9. Failure to claim an allowance is not cause for disqualifying the horse;
10. A claim of an allowance to which a horse is not entitled shall not disqualify the horse unless the incorrect weight is carried by the horse in the race;

Proposed Regulations

11. A protest that a claim of an allowance is incorrect must be made in writing and submitted to the stewards at least one hour before post time;

12. No horse shall incur a penalty or be barred from any race for having finished second or lower in any race;

13. No horse shall be given a weight allowance for failure to finish second or lower in any race;

14. No horse shall receive an allowance for not winning in one or more races, but maiden allowances and allowances to horses that have not won a race within a specified period or a race of a specified value are permissible;

15. Penalties incurred and allowances due in jump races shall not apply to races on the flat and vice versa;

16. No horse shall incur a penalty for a placing from which it was subsequently disqualified, but a horse earning a placing through the disqualification shall incur the penalty for that placement;

17. When a race is under appeal, the horse that finished first and any other horse, which may be moved into first place, shall be liable for all penalties attached to the winner until there has been a final determination;

18. Any error discovered in the assignment of any penalty or claim of any allowance may be corrected, with the permission of the stewards, until 45 minutes prior to post time;

19. In determining eligibility, allowances and penalties, the reports, records and statistics as published in the Daily Racing Form and its monthly chart books or any similar publication shall be considered official; and

20. In all races, except handicaps and races where the conditions expressly state otherwise, two-year-old fillies are allowed three pounds and fillies and mares three years old and upward are allowed five pounds before September 1 and three pounds thereafter.

§ 11. Scale of weights.

For thoroughbreds racing on the flat, when the weights are not stated in the conditions of the race, the weights shall be assigned according to the scale of weights as published by The Jockey Club. For horses racing over jumps, when the weights are not stated in the conditions of the race, the weights shall be assigned according to the scale of weights as published by the National Steeplechase and Hunt Association.

§ 12. Foreign entries.

In determining eligibility, penalties and allowances for horses imported from a foreign nation, the racing secretary shall consider the Pattern Race Book published jointly by the Irish Turf Club, the Jockey Club of Great Britain and the Societe d'Encouragement. For horses imported from a foreign nation, the racing secretary shall convert metric distances to English measures by using a scale of 200 meters to the furlong and 1600 meters to the mile.

§ 13. Prohibited entries.

Unless the published conditions state otherwise, any money paid in nominating, subscription, sustaining or entry fees shall be refunded, if the entry of an ineligible horse is discovered at least 45 minutes before post time. Otherwise, the moneys shall be considered part of the purse.

§ 14. Preference system.

The racing secretary shall maintain a list of horses which were entered but denied an opportunity to race because they were eliminated through races overfilling or failing to fill. The racing secretary shall develop procedures through which these horses will be granted preference in future entries. The procedures developed by the racing secretary must be submitted to the stewards for their approval at least 15 days before the beginning of the race meeting.

§ 15. Post positions.

Post positions for all races shall be determined by lot, drawn in the presence of persons filing the entries and supervised by a steward. The racing secretary shall be responsible for assigning pari-mutuel numbers for each starter to conform with the post position draw, except where the race includes two or more horses joined as a single wagering interest.

§ 16. Also-eligible list.

If the number of entries for a race exceeds the number of horses permitted to start in any race, then the racing secretary may place as many as eight horses on an "also-eligible list." The racing secretary shall develop procedures through which the horses on the also-eligible list may be drawn into the race should a horse be scratched. The procedures developed by the racing secretary for the also-eligible list must be submitted to the stewards for their approval at least 15 days before the beginning of the race meeting.

§ 17. Declarations.

For thoroughbred racing, a horse may be withdrawn from or "declared out" of a race before the closing of entries. All declarations shall be made in a manner prescribed by the racing secretary. Declarations are subject to the approval of the stewards and are

Proposed Regulations

irrevocable.

§ 18. Scratches.

For flat racing, a horse may be withdrawn from or "scratched out" of a race after the closing of entries under the following conditions:

1. Scratches shall be made in a manner prescribed by the racing secretary;
2. Scratches are subject to the approval of the stewards;
3. A horse may be scratched from a stakes race, futurity or other special event until 45 minutes before post time for the race for any reason;
4. No horse may be scratched from an overnight race without the approval of the stewards;
5. In making a determination on whether to permit a horse to be scratched from an overnight race, the stewards may require a report from a veterinarian, who possesses a permit issued by the commission, attesting to the physical condition of the horse; and
6. Scratches, once approved by the stewards, are irrevocable.

§ 19. Responsibility for eligibility.

The primary responsibility for the eligibility of a horse for a race shall rest with the person filing the entry. In any event, a person shall not enter a horse which is ineligible under the conditions specified in the condition book or condition sheet. The racing secretary shall be secondarily responsible for verifying the eligibility of each horse as specified in the condition book or condition sheet as well as the penalties and allowances.

§ 20. Reopening entries.

In the event an overnight race does not fill, then the racing secretary, with the permission of the stewards, may reopen entries on that race and extend the closing time for entries for a reasonable period. When entries on a race are reopened, the racing secretary shall cause an announcement to be made over the public address system that entries have been reopened.

§ 21. Cancelling a race.

In the event an overnight race does not fill, then the racing secretary may cancel that race and instead use a substitute race, which must be listed in the condition book or condition sheet, to complete the program.

§ 22. Divided races.

When a race fails to fill, the racing secretary may

divide any other programmed race, which may have been overfilled, for the same day. The following provisions shall apply to divided races:

1. The stewards, in their discretion, may grant additional time beyond the prescribed closing of entries to permit entries to be filed for races that have been divided;
2. The division of entries in divided races shall be in accordance with the conditions specified under which the entries were made; and
3. In the absence of any conditions regarding the division of entries, horses that might be coupled as mutuel entries may be placed in different divisions and the remainder of the horses shall be drawn by lot to provide wagering interests as equal as possible for each division of the divided race.

STATE WATER CONTROL BOARD

NOTICE: Due to their length, the Water Quality Standards, filed by the State Water Control Board, are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the adopted amendments is being published. The full text of the standards is available for public inspection at the office of the Registrar of Regulations and the State Water Control Board.

Title of Regulation: VR 680-21-01.11. Chlorine Standard and Policy.

VR 680-21-07.1. Special Standards and Requirements.

VR 680-21-08.15. Tennessee and Big Sandy River Basin.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Public Hearing Date: June 4, 1991 - 4 p.m.

(See Calendar of Events section for additional information)

Background:

Water quality standards and criteria consist of narrative statements that describe water quality requirements in general terms and numerical limits for specific physical, chemical and biological characteristics of water. These statements and limits describe water quality necessary for reasonable, beneficial water uses such as swimming, promulgation and growth of aquatic life, and domestic water supply.

Summary:

The purpose of the proposed regulatory action is to consider for the Town of Cleveland a variance in the halogen ban section of VR 680-21-01.11, Chlorine in Surface Waters by amending VR 680-21-01.11, VR

680-21-07.1, and VR 680-21-08.15. If the town is not allowed a variance to the halogen ban, the treatment facility would not be allowed to continue to use chlorine for disinfection and would be required to install an ultra-violet system of disinfection at an estimated cost of \$63,000. An economic analysis conducted by EPA found that the cost of alternate disinfection by means of ultra-violet treatment appear significant for a Town of Cleveland's size and financial condition.

VR 680-21-01.11. Chlorine in Surface Waters.

§ 1. Standard.

A. The average daily concentration of total residual chlorine (TRC) in freshwater shall not exceed 11 parts per billion (ug/l) and saline waters (annual mean salinity of 5 parts per thousand or greater) shall not exceed 7.5 parts per billion (ug/l).

B. The one-hour average concentration of total residual chlorine (TRC) in freshwater shall not exceed 19 parts per billion (ug/l) and the one-hour average concentration of chlorine produced oxidant (CPO) in saline waters shall not exceed 13 parts per billion (ug/l).

§ 2. Policy.

The board, pursuant to § 62.1-44.15(3a) of the Code of Virginia, hereby sets forth its policy for implementation of the chlorine standard in surface waters of the Commonwealth. These concentrations shall apply to all surface waters of the Commonwealth except where the permittee can demonstrate to the board that exceptions may be allowed without resulting in damage to aquatic life.

1. Mixing zones may be established on a case-by-case basis according to VR 680-01-01.2 C. Since VR 680-21-01.2 C does not allow acutely toxic concentrations within the mixing zone, chlorine residuals within the mixing zone shall not exceed the one-hour average of 19 ug/l TRC in freshwater or 13 ug/l CPO in saline waters.

2. Effluent limitations on chlorine shall be imposed to assure compliance with subdivisions A 1 and A 2 at the boundary of the mixing zone and subdivision A 2 within the mixing zone. These effluent limitations shall be calculated presuming complete mixing.

3. The permittee may present to the board site specific analytical data showing that a modified effluent limit will result in compliance with subdivisions A 1 and A 2 of the standard.

4. Exceptions to these concentrations may be allowed by the Board only upon a case-by-case demonstration by the permittee. These case-by-case demonstrations shall contain both alternative instream concentrations

and appropriate permit limitations to protect beneficial uses. Exceptions may be considered for only the following situations:

a. The nature of the receiving waters or the nature and composition of the chlorine discharged are such that this TRC or CPO concentration is not necessary to protect aquatic life.

b. Receiving streams such as drainage ditches whose nature is such that they cannot reasonably be expected to support the propagation and growth of aquatic life and do not provide reasonable beneficial uses with respect to aquatic life. Compliance shall nonetheless be required where these waters discharge into other state waters capable of sustaining reasonable beneficial uses. In such situations, the board may place effluent limits at the confluence of these two waters.

c. Discharge of intermittently chlorinated water (not more than two hours in any eight hour period).

5. Notwithstanding the foregoing, chlorine or other halogen compounds¹ shall not be used for disinfection purposes or other treatment purposes including biocide applications for any treatment facility with a permitted flow of 20,000 gallons per day or more discharging to waters containing endangered or threatened species as identified in VR 680-21-07.2 or to waters classified as natural trout waters except for dischargers who intermittently chlorinate. Dischargers of less than 20,000 gallons per day shall dechlorinate to the requirements of subsections A.1 and A.2 or to a nondetectable chlorine residual. Dischargers who intermittently chlorinate (not more than two hours in any eight-hour period) shall be required to install equipment or employ, or both, procedures to assure dechlorination to a chlorine residual that meets the requirements of subsections A.1 and A.2, and to apply effective best management practices for chlorine. Dischargers who intermittently chlorinate shall, in order to address a possible malfunction of the dechlorination system, either have storage sufficient to contain the chlorinated water until it can be dechlorinated prior to discharge or have online redundant and operational back-up dechlorination system.

Variance to this requirement shall not be made unless it has been affirmatively demonstrated that the beneficial uses of the water will be maintained and that either a change is justifiable to provide necessary economic or social development or the degree of waste treatment necessary to preserve the existing quality can not be economically or socially justified. *Variances granted to this requirement are listed in VR 680-21-07.01.x.*

Proposed Regulations

¹ Bromine, bromine chloride, hypochloride and chlorine dioxide.

VR 680-21-07.1. Special Standards and Requirements.

The special standards are shown in small letters to correspond to lettering in the basin tables. The special standards are as follows:

a. Shellfish waters.

In all open ocean or estuarine waters capable of propagating shellfish or in specific areas where public or leased private shellfish beds are present, including those waters on which condemnation or restriction classifications are established by the State Department of Health, the following standard for fecal coliform bacteria will apply:

The median fecal coliform value for a sampling station shall not exceed an MPN of 14 per 100 ml of sample and not more than 10% of samples shall exceed 43 for a 5-tube, 3-dilution test or 49 for a 3-tube, 3-dilution test.

The shellfish area is not to be so contaminated by radionuclides, pesticides, herbicides, or fecal material that the consumption of shellfish might be hazardous.

b. Potomac embayment standards.

The standards of quality, based on a one-month average, for all sewage treatment plant effluents discharging into Potomac River embayments in Virginia from Jones Point (Hunting Creek) to the Route 301 Bridge, and for expansions of existing plants discharging into the nontidal tributaries of these embayments, are:

		NOTES
1. Biochemical oxygen demand	Not greater than 3 ppm	A,B
2. Unoxidized nitrogen	Not greater than 1.0 ppm during the periods April 1 - October 31	B,C
3. Total phosphorus	Not greater than 0.2 ppm	D
4. Total nitrogen (when technology is available)	Not greater than 1 ppm	E

Background notes

A. This BOD5 standard is a factor of three less stringent than that being presently produced at the Lake Tahoe plant which is approximately 1 ppm of BOD5.

B. A BOD5 of 3 ppm and 1 ppm of unoxidized nitrogen will result in a UOD of approximately 10 ppm.

C. To achieve this level of unoxidized nitrogen, nitrification can be accomplished by limiting the BOD5 load on aeration units to 25 pounds per 1000 cubic feet or less and designing the aeration units to maximize the "plug-flow" principle.

D. This phosphorus standard is a factor of two less stringent than that being presently produced at the Lake Tahoe plant which is 0.1 ppm or less of P.

E. For the time being the requirement for total nitrogen removal is waived. However, all plants will have to have facilities to meet this standard as soon as practical after a technically feasible process with year-round reliability is developed and available.

c. Cancelled.

d. Aquia Creek.

No proposal resulting in the discharge of treated wastes to Aquia Creek will be approved unless the following is provided.

1. At least 100 days' storage to allow complete elimination of discharges during the low-flow summer months, or

2. Other treatment, based on sound engineering concepts (preferably with experimental data to show their feasibility), be provided for nutrient removal prior to discharge.

e. Cancelled.

f. Potomac Enforcement Conference - Recommendation 1.

Based on the existing points of discharge, waste treatment facilities now discharging to the Potomac River between river mile 106 and river mile 91 (the 15 mile stretch of the river from Chain Bridge downstream to the vicinity of Hog Island) shall be improved to achieve removal of BOD5, total phosphorus, and total nitrogen so as to limit loadings as follows:

FACILITY	LBS/DAY		
	BOD5	TOTAL P	TOTAL N
Arlington	1,300	60	650
Alexandria	1,300	60	630
Fairfax Westgate	900	40	445

Additional loading and additional points of discharge will be acceptable only if the resultant water quality will be equal to, or better than, that which results from adherence to the above load limits at the existing points of discharge.

The following treatment plants shall provide 96%

Proposed Regulations

BOD5 removal, 96% phosphorus removal, and 85% total nitrogen removal, so long as they discharge their effluents to tributaries or embayments of the Potomac River: Fairfax County Doque Creek, Little Hunting Creek, and Accotink-Pohick (Lower Potomac) treatment plants, and Fort Belvoir.

NOTE: In accordance with board action in Minute 13 from its meeting on September 20-21, 1971, discharges which lie within boundaries of the Potomac Enforcement Conference (Little Falls to Hallowing Point) and of the Potomac Embayment Standards (Hunting Creek-Jones Point to the Route 301 Bridge) must comply with the more restrictive provisions of the two.

g. Occoquan Watershed Policy.

At its meeting on July 26, 1971, (Minute 10) the board adopted a comprehensive pollution abatement and water quality management policy for the Occoquan watershed. The policy set stringent treatment and discharge requirements in order to improve and protect water quality, particularly since the waters are an important water supply for Northern Virginia. Following a public hearing on November 20, 1980, the board, at its December 10-12, 1980, meeting, adopted as of February 1, 1981, revisions to this Policy (Minute 20). These revisions became effective March 4, 1981. Copies are available upon request from the State Water Control Board.

h. Cancelled.

i. Cancelled.

j. Cancelled.

k. Cancelled.

l. Cancelled.

m. The following effluent standards apply to the entire Chickahominy Watershed above Walker's Dam:

CONSTITUENT	CONCENTRATION
1. Biochemical Oxygen demand 5-day at 20°	6.0 mg/l monthly average, with not more than 5% of individual samples to exceed 8.0 mg/l
2. Settleable Solids	Not to exceed 0.1 ml/l
3. Suspended Solids	5.0 mg/l monthly average, with not more than 5% of individual samples to exceed 7.5 mg/l
4. Ammonia Nitrogen	Not to exceed 2.0 mg/l as N
5. Total Phosphorus	Not to exceed 0.1 mg/l monthly average for all discharges with the exception of Holly Farms Poultry Industries, Inc. which shall meet 0.3 mg/l monthly average and 0.5 mg/l daily

maximum.

6. Other Physical and Chemical Constituents

Other physical or chemical constituents not specifically mentioned will be covered by additional specifications as conditions detrimental to the stream arise. The specific mention of items 1 through 5 does not necessarily mean that the addition of other physical or chemical constituents will be condoned.

n. No sewage discharges, regardless of degree of treatment, should be allowed into the James River between Boshier and Williams Island Dams.

o. The concentration and total amount of impurities in Tuckahoe Creek and its tributaries of sewage origin shall be limited to those amounts from sewage, industrial wastes, and other wastes which are now present in the stream from natural sources and from existing discharges in the watershed.

p. Cancelled.

q. Rappahannock River Basin.

The following effluent standards (adopted in Minute 17 from the proceedings of the board at its meeting on September 17-18, 1972) apply to all waste discharges to the Rappahannock River Basin above the proposed Salem Church Dam in accordance with paragraphs a and b below:

CONSTITUENT	FINAL EFFLUENT REQUIREMENTS (WEEKLY AVERAGE)
BOD - mg/l	1
COD - mg/l	10
Suspended solids - mg/l	0 (unmeasurable)
MBAS - mg/l	0.1
Turbidity (Jackson Units)	0.4
Fecal Coliform Bacteria per 100 ml sample	Less than 2
Nitrogen - mg/l	1
Phosphorus - mg/l	0.1

a. After the date of Congressional authorization for actual construction of the dam has been given, all new proposals shall comply fully with the adopted standards of the paragraph above and all existing owners shall immediately commence the necessary planning, financing and design to ensure that facilities are completed prior to final completion of the construction of the dam, and

b. Any new proposals for waste discharges to the area encompassed by the standards shall provide such conventional treatment that in the opinion of the State Department of Health, the staff and the Board, satisfactory advanced waste treatment units can readily be added when funds for construction of the Salem Church Dam have been authorized.

Proposed Regulations

r. Cancelled.

s. Chlorides not to exceed 40 mg/l at any time.

t. Cancelled.

u. Maximum temperature for the New River Basin from West Virginia State line upstream to the Giles - Montgomery County line:

The maximum temperature shall be 27°C (81°F) unless caused by natural conditions; the maximum rise above natural temperatures shall not exceed 2.8°C (5°F).

This maximum temperature limit of 81°F was established in the 1970 water quality standards amendments so that Virginia temperature standards for the New River would be consistent with those of West Virginia, since the stream flows into that state.

v. The maximum temperature of the New River and its tributaries (except trout waters) from the Montgomery-Giles County line upstream to the Virginia-North Carolina State line shall be 29°C(84°F).

w. In Minute 3 from its meeting on March 10-11, 1977, the Board authorized a variance to the General Standard relating to zinc for the length of Ash Camp Creek and a portion of Little Roanoke Creek from the confluence of Ash Camp Creek to the Route 47 bridge.

x. Variances to the halogen ban (VR 680-21-01.11 B 5) have been granted for the following permittees:

Town of Cleveland (VPDES #0021016), § 2, Tennessee and Big Sandy River Basin, Clinch River Subbasin.

VR 680-21-08.15. TENNESSEE AND BIG SANDY RIVER BASIN - Clinch River Subbasin

SEC.	SECTION DESCRIPTION	CLASS	SP.STDS.			
1	Powell River and its tributaries from the Virginia-Tennessee state line to their headwaters; Indian Creek and Martin Creek in Virginia, unless otherwise designated.	IV		1a	Powell River from Pennington Gap's & raw water intake to 5 miles upstream.	IV PWS
	Put and Take Trout Waters in § 1	V		1b	Bens Branch from Appalachia's raw water intake to its headwaters.	IV PWS
	Batie Creek from its confluence with the Powell River 0.8 mile upstream.	vi		1c	South Fork Powell River from Big Stone Gap's raw water intake to its headwaters.	IV PWS
	Hardy Creek and its tributaries to their headwaters.	vi		1d	Benges Branch from Norton's raw water intake to its headwaters.	IV PWS
	Lick Branch from its confluence with Indian Creek 1.4 miles upstream.	vi		1e	Robinette Branch from Norton's raw water intake to its headwaters.	IV PWS
	Martin Creek (Lee County) from the Virginia-Tennessee state line to its headwaters.	vi		2	Clinch River and its tributaries from the Virginia-Tennessee State line to their headwaters; North Fork Clinch River and its tributaries, Blackwater Creek and its tributaries, and Little Creek in Virginia, unless otherwise designated.	IV X
	North Fork Powell River above Pennington Gap to the confluence	***			Put and Take Trout Waters in § 2	V
					Amos Branch from its confluence with Copper Creek 3.3 miles upstream.	vi
					Burns Creek from its confluence with the Guest River 2.3 miles upstream.	viii
					Clear Creek (Wise County) from 1/2 mile above its confluence with the Guest River 2.6 miles	viii

of Straight Fork.

Poor Valley Branch from its confluence with Martin Creek 1.4 miles upstream. vi

Sims Creek from its confluence with the Powell River 1.1 miles upstream to Sims Spring. vi

Wallen Creek above its confluence with the Powell River (at Rasnic Hollow) 5.9 miles upstream. vi

White Branch from its confluence with Poor Valley Branch 0.7 mile upstream (to the Falls at Falling Water Gap). vi

Natural Trout Waters in § 1 VI

Laurel Fork (Scott County) from its confluence with Stock Creek 4 miles upstream. **

North Fork Powell River from the confluence of Straight Fork to its headwaters. ***

Station Creek at the boundary of the Cumberland Gap National Historical Park (river mile 2.2) 2.6 miles upstream. vi**

Straight Fork (Scott County) from its confluence with Stony Creek 5.1 miles upstream. viii**

Wolf Creek (Scott County) from its confluence with Laurel Fork 1.8 miles upstream. ***

upstream.

Copper Creek (Russell County) from Route 678 below Parsonage - river mile 52.5 - 4.3 miles upstream.	vi
Corder Branch from its confluence with Little Stony Creek to its headwaters.	***
Cove Creek from the first bridge on State Route 649 west of Kerns to Stanleytown.	vi
Cowan Creek from its confluence with Sinking Creek 2.7 miles upstream.	vi
Fall Creek from its confluence with the Clinch River 4.6 miles upstream.	vi

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

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 regulation amendments concern provisions covering operating permits for stationary sources. The regulation requires a permit to operate for all stationary sources with exemptions for some smaller facilities. Operating permits will be issued for a period not to exceed five years and will be renewed if the facility meets the standards and conditions set out in the regulation. Emission limits will be set to restrict the emissions allowed for each existing facility to some level above the actual levels currently emitted but below the levels allowed now by regulation. Permit applications for larger facilities will be subject to a public comment period of 30 days, and a public hearing may be held if there is sufficient public interest. The program will be phased in slowly over its first four years, during which time only larger existing facilities will be issued operating permits.

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

PART VIII. PERMITS FOR STATIONARY SOURCES.

§ 120-08-04. Permits - operating.

A. Applicability.

1. Except as provided in subdivision A 3 of this section, the provisions of this section apply to the operation of any stationary source.
2. The provisions of this section apply throughout the Commonwealth of Virginia.
3. The provisions of this section shall not apply to the following:
 - a. Any source exempted by the new source exemption levels in Appendix R.

b. Any existing source that would be exempted by the new source exemption levels in Appendix R if the source were a new source.

4. Unless specified otherwise, the provisions of this section are applicable to various sources as follows:

a. Provisions referring to "sources" or "stationary sources" are applicable to the operation of all stationary sources.

b. Provisions referring to "major stationary sources" are applicable to the operation of all major stationary sources as may be defined by the applicable regulation.

B. Definitions.

1. For the purpose of these regulations and subsequent amendments or any orders issued by the board, the words or terms shall have the meaning given them in subdivision B 3 of this section.

2. As used in this section, all terms not defined herein shall have the meaning given them in Part I, unless otherwise required by context.

3. Terms defined.

"Actual emissions" means the actual rate of emissions of a pollutant from any stationary source. In general, actual emissions as of a particular date shall equal the highest annual rate, in tons per [calendar] year, at which the source actually emitted a pollutant during the consecutive five-year period which precedes the particular date and which is representative of normal source operation. The board may allow the use of a different historical time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

"Allowable emissions" means the emission rates of a stationary source calculated by using the maximum rated capacity of the [emissions units within the] source (unless the source is subject to state or federally enforceable limits which restrict the operating rate or hours of operation or both) and the most stringent of the following:

- a. Applicable emission standards.

b. The emission limitation specified as a state or federally enforceable permit condition, including those with a future compliance date.

c. Any other applicable emission limitation, including those with a future compliance date.

["Complete application" means that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the board from requesting or accepting additional information.]

"Emissions unit" means any part of a stationary source which emits or would have the potential to emit any air pollutant.

"Existing source" means any stationary source other than a new source.

"Federally enforceable" means all limitations and conditions which are enforceable by the administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the State Implementation Plan, and any permit requirements established pursuant to (i) 40 CFR 52.21; (ii) § 120-08-01, § 120-08-02, or § 120-08-03; or (iii) this section, provided the public participation requirements of subsection [R S] of this section are met.

"Major stationary source" means any stationary source which emits, or has the potential to emit, 100 tons or more per year of any air pollutant.

"New source" means any stationary source (or portion thereof), the construction or relocation of which commenced on or after March 17, 1972; and any stationary source (or portion thereof), the reconstruction of which commenced on or after December 10, 1976.

"Nonattainment condition" means a condition where any area is shown by air quality monitoring data or which is shown by an air quality impact analysis (using modeling or other methods determined by the board to be reliable) to exceed the levels allowed by the ambient air quality standard for a given pollutant, regardless of whether such demonstration is based on current or future emissions data.

"Owner" means any person, including bodies politic and corporate, associations, partnerships, personal representatives, trustees and committees, as well as individuals, who owns, leases, operates, controls or supervises a source.

"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a

pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is state or federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source, but do not come from the major stationary source itself. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"State enforceable" means all limitations and conditions which are enforceable by the board, including those requirements developed pursuant to § 120-02-11, requirements within any applicable order or variance, and any permit requirements established pursuant to Part VIII.

"Stationary source" means any building, structure, facility or installation which emits or may emit any air pollutant. A stationary source shall include all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual (see Appendix M).

C. General.

1. No owner or other person shall operate any stationary source without first obtaining from the board a permit to operate the source. The schedule of issuance of these permits shall be as follows:

a. No owner or other person shall operate any existing major stationary source after January 1, 1995, without first obtaining from the board a permit to operate the source. Permit applications to obtain these permits shall be submitted between [~~January 1, 1991~~ July 1, 1991], and October 1, 1994, on a schedule to be determined by the board.

b. Permit applications for all other stationary sources shall be submitted on and permits shall be issued on a schedule to be approved by the board.

Final Regulations

The schedule shall be approved by the board by July 1, 1994. The provisions of this section are waived for such sources until such time as the board prescribes the required schedule.

2. The board may combine the requirements of and the permits for [emission units within a] stationary [sources source] subject to Part VIII into one permit. The board may likewise combine the requirements of and applications for permits [for emission units within a stationary source] required by Part VIII into one application.

3. Permits issued under the provisions of § 120-08-01, § 120-08-02 or § 120-08-03 may be considered as having met the requirements of this section but shall be subject to the provisions of subsections P and [Q R] of this section.

4. No provision of these regulations shall limit the power of the board to issue an operating permit pursuant to this section in order to remedy a condition that may cause or contribute to the endangerment of human health or welfare or to remedy a nonattainment condition or both.

5. Operating a stationary source without a permit issued under this section shall not constitute a violation of this section provided the failure to obtain a permit was due to the failure of the board to issue a permit without specific notice under subdivision G 4 or [Q & R 6] of this section.

6. Any decisions of the board made pursuant to this section may be appealed pursuant to § 120-02-09 or section I B of Appendix F of these regulations.

D. Applications.

1. Applications for permits shall be signed by the corporate president or by another duly authorized agent of the corporation; or by an equivalently responsible officer in the case of organizations other than corporations; or, in other cases, by the owner; or, in the case of governmental entities, by the highest executive official of such entities. [A person is a duly authorized agent only if the authorization is made in writing by the corporate president or by an equivalently responsible officer in the case of organizations other than corporations.] Such signature shall constitute personal affirmation that the statements made in the application are true and complete to the best of the knowledge and belief of the signer.

2. A single application is required identifying each emission unit subject to this section. The application shall be submitted according to procedures approved by the board. Where several units are included in one [stationary] source, a single application covering all units in the source shall be submitted. A separate

application is required for each location.

E. Information required.

1. Each application for a permit shall include such information as may be required by the board to determine the effect of the [stationary] source on the ambient air quality and to determine compliance with applicable emission standards. The information required shall include, but is not limited to, the following:

a. All information specified on forms furnished by the board. Any calculations shall include sufficient detail to permit assessment of the validity of such calculations.

b. Any information or analysis that the board deems necessary to review the air quality impact of the source.

[c. Verification of compliance with the provisions of subsection N of this section.]

[e. d.] Any additional information or documentation that the board deems necessary to review and analyze the air pollution aspects of the source.

2. The above information and analysis shall be determined and presented according to procedures and using methods acceptable to the board.

F. Standards and conditions for granting permits.

1. No permit shall be granted pursuant to this section unless it is shown to the satisfaction of the board that the following standards and conditions will be met:

a. The source shall operate without causing a violation of the applicable provisions of these regulations.

b. The source shall be in compliance with all applicable emission standards or meet the provisions of any administrative enforcement mechanism issued pursuant to § 120-02-03 A 1.

c. The source shall not cause or contribute to a violation of any applicable ambient air quality standard.

d. The source shall operate in conformance with any applicable control strategy, including any emission standards or emission limitations, in the State Implementation Plan in effect at the time that an application is submitted so as not to prevent or interfere with the attainment or maintenance of any applicable ambient air quality standard.

2. Permits may be granted to [stationary] sources located in nonattainment areas provided th

requirements of subdivisions F 1 a, b and d of this section are met.

3. To obtain a permit under this section, sources [of emitting] noncriteria pollutants [must shall] be reviewed under Rule 4-3 or Rule 5-3, as may be applicable, for the noncriteria pollutants emitted. If the review has not been completed, the permit may be issued if the permit contains a schedule for the evaluation of the noncriteria pollutants emitted by the affected source.

4. No permit shall be granted pursuant to this section unless it contains emission standards for the [stationary] source. The following criteria shall be met in establishing emission standards to the extent necessary to assure that emissions levels are met permanently:

a. If [a facility an emissions unit] was subject to emission standards prescribed in these regulations prior to the date the permit is issued, a standard covering the [facility emissions unit] and pollutants subject to the emission standards shall be incorporated into the permit issued under this section.

b. A permit issued under this section may also contain emission standards for [facilities emission units] or pollutants that were not subject to emission standards prescribed in these regulations prior to the issuance of the permit.

c. Each standard shall be based on averaging time periods for the standards as appropriate based on applicable air quality standards, any emission standard applicable to the [source emissions unit] prior to the date the permit is issued, or the operation of the [source emissions unit], or any combination thereof. The emission standards may include the level, quantity, rate, or concentration or any combination thereof for each affected pollutant.

d. In no case shall a standard result in emissions which would exceed the lesser of the following:

(1) Allowable emissions for the emissions unit based on emission standards applicable prior to the date the permit is issued.

(2) The emissions [level rate] based on the potential to emit of the emissions unit.

e. The emission standards shall contain emission limitations based on the highest actual emissions documented over the five [calendar] years prior to the permit application date, taking into account energy, environmental, health-related toxic and economic impacts, and other factors. Emission standards shall only include limitations that are determined by the board to be achievable through

application of production processes or available methods, systems, and techniques, including, but not limited to, any of the following: [emissions control equipment;] fuel cleaning or treatment; fuel combustion techniques; or substitution of less toxic or nontoxic materials.

f. The standard may prescribe, as an alternative to or a supplement to an emission limitation, an equipment, work practice, fuels specification, process materials, maintenance, or operational standard, or any combination thereof.

5. In consideration of the factors specified below, the owner may propose and the board may establish an alternative emission standard provided the owner demonstrates to the satisfaction of the board that it meets the standards and conditions in subdivisions F 1 and F 4 a and d of this section.

a. The impact upon the ability of the source to operate in a competitive and efficient manner.

b. The previous efforts to reduce actual emissions taken at the owner's initiative.

c. The technological and economic practicality of reducing emissions.

d. The impact upon the availability and cost of fuels and process materials.

6. An emissions standard may be changed to allow an increase in emissions level provided the amended standard meets the requirements of subdivisions F 1 and F 4 a and d of this section, and the increased emission levels would not make the source subject to § 120-08-01, § 120-08-02, or § 120-08-03, as appropriate.

7. Operating permits issued under this section shall contain, but not be limited to, the following elements:

a. Emission standards as set out in this subsection.

b. Conditions necessary to enforce emission standards. Conditions to provide enforceability may include, but not be limited to, the following:

(1) Limit on fuel sulfur content.

(2) Limit on production rates with time frames as appropriate to support the emission standards in this subsection.

(3) Limit on raw material usage rate.

(4) Limits on the minimum required capture, removal and overall control efficiency for any air pollution control equipment.

c. Specifications for permitted equipment, identified

Final Regulations

as thoroughly as possible. The identification shall include, but not be limited to, type, rated capacity, and size.

d. Specifications for air pollution control equipment installed or to be installed and the circumstances under which such equipment shall be operated.

e. Specifications for air pollution control equipment operating parameters, where necessary to ensure that the required overall control efficiency is achieved. The operating parameters may include, but not be limited to, the following:

(1) Pressure indicators and required pressure drop.

(2) Temperature indicators and required temperature.

(3) pH indicators and required pH.

(4) Flow indicators and required flow.

f. The expiration date of the permit.

g. Other requirements as may be necessary to ensure compliance with the applicable state and federal regulations.

8. Operating permits issued under this section may contain, but not be limited to, the following elements:

a. Requirements for proper operation and maintenance of any pollution control equipment, and appropriate spare parts inventory.

b. Stack test requirements.

c. Reporting or recordkeeping requirements or both.

d. Continuous emission or air quality monitoring requirements or both.

[e. Compliance schedules.]

G. Action on permit application.

1. After receipt of an application or any additional information, the board shall advise the applicant of any deficiency in such application or information.

2. When supported by justification which the board deems adequate, the board may, upon request by an owner, extend the expiration date of a permit by a period not to exceed 180 days for the purpose of allowing sufficient time for an owner to correct such deficiencies in the application as have been identified by the board and to allow completion of the application review by the board.

3. Processing time for a permit is normally 90 days

following receipt of a complete application. The board may extend this time period if additional information is required. Processing steps may include, but not be limited to:

a. Completion of the preliminary review and analysis in accordance with subsection H of this section and the preliminary decision of the board.

b. Inspection of the [stationary] source, provided an inspection has not been conducted within the last six months.

c. Public comment period, when required by subsection [R S] of this section.

d. Completion of the final review and analysis and the final decision of the board.

4. The board normally will take action on all applications after completion of the review and analysis, unless more information is needed. The board shall issue the permit or notify the applicant in writing of its decision, with its reasons, not to issue the permit.

5. Within five days after receipt of the permit pursuant to subdivision G 4 of this section, the applicant shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to the board upon request.

H. Application review and analysis.

No permit shall be granted pursuant to this section unless compliance with the standards in subsection F of this section is demonstrated to the satisfaction of the board by a review and analysis of the application performed on a source-by-source basis as specified below:

1. Applications shall be subject to a control technology review to determine if [such each emissions unit within the] source is equipped to comply with all applicable emission standards.

2. Applications may be subject to an air quality analysis to determine the impact of pollutant emissions.

I. Compliance determination and verification by testing.

1. The board may require owners of sources subject to this section to conduct such tests as are necessary to determine the type or amount or both of the pollutants emitted from the source [; or] whether the source will be in compliance with any provision of any regulation of the board [; or for any other reason to carry out the air quality programs of the board]. Such tests shall be conducted in a manner acceptable to the board.

2. The requirements under subdivision I 1 of this section shall be carried out in accordance with the provisions contained in Parts IV, V, and VI, as applicable, or by other means acceptable to the board.

J. Monitoring requirements.

1. The board may require owners of sources subject to this section to install, calibrate, operate and maintain [~~such monitoring~~] equipment [for continuously monitoring and recording emissions or process parameters or both] , and establish and maintain records, and make periodic emission reports as the board may prescribe. These requirements shall be conducted in a manner acceptable to the board.

2. The requirements under subdivision J 1 of this section shall be carried out in accordance with the provisions contained in Parts IV, V, and VI, as applicable, or by other means acceptable to the board.

K. Reporting requirements.

1. The board may require owners of sources subject to this section to establish and maintain records, provide notifications and reports, revise reports, report emission tests or monitoring results in a manner and form and using procedures as the board may prescribe. Any records, notifications, reports, or tests required under this section shall be retained by the owner for at least two years following the date of such records, notifications, reports or tests.

2. The requirements under subdivision K 1 of this section shall be carried out in accordance with the provisions contained in Parts IV, V, and VI, as applicable, or by other means acceptable to the board.

3. If a stationary source is shut down, the owner shall notify the board within six months of the date the source is shut down [and the provisions of subdivision P 5 of this section shall apply] .

L. Existence of permit no defense.

The existence of a permit under this section shall not constitute a defense to a violation of the Virginia Air Pollution Control Law or these regulations and shall not relieve any owner of the responsibility to comply with any applicable regulations, laws, ordinances and orders of the governmental entities having jurisdiction.

M. Circumvention.

Regardless of the exemptions provided in this section, [~~no owner or other person shall~~] permits shall be required of owners who [] circumvent the requirements of this section by causing or allowing a pattern of ownership or development over a geographic area of a source which, except for the pattern of ownership or development, would otherwise require a permit.

N. Compliance with local zoning requirements.

The owner shall comply in all respects with any existing zoning ordinances and regulations in the locality in which the source is located provided, however, that such compliance does not relieve the board of its duty under § 120-02-14 of these regulations and § 10.1-1307 E of the Virginia Air Pollution Control Law to independently consider relevant facts and circumstances.

O. Transfer of permits.

1. No person shall transfer a permit from one location to another, or from one piece of equipment to another.

2. In the case of a transfer of ownership or name change of a [stationary] source, the new owner shall abide by any current permit issued to the previous owner or to the same owner under the previous source name. The new owner shall notify the board of the change in ownership or source name or both within 30 days of the transfer.

P. Expiration, extension and renewal of permits.

1. In cases where a stationary source is operational, a permit or any renewal thereof shall be valid for a period not to exceed five years from the date of issuance.

2. In cases where the stationary source has been issued a permit under § 120-08-01, § 120-08-02, or § 120-08-03 and is not operational, a permit or any renewal thereof shall be valid for a period not to exceed five years from the date the source or any portion thereof becomes operational.

3. Not less than 180 days prior to the expiration date of the permit, the applicant shall make application for renewal of the permit if the applicant desires to continue operation of that source. [Penalties may be assessed if an owner submits an application to the board less than 180 days prior to the expiration date of the permit.]

4. The application for renewal of a permit shall be substantiated with current emissions data, test results, reports or other data as deemed necessary by the board.

5. Upon a final decision by the board that a stationary source is shut down permanently, the board shall revoke the permit by written notification to the owner and remove the source from the emission inventory or consider its emissions to be zero in any air quality analysis conducted; and the source shall not commence operation without a permit being issued under the applicable provisions of Part VIII.

a. The final decision shall be rendered as follows:

Final Regulations

(1) Upon a determination that the source has not operated for a year or more, the board shall provide written notification to the owner (i) of its tentative decision that the source is considered to be shut down permanently and (ii) that if the owner fails to provide within three months of the notice written response to the board that the shutdown is not to be considered permanent, the decision shall become final within six months of the notice. The response from the owner shall include the basis for the assertion that the shutdown is not to be considered permanent and a projected date for restart-up of the source.

(2) If the board should find that the basis for the assertion is not sound or the projected restart-up date allows for an unreasonably long period of inoperation, the decision to consider the shutdown permanent shall become final one year after the date of the notice of the tentative decision.

b. Nothing in these regulations shall be construed to prevent the board and the owner from making a mutual determination that a source is shutdown permanently prior to any final decision rendered under subdivision 5 a of this subsection.

[Q. Amendments to permits.

1. Amendments to permits issued under this section may be initiated by the board or the permittee.

2. A permittee shall request an amendment of a permit by applying to the board. The permittee shall include a statement of the reasons why amending the permit is necessary.

3. The board may order appropriate changes to any permit whenever it finds that the conditions of the permit will not be sufficient to meet all of the standards and requirements contained in this section.

4. Permit amendments shall be processed in the same manner and under the same requirements as permits issued under this section.

5. Permit amendments shall not be used to extend the term of the permit.

6. Permit amendments that cause no change in emissions from the source shall be deemed minor amendments, shall be processed in an expedited manner and shall be exempted from the public participation requirements in subsection S.]

[Q. R.] Enforcement.

1. Permits issued under this section shall be subject to such terms and conditions set forth in the permit as the board may deem necessary to ensure compliance with all applicable standards.

2. Regardless of the provisions of subdivisions P 1 or 2 of this section, the board may revoke any permit prior to its expiration date if the permittee:

a. Willfully makes material misstatements in the permit application or any amendments thereto;

b. Fails to comply with the terms or conditions of the permit;

c. Fails to comply with any emission standards applicable to an [affected facility emissions unit] included in the permit;

d. Causes emissions from the [stationary] source which result in violations of, or interfere with the attainment and maintenance of, any ambient air quality standard; [or fails to operate in conformance with any applicable control strategy, including any emission standards or emission limitations, in the State Implementation Plan in effect at the time that an application is submitted; or]

e. Fails to comply with the [applicable] provisions of §§ 120-08-01, 120-08-02 and 120-08-03.

[~~3.~~ The board may order appropriate changes to any permit whenever it finds that the conditions of the permit will not be sufficient to meet all of the standards and requirements contained in this section.

4. 3.] The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation contained in subdivision [~~Q 2~~ R 2] of this section or for any other violations of these regulations.

[~~5.~~ 4.] Violation of these regulations shall be grounds for revocation of permits issued under this section and are subject to the civil charges, penalties and all other relief contained in Part II of these regulations and §§ 10.1-1309, 10.1-1311 and 10.1-1316 of the Virginia Air Pollution Control Law.

[~~6.~~ 5.] The board shall notify the applicant in writing of its decision, with its reasons, to change, suspend or revoke a permit.

[R. S.] Public participation.

1. Prior to the decision of the board, permit applications for major stationary sources shall be subject to a public comment period of at least 30 days.

2. When a public comment period is required, the board shall notify the public, by advertisement in at least one newspaper of general circulation in the affected air quality control region, of the opportunity for public comment on the information available for

public inspection under the provisions of subdivision 2 a of this subsection.

a. Information on the permit application (exclusive of confidential information under § 120-02-30), as well as the preliminary review and analysis and tentative determination of the board, shall be available for public inspection during the entire public comment period in at least one location in the affected air quality control region.

b. A copy of the notice shall be sent to all local air pollution control agencies having State Implementation Plan responsibilities in the affected air quality control region, all states sharing the affected air quality control region, and to the regional administrator, U.S. Environmental Protection Agency.

3. Following the initial publication of notice of a public comment period, the board will receive written requests for a public hearing to reconsider the tentative determination of the board. The request shall be submitted within 30 days of the appearance of the notice in the newspaper. Request for a public hearing shall contain the following information:

a. The name, mailing address and telephone number of the requester.

b. The names and addresses of all persons for whom the requester is acting as a representative.

c. The reason why a hearing is requested.

d. A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative, including an explanation of how and to what extent such interest would be directly and adversely affected by the decision of the board.

4. The board shall review all timely requests for public hearing filed during the 30 days following the appearance of the public comment notice in the newspaper; and within 30 calendar days following the expiration of the public comment period shall grant a public hearing if it finds the following:

a. There is significant public interest in the permit application in question.

b. There are substantial, disputed issues relevant to the permit application in question.

5. The board shall notify by mail the applicant and each requester, at his last known address, of the decision to convene or deny a public hearing. The notice shall contain a description of procedures for the public hearing and for the final decision under

this section.

6. If the board decides to hold a public hearing, the hearing shall be scheduled at a time between 30 and 60 days after mailing the notification required in subdivision [R 5 S 5] of this section.

7. The procedures for notification to the public and availability of information used for the public comment period or provided in subdivision 2 of this subsection shall also be followed for the public hearing. The hearing shall be held in the affected air quality control region.

8. The requirements of this subsection that provide for a public hearing shall not apply to the renewal of permits provided the renewed permit does not allow an increase in any pollutant emissions.

COMMONWEALTH OF VIRGINIA DEPARTMENT OF AIR POLLUTION CONTROL	PERSON COMPLETING FORM	DATE	REGISTRATION NO.
--	------------------------	------	------------------

SECTION 1 - GENERAL INFORMATION (cont.)

If this facility has been previously registered by the Department of Air Pollution Control, list the registration number assigned. _____

LIST THE PRODUCTS MANUFACTURED AND/OR SERVICES PERFORMED AT THIS FACILITY:

LIST THE STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE(S) FOR YOUR FACILITY:

--	--	--	--	--	--	--	--	--	--	--	--

ZONING - is location zoned? Yes _____ No _____

- if yes, specify classification _____

MILESTONES	ESTIMATED STARTING DATE	ESTIMATED COMPLETING DATE
New source construction	_____	_____
New equipment installation	_____	_____
Modification of existing process or equipment	_____	_____
Transfer of ownership or location	_____	_____
Start Up	_____	_____

DAPC - FORM 7 (Section 1, Page 2)
(Rev. 9/89)

SECTION 2 - FUEL BURNING EQUIPMENT

COMPANY NAME	DATE	REGISTRATION NUMBER
ADDRESS	PERSON COMPLETING FORM	

REF. NO.	EQUIPMENT MANUFACTURER AND MODEL NUMBER	* MAXIMUM RATED HEAT CAPACITY MILLION BTU/HR INPUT	TYPE OF EQUIPMENT (use Code A)	MAXIMUM RATED STEAM FLOW			USAGE (use Code B)
				QUANTITY (lb/hr)	PRESS. (psig)	TEMP. (,F)	

* FOR EACH FUEL

- Code A - Equipment Type
1. Pulverized Coal-Wet Bottom
 2. Pulverized Coal-Dry Bottom
 3. Pulverized Coal- Cyclone Furnace
 4. Spreader Stoker
 5. Chain or Traveling Grate Stoker
 6. Underfeed Stoker
 7. Hand Fired Coal

8. Oil, Tangentially Fired
9. Oil, Horizontally Fired (except rotary cup)
10. Gas, Tangentially Fired
11. Gas, Horizontally Fired
12. Wood with Flyash Reinjection (specify %)
13. Wood without Flyash Reinjection
14. Combustion Turbine (specify type)
99. Other (specify) _____

- Code B - Usage
1. Boiler, Steam
 2. Boiler, Other (specify)
 3. Space Heating (air)
 4. Process Heat (air)
 99. Other (specify) _____

DAPC - FORM 7 (Section 2, Page 1A.1)

Final Regulations

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AIR POLLUTION CONTROL

DATE	REGISTRATION NUMBER
------	---------------------

SECTION 2 - FUEL BURNING EQUIPMENT

FUEL(S) DATA								
REF. NO.	*TYPE OF FUEL	** MAXIMUM EXPECTED BURNED/HOUR (specify units)	** MAXIMUM EXPECTED BURNED/DAY (specify units)	PAST FIVE YEARS	**HIGHEST ACTUAL BURNED/YEAR (specify units)	HIGHER HEATING VALUE (specify units)	MAX. % SULFUR	MAX. % ASH
				1985	1986	1987		
				1985				
				1986				
				1987				
				1988				
				1989				
				1985				
				1986				
				1987				
				1988				
				1989				

* Identify All Types of Fuels (Including Auxiliary Fuels, In-Process Fuels) and Corresponding Data
** Use Tons for Solid Fuels, Thousands of Gallons for Liquids, Millions of Cubic Feet for Gaseous Fuels

DAPC - FORM 7 (Section 2, Page 1A.2)

SECTION 2 - PROCESSING AND MANUFACTURING OPERATIONS

COMPANY NAME	DATE	REGISTRATION NUMBER
ADDRESS	PERSON COMPLETING FORM	

REF. NO.	* PROCESS OR OPERATION NAME	** MAX. RATED CAPACITY ____/HR	PAST FIVE YEARS	**HIGHEST ACTUAL FEED INPUT			**HIGHEST ACTUAL PROD. OUTPUT		
				____/HR	____/DAY	____/YR	____/HR	____/DAY	____/YR
				1985					
				1986					
				1987					
				1988					
				1989					
				1985					
				1986					
				1987					
				1988					
				1989					

* Include flow diagram (process schematic) relating process steps and a narrative description including feed materials, product materials, reaction intermediates and by-products; attach MSDS for raw materials used and products manufactured.

** Specify units for each operation in Tons, Pounds, Gallons, Etc...

DAPC - FORM 7 (Section 2, Page 1B)

Final Regulations

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AIR POLLUTION CONTROL

DATE	REGISTRATION NUMBER
------	---------------------

SECTION 2 - EMISSIONS

REF. NO.	PAST FIVE YEARS	MAXIMUM EMISSION RATES TO ATMOSPHERE OF CRITERIA POLLUTANTS														BASIS OF EMISSION ESTIMATES (use Code F)	
		*TOTAL SUSP. PARTICULATE MATTER (TSP)		*PARTICULATE (PM 10)		SULFUR DIOXIDE (SO2)		NITROGEN OXIDES (NOX)		CARBON MONOXIDE (CO)		*VOLATILE ORGANIC COMPOUNDS (VOC)		LEAD (Pb)			
		LB/HR	T/YR	LB/HR	T/YR	LB/HR	T/YR	LB/HR	T/YR	LB/HR	T/YR	LB/HR	T/YR	LB/HR	T/YR		
	1985																
	1986																
	1987																
	1988																
	1989																
	1985																
	1986																
	1987																
	1988																
	1989																

* TSP, PM10 and VOC's should be split up by component and reported on Page 6 as NONCRITERIA POLLUTANTS

Code F - Emission Estimate Method

- | | |
|---|-------------------------------|
| 1. Stack Test (include a copy) | 3. Emission Factor (Identify) |
| 2. Material Balance (show calculations) | 99. Other (describe) |

DAPC - FORM 7 (Section 2, Page 5)

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AIR POLLUTION CONTROL

DATE	REGISTRATION NUMBER
------	---------------------

SECTION 2 - EMISSIONS

REF. NO.	PAST FIVE YEARS	MAXIMUM EMISSION RATES TO ATMOSPHERE OF CRITERIA POLLUTANTS														BASIS OF EMISSION ESTIMATES (use Code F)	
		*TOTAL SUSP. PARTICULATE MATTER (TSP)		*PARTICULATE (PM 10)		SULFUR DIOXIDE (SO2)		NITROGEN OXIDES (NOX)		CARBON MONOXIDE (CO)		*VOLATILE ORGANIC COMPOUNDS (VOC)		LEAD (Pb)			
		LB/HR	T/YR	LB/HR	T/YR	LB/HR	T/YR	LB/HR	T/YR	LB/HR	T/YR	LB/HR	T/YR	LB/HR	T/YR		
	1985																
	1986																
	1987																
	1988																
	1989																
	1985																
	1986																
	1987																
	1988																
	1989																

* Specify which pollutants are also reported on Page 5 as TSP, PM10 or VOC's

Code F - EMISSION ESTIMATE METHOD

- | | |
|---|-------------------------------|
| 1. Stack Test (include a copy) | 3. Emission Factor (Identify) |
| 2. Material Balance (show calculations) | 99. Other (describe) |

DAPC - FORM 7 (Section 2, Page 6)

Final Regulations

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AIR POLLUTION CONTROL

DATE	REGISTRATION NUMBER
------	---------------------

SECTION 3 - LIQUID STORAGE TANKS, LOADING RACKS, AND OIL-WATER SEPARATORS (Cont.)
STORAGE TANKS (Cont.)

REF. NO.	FIXED ROOF ONLY				FLOATING ROOF ONLY			PAST FIVE YEARS	HIGHEST ACTUAL RATES TO ATMOSPHERE			BASIS OF EMISSION ESTIMATES (use Code J)	
	TANK COLOR		INTERNAL TANK HEIGHT (ft.)	MAXIMUM HOURLY FILLING (1000 gal.)	MAXIMUM DAILY FILLING (1000 gal.)	SEAL TYPE (use Code I)	MAXIMUM HOURLY WITHDRAWAL (1000 gal.)		MAXIMUM DAILY WITHDRAWAL (1000 gal.)	LB/HR	LB/DAY		TONS/YR
	SHELL	ROOF											
								1985					
								1986					
								1987					
								1988					
								1989					

Code I - Seal Type

- External Only
1. Metallic Shoe
 - (a) primary only
 - (b) shoe mounted secondary
 - (c) rim mounted secondary
 2. Liquid Mounted Resilient, weather shield
 3. Vapor Mounted Resilient, weather shield
- External or Internal
4. Liquid Mounted Resilient, primary only
 - (a) external
 - (b) internal
 5. Liquid Mounted Resilient, secondary
 - (a) external
 - (b) internal

DAPC - FORM 7 (Section 3, Page 2)

6. Vapor Mounted Resilient - Primary Only
 - (a) external
 - (b) internal
8. Vapor Mounted Resilient - Rim Mounted Secondary
 - (a) external
 - (b) internal
99. Other, (specify) _____

Code J - Emission Estimate Method

1. Compliance Test (include a copy)
2. Material Balance (show calculations)
3. Emission Factor (identify)
99. Other, (describe)

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AIR POLLUTION CONTROL

DATE	REGISTRATION NUMBER
------	---------------------

SECTION 3 - LIQUID STORAGE TANKS, LOADING RACKS, AND OIL-WATER SEPARATORS (Cont.)
LOADING RACKS

REF. NO.	NAME OF PRODUCT LOADED FROM RACK	TYPE OF LOADING (use Code K)	TYPE OF HATCH VAPOR CLOSURE ON LOADING ARMS (use Code L)	MAX. GAL. LOADED PER HOUR (1000 gal.)	MAXIMUM EXPECTED GAL. LOADED PER DAY (1000 gal.)	PAST FIVE YEARS	HIGHEST ACTUAL GALLONS LOADED PER YEAR (1000 gal.)	TOTAL LOADING LOSSES (lb/1000 gal.)	BASIS OF LOSSES ESTIMATES (use Code J)
						1985			
						1986			
						1987			
						1988			
						1989			
						1985			
						1986			
						1987			
						1988			
						1989			

Code J - Emission Estimate Method

Code K - Type of Loading

Code L - Type of Hatch Vapor Closure on Loading Arms

1. Compliance Test (include a copy)
 2. Material Balance (show calculations)
 3. Emission Factor (identify)
 99. Other, (describe)
- DAPC - FORM 7 (Section 3, Page 3 A)

1. Overhead Loading - splash fill, normal service
2. Overhead Loading - submerged fill, normal service
3. Bottom Loading - normal service
4. Overhead Loading - splash fill, balanced service
5. Overhead Loading - submerged fill, balanced service
6. Bottom Loading - balanced service

5. None, Open to Air
6. Emco-Wheaton
7. OPW
8. Chiksan-LTV
99. Other (specify) _____

Final Regulations

AUCTIONEERS BOARD

Title of Regulation: VR 150-01-2. Rules and Regulations of the Virginia Auctioneers Board.

Statutory Authority: §§ 54.1-113, 54.1-201 and 54.1-602 of the Code of Virginia.

Effective Date: May 22, 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 7:4 VA.R. 461-465 November 19, 1990.

VIRGINIA STATE LIBRARY AND ARCHIVES (LIBRARY BOARD)

Title of Regulation: VR 440-02-02. Requirements Which Must Be Met in Order to Receive Grants-In-Aid.

Statutory Authority: § 42.1-52 of the Code of Virginia.

Effective Date: July 1, 1992.

Summary:

This regulation implements House Document No. 14 which addresses local minimum operating expenditure requirements libraries must meet to receive grants by securing the local funds to maintain, develop, and improve information services and fulfill the intent of the state aid law (§ 42.1-48) by increasing the minimum local operating expenditure requirement from two dollars per capita to 50% of the median statewide local operating expenditures.

The regulation responds to the need to improve public library service by specifying a reduction of state aid grant funding where a certified librarian is not employed, by improving access through evening hours of service, by installation of a telephone and listed number, and the provision of basic services free of charge.

VR 440-02-02. Requirements Which Must Be Met in Order to Receive Grants-In-Aid.

In order to qualify for grants-in-aid, all libraries serving more than 5,000 persons shall meet the following requirements by July 1, 1992:

I. Be organized under the appropriate section of the Code of Virginia. Not more than one library in a county or regional library system or a municipal governmental unit may receive a grant.

II. Submit to the State Library Board:

1. Charter, resolution, or other legal papers under

which they are organized.

2. A copy of the by-laws of the board of trustees, a list of trustees, revised as changes occur.

3. A five-year plan, adopted by the governing body of the library service in the area (areas) served. In order to receive continuing grants, this plan must be updated annually.

4. A written statement of policy covering such items as: service, personnel, and maintenance of book collections and other materials.

5. Statistical and financial reports including audits and statements of progress of the plan as requested.

6. A copy of the budget for the expenditure of local funds, not including anticipated state and federal funds. This must be submitted annually.

III. 3. Have local operating expenditures of at least \$1.75 per capita by July 1, 1980 and \$2.00 per capita by July 1, 1981 50% of the median statewide local operating expenditures per capita, two-thirds of which must be from taxation or endowment. The median shall be recalculated each biennium. Libraries obtaining aid for the first time must meet the lower requirement within two years after approval of first grant and the higher within three years or those falling below the 50% median must meet the requirement within five years. Libraries which fall below 50% of the median in local expenditures per capita must submit a plan to the State Library Board for reaching the minimum requirement. The plan must include a schedule of annual increases in local expenditures of not less than 20% of the amount needed to attain local per capita expenditures of 50% of the median within five years.

Local operating expenditures from taxation or endowment for any library, or library system, shall not fall below that of the previous year. In cases where the budgets of all the departments of the local government are reduced below those of the previous year, the library's state grant-in-aid would be reduced. The State Library may require that the amount of such reduction in the library's total expenditure be subtracted from the library's eligibility and that the state grant be reduced accordingly. If the library's budget is reduced and other agencies' budgets are not, then the library would receive no state grant-in-aid and would be ineligible for one until local expenditures shall have again reached or exceeded the local effort at the time of the last previous grant.

The library would be ineligible for any federal funds if local funds are reduced below that of the previous year.

Grants-in-aid shall be used as supplements to local

funds.

The amount of any undesignated balance in the local operating budget at the end of the fiscal year which exceeds 10% will be subtracted from the grant which is based on that year's expenditures.

~~IV.~~ 4. Have certified librarians in positions as required by state law. *Libraries failing to employ a certified librarian in the position of director will have their state aid grant reduced by 25%.*

~~V.~~ 5. Keep open a headquarters library or centrally located branch at least 40 hours a week for a full range of library services. This schedule must include at least ~~four~~ *three consecutive* evening hours and appropriate weekend hours. *Evening hours are defined as the hours after 5 p.m.*

~~VI.~~ 6. Maintain an up-to-date reference collection and set up procedures for securing materials from other libraries through interlibrary loan.

Organize materials for convenient use through shelf arrangement, classification and cataloging, and provide a catalog of its resources.

Stimulate use of materials through publicity, displays, reading lists, story hours, book talks, book and film discussions and other appropriate means.

Lend guidance in all outlets to individuals in the use of informational, education, and recreational materials.

Lend assistance to civic, cultural, and educational organizations in locating and using materials for program planning, projects, and the education of members.

Maintain a collection of currently useful materials by annual additions and systematic removal of items no longer useful to maintain the purposes of quality of its resources.

Have a telephone and the number of the telephone listed in the local telephone directory.

Provide the basic services listed in this section free of charge to the public as required by law.

~~VII.~~ 7. Every regional, county, and city library serving an area of more than 400 square miles, ~~and/~~ or more than 25,000 persons, must provide some form of extension service acceptable to the board.

~~VIII.~~ 8. If a library system has two or more service units, either branches or stations, it must maintain a scheduled, frequent delivery system

~~IX.~~ 9. The Library Board may, at its discretion, make exceptions for a specified period of time to any single

requirement listed above. The exception will be made only if the library can show that a real effort has been made to meet the requirement and that significant progress has been made toward meeting this requirement.

BUDGET FOR THE EXPENDITURE
OF STATE AID
FY1990-1991

Books and Materials _____
 Salaries (1) _____
 Equipment (2) _____
 (Specify separately) _____
 Furniture _____
 Supplies (3) _____
 Other (4) _____
 Contractual Services (5) _____
 (Specify by contractor) _____
 TOTAL _____

(See other side for additional instructions)

Approved:

 Karen Wilson, Assistant Director
 for State and Federal Programs Signature _____
 _____ Title _____
 Date Library _____
 _____ Date Submitted _____

Return the budget to Karen S. Wilson, Assistant Director for State and Federal Programs, Public Library Development Division, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219

To avoid delays in receiving state aid checks, two copies of this form MUST BE RECEIVED by the Virginia State Library BY AUGUST 1, 1990.

(OVER)

(1) List name and amount of state aid to be used for each certified librarian. Remember that up to 25% of the state aid grant may be used for salaries and benefits. DO NOT round dollars upward if you are using the entire 25%.

(2) List, by type, equipment having a useful life of more than one year and an acquisition cost of \$750 or more per unit.

(3) Refer to Instructions for Expenditure of State Aid Grants for definition of allowable supplies.

(4) List other planned uses of state aid which do not fall under the categories above. The State Library will review the items for compliance.

(5) List all maintenance contracts for equipment by vendor name.

APPLICATION FOR STATE AID GRANT

Virginia State Library and Archives
Public Library Development Division
11th Street at Capitol Square
Richmond, Virginia 23219-3419

Date: _____

Application is made for a State Aid Grant and for authorization to expend funds as provided by the Code of Virginia and the Requirements Which Must Be Met In Order To Receive Grants-In-Aid as established by the State Library Board.

Library: _____
Address: _____
Telephone Number: () _____
Fax Number: () _____

Type of library:
 City County
 Regional Town

Library is open _____ hours per week
 Number of evening (after 5:00 p.m.) hours per week _____
 Number of weekend hours per week _____
(see Requirements, V)

Type of delivery system (see Requirements, VIII.)

Type of extension service provided (see Requirements, VII.)
 _____ Bookmobile/van
 _____ contact hours
 _____ Branch
 _____ Books-By-Mail

DO NOT WRITE IN THIS SPACE

Approved: _____
 Director, Public Library Development

State Librarian
 Date: _____ Amount: \$ _____

The library system was established in (year) _____ and is organized under the Code of Virginia (check one):
 Section 42.1-33 Section 42.1-37
 Section 42.1-34 Section 42.1-43

Other (specify): _____
 Number of governmental units served:
 City _____ County _____ Town _____

Governing Body is: _____
(see Code of Virginia, Section 42.1-35 and 36)

The Board of Trustees is (check one):
(see Code of Virginia, Section 42.1-35 and 36)
 Governing Advisory

The Board of Trustees is (check one):
 Appointed Elected and has _____ members

Number of staff certified by the Virginia State Library Board:
(See Requirements, IV.)

This is to affirm that the Library Director is *certified* by the Virginia State Library Board.

 Librarian's signature

 Signature of Chair of Board of Trustees
 or
 Authorized Representative of Governing Body

 Certificate Number

This is to notify the Virginia State Library Board that the Library Director is *not certified*.

 Librarian's signature

 Signature of Chair of Board of Trustees
 or
 Authorized Representative of Governing Body

Librarian is appointed by:
 Board of Trustees County Administrator City or Town Manager Other (specify) _____

Give the complete name, title, address, and telephone number of the person to whom the librarian directly reports:
 Name: _____ Title: _____
 Address: _____
 Telephone Number: () _____

Give the complete name, title, address, and telephone number of the person who handles all library funds (i.e., the treasurer or fiscal officer who signs the checks):
 Name: _____ Title: _____
 Address: _____
 Telephone Number: () _____

Give the names, titles, and complete addresses of the local governing officials (i.e., Chair of Board of Supervisors, County Administrator, City Manager, Town Manager, etc. in each (city, county, town) jurisdiction to whom notification of the State Aid Grant must be mailed:

1. Name: _____ Title: _____
 Address: _____

2. Name: _____ Title: _____
 Address: _____

3. Name: _____ Title: _____
 Address: _____

4. Name: _____ Title: _____
 Address: _____

5. Name: _____ Title: _____
 Address: _____

6. Name: _____ Title: _____
 Address: _____

7. Name: _____ Title: _____
 Address: _____

8. Name: _____ Title: _____
 Address: _____

CERTIFIED FINANCIAL STATEMENT
for fiscal year ending June 30, 1990

Please have two (2) copies of this form executed by the official disbursing officer for your library funds, notarized by a notary public, and returned to us NOT LATER than September 15, 1990.

Name of Library (system)

OPERATING INCOME BY SOURCE

(Include only amounts authorized for operating expenditures. Transfer totals from page 7. DO NOT submit separate certified financial statements from individual jurisdictions. ROUND OFF TO NEAREST DOLLAR.)

	LOCAL	COMMON GOVERNMENTAL FUNDS	TOTAL
1. Governmental units			
1a. City of _____	_____	_____	_____
1b. County of _____	_____	_____	_____
1c. County of _____	_____	_____	_____
1d. County of _____	_____	_____	_____
1e. County of _____	_____	_____	_____
1f. Town of _____	_____	_____	_____
1g. TOTAL GOVERNMENTAL INCOME	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Other Income			
2a. Income from endowments _____	_____	_____	_____
2b. Income from investments, savings, etc. _____	_____	_____	_____
2c. Income from monetary gifts _____	_____	_____	_____
2d. Miscellaneous income _____	_____	_____	_____
2e. Available balance of local funds from last year _____	_____	_____	_____
2f. TOTAL OTHER INCOME	<input type="text"/>	_____	<input type="text"/>
3. TOTAL LOCAL INCOME	<input type="text"/>	<input type="text"/>	<input type="text"/>

OPERATING INCOME BY SOURCE (Continued from page 1.)

4. State Grants	
VSLA STATE AID GRANT	<input type="text"/>
5. Other VSLA State Grants	
5a. Large Print Grant _____	_____
5b. Subregional Grant _____	_____
5c. TOTAL OTHER VSLA GRANTS	<input type="text"/>
6. VSLA Federal Grants (please specify)	
_____	_____
_____	_____
_____	_____
_____	_____
TOTAL VSLA FEDERAL GRANTS	<input type="text"/>
7. Other Grants (please specify)	
_____	_____
_____	_____
_____	_____
_____	_____
TOTAL OTHER GRANTS	<input type="text"/>
8. TOTAL GRANTS	<input type="text"/>
9. GRAND TOTAL OPERATING INCOME	<input type="text"/>

OPERATING EXPENDITURES

(Include only amounts actually spent, by source. ROUND OFF TO NEAREST DOLLAR.)

	LOCAL	STATE AID GRANT	OTHER VSLA STATE GRANTS	VSLA FEDERAL GRANTS	OTHER	GRAND TOTAL
10. <i>Books & Related Materials</i>						
10a. Books						
10b. Newspaper & periodical subscriptions						
10c. Binding						
10d. Audiovisual materials						
10e. Microforms						
10f. Other nonbook materials (list)						
10g. TOTAL MATERIALS EXPENDITURES						
11. <i>Salaries</i>						
11a. Professional staff						
11b. Non-professional staff						
11c. Custodial staff						
11d. Fringe benefits						
11e. TOTAL SALARY EXPENDITURES						
12. <i>Equipment</i>						
12a. Bookmobile						
12b. Other vehicles						
12c. Library equipment						
12d. Audiovisual equipment						
12e. Computer hardware						
12f. TOTAL EQUIPMENT EXPENDITURES						

OPERATING EXPENDITURES (Continued from page 3.)

	LOCAL	STATE AID GRANT	OTHER VSLA STATE GRANTS	VSLA FEDERAL GRANTS	OTHER	GRAND TOTAL
13. <i>Contractual Services</i>						
13a. Equipment rental & svcs.						
13b. Computer services						
13c. Payments to another jurisdiction (specify jurisdiction)						
13d. Other (specify)						
13e. TOTAL CONTRACTUAL EXPEND.						
14. OTHER (Do not include sinking funds or capital expenditures)						
14a. Rent						
14b. Supplies						
14c. Travel						
14d. Utilities						
14e. Telephone						
14f. Insurance						
14g. Bookmobile (operation / maintenance)						
14h. Computer software						
14i. All other (specify)						
14j. TOTAL OTHER EXPENDITURES						
15. GRAND TOTAL OPERATING EXPENDITURES						

CERTIFICATION

Signature _____

Title of Official Disbursing Officer _____

THE FOLLOWING CERTIFICATE MUST BE EXECUTED BY A NOTARY PUBLIC OR OTHER PERSON AUTHORIZED TO TAKE ACKNOWLEDGEMENTS:

STATE OF: _____

COUNTY OF: _____

On this ____ day of _____, 19 __, _____ whose name is signed to the foregoing instrument, personally appeared before me, acknowledged the foregoing signature to be his/hers and having been duly sworn by me, made oath that the statements in the said instrument are true.

My commission expires: _____

Notary Public _____

RECAPITULATION

	LOCAL	STATE AID GRANT	OTHER VSLA STATE GRANTS	VSLA FEDERAL GRANTS	OTHER	GRAND TOTAL
16. TOTAL OPERATING INCOME (#3,4,5c,6,7)	_____	_____	_____	_____	_____	_____
17. TOTAL OPERATING EXPENDITURES (#15)	_____	_____	_____	_____	_____	_____
18. BALANCE AT END OF FISCAL YEAR	=====	=====	=====	=====	=====	=====
19. Reverted to appropriating authority	_____	_____	_____	_____	_____	_____
20. Available for next fiscal year (carryover)*	_____	_____	_____	_____	_____	_____

*Specify use to be made of funds carried over (encumbered, sinking funds, etc.)

NOTE: Were any funds expended for library purposes from common governmental funds which are not included under local income and expenditures?

Yes No If yes, for what purposes? _____

21. CAPITAL EXPENDITURES

	GRAND TOTAL
21a. Construction costs of new buildings	_____
21b. Architect's fees	_____
21c. Purchase of land	_____
21d. Additions to buildings	_____
21e. Major remodeling	_____
21f. Furniture and equipment	_____
21g. Other (please specify)	_____
21h. TOTAL CAPITAL EXPENDITURES	=====

CFS,PM3
07/93

OPERATING INCOME BY SOURCE
INDIVIDUAL GOVERNMENTAL UNITS

Use this worksheet to breakout income from governmental sources. City, county, and town libraries must report income under only one source on page one. Regional libraries must report income by city and county and include any town income in the county total on page one. Include all income from all local governmental units. Do NOT submit separate certified financial statements from individual governmental units. Transfer the following totals to page one of the certified financial statement: Operating Income By Source (#1).

NAME	LOCAL	COMMON GOVERNMENTAL FUNDS	TOTAL
CITY of:	_____	_____	_____
TOWN of:	_____	_____	_____
COUNTY of:	_____	_____	_____
Town:	_____	_____	_____
Town:	_____	_____	_____
Town:	_____	_____	_____
Town:	_____	_____	_____
TOTAL	_____	_____	_____
COUNTY of:	_____	_____	_____
Town:	_____	_____	_____
Town:	_____	_____	_____
TOTAL	_____	_____	_____
COUNTY of:	_____	_____	_____
Town:	_____	_____	_____
Town:	_____	_____	_____
TOTAL	_____	_____	_____
COUNTY of:	_____	_____	_____
Town:	_____	_____	_____
TOTAL	_____	_____	_____

Final Regulations

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

NOTICE: Due to the length of VR 460-02-2.2100 and VR 460-02-2.6100, only the amended pages of the regulations and a summary are being published. The full text of the regulations may be viewed at the office of the Registrar of Regulations or the Department of Medical Assistance Services. The full text of VR 460-03-2.6105 and VR 460-03-2.6112 is being published.

Title of Regulation: State Plan for Medical Assistance Relating to Restoration of Income and Resource Methodologies.

VR 460-02-2.2100. Groups Covered and Agencies Responsible for Eligibility Determination.

VR 460-02-2.6100. 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 460-03-2.6112. More Liberal Methods under Social Security Act § 1902(r)(2).

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

Effective Date: May 30, 1991.

Summary:

The sections of the Plan affected by this action are Attachment 2.2-A, Groups Covered and Agencies Responsible for Eligibility Determination; Attachment 2.6-A, Eligibility Conditions and Requirements; and Supplements 5 (Methodologies for Treatment of Income and Resources that Differ from Those of the SSI Program) and 12 (More Liberal Methods under Social Security Act § 1902(r)(2)). The differences between this regulation and the existing emergency regulation resulted from recommendations from the department's staff following a policy review and from the Health Care Financing Administration.

The authority to impose more restrictive eligibility requirements was originally given to states in 1972, in § 209(b) of P.L. 92-603 which added § 1902(f) of the Social Security Act. The intent was to help states whose eligibility criteria for Aid to the Aged, Aid to the Blind and Aid to the Permanently and Totally Disabled had been more restrictive than the national eligibility standards for the new SSI Program. Mandating Medicaid eligibility for all SSI eligibles would have resulted in additional expenditures of state funds for the cost of Medicaid.

The 209(b) option allows the state the flexibility to set eligibility criteria more restrictive than SSI but no more restrictive than those set by the State Medicaid Program on January 1, 1972.

In Virginia the 209(b) option has been used to contain Medicaid expenditures when changes in selected areas

of eligibility criteria for SSI would have caused large additional expenditures for Medicaid. The more restrictive criteria have concentrated on the way resources are handled, and include:

1. Limiting the ownership of property contiguous to the home site;
2. Prohibiting presumptive eligibility and disability;
3. Prohibiting conditional eligibility;
4. Counting the value of interests in undivided estates;
5. Limiting the time a home is exempt for individuals in nursing homes to six months from admission;
6. Counting the value of jointly owned property.

Section 303(e) of the Medicare Catastrophic Coverage Act created a new section of the Social Security Act, 1902(r)(2)(A) which reads "The methodology to be employed in determining income and resource eligibility for individuals under subsection (a)(10)(A)(i)(III), (A)(10)(A)(i)(IV), (a)(10)(A)(ii), (a)(10)(C)(i)(III), or under subsection (f) may be less restrictive, and shall be no more restrictive, than the methodology:

(i) in the case of groups consisting of aged, blind, or disabled individuals, under the Supplemental Security Income Program under Title XVI, or

(ii) in the case of other groups, under the State plan most closely categorically related."

Because the provision referenced subsection f, the statutory authority to impose more restrictive eligibility criteria, the Department of Medical Assistance Services (DMAS) sought clarification from the Health Care Financing Administration (HCFA) as to whether this language prohibited Virginia from continuing to impose the more restrictive income and resource methodologies for contiguous property, undivided estates, the limited exemption of the home for a nursing home patient, and jointly owned property. HCFA advised DMAS by letter dated November 21, 1988, that "We conclude that Virginia and other § 1902(f) States [sic] can continue to reflect in their Medicaid plans more restrictive eligibility requirements consistent with the authority of § 1902(f)." Upon receiving this interpretation from HCFA, DMAS did not change its 209(b) eligibility rules.

A class action lawsuit filed on February 10, 1989, in the U.S. District Court in Harrisonburg charged that Virginia's State Plan for Medical Assistance violated § 1902(r) of the Social Security Act. On October 25, 1989, the court issued an injunction prohibiting the Commonwealth from using more restrictive income

and resource methodologies for the Aged, Blind or Disabled in determining Medicaid eligibility. In order to comply with the court order, emergency regulations were promulgated on December 29, 1989, which eliminated the more restrictive methodologies.

DMAS sought a stay from the District Court which was refused. DMAS then appealed and a stay of the injunction was granted on January 24, 1990, by the 4th Circuit Court of Appeals. Upon receipt of the stay, an emergency regulation was then promulgated on May 30, 1990, to restore these policies. On September 24, 1990, the 4th Circuit Court of Appeals reversed the District Court's decision and found that federal law permits Medicaid to have more restrictive income and resource methodologies than those imposed by the Supplemental Security Income Program.

As necessitated by the January 24th stay, the Governor directed DMAS to restore the policies extant before the original court order. DMAS promulgated an emergency regulation. This regulatory action proposes permanent regulations to supersede the temporary emergency language.

No comments from the public were received. The Office of the Registrar did request several technical, editing changes in the regulations. The Department of Planning and Budget's review surfaced no outstanding issues of concern. Recommendations regarding language placement from the HCFA have been reflected in this final regulation.

Final Regulations

VR 460-02-2.2100. Groups Covered and Agencies Responsible for Eligibility Determination.

Revision: HCFA-PM-87-4
MARCH 1987

(BERC)

ATTACHMENT 2.2A
Page 6a
OMB NO.: 0938-0193

Agency*	Citation(s)	Groups Covered
		e. Have earnings that are not sufficient to provide for himself or herself a reasonable equivalent of the Medicaid, SSI (including any Federally administered SSP), or public funded attendant care services that would be available if he or she did have such earnings.
		Not applicable with respect to individuals receiving only SSP because the State either does not make SSP payments or does not provide Medicaid to SSP only recipients.
1619(b)(8) of the Act, P. L. 99-643 (Section 7)		XX. The State applies more restrictive eligibility requirements for Medicaid than under SSI and under 42 CFR 435.121. Individuals who qualify for benefits under section 1619(a) of the Act or individuals described above who meet the eligibility requirements for SSI benefits under section 1619(b)(1) of the Act and who met the State's more restrictive requirements in the month before the month they qualified for SSI under section 1619(a) or met the requirements of section 1619(b)(1) of the Act are covered. Eligibility for these individuals continues as long as they continue to qualify for benefits under section 1619(a) of the Act or meet the SSI requirements under section 1619(b)(1) of the Act.
1634(c) of the Act, P.L. 99-643 (Section 6)		11. Blind or disabled individuals who-- <ul style="list-style-type: none"> a. Are at least 18 years of age; b. Lose SSI eligibility because they become entitled to OASDI child's benefits under section 202(d) of the Act or an increase in these benefits based on their disability. Medicaid eligibility for these individuals continues for as long as they would be eligible for SSI, absent their OASDI eligibility.

*Agency that determines eligibility for coverage.

VR 460-02-2.6100. Eligibility Conditions and Requirements.

Revision: HCFA-PM-87-4 (BERC) ATTACHMENT 2.6-A
 MARCH 1987 Page 9
 OMB No.: 0938-0193

Citation	Condition or Requirement
1905(p)(1)(c) and (m)(5)(B) of the Act, P.L. 99-509 (Secs. 9403(b) and (f))	f. In determining countable income for qualified Medicare beneficiaries covered under Section 1902(a)(10)(E) of the Act, the following disregards are applied: <u>XX</u> The disregards of the SSI program. _____ The disregards of the State supplementary payment program, as follows: [XX] The disregards of the SSI program except for the following restrictions, applied under the provisions of Section 1902(f) of the Act.

Supplement 1 to ATTACHMENT 2.6-A specifies for non-1902(f) and 1902(f) states the income levels for optional categorically needy groups of individuals with incomes up to the Federal nonfarm income poverty line-pregnant women and infants or children covered under §1902(a)(10)(A)(ii)(IX) of the Act and aged and disabled individuals covered under §1902(a)(10)(A)(ii)(X) of the Act--and groups of qualified Medicare beneficiaries covered under §1902(a)(10)(E) of the Act.

Supplement 7 to ATTACHMENT 2.6-A specifies for 1902(f) states the income levels for categorically needy aged, blind and disabled persons who are covered under requirements more restrictive than SSI.

Supplement 1 to ATTACHMENT 2.6-A specifies for non-1902(f) and 1902(f) states the income levels for optional categorically needy groups of individuals with incomes up to the Federal nonfarm income poverty line-pregnant women and infants or children covered under §1902(a)(10)(A)(ii)(IX) of the Act and aged and disabled individuals covered under §1902(a)(10)(A)(ii)(X) of the Act--and groups of qualified Medicare beneficiaries covered under §1902(a)(10)(E) of the Act.

Revision: HCFA-PM-87-4 (BERC) ATTACHMENT 2.6-A
 MARCH 1987 Page 12
 OMB No.: 0938-0193

Citation	Condition or Requirement
1902(a)(10) and 1902(m)(1) (C) of the Act P.L. 97-248 (Section 137) and P.L. 99-509 (Section 9402)	4. Other deductions from income applied under the Medicaid Plan. 5. Required incurred medical and remedial services. 5. Resource Exemptions - Categorically and Medically Needy. [*] a. Except as specified in item C.5.e. below, in determining countable resources for AFDC related individuals, the disregards and exemptions in the State's approved AFDC plan are applied. For the Medically needy, See Supplement 5 to Attachment 2.6A. b. In determining countable resources for aged individuals, including aged individuals with incomes up to the Federal nonfarm poverty line described in section 1902(m)(1) of the Act, the following disregards are applied: _____ The disregards of the SSI program. <u>XX</u> The disregards of the SSI program, except for the following restrictions, applied under the provisions of section 1902(f) of the Act: See NOTE below Supp. 5 to Attachment 2.6A. c. In determining countable resources for blind individuals, the following disregards are applied: _____ The disregards of the SSI program. <u>XX</u> The disregards of the SSI program, except for the following restrictions applied under the provisions of section 1902(f) of the Act: See Supp. 5 to Attachment 2.6-A

[*]NOTE: The State uses more liberal resource exemptions than the cash assistance programs, as allowed under DEFRA. See Supplement [§ 12] to Attachment 2.6-A for the exemptions used for all medically needy groups. Prior approved state plan pages are appended.

Revision: HCFA-PM-87-4 (BERC) ATTACHMENT 2.6-A
 MARCH 1987 Page 13
 OMB No.: 0938-0193

Revision: HCFA-PM-87-4 (BERC) ATTACHMENT 2.6-A
 MARCH 1987 Page 14
 OMB No.: 0938-0193

Citation	Condition or Requirement
1902(a)(10) and 1902(m)(1)(C) of the Act, P.L. 97-248 (Section 137) and P.L. 99-509 (Section 9402)	<p>d. In determining countable resources for disabled individuals, including disabled individuals with incomes up to the Federal nonfarm poverty line described in section 1902(m)(1) of the Act, the following disregards are applied:</p> <p>— The disregards of the SSI program.</p> <p><u>XX</u> The disregards of the SSI program, except for the following restrictions applied under the provisions of §1902(f) of the Act:</p> <p>See NOTE//b&b//174 Supplement 5 to Attachment 2.6A.</p>
1902(1)(3)(B) of the Act, P.L. 99-509 (Section 9401(b))	<p>e. In determining countable resources of women during pregnancy and during the 60-day period beginning on the last day of pregnancy covered under the provisions of section 1902(a)(10)(A)(ii)(IX) of the Act, the following disregards are applied:</p> <p><u>XX</u> Not applicable. No resource standard is applied.</p> <p>— The disregards of the SSI program.</p> <p>— The following disregards which are different but not more restrictive than the disregards of the SSI program:</p>

Citation	Condition or Requirement
1902(1)(3)(C) of the Act, P.L. 99-509 (Section 9401(b))	<p>f. In determining countable resources of infants and children under 5 covered under the provisions of §1902(a)(10)(A)(ii)(IX) of the Act, the following disregards are applied:</p> <p><u>XXX</u> Not applicable. No resource standard is applied.</p> <p><u>XX</u> The disregards and exemptions in the State's approved AFDC plan.</p> <p>— The following disregards and exemptions, which are different but no more restrictive than those in the State's approved AFDC plan.</p>
1902(p)(1)(D) of the Act, P.L. 99-509 (Section 9403(b))	<p>g. In determining countable resources of qualified Medicare beneficiaries covered under §1902(a)(10)(E) of the Act, the following disregards are applied:</p> <p><u>XX</u> The disregards of the SSI program.</p> <p>— The disregards of the SSI program, except for the following restrictions, applied under the provisions of §1902(f) of the Act:</p>

Revision: HCFA-PM-87-4 (BERC)

ATTACHMENT 2.6-A
Page 15
OMB No.: 0938-0193

Citation	Condition or Requirement
	6. Resource Standard - Categorically Needy
	a. 1902(f) States (except as specified under items 6.c. and d. below)
	XX Same as SSI resource standards.
	— More restrictive.
	b. Non-1902(f) States (except as specified under items 6.c. and d. below)
	The resource standards are the same as those in the related cash assistance program or State supplement.
	Supplement 8 to ATTACHMENT 2.6-A specifies for 1902(f) States the categorically needy resource levels for all covered categorically needy groups.
1902(1)(3)(A), (B) and (C) of the Act, P.L. 99-509 (Sec. 9401(b))	c. For pregnant women and infants or children covered under the provisions of section 1902(a)(10)(A)(ii)(IX) of the Act, the agency applies a resource standard:
	/ Yes. Supplement 2 to ATTACHMENT 2.6-A specifies the standard, which for pregnant women, is no more restrictive than the standard under the SSI program; and for infants and children, is no more restrictive than the standard applied in the State's approved AFDC plan.
	/XX No. The agency does not apply a resource standard to these individuals.

Revision: HCFA-PM-87-4 (BERC)

ATTACHMENT 2.6-A
Page 18
OMB No.: 0938-0193

Citation	Condition or Requirement
	10. Treatment of Income and Resources - Categorically and Medically Needy and Qualified Medicare Beneficiaries
	a. AFDC related individuals (other than under items 9.e. and f. below)
	The agency uses the same methodologies for treatment of income and resources as used in the State's approved AFDC State plan.
1902(a)(10)(A)	*b. Aged individuals, including <u>excluding</u> individuals covered under §1902(a)(10)(A)(ii)(X) of the Act.
1902(a)(10)(C), and 1902 (m)(1)(B) and (C) of the Act, P.L.99-509 (Section 9402(a))	— The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate).
	XX The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under §1902(f) of the Act. The methodologies are described in Supplement 5 to ATTACHMENT 2.6-A.
	*c. Blind individuals
	— The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate).
	XX The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under §1902(f) of the Act.

Revision: HCFA-PM-87-4 (BERC) ATTACHMENT 2.6-A
 Page 19
 OMB No.: 0938-0193

Revision: HCFA-PM-87-4 (BERC) ATTACHMENT 2.6-A
 Page 21
 OMB No.: 0938-0193

Citation	Condition or Requirement
1902(a)(10)(A), 1902(a)(10)(C), and 1902(m)(1)(B) and (C) of the Act, P.L. 99-509 (Section 9402(a))	<p>The methodologies are described in Supplement 5 to ATTACHMENT 2.6-A.</p> <p>*d. Disabled individuals, including excluding individuals covered under §1902(a)(10)(A)(ii)(X) of the Act.</p> <p>— The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate).</p> <p>XX The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under §1902(f) of the Act. The methodologies are described in Supplement 5 to ATTACHMENT 2.6-A.</p>
1902(l)(3) of the Act, P.L. 99-509 (Section 9401(b))	<p>e. Individuals who are pregnant women covered under §1902(a)(10)(A)(ii)(X)(A) §1902(a)(10)(A)(ii)(IX) of the Act.</p> <p>(1) <u>Treatment of Income</u></p> <p>The agency uses the same methodologies for treatment of income as used under—</p> <p><input checked="" type="checkbox"/> The State's approved AFDC plan.</p> <p>— The approved title IV-E plan.</p> <p>(2) <u>Treatment of Resources</u></p> <p>— The agency uses the same methodologies for treatment of resources as used in the SSI program.</p>

Citation	Condition or Requirement
1905(p)(1) (C) and (D) of the Act, P.L. 99-509 (Section 9403)	<p>g. Qualified Medicare beneficiaries covered under §1902(a)(10)(E) of the Act—</p> <p>XX The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate).</p> <p>— The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under §1902(f) of the Act. The methodologies are described in Supplement 5 to ATTACHMENT 2.6-A.</p>
435.914	<p>11. Effective Date of Eligibility - Categorically and Medically Needy and Qualified Medicare Beneficiaries</p> <p>a. Groups Other Than Qualified Medicare Beneficiaries</p> <p>(1) For the prospective period.</p> <p>Coverage is available for the full month if the following individuals are eligible at any time during the month.</p> <p>XX Aged, blind, disabled.</p> <p>XX AFDC-related.</p>

VR 460-03-2.6105. Methodologies for Treatment of Income and Resources that Differ from those of the SSI Program.

§ 100. Income and resource requirements applicable to all groups.

A. The value of real and personal property resources owned by the applicant/recipient may not exceed \$2,000 for a single person, \$3,000 for a couple or two-person family unit. For each additional person in the family unit, an additional \$100 in resources is allowed.

B. Real or personal property of a spouse is considered available to a spouse if they are living together. Real or personal property of parent living in the home is considered available to his ~~her~~ child(ren), except property owned by an SSI recipient is not considered available to his ~~her~~ children in determining their eligibility for Medicaid.

C. No lien may be imposed or any encumbrance placed upon any property, real or personal, owned by a recipient of medical assistance except pursuant to a court judgment on account of benefits incorrectly paid.

D. For income-producing property and other nonresidential property, appropriate equity and profit is to be determined by the prorata share owned by an individual in relation to his proportionate share of the equity and profit.

E. Property in the form of an interest in an undivided estate is to be regarded as an asset unless it is considered unsealable for reasons other than being an undivided estate. An heir can initiate a court action to partition. However, if such an action would not result in the applicant/recipient securing title to property having value substantially in excess of the cost of the court action, the property would not be regarded as an asset.

F. The current market value of real property is determined by ascertaining the tax assessed value of the property and applying to it the local assessment rate. The equity value is the current market value less the amount due on any recorded liens against the property. "Recorded" means written evidence that can be substantiated, such as deeds of trust, liens, promissory notes, etc.

G. The following limitations apply to income and resources in addition to the income and resource requirements of the Supplemental Security Income (SSI) program for the aged, blind and disabled, and of the Aid to Dependent Children (ADC) cash assistance program for all other individuals:

§ 200. Aged, blind, and disabled (SSI-related) individuals.

§ 201. Real property.

§ 201.1. Home ownership.

Ownership of a dwelling occupied by the Applicant as his home does not affect eligibility.

For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence and all contiguous property as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the State Plan for Medical Assistance in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value.

The lot occupied by the house shall be a measure of land as designated on a plat or survey or whatever the locality sets as a minimum size for a building lot, whichever is less. In localities where no minimum building lot requirement exists, a lot shall be a measure of land designated on a plat or survey or one acre, whichever is less.

Contiguous property essential to the operation of the home means:

A. land used for the regular production of any food or goods for the household's consumption only, including:

1. vegetable gardens,
2. pastureland which supports livestock raised for milk or meat, and land used to raise chickens, pigs, etc. (the amount of land necessary to support such animals is established by the local extension service; however, in no case shall more land be allowed than that actually being used to support the livestock.),

3. outbuildings used to process and/or store any of the above;

B. driveways which connect the homesite to public roadways;

C. land necessary to the home site to meet local zoning requirements (e.g. building sites, mobile home sites, road frontage, distance from road, etc.);

D. land necessary for compliance with state or local health requirements (e.g. distance between home and septic tank, distance between septic tanks, etc.);

E. water supply for the household;

F. existing burial plots.

Final Regulations

G. outbuilding used in connection with the dwelling, such as garages or tool sheds.

All of the above facts must be fully reevaluated and documented in the case record before the home site determination is made.

§ 201.2. Income-producing real property other than the home; does not affect eligibility if:

A) 1. It is used in a trade or business or is otherwise income-producing and

B) 2. The equity value (current market value less the balance of any recorded lien(s) *liens* against the property) of the property does not exceed \$6,000, and

C) 3. The property produces a net annual income to the individual of at least 6.0% of the property's equity value.

D) 4. If the property produces less than the 6.0% net annual income, it may be excluded if its equity value does not exceed \$6,000 and it is used in a business or nonbusiness income-producing activity, and the following conditions are met:

1) a. Unusual or adverse circumstances, such as a fire, street repair in front of a store, or natural disaster, cause a temporary reduction in the rate of return, and

2) b. The property usually produces net annual income of at least 6.0% of the equity value, and

3) c. The individual expects the property to again produce income at the 6.0% rate of return within 18 months of the end of the calendar year in which the unusual incident caused the reduction in the rate of return.

When the property must be counted because the equity exceeds \$6,000 or because the net annual return to the individual is less than 6.0% of equity, the individual's equity [*over \$6,000*] in the property is a countable resource.

§ 201.3. Other real property; ownership of such property generally precludes eligibility.

Exceptions to this provision are: ~~(a)~~ (i) when the equity value of the property, plus all other resources, does not exceed the appropriate resource limitation; ~~(b)~~ (ii) the property is smaller than the county or city zoning ordinances allow for home sites or building purposes, or the property has less than the amount of road frontage required by the county or city for building purposes and adjoining land owners will not buy the property; or ~~(c)~~ (iii) the property has no access, or the only access is through the exempted home site; or ~~(d)~~ (iv) the property is contiguous to the recipient's home site and the survey

expenses required for its sale reduce the value of such property, plus all other resources, below applicable resource limitations; or ~~(e)~~ (v) the property cannot be sold after a reasonable effort to sell it has been made, as defined below. *Ownership of real property other than the home will not effect eligibility when the property cannot be sold after a reasonable effort to sell has been made, as defined in § 3 of Supplement 12 to Attachment 2.6 A.*

§ 201.4. Reasonable effort to sell.

a) For purposes of this section "current market value" is defined as the current tax assessed value. If the property is listed by a realtor, then the realtor may list it at an amount higher than the tax assessed value. In no event, however, shall the realtor's list price exceed 150% of the assessed value.

b) A reasonable effort to sell is considered to have been made:

1) As of the date the property becomes subject to a realtor's listing agreement if

i. it is listed at a price at current market value, and

ii. the listing realtor verifies that it is unlikely to sell within 90 days of listing given the particular circumstances involved (e.g., owner's fractional interest; zoning restrictions; poor topography; absence of road frontage or access; absence of improvements; clouds on title, right of way or easement; local market conditions)

OR

2) When at least two realtors refuse to list the property. The reason for refusal must be that the property is unsaleable at current market value. Other reasons for refusal are not sufficient.

OR

3) When the applicant has personally advertised his property at or below current market value for 90 day by use of a "Sale By Owner" sign located on the property and by other reasonable efforts such newspaper advertisements, or reasonable inquiries with all adjoining land-owners or other potential interested purchasers.

C. Notwithstanding the fact that the recipient made a reasonable effort to sell the property and failed to sell it, and although the recipient has become eligible, the recipient must make a continuing reasonable effort to sell by:

1) Repeatedly renewing any initial listing agreement until the property is sold. If the list price was initially higher than the tax-assessed value, the listed sales price must be reduced after 12 months to no more than 100% of the tax-assessed value.

2) In the case where at least 2 realtors have refused to list the property, the recipient must personally try to sell the property by efforts described in b(2) above, for 12 months.

3) In the case of recipient who has personally advertised his property for a year without success (the newspaper advertisements "for sale" sign, etc., do not have to be done continually; these efforts just have to be done for at least 90 days within 12 month period), the recipient must then

i. subject his property to a realtor's listing agreement at price at or below current market value; or

ii. meet the requirements of section b(2) above which are that the recipient must try to list the property and at least two realtors refuse to list it because it is unsaleable at current market value; other reasons for refusal to list are not sufficient.

d) If the recipient has made a continuing effort to sell the property for 12 months, then the recipient may sell the property between 75% and 100% of its tax assessed value and such sale shall not result in disqualification under the transfer of property rules. If the recipient requests to sell his property at less than 75% of assessed value, he must submit documentation from the listing realtor, or knowledgeable source if the property is not listed with a realtor, that the requested sale price is the best price the recipient can expect to receive for the property at this time. Sale at such a documented price shall not result in disqualification under the transfer of property rules. The proceeds of the sale will be counted as a resource in determining continuing eligibility.

e) Once the applicant has demonstrated that his property is unsaleable by following the procedures in section "b", the property is disregarded in determining eligibility starting the first day of the month in which the most recent application was filed, or up to three months prior to this month of application if retroactive coverage is requested and the applicant met all other eligibility requirements in the period. A recipient must continue his reasonable efforts to sell the property as required in section "C" above.

§ 202. Personal property.

§ 202.1. Automobiles.

Ownership of one motor vehicle does not affect eligibility. If more than one vehicle is owned, the individual's equity in the least valuable vehicle(s) must be counted. The value of the vehicles is the wholesale value listed in the National Automobile Dealers Official Used Car Guide (NADA) Book, Eastern Edition. In the event the vehicle is not listed, the value assessed by the locality for tax purposes may be used. The value of the additional motor vehicle(s) is to be counted in relation to the amount liquidable assets that may be retained.

§ 202.2. Life, retirement, and other related types of insurance policies with face values totaling \$1,500, or less on any one person 21 years old and over are not considered resources. When the face value(s) of such policies of any one person exceeds \$1,500, the cash surrender value of the policy(ies) is counted as a resource.

§ 202.3. § 202.1. Prepaid burial plans are counted as resource since the money is refundable to the individual upon his request. Cemetery plots are not counted as resources. See Supplement 12 to Attachment 2.6 A.

§ 202.4. § 202.2. Liquidable assets Assets which can be liquidated such as cash, bank accounts, stocks, bonds, securities and deeds of trusts are considered resources.

§ 203. Income.

For the purposes of determining eligibility, income is defined as the receipt of any property or services which an individual can apply, either directly or by sale or conversion, to meet the individual's basic needs for food, shelter, and clothing. Income is either earned (payment received by the individual for services performed as an employee, or as a result of being self-employed) or unearned (includes pensions, benefits, prizes, inheritances, gifts, dividends, support and maintenance, etc.)

§ 204. Deeming of income and resources.

§ 204.1. Responsibility of spouses.

A. If an individual and his/her the spouse apply or are eligible for Medicaid as aged, blind, or disabled, and they cease to live together (separate), their income and resources are considered available (deemed) to each other for the time periods specified below. After the appropriate time period, income or resources actually contributed by the separated spouse to the individual are counted in determining the individual's eligibility.

B. If eligible spouses separate because one is institutionalized, their income is deemed to each other through the month in which they cease to live together. This deeming stops with the month after the month in which separation occurs. Reserved.

C. If spouses separate for any reason other than institutionalization, their income and resources are deemed to each other during the month in which they cease to live together and during the six months following that month. However, if the deeming of their income and/or resources cause them to be ineligible as a couple, each spouse's eligibility will be determined individually using the procedure in "D" below.

D. If only one spouse in a couple applies for Medicaid or only one meets the aged, blind, or disabled requirement, or if both spouses apply and are not eligible as a couple, and they separate, only the income and

Final Regulations

resources of the separated spouse that are actually contributed to the individual are counted as available to the individual beginning with the month after the month in which they cease to live together.

§ 204.2. Responsibility of parents for blind or disabled children.

A. If the blind or disabled child is under age 18, or under age 21 and regularly attending a school, college, university or is receiving technical training designed to prepare him for gainful employment, and living in the same household with a parent, the parents' income and resources are deemed available to the child.

B. Only the parent's income and resources which remain, after deducting appropriate disregards and amounts for the maintenance needs of the parents and other dependents in the household, is are deemed as resources and unearned income available to the blind or disabled child.

§ 300. Aid to Dependent Children (ADC) Related Individuals.

§ 301. Real property.

The regulations in §§ 100, and 201.1 through 201.4 above apply. Life rights to real property are not counted as a resource.

Reserved.

§ 302. Personal property.

§ 302.1. Automobiles.

The policy in § 202.1 § 4 of Supplement 12 to Attachment 2.6 A applies.

§ 302.2. Life insurance.

The policy in § 202.1 § 5 of Supplement 12 to Attachment 2.6 A applies.

§ 302.3. Burial plots.

The market value of a burial plots owned by any member of the family unit are not counted toward the medical resource limit for the family.

§ 302.4. Prepaid burial plans are counted as resources, except for the amount(s) amounts of such funeral agreements that are disregarded under the Virginia ADC cash assistance program.

§ 302.5. ~~Liquidable assets~~ Assets which can be liquidated such as cash, bank accounts, stocks, bonds, and securities, are counted as resources.

§ 303. Income.

The income eligibility determination methodology of the Virginia ADC cash assistance program applies.

§ 400. Financial eligibility criteria more restrictive than SSI.

§ 401. [An] SSI recipient who has transferred or given away property to become or remain eligible for SSI or Medicaid and who has not received compensation in return for the property approximating the value of the property is not covered (See Supplement 9 to Attachment 2.6-A).

§ 402. SSI recipient who owns real property contiguous to his residence which does not meet the home property definition (above), the income-producing requirement (above), or which is saleable is not covered if the equity value of the contiguous property, when added to the value of all their resources, exceed the resource limit applicable to the Medicaid family unit. Real property.

Real property contiguous to an individual's residence which does not meet the home property definitions in § 201.1, the income-producing requirement in § 201.2, and which is saleable, shall be counted as an available resource. The equity value of the contiguous property shall be added to the value of all other countable resources.

§ 403. SSI recipient who owns a prepaid burial plan is not covered if the value of the prepaid burial plan plus all other countable resources including real property exceeds the resource limit applicable to the Medicaid family unit. Undivided estates.

An individual's interest in an unprobated estate when the value of the interest plus all other resources exceeds the applicable resource limit. If a partition suit is necessary (because at least one other owner of or heir to the property will not agree to sell the property) in order for the individual to liquidate the interest, estimated partition costs may be deducted from the property's value. (See § 100 E)

§ 404. Former home of an institutionalized individual.

An institutionalized individual's former residence is counted as an available resource if the recipient is institutionalized longer than six months after the date he was admitted. The former residence is disregarded if it is occupied by the recipient's spouse or minor dependent child under age 18, or age 19 and is still in school or vocational training, or the former residence is occupied by the recipient's parent or adult child who is disabled according to the Medicaid disability definition, and who was living in the home with the recipient for at least one year prior to the recipient's institutionalization, and who is dependent upon the recipient for his shelter needs.

§ 405. Joint ownership of real property.

An applicant or recipient's property owned jointly with

another person to whom the applicant or recipient is not married as tenants in common or joint tenants with the right of survivorship at common law. His proportional share of the property's value is counted unless it is exempt property or is unsaleable.

Note: These sections Sections in Supplement 5 contain provisions more liberal than SSI or AFDC cash assistance policy, as allowed under the "moratorium" provisions of the Act.

VR 460-03-2.6112. More Liberal Methods under Social Security Act § 1902(r)(2).

§ 1. Resources set aside to meet the burial expenses of an applicant/recipient or that individual's spouse are excluded from countable assets.

In determining eligibility for benefits for medically needy individuals, disregarded from countable resources is an amount not in excess of \$2,500 for the individual and an amount not in excess of \$2,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by :

A. 1. The face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources; and

B. 2. The amount of any other revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses.

§ 2. Life rights.

Life rights to real property are not counted as a resource.

§ 3. Reasonable effort to sell.

A. For purposes of this section "current market value" is defined as the current tax assessed value. If the property is listed by a realtor, then the realtor may list it at an amount higher than the tax assessed value. In no event, however, shall the realtor's list price exceed 150% of the assessed value.

B. A reasonable effort to sell is considered to have been made:

1. As of the date the property becomes subject to a realtor's listing agreement if:

a. It is listed at a price at current market value, and

b. The listing realtor verifies that it is unlikely to sell within 90 days of listing given the particular

circumstances involved (e.g., owner's fractional interest; zoning restriction; poor topography; absence of road frontage or access; absence of improvements; clouds on title, right of way or easement; local market conditions); or

2. When at least two realtors refuse to list the property. The reason for refusal must be that the property is unsaleable at current market value. Other reasons for refusal are not sufficient, or

3. When the applicant has personally advertised his property at or below current market value for 90 days by use of a "Sale By Owner" sign located on the property and by other reasonable efforts such as newspaper advertisement, or reasonable inquiries with all adjoining land owners or other potential interested purchasers.

C. Notwithstanding the fact that the recipient made a reasonable effort to sell the property and failed to sell it, and although the recipient has become eligible, the recipient must make a continuing reasonable effort to sell by:

1. Repeatedly renewing any initial listing agreement until the property is sold. If the list price was initially higher than the tax-assessed value, the listed sales price must be reduced after 12 months to no more than 100% of the tax-assessed value.

2. In the case where two realtors have refused to list the property, the recipient must personally try to sell the property by efforts described in subdivision B 3 above, for 12 months.

3. In the case of recipient who has personally advertised his property for a year without success (the newspaper advertisements, "for sale" sign, do not have to be continuous; these efforts must be done for at least 90 days within a 12-month period), the recipient must then:

a. Subject his property to a realtor's listing agreement at price or below current market value; or

b. Meet the requirements of subdivision B 2 above which are that the recipient must try to list the property and at least two realtors refuse to list it because it is unsaleable at current market value; other reasons for refusal to list are not sufficient.

D. If the recipient has made a continuing effort to sell the property for 12 months, then the recipient may sell the property between 75% and 100% of its tax assessed value and such sale shall not result in disqualification under the transfer of property rules. If the recipient requests to sell his property at less than 75% of assessed value, he must submit documentation from the listing realtor, or knowledgeable source if the property is not

Final Regulations

listed with a realtor, that the requested sale price is the best price the recipient can expect to receive for the property at this time. Sale at such a documented price shall not result in disqualification under the transfer of property rules. The proceeds of the sale will be counted as a resource in determining continuing eligibility.

E. Once the applicant has demonstrated that his property is unsaleable by following the procedures in subsection B, the property is disregarded in determining eligibility starting the first day of the month in which the most recent application was filed, or up to three months prior to this month of application if retroactive coverage is requested and the applicant met all other eligibility requirements in the period. A recipient must continue his reasonable efforts to sell the property as required in subsection C above.

§ 4. Automobiles.

Ownership of one motor vehicle does not affect eligibility. If more than one vehicle is owned, the individual's equity in the least valuable vehicle or vehicles must be counted. The value of the vehicles is the wholesale value listed in the National Automobile Dealers Official Used Car Guide (NADA) Book, Eastern Edition. In the event the vehicle is not listed, the value assessed by the locality for tax purposes may be used. The value of the additional motor vehicles is to be counted in relation to the amount of assets that could be liquidated that may be retained.

§ 5. Life, retirement, and other related types of insurance policies with face values totaling \$1,500, or less on any one person 21 years old and over are not considered resources. When the face values of such policies of any one person exceed \$1,500, the cash surrender value of the policies is counted as a resource.

MILK COMMISSION

NOTICE: The Milk Commission is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish its regulations.

Due to its length, the following regulation filed by the Milk Commission is not being published; however, in accordance with § 9-6.14:22 of the Code of Virginia, a summary is being published in lieu of full text. Also, the amended text is set out below. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the Milk Commission.

Title of Regulation: VR 475-02-02. Rules and Regulations for the Control, Regulation and Supervision of the Milk Industry in Virginia.

Statutory Authority: § 3.1-430 of the Code of Virginia.

Effective Date: May 1, 1991.

Summary:

The amendment to § 2 of Regulation No. 8, beginning on Page 27 of the Milk Commission's Rules and Regulations, was necessitated in order to provide for uniformity of pricing between the commission's marketing areas and the three adjacent federal order marketing areas.

VR 475-02-02. Rules and Regulations for the Control, Regulation and Supervision of the Milk Industry in Virginia.

REGULATION NO. 8 CLASS PRICES FOR PRODUCER'S MILK TIME AND METHOD OF PAYMENT BUTTERFAT TESTING AND DIFFERENTIAL

B. Class I-A.

The price used in computing each distributor's obligation for producer milk (of 3.5% butterfat) allocated to Class I-A shall be the Class II price.

C. Class II.

The price per cwt. for all markets shall be determined for each month as follows:

1. Adjust the average price per cwt. for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U. S. Department of Agriculture for the second preceding month, to a 3.5% butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade "A" (92-score) bulk creamery butter per pound at Chicago, as reported by the U. S. Department of Agriculture for the second preceding month. Such price shall be rounded to the nearest cent.

D. 1. The total value of base deliveries made in accordance with Regulation No. 5 subdivision 2 A(2) shall be discounted in accordance with the following procedure to reflect the cost savings of transporting, storing and handling of producer milk on a uniform daily bases:

a. Subtract from each cooperative association's total pounds of base deliveries allocated to Class I sales for each delivery period an amount equal to twice the sum of the differences between the pounds of assigned daily base and the pounds of daily base deliveries which are less than the pounds of assigned daily base for each day during the delivery period.

b. The net hundredweight (not less than zero) resulting from the above procedure multiplied by

\$0.11 will be the amount of discount for base deliveries during the delivery period.

E. Producers or their agents shall not sell milk or offer milk for sale at prices other than those established.

§ 2. Butterfat differential.

In making payments to producers and/or cooperative association of producers required pursuant to Regulation No. 8, each general distributor shall add for each one-tenth of one percent of average butterfat content above 3.5%, and shall deduct for each one-tenth of one percent of average butterfat content below 3.5%, as a butterfat differential an amount per hundredweight which shall be computed by the Commission as follows: Multiply by 0.115 and round to the nearest one tenth cent the simple average of the daily wholesale selling price (using the midpoint of any price range as one price) per pounds of Grade "A" (92 score) bulk creamery butter at Chicago, as reported by the U. S. Department of Agriculture for the month announced each month by the Market Administrator of the Tennessee Valley Marketing Area (Federal Order No. 11).

§ 3. Butterfat testing.

Butterfat testing shall be conducted in accordance with the following procedure:

1. General distributors shall determine the average butterfat content of all assigned producer milk delivered by each producer who is not a member of a cooperative association, as defined in Paragraph 27 of Regulation No. 2, by four or more tests made at approximately equal intervals during each delivery period.
2. All assigned producer milk accompanied by a bill of lading that is delivered by a cooperative association to a licensed distributor and is accepted by the distributor shall be paid for by the distributor at a rate that is determined by the butterfat test specified on the bill of lading accompanying the load of milk.
3. The butterfat content of all assigned cooperative association milk delivered by methods other than specified in subsection B above, shall be determined in accordance with procedures specified by the commission, if mutual agreement between the cooperative association and the distributor cannot be reached as to the butterfat content of such deliveries.
4. All sampling and testing shall be conducted by persons licensed by the Virginia Department of Agriculture and Consumer Services. These test shall be made by the Babcock Test, or other tests approved by that department and shall, as directed by the commission, be subject to check tests made by a licensed tester.

§ 4. Time of payment.

A. On or before the last day of a delivery period general distributors shall make a partial payment to producers and/or cooperative associations of producers for base deliveries received during the first 15 days of the delivery period. The partial payment shall be not less than an amount determined by multiplying the previous month's Class II price for 3.5% milk by the hundredweight of base deliveries for the first 15 days of the delivery period, provided full and final payment for the preceding delivery period was made in accordance with § 4 B of this regulation.

DEPARTMENT OF SOCIAL 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(a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Social Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 615-70-17. Child Support Enforcement Program.

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

Effective Date: July 1, 1991.

Summary:

The amendments to the Child Support Enforcement Program Regulation are necessary to conform to changes in Virginia statutory law. The revisions implement legislation passed by the 1991 General Assembly and ensure compliance with federal regulations and laws. The areas being revised are (i) medical coverage; (ii) immediate withholding of earnings; (iii) recovery of fees; (iv) eligibility for services; and (v) financial statements.

As these final revisions are being adopted in response to statutory law where no agency discretion is involved, the Department of Social Services, at the direction of the State Board of Social Services, is requesting exclusion from the requirements of Article 2 of the Administrative Process Act.

VR 615-70-17. Child Support Enforcement Program.

PART I. DEFINITIONS.

§ 1.1. Definitions.

The following words and terms, when used in these

Final Regulations

regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"ADC" means Aid to Dependent Children which is established under Title IV-A of the Social Security Act. This is a category of financial assistance paid on behalf of children who are deprived of one or both of their parents by reason of death, disability, or continued absence (including desertion) from the home.

"ADC/FC" means Aid to Dependent Children/Foster Care which is established under Title IV-E of the Social Security Act. This is a category of financial assistance paid on behalf of children who otherwise meet the eligibility criteria for ADC and who are in the custody of the local social service agencies.

"Administrative" means noncourt ordered, legally enforceable actions the department may take to establish or enforce a child support obligation.

"Appeal" means a request for a review of an action taken by the division.

"Application" means a written document requesting child support enforcement services which the department provides to the individual or agency applying for services and which is signed by the custodial parent or agency representative.

"Bad check" means a check not honored by the bank on which it is drawn.

"Custodial parent" means (i) the natural or adoptive parent with whom the child resides, (ii) a step-parent or other person who has legal custody of the child and with whom the child resides, or (iii) a social service agency which has legal custody of a child in foster care.

"Debt" means the total unpaid support obligation established by court order, administrative order, or payment of public assistance which is owed by an absent responsible parent to either the custodial parent or to the Commonwealth.

"Delinquent" means an unpaid child support obligation.

"Department" means the Virginia Department of Social Services.

"Disregard payment" means a payment made to an ADC recipient in an amount up to \$50. The payment is made from the current child support collected on the individual's behalf.

"District office" means a local office of the Division of Child Support Enforcement responsible for the operation of the Child Support Enforcement Program.

"Division" means the Division of Child Support Enforcement of the Virginia Department of Social Services.

"Enforcement" means ensuring the payment of child support through the use of administrative or judicial means.

"Erroneous payment" means a payment sent to the custodial parent for which no funds were received by the department to be paid to that client.

"Financial statement" means a sworn document from the custodial parent and absent responsible parent showing their financial situation.

"Foreclosure" means a judicial procedure to enforce debts involving forced judicial sale of the real property of a debtor.

"Health care coverage" means a any plan providing hospital, medical, or surgical care coverage for dependent children *provided such coverage is available and can be obtained by an absent responsible parent at a reasonable cost*.

"Hearings officer" means a disinterested person designated by the department to hold appeal hearings and render appeal decisions.

"IV-D agency" means a governmental entity administering the child support program under Title IV-D of the Social Security Act. In Virginia the IV-D agency is the Division of Child Support Enforcement.

"Judicial" means an action initiated through a court.

"Location only services" means that certain entities such as courts and other state child support enforcement agencies can receive only locate services from the department.

"Local social service agency" means one of Virginia's locally administered social service or welfare departments which operate the ADC and ADC/FC programs and other programs offered by the department.

"Location" means obtaining information which is sufficient and necessary to take action on a child support case including information concerning (i) the physical whereabouts of the absent parent or his employer, or (ii) other sources of income or assets, as appropriate.

"Medicaid only" means a category of public assistance whereby a family receives Medicaid but is not eligible for or receiving ADC.

"Mistake of fact" means an error in the identity of the absent responsible parent or in the amount of child support owed.

"Obligation" means the amount and frequency of payments which the absent responsible parent is legally bound to pay.

"Pendency of an appeal" means the period of time after an administrative appeal has been made and before the final disposition.

"Public assistance" means payments for ADC, or ADC/FC, or Medicaid-only.

"Putative father" means an alleged father; a person named as the father of a child born out-of-wedlock but whose paternity has not been established.

"Reasonable cost" means, as it pertains to health care coverage, available through employers, unions, or other groups without regard to service delivery mechanism.

"Recipient" means a person receiving public assistance.

"Responsible parent" means a person required under law to support a dependent child or the child's caretaker.

"Service" or "service of process" means the delivery to or leaving of, in a manner prescribed by state statute, an administrative or court order giving the absent responsible parent reasonable notice of the action being taken against him and affording the person an opportunity to be heard regarding the matter.

"Summary of facts" means a written statement of facts outlining the actions taken by the department on a case which has been appealed.

"Supplemental Security Income" means a program administered by the federal government which guarantees a minimum income to persons who meet the requirement of aged, blind, or disabled.

PART II. GENERAL INFORMATION.

Article 1. Services.

§ 2.1. Services provided.

A. Child support enforcement services shall be provided as a group to ADC, ADC/FC, Medicaid only, and non-ADC clients. Courts and other state IV-D agencies may apply for location-only services.

B. Child support enforcement services shall include the following services which may involve administrative or court action:

1. Location of absent responsible parents, their employers, or their sources of income;
2. Establishment of paternity;
3. Establishment or modification of child support obligations, including the responsibility to provide health care coverage;

4. Enforcement of child support obligations, both administratively and judicially determined; and

5. Collection and disbursement of child support payments, regardless of whether the obligation is legally established.

§ 2.2. Eligibility for services.

A. Individuals residing in Virginia who receive ADC, ADC/FC, or Medicaid only assistance are automatically eligible for child support services.

1. ADC, ADC/FC, and Medicaid only applicants and recipients must accept child support services as a condition of eligibility for public assistance unless the local social service agency determines that good cause exists for not accepting these services.

2. The department shall suspend action on a child support case in which the local social service agency has determined that good cause exists for not cooperating with the department in its pursuit of child support.

3. The department shall continue to provide child support services to a custodial parent when the ADC case closes.

a. The department shall provide these services without requiring a formal application.

b. The department shall continue to provide these services until the custodial parent states in writing that the services are no longer wanted unless the closure of the child support case is contrary to state or federal law.

B. Individuals residing in Virginia or having a legal residence in Virginia who do not receive ADC, ADC/FC, or Medicaid only assistance must make an application for child support services as a condition of eligibility for those services *with the exception that an application is not required for cases transferred from the courts to the department on or after October 1, 1985. For such cases the payee shall be deemed as having executed an authorization to seek or enforce a support obligation with the department unless the payee specifically indicates that the department's services are not desired.*

1. The child for whom child support is being requested must be under 18 years of age, unless:

a. There is a court order specifying that support continue until a later age, or

b. The child is handicapped, or

c. The services being requested are for a child support obligation which existed prior to the child's 18th birthday.

Final Regulations

2. If the child for whom support is being sought is under 18 years of age, the applicant must be the parent or legal guardian of the child and the child must reside with the applicant.

C. Individuals residing outside of Virginia shall be eligible for child support services upon a request for services from the IV-D agency in the state in which they reside.

D. Courts and other state IV-D agencies are eligible for location only services.

Article 2. Department as Payee.

§ 2.3. Assignment of rights.

Assignment of child support rights to the Commonwealth is automatic by operation of law with receipt of ADC, ADC/FC, or Medicaid only assistance and, for ADC cases, continues after the public assistance case closes unless the client requests in writing that the services be terminated.

§ 2.4. Authorization to seek or enforce a child support obligation.

Persons receiving child support services shall give the department written authorization to seek or enforce support on behalf of the child or spouse and child.

§ 2.5. Special conditions regarding receipt of ADC or ADC/FC.

A. Receipt of ADC or ADC/FC assistance creates a debt to the Commonwealth.

B. If a debt is owed to the Commonwealth due to the receipt of ADC or ADC/FC assistance, the department shall apply amounts collected for past due child support toward this debt unless the court order stipulates otherwise.

C. Money received from tax intercept shall be applied, in total, toward the ADC or ADC/FC debt.

Article 3. Application and Case Assessment and Prioritization.

§ 2.6. Application fees.

The application fee for child support services is \$1.00 for nonpublic assistance clients. The department shall pay this fee on behalf of such applicants for child support enforcement services.

§ 2.7. Application process.

A. The department shall make applications accessible to the public and shall include with each application information describing child support enforcement services,

the custodial parent's rights and responsibilities, the absent responsible parent's rights, and payment distribution policies.

1. The department shall provide an application on the day an individual requests the application when the request is made in person.

2. The department shall send applications within five working days of the date a written or telephone request for an application is received.

B. The department shall provide ADC, ADC/FC, and Medicaid-only recipients with the above information, the rights and responsibilities of custodial parents, the absent responsible parent's rights and general distribution policies within five working days of receiving the referral from a local social service agency.

C. The department shall, within two calendar days of the date of application from a nonpublic assistance recipient or the date a referral of a public assistance recipient is received, establish a case record, and within 20 calendar days, obtain the information needed to locate the absent responsible parent, initiate verification of information, if appropriate, and gather all relevant facts and documents.

§ 2.8. Case assessment and prioritization.

A. Case assessment.

The department shall (i) assess the case information to determine if sufficient information to establish or enforce a child support obligation is available and verified and (ii) attempt to obtain additional case information if the information is not sufficient and (iii) verify case information which is not verified.

B. Case prioritization.

1. The department shall give priority to cases which contain any of the following on the absent responsible parent or putative father:

- a. Verified, current, residential address; or
- b. Current employer; or
- c. Last known residential address or last known employer if the information is less than three years old; or
- d. Social security number and date of birth.

2. The department shall give low priority but shall review periodically cases in which:

- a. There is not adequate identifying or other information to meet requirements for submittal for location, or

b. The absent responsible parent receives supplemental security income or public assistance.

§ 2.9. Service of process.

Service is necessary when child support obligations are established either administratively or through court action and, in some instances, when actions to enforce the obligation are taken.

A. The methods of service of process required by law vary with the action being taken and include individual personal service, substituted service, posted service, certified mail, and regular mail.

B. The department shall use diligent efforts to serve process. Diligent efforts to serve process shall include:

1. When the method of service of process used to notify an absent parent of an administrative action is not successful and the address of the absent responsible parent is known and verified, the department shall exhaust every method of service allowed by law.

2. When the method of service of process used to notify an absent parent of court action is not successful and the address of the absent parent is known and verified, the department shall provide the sheriff or process server with additional information about the absent parent's address.

3. When the method of service of process is not successful after the department has exhausted all methods of service allowed or has provided the sheriff or process server with an additional information, the department shall repeat its attempts to serve process at least quarterly.

§ 2.10. Costs associated with the provision of child support services.

A. The department may not require custodial parents to pay the costs associated with the provision of child support services.

B. The putative father shall pay the costs associated with the determination of paternity if he is ordered by a court to pay these costs.

PART III.
LOCATION.

§ 3.1. The department shall provide location services (i) whenever the location of absent responsible parents or their employers is needed in order to establish or enforce a child support obligation and (ii) when there is sufficient identifying information available to the department to access location sources.

§ 3.2. Location sources.

A. Whenever location services are provided, the department shall access all necessary locate sources. Locate sources include but are not limited to:

1. Local public and private sources.
2. State Parent Locator Services.
3. Electronic Parent Locator Network.
4. Central Interstate Registry.
5. Federal Parent Locator Service.
6. Parents, friends, and other personal sources.

§ 3.3. Location time requirements.

A. The department shall access all appropriate location sources within 75 calendar days of receipt of the application for child support services or the referral of a public assistance recipient if the department determines that such services are needed and quarterly thereafter if the location attempts are unsuccessful.

B. The department shall review at least quarterly those cases in which previous attempts to locate absent responsible parents or sources of income or assets have failed, but adequate identifying and other information exists to meet requirements for submittal for location.

C. The department shall provide location services immediately if new information is received which may aid in location.

D. When the custodial parent resides in Virginia, the department shall utilize the Federal Parent Locator Service at least annually when other location attempts have failed.

E. When another state requests location services from the department, the department shall follow the time requirements described in the Code of Federal Regulations, Title 45, part 303, § 303.7.

PART IV.
ESTABLISHING CHILD SUPPORT OBLIGATIONS.

Article 1.
Paternity Establishment.

§ 4.1. Establishing paternity.

In order for the department to establish a child support obligation and to enforce and collect child support payments from a putative father, the father must be determined to be legally responsible for the support of the child. In situations in which a putative father has not been legally determined to be the father of the child, paternity must be established before a child support obligation can be administratively ordered or court ordered.

Final Regulations

1. The department shall obtain a sworn statement(s) from the custodial parent acknowledging the paternity of the child or children for whom child support is sought.

2. Based on this sworn statement, the department shall attempt to locate the putative father, if necessary, according to the locate time requirements described in Part III above.

3. Once the putative father is located, the department shall contact him to determine if he is willing to sign a sworn statement voluntarily acknowledging paternity or to voluntarily submit to blood testing to determine paternity.

a. The department shall advise the putative father verbally and in writing of his rights and responsibilities regarding child support prior to obtaining a sworn statement of paternity.

b. A putative father who signs a sworn statement of paternity along with an acknowledgement from the mother or who, through genetic blood testing, is affirmed by at least a 98% probability to be the father of the child is responsible for the financial support of the child or children.

4. When the putative father does not sign a sworn statement of paternity or does not voluntarily submit to blood testing or the blood test shows less than a 98% probability of paternity, the department shall petition the court for a paternity determination when there is sufficient evidence to do so.

5. Within 90 calendar days of locating the putative father, the department shall:

a. Obtain a sworn acknowledgement of paternity or arrange for voluntary blood testing, or

b. File a petition with the court for paternity establishment.

6. In any case where more than one putative father has been identified, the department shall pursue paternity for all putative fathers.

7. The department shall track all cases in which paternity must be established to assure that, in all cases where the putative father is located, paternity is established or the putative father excluded within one year of the child reaching six months of age or within one year of petitioning the court for paternity, whichever occurs later.

§ 4.2. Establishing paternity in interstate cases.

The department shall establish, if possible, the paternity of children who do not reside in Virginia when the putative father resides in Virginia and a request for such

services is received from another state IV-D agency.

Article 2. Administrative Support Orders.

§ 4.3. Administrative establishment of a child support obligation.

The department has statutory authority to establish child support obligations through noncourt ordered legally enforceable administrative means. These administrative obligations have the same force and effect as a support obligation established by the court.

A. The amount of child support that is owed and the frequency with which it is paid must be established before the payment of child support can be enforced.

B. The administrative order shall be called the Administrative Support Order.

C. The department shall use administrative rather than judicial means to establish the child support obligation whenever possible.

D. The department shall use administrative means to establish a temporary child support obligation when judicial determinations of support are pending due to custody and visitation issues.

E. Within 90 calendar days of locating the absent responsible parent, or of establishing paternity the department shall attempt to either ensure that a child support obligation is established or shall diligently attempt to complete the service of process necessary for an obligation to be ordered.

F. When a court dismisses a petition for a support order without prejudice or an administrative hearings officer overrules an administrative support action, the department shall examine the reasons for the dismissal or overruling and determine when or if it would be appropriate to seek an order in the future.

G. The child support obligation is established when an Administrative Support Order has been served and the 10-day appeal period for the administrative order has elapsed.

H. The department shall modify the obligation when new information is received necessitating a change.

I. The department shall modify the amount of the obligation for future child support payments only.

§ 4.4. Determining the amount of the child support obligation.

A. The obligation shall include:

1. Frequency with which the current amount owed is

to be paid,

2. Current amount owed,
3. Public assistance debt, if any, and
4. Unpaid past due child support, if any.

B. Financial statements.

1. The department shall use financial statements obtained from the absent responsible parent and the custodial parent to determine the amount of the child support obligation.
2. The absent responsible parent and custodial parent shall complete ~~sworn~~ financial statements upon demand by the department and annually thereafter. *Such responsible parties shall certify under penalty of perjury the correctness of the statement.*
3. If the custodial parent is a recipient of public assistance, the department shall use the information obtained through the ADC or ADC/FC eligibility process to meet the financial statement requirement.
4. The department shall define the type of financial information which shall be required based on § 63.1-274.5 of the Code of Virginia which is incorporated by reference.
5. A custodial parent who is not a responsible parent of the child for whom child support is being sought shall not be required to complete a financial statement.
6. The department shall obtain financial statements from both absent responsible parents when the custodial parent is not a responsible parent of the child.

C. When an absent parent is responsible for the support of children receiving ADC or ADC/FC assistance, the department shall initially base the amount of the obligation on the amount of ADC or ADC/FC paid on behalf of the responsible parent's dependents.

1. The department shall change the proposed obligation amount and base it on the child support scale if the absent responsible parent provides financial information during the pendency of an administrative appeal.
2. If the department receives financial information after the obligation is established, the department shall modify the Administrative Support Order prospectively and shall base the future obligation amount on the child support scale.

D. When the absent parent is responsible for the support of children not receiving ADC or ADC/FC and provides a

financial statement, the department shall base the amount of the obligation on the child support scale.

1. If the responsible parent does not provide a financial statement and there is no court order and no previously issued administrative order, the department shall issue a default Administrative Support Order.

2. The default administrative order shall be based on the amount of public assistance that would be paid on behalf of the absent responsible parent's dependents if they were eligible for ADC assistance.

E. The department shall determine the amount to be paid monthly toward a child support debt when the obligation is administratively ordered and when a court ordered obligation for support does not specify the amount to be paid toward the debt. The monthly payment for arrears will be \$65 or 25% of the current obligation, whichever is greater, and shall not exceed the amount allowed under the Consumer Credit Protection Act.

§ 4.5. Service of the administrative support order.

The department must legally serve the Administrative Support Order on the absent responsible parent or receive a waiver of service from the responsible parent in order to have an established obligation.

§ 4.6. Health care coverage.

A. *The department shall have the authority to issue orders requiring provisions of health care coverage for the dependent children of absent responsible parents if the coverage is available at reasonable cost as defined in § 63.1-250.1 of the Code of Virginia.*

A. B. The absent responsible parent shall provide information regarding health care coverage for his dependent children, and his spouse or former spouse if applicable, upon request from the department.

B. C. The absent responsible parent shall provide health care coverage for the child or children if medical insurance is available through his employment. *The department may enter an administrative order or seek a judicial order requiring the absent responsible parent's employer to enroll the dependent children in a group health insurance plan or other similar plan providing health care services or coverage offered by the employer as provided in § 20-79.3 of the Code of Virginia.*

§ 4.7. Child support scale.

A. The department is required to use the Schedule of Monthly Basic Child Support Obligations and procedures in § 20-108.2 of the Code of Virginia in calculating the amount of administrative child support obligations. This section of the Code is incorporated by reference.

B. The department shall call this schedule the child

Final Regulations

support scale.

C. The department shall use the scale in establishing Administrative Support Orders except in the two situations identified in § 4.4 C and D 1.

D. The total child support obligation will be divided between both parents in the same proportion as their individual gross incomes bear to their combined gross income.

E. The department shall consider the following factors in calculating the combined gross income:

1. The absent responsible parent and custodial parent's gross monthly income from all sources with the exception noted in subsection F of this section,
2. The number of children for whom the absent responsible parent and custodial parent share joint legal responsibility,
3. Extraordinary medical and dental expenses which are defined in § 20-108.2 of the Code of Virginia, and
4. The custodial parent's work related child care expenses.

F. The department may not include benefits from public assistance programs as defined in § 63.1-87, Supplemental Security Income, or child support received in calculating the combined gross income.

§ 4.8. Periodic reviews of the child support obligation.

The amount of the child support obligation is based on the financial situation of both parents. The department or the courts, depending on who issued the order, may modify the amount of the obligation if the parents' situation changes. Either the department or either parent may initiate a review of the amount of the child support obligation.

A. The department shall initiate a review of each child support obligation as required by federal regulations.

B. Either parent may initiate a review of the child support obligation by providing documentation of a change in circumstances potentially affecting the child support obligation.

C. The department shall modify an administrative obligation when the results of the review indicate a change in the gross income of either parent which is a difference of at least 10% in either parent's gross monthly income or a change in the monthly obligation of at least \$25.

D. The department shall petition to modify a court ordered obligation based on criteria established by the court.

PART V. ENFORCING CHILD SUPPORT OBLIGATIONS.

Article 1. General.

§ 5.1. Enforcement rules.

A. The department shall, whenever possible, administratively enforce compliance with established child support orders including both administrative and court orders.

B. The department shall enforce child support obligations at the time the Administrative Support Order is initially entered through the use of one of the following methods of wage withholdings:

1. Immediate withholding of earnings
2. Voluntary assignment of earnings

C. The department shall enforce child support obligations when the obligation becomes delinquent through the use of one or more of the following administrative enforcement remedies:

1. Mandatory withholding of earnings
2. Liens
3. Orders to withhold and deliver
4. Foreclosure
5. Distraint, seizure, and sale
6. Unemployment compensation benefits intercept
7. Bonds, securities, and guarantees
8. Tax intercept
9. Internal Revenue Service full collection service
10. Credit bureau reporting
11. Enforcement remedies for federal employees.

D. The department shall attempt to enforce current and delinquent child support payments through administrative means before petitioning the court for enforcement action unless it determines that court action is more appropriate.

E. The department shall take any appropriate enforcement action, unless service of process is necessary, within no more than 30 calendar days of identifying a delinquency or of locating that absent responsible parent, whichever occurs later, except income withholding and federal and state income tax refund offset.

F. The department shall take appropriate enforcement action if service of process is necessary within 60 calendar days of identifying a delinquency or of locating the absent responsible parent, whichever occurs later.

G. The department shall take appropriate enforcement action within the above timeframes to enforce health care coverage.

H. When an enforcement action is unsuccessful, the department shall examine the reason(s) and determine when it would be appropriate to take an enforcement action in the future. The department shall take further enforcement action at a time and in a manner determined appropriate by department staff.

§ 5.2. Withholding of earnings rules.

A. The department may issue a withholding of earnings order against all earnings except those exempted from garnishment under federal and state law.

B. The amount of money withheld from earnings may not be more than the amount allowed under the Consumer Credit Protection Act. (§ 34-29 of the Code of Virginia)

C. The department must legally serve the wage withholding order on the absent responsible parent or receive a waiver of service from the individual.

D. The department shall modify the withholding of earnings order only if there is a change in the amount of the current support or past due debt.

E. The department shall release the withholding of earnings order only if one of the following occurs:

1. The current support obligation terminates and any past due debt is paid in full;
2. Only a past due debt is owed and it is paid in full;
3. The whereabouts of the child or child and caretaker become unknown;
4. Bankruptcy laws require release; or
5. A nonpublic assistance client no longer wants the services of the department.

Article 2.

Immediate and Voluntary Withholding of Earnings.

§ 5.3. General.

The Administrative Support Order shall include a requirement for immediate withholding of the child support obligation from the absent responsible parent's earnings. The custodial parent and absent responsible parent may choose a voluntary assignment of earnings as an alternate arrangement for payment of child support.

§ 5.4. Immediate withholding of earnings.

The Administrative Support Order shall include a requirement for immediate withholding of the child support obligation from the absent responsible parent's earning *unless the absent responsible parent and the department, on behalf of the custodial parent, agree to an alternative arrangement, or good cause is shown.*

§ 5.5. Voluntary withholding of earnings.

A. Voluntary withholding of earnings is also called voluntary assignment of earnings.

B. The custodial parent and absent responsible parent may choose a voluntary assignment of earnings at the time the obligation is established as an alternate to immediate withholding of earnings for payment of child support.

C. The department may initiate a voluntary assignment of earnings when it is the most expeditious means of enforcing a wage withholding.

D. The absent responsible parent may not choose a voluntary assignment of earnings as an alternative to mandatory withholding of earnings after enforcement action has been initiated.

Article 3.

Other Enforcement Remedies.

The department shall have the authority to administratively collect delinquent child support payments from absent responsible parents. These are called enforcement remedies.

§ 5.6. Mandatory withholding of earnings.

The department shall send a Mandatory Withholding of Earnings order to an employer requiring the deduction of the child support obligation from the absent responsible parent's earnings when a payment is delinquent in an amount equal to or exceeding one month's child support obligation.

§ 5.7. Liens.

A. The department may file a lien on the real or personal property of the absent responsible parent when there is a support debt.

B. Upon receipt of a support order from a jurisdiction outside of Virginia, the department may immediately file a lien.

C. The lien of the department shall have the priority of a secured creditor.

D. The lien of the department shall be subordinate to the lien of any prior mortgagee.

Final Regulations

E. The lien shall be released when the child support debt has been paid in full.

§ 5.8. Orders to withhold and deliver.

A. The department may use orders to withhold and deliver to collect assets such as bank accounts, trust funds, stocks, bonds, and other types of financial holdings when there is a support debt.

B. The department shall release the order to withhold when the order cannot be served on the absent responsible parent.

C. The department shall release the order to deliver when:

1. The debt on the order is paid, or
2. The absent responsible parent makes satisfactory alternate arrangements for paying the full amount of the debt.

§ 5.9. Distrain, seizure, and sale.

A. The department may use distraint, seizure, and sale against the real or personal property of an absent responsible parent when there is a support debt.

B. The director of the division shall give final approval for the use of distraint, seizure, and sale.

§ 5.10. Unemployment compensation benefits intercept.

A. The department may intercept unemployment compensation benefits when there is a support debt.

B. The department may, with the consent of the absent responsible parent, intercept unemployment compensation benefits when there is not a support debt.

C. The department may intercept unemployment compensation benefits paid by the Commonwealth to an absent responsible parent who lives out of state.

D. The department shall intercept the amount of benefits allowed by the Virginia Employment Commission.

§ 5.11. Bonds, securities, and guarantees.

The department shall use administrative bonds, securities, and guarantees as an enforcement action only if the amount of the delinquency exceeds \$1,000 and

1. After all other enforcement actions fail, or
2. When no other enforcement actions are feasible.

§ 5.12. Tax intercept.

A. The department shall intercept state and federal

income tax refunds and shall apply these moneys, in whole or in part, first to any debt to the Commonwealth and second to delinquent child support obligations.

B. The Virginia Department of Taxation prescribes rules for interception of state tax refunds and notification to the person whose tax refund is being intercepted.

1. The department may retain moneys up to the amount owed on the due date of the finalization notice from the department to the Virginia Department of Taxation.

2. The department may intercept state tax refunds when the delinquent amount equals at least \$25.

3. The department may not disburse the intercepted taxes if the absent responsible parent has appealed the intercept action and the appeal is pending.

4. The department shall issue a refund to the absent responsible parent when one of the following occurs:

- a. The intercept was made in error.
- b. The absent responsible parent pays the delinquent amount in full after the Department of Taxation has been notified of the delinquency and before the tax refund is intercepted.

c. Either or both federal and state tax refunds are intercepted, the total amount intercepted is more than the amount of the delinquency at the time that notification of the tax intercept was sent to the Department of Taxation, and the absent responsible parent does not agree to allow the department to apply the excess funds to any delinquency that accrued after certification for tax intercept.

C. The Internal Revenue Service has prescribed rules regarding the interception of federal tax refunds. Part 45, §§ 302.60 and 303.72 of the Code of Federal Regulations are incorporated by reference in this regulation.

Article 4. Federal Enforcement Remedies.

In addition to state administrative enforcement remedies, the department shall use federal enforcement remedies to enforce child support obligations.

§ 5.13. Internal Revenue Service full collection service.

A. The department may ask the Internal Revenue Service to collect delinquent child support payments when all reasonable efforts to collect past due child support payments have been made but have not been successful.

B. The department shall make this request through the federal Office of Child Support Enforcement.

§ 5.14. Enforcement remedies to be used against federal employees.

A. The department may apply its enforcement remedies against United States military and civilian active and retired personnel.

B. When enforcement under Virginia law is not possible, the department may use (i) Mandatory Military Allotments and (ii) Involuntary Child Support Allotments for Public Health Services Employees to enforce child support obligations of active military personnel and public health services employees.

1. For the purposes of these two enforcement actions, delinquency shall be defined as failure of the absent responsible parent to make child support payments equal to the amount due for two months.

2. The amount of money withheld from these wages shall be up to the amount allowed under the Consumer Credit Protection Act.

PART VI. ADMINISTRATIVE APPEALS.

Actions to establish and enforce child support obligations administratively may be appealed according to the following rules.

§ 6.1. Validity of the appeal.

A. The department shall determine the validity of an appeal.

1. The appeal must be in writing.
2. The appeal must be received within 10 working days of service when personally delivered.
3. If mailed, the postmark must be no later than 10 working days from the date of service of the notice of proposed action.

B. The only exception to this shall be appeals of federal and state tax intercepts. The absent responsible parent shall have 30 days to appeal a tax intercept notice to the department.

§ 6.2. General rules.

A. The appeal shall be heard by a hearings officer.

1. The hearings officer shall hold the hearing in the district office where the custodial parent resides unless another location is requested by the absent responsible parent and it complies with § 63.1-267.1 of the Code of Virginia.

2. The absent responsible parent and the custodial parent may be represented at the hearing by legal

counsel.

3. The absent responsible parent may withdraw the appeal at any time.

4. The hearings officer shall accept a request for a continuance from the absent responsible parent or the custodial parent if:

a. The request is made in writing at least five working days prior to the hearing, and

b. The request is for not more than a 10-day continuance.

B. The hearings officer shall notify the absent responsible parent and custodial parent of the date and time of the hearing and of the disposition of the hearing in accordance with § 63.1-267.1 of the Code of Virginia.

C. Prior to the hearing, the hearings officer shall send the absent responsible parent and the custodial parent a copy of the Summary of Facts prepared by the district office.

D. The hearings officer shall provide the absent responsible parent and the custodial parent with a copy of the hearing decision either at the time of the hearing or no later than 45 days from the date the appeal request was first received by the department.

E. The hearings officer shall notify the absent responsible parent and the custodial parent in writing by certified mail if the appeal is determined to be abandoned because the absent responsible parent did not appear at the hearing.

F. The absent responsible parent or the custodial parent may appeal the hearings officer's decision to the juvenile and domestic relations district court within 10 calendar days of receipt of the hearings officer's decision. An appeal of a tax intercept must be made to the circuit court within 30 days of the date of the hearings officer's decision.

§ 6.3. Appeal of enforcement actions.

A. The absent responsible parent may appeal the actions of the department to enforce a support obligation only under the following conditions:

1. For withholding of earnings; liens; distraint, seizure, and sale; and unemployment compensation benefits intercept the appeal shall be based only on a mistake of fact.

2. For orders to withhold and deliver the appeal shall be based only on (i) a mistake of fact or (ii) whether the funds to be withheld are exempt by law from garnishment.

Final Regulations

3. Federal and state tax intercepts may be appealed based only on (i) a mistake of fact or (ii) the validity of the claim.

B. A mistake of fact is based on:

1. An error in the identity of the absent responsible parent, or
2. An error in the amount of current support or past due support.

§ 6.4. Appeal of federal enforcement remedies.

Actions to enforce child support payments through federal enforcement remedies may not be appealed through the Department of Social Services. Absent responsible parents shall appeal these actions to the federal agency which took the action.

PART VII. INTERSTATE RESPONSIBILITIES.

When the absent responsible parent and the custodial parent reside in different states, cooperation between these states is necessary.

§ 7.1. Cooperation with other state IV-D agencies.

A. The department shall provide the same services to other state IV-D cases that it provides to its own cases with the following conditions:

1. The request for services must be in writing.
2. The request for services must list the specific services needed.

B. The department shall request in writing the services of other state IV-D agencies when the custodial parent resides in Virginia, but the absent responsible parent resides in another state.

C. Other department responsibilities in providing services to other state IV-D cases and obtaining services from other state IV-D agencies are defined in Part 45, § 303.7 of the Code of Federal Regulations and §§ 63.1-274.6 and 20-88.22 of the Code of Virginia. These regulations are incorporated by reference here.

§ 7.2. Central registry.

A. The department shall manage the flow of interstate correspondence through a Central Registry located in the division's central office. Correspondence will be handled according to the rules established by the state and federal regulations cited by reference above.

B. The Central Registry shall act as the Uniform Reciprocal Enforcement of Support Act State Information Agent required by § 20-88.22 of the Code of Virginia.

PART VIII. CONFIDENTIALITY AND EXCHANGE OF INFORMATION.

Article 1.
Information Collected by the Department.

§ 8.1. Information collected from state, county, and city offices.

A. State, county, and city offices and agencies shall provide the department with information about absent responsible parents.

B. The department shall use this information to locate and collect child support payments from absent responsible parents.

§ 8.2. Subpoena of financial information.

The department may subpoena financial records from a person, firm, corporation, association, political subdivision, or state agency to corroborate the existence of assets of the absent responsible parent or the custodial parent identified by the Internal Revenue Service.

Article 2.
Information Released by the Department.

§ 8.3. Agencies to whom the department releases information.

A. The department may release information on absent responsible parents to courts and other state child support agencies.

B. The department shall release information concerning the absent responsible parent to consumer credit agencies upon their request.

C. The department may release information concerning custodial parents to courts and other state IV-D agencies as necessary to collect child support on their behalf.

D. The department shall obtain permission from the absent responsible parent or the custodial parent prior to providing information on that person to an entity other than the ones listed above.

§ 8.4. Release of information to and from the Internal Revenue Service.

A. The department may not release information provided by the Internal Revenue Service to anyone outside of the department with the following exceptions:

1. The department may release the information to local social service agencies and the courts, but the source of the information may not be released.
2. The department may release information provide

by the Internal Revenue Service if that information is verified by a source independent of the IRS.

B. The division director, or a designee, may release information on absent responsible parents to the Internal Revenue Service.

§ 8.5. Request for information from the general public.

The department shall answer requests for information from the general public within five working days of receipt of the request or less as federal and state law may require.

§ 8.6. Requests for information from absent responsible parents and the custodial parents.

A. The department shall release, upon request from the absent responsible parent or custodial parent, copies of court orders, administrative orders, enforcement actions, and fiscal records.

B. The department shall release to the absent responsible parent and to the custodial parent personal information contained in the case record which pertains to the individual requesting the information with one exception. The department may not release medical or psychological information for which the physician providing the information has stated the individual should not have access.

C. The absent responsible parent and the custodial parent may correct, challenge, or explain the personal information which pertains to that individual.

D. The department shall charge a fee for copying case record information. The department shall base the fee on the cost of copying the material.

§ 8.7. Release of health care information.

The department shall provide specific third party liability information to the Department of Medical Assistance Services in order for that agency to pursue the absent responsible parent's medical provider for any Medicaid funds expended for his dependents who are receiving ADC or ADC/FC or who are Medicaid-only clients.

A. The department shall release health care coverage information on ADC, ADC/FC, and Medicaid only cases to the Department of Medical Assistance Services as prescribed in the cooperative agreement between the department and that agency.

B. The department shall release health care coverage information on ADC, ADC/FC, and Medicaid only cases to other state child support agencies upon their request.

C. The department shall release information on health care coverage for nonpublic assistance cases only with the

consent of the custodial parent.

PART IX. RIGHTS AND RESPONSIBILITIES OF THE CUSTODIAL PARENT AND OF THE DEPARTMENT.

Article 1.

Custodial Parent's Rights and Responsibilities.

Throughout this regulation rights and responsibilities of the custodial parents are mentioned in general terms. This section of the regulation does not abridge those rights and responsibilities; it adds to them.

§ 9.1. Custodial parents rights.

A. The department shall give the custodial parent prior notice of major decisions about the child support case.

B. The department shall periodically inform the custodial parent of the progress of the case.

C. The department shall provide the custodial parent with copies of appropriate notices as identified in this regulation.

D. The department shall advise custodial parents who receive ADC of the following rights:

1. The \$50 disregard payments,
2. Eligibility for continued Medicaid coverage when ADC is no longer received, and
3. Eligibility for continued child support services when ADC is no longer received.

E. The department shall inform all non-ADC or ADC/FC clients at the time of application for services of the effect of past receipt of ADC or ADC/FC on the collection of child support payments.

§ 9.2. Custodial parent's responsibilities.

A. Custodial parents must give full and complete information, if known, regarding the absent responsible parent's name, address, social security number, current employment, and employment history and provide new information when learned.

B. Custodial parents must inform the department of any public assistance which was received in the past on behalf of the parent and children.

C. Custodial parents must promptly (i) inform the department of any divorce actions or court actions to establish a child support order, (ii) send to the department copies of any legal documents pertaining to divorce, support, or custody, and (iii) inform the department of any changes in custody or plans for reconciliation with the

Final Regulations

absent responsible parent.

D. Custodial parents must notify the department if an attorney is hired to handle a child support matter.

E. Custodial parents must notify the department immediately of any change in their financial circumstances.

F. Custodial parents must notify the department in writing regarding any change of their address or name. When possible, the custodial parent shall give this notification 30 days in advance.

Article 2. Department's Rights and Responsibilities.

§ 9.3. Department's rights.

A. The department shall decide, in a manner consistent with state and federal requirements, the best way to handle a child support case.

B. The department shall decide when to close a case based on federal requirements and the criteria in Part XI.

§ 9.4. Department's responsibilities.

A. The department shall act in a manner consistent with the best interests of the child.

B. The department shall establish a priority system for providing services which will ensure that services are provided in a timely manner.

C. The department shall keep custodial parents advised about the progress of the child support cases and shall include custodial parents in major decisions made about the handling of the child support case.

PART X. PROCESSING SUPPORT PAYMENTS.

Article 1. Child Support Payments.

§ 10.1. Disbursement of child support payments.

A. An absent responsible parent may have multiple child support obligations.

1. Each case shall receive full payment of the current obligation when possible.

2. If the absent responsible parent's disposable earnings do not cover the full payment for each current support order, the department shall prorate the amount withheld among all orders.

B. Current support obligations shall be satisfied before satisfying a past due debt.

C. The method by which child support payments are disbursed is governed by Part 45, §§ 302.51 and 302.52 of the Code of Federal Regulations which are incorporated by reference.

Article 2. Payment Recovery.

§ 10.2. Bad checks.

A. When a payment made by an employer or absent responsible parent is not honored upon presentation to the bank on which it was drawn, the department shall first demand payment from the employer or absent responsible parent.

B. If the employer or absent responsible parent does not comply with the demand and the custodial parent is not an ADC or ADC/FC recipient, the department shall recover the payment from the custodial parent according to the methods described in § 10.4.

C. The department shall concurrently take enforcement action against the absent parent or legal action against the employer.

D. If a check received from a custodial parent is not honored upon presentation to the bank upon which it was drawn, the department shall demand payment from the custodial parent.

§ 10.3. Erroneous/duplicate disbursements.

A. When the department sends the custodial parent a payment in error or a duplicate payment, the department shall first demand payment from the custodial parent.

B. If the custodial parent is not an ADC or ADC/FC recipient and does not comply with the demand, the department shall recover the amount of the payment according to the methods described in § 10.4.

§ 10.4. Methods of payment recovery from the custodial parent.

A. If the custodial parent is not an ADC or ADC/FC recipient, the department shall:

1. Intercept and retain payments for past due debt.
2. Retain 10% of the current support payment.
3. Retain the lesser of the balance due or 100% of any intercepted funds.
4. Retain the lesser of the balance due or funds seized from bank accounts.

B. If the custodial parent is an ADC or ADC/FC recipient, the division shall notify the Division of Benefit Programs when an erroneous or duplicate payment has

been retained by the client.

PART XI. CASE CLOSURE.

§ 11.1. General rules.

A. The department shall terminate child support enforcement services when one of the criteria defined in the Code of Federal Regulations, Title 45, § 303.11 is met.

B. Sixty calendar days prior to closing a case, the department shall notify the custodial parent of its intent to close the case and shall give the reason for the case closure with the exceptions noted in the Code of Federal Regulations, Title 45, § 303.11. The department shall not close the case if the custodial parent supplies additional case information.

C. The department shall continue to provide collection and disbursement services until alternate arrangement for these services has been made.

D. The department shall reopen a closed case if the custodial parent requests the case be reopened because there is a change in circumstance which could lead to the establishment or enforcement of a child support obligation.

E. The department shall purge all closed case records three years after the case is closed pursuant to the Code of Federal Regulations, Title 45, part 74, subpart D.

PART XII. COST RECOVERY.

Article 1. General.

§ 12.1. Recovery of fees.

The department shall assess and recover from the absent responsible parent using any mechanism provided in Chapter 13 of Title 63.1:

1. Attorney's fees,
2. Genetic blood testing fees, and
3. Intercept programs' costs.

§ 12.2. Attorney's fees.

A. Attorney fees shall not exceed the amount allowed court-appointed counsel in the district courts pursuant to subdivision 1 of § 19.2-163.

B. The department shall not recover attorneys' fees or costs in any case in which the absent responsible parent prevails.

§ 12.3. Genetic blood testing.

The department shall set the costs of the genetic blood testing at the rate charged the department by the provider of genetic blood testing services.

§ 12.4. Intercept programs.

The department shall charge the absent responsible parent the rate actually charged the department.



Commonwealth of Virginia
Department of Social Services
Division of Child Support Enforcement

RP Name _____
RP SSN _____
Case ID# _____

APPLICATION FOR CHILD SUPPORT ENFORCEMENT SERVICES

I, _____, Social Security number _____ am applying to the Division of Child Support Enforcement for child support enforcement services for the following children:

<u>Children's Name</u>	<u>Date of Birth</u>	<u>Relationship</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The services I am applying for include:

- Location of the Responsible Parent to obtain child support (if the whereabouts are unknown)
- Obtaining an acknowledgment of paternity (if not already established)
- Establishing child support obligations
- Enforcing and collecting a child support obligation

I authorize the Division of Child Support Enforcement (DCSE) to explore, pursue, and utilize all sources of information available in support of its investigation. I understand that, depending on the information I provide (including, but not limited to, the Responsible Parent's SSN, address and employer), the DCSE will assign a priority level to my case. I understand that the DCSE cannot guarantee the success of its efforts.

I understand that legal assistance may be provided in establishing or enforcing a child support obligation. I acknowledge that any legal assistance which may be provided by the Office of the Attorney General, any office of a Commonwealth's Attorney or otherwise is being provided to the Division of Child Support Enforcement, and not to me personally. A final decision concerning any legal action which may be taken in my case shall be made by the Division, and the Division shall advise me of action they have decided to take. I further acknowledge that I am aware of my right to secure the services of my own attorney to represent me personally at any time. If I choose to retain the services of a private attorney, I will notify the Division immediately.

I authorize the Division of Child Support Enforcement to seek, enforce, and collect for me and my children current or past due support from anyone who has a legal duty to support me and my children.

I authorize the Division of Child Support Enforcement to endorse and cash checks, money orders, or other forms of payment which are made out to me for support payments.

I authorize the Division of Child Support Enforcement to give receipts for any payment collected.

Applicant's Name (Print) _____ Address _____

Applicant's Signature _____

Date _____ Telephone _____

SUPPORT ENFORCEMENT SERVICES

Local, state and federal resources are used to obtain the Responsible Parent's address to enforce a child support order. The Division of Child Support Enforcement will try to obtain an acknowledgment of paternity or consent if paternity has not already been established. When paternity is established, a support obligation will be sought either administratively or through the court. After the obligation is established, support payments will be collected and monitored. If payments become irregular or stop, the support obligation will be enforced through a number of enforcement remedies. Some of these are listed below:

- Immediate or Mandatory Withholdings of Earnings - an automatic withholding of earnings and wages when the order is initiated or when the support payment is delinquent in an amount equal to one month's support payment.
- State Tax Refund Intercept - State tax refunds are intercepted to pay off child support debts (note: if there is a debt owed to the State for public assistance paid, this debt is satisfied first).
- Federal Tax Refund Intercept - Federal tax refunds are intercepted to pay off child support debts. You should be aware of the following:
 - If tax intercept involves a joint return, the tax intercept will not be distributed for 6 months after it is received.
 - If there is a debt owed to the State for public assistance paid, this debt is satisfied first.
 - Any payment the family receives may have to be returned to DCSE if there is an adjustment within 3 years following the receipt of a tax year.

These are only a few of the enforcement remedies available and they may not apply in your situation. Your child support office will initiate remedies it deems appropriate to secure your child support payment and will discuss these with you.

032-11-511/5

Final Regulations

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

Title of Regulation: VR 675-01-02. Board for Waterworks and Wastewater Works Operators Regulations.

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Effective Date: May 22, 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 V.A.R. 1056-1062 December 31, 1990.

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 25, 1991

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS910044

Ex Parte: In the matter of adopting Rules
Governing the Reporting of Cost Utilization Data
Relating to Mandated Benefits and Mandated Providers

ORDER SETTING HEARING

WHEREAS, Virginia Code § 12.1-13 provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction and Virginia Code §§ 38.2-223 and 38.2-3419.1 provide that the Commission is authorized to issue reasonable rules and regulations necessary to regulate the reporting of cost utilization data relating to mandated benefits and mandated providers;

WHEREAS, the Bureau of Insurance has submitted to the Commission a proposed regulation entitled "Rules Governing the Reporting of Cost Utilization Data Relating to Mandated Benefits and Mandated Providers"; and

WHEREAS, the Commission is of the opinion that a hearing should be held to consider the adoption of the proposed regulation;

THEREFORE, IT IS ORDERED:

- (1) That the proposed regulation entitled "Rules Governing the Reporting of Cost Utilization Data Relating to Mandated Benefits and Mandated Providers" be appended hereto and made a part hereof, filed and made a part of the record herein;
- (2) That a hearing be held in the Commission's Courtroom, 13th Floor, Jefferson Building, Bank and Governor Streets, Richmond, Virginia at 10:00 a.m. on May 14, 1991, for the purpose of considering the adoption of the proposed regulation;
- (3) That, on or before April 30, 1991, any person desiring to comment on the proposed regulation shall file such comments in writing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23216;
- (4) That an attested copy hereof, together with a copy of the proposed regulation, be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Gerald A. Milsky, who shall forthwith give further notice of the proposed regulation and hearing by mailing a copy of this order together with a copy of the proposed regulation to all life and health insurers, health services plans and health maintenance organizations licensed in the

Commonwealth of Virginia; and

(5) That the Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.

RULES GOVERNING THE REPORTING OF COST UTILIZATION DATA RELATING TO MANDATED BENEFITS AND MANDATED PROVIDERS

§ 1. Authority.

This Regulation is issued pursuant to the authority vested in the Commission under §§ 38.2-223 and 38.2-3419.1 of the Code of Virginia.

§ 2. Purpose.

The purpose of this regulation is to implement § 38.2-3419.1 of the Code of Virginia with respect to mandated health insurance benefits and providers:

This regulation is designed to:

- (a) Provide the format for the reporting of costs and utilization associated with mandated benefits and providers;
- (b) Describe the system for reporting such data; and
- (c) Define the information that is required to be reported.

§ 3. Effective date.

This regulation shall be effective on July 1, 1991.

§ 4. Scope.

A. This regulation shall apply to every insurer, health services plan and health maintenance organization issuing policies of accident and sickness insurance or subscription contracts in this Commonwealth unless exempted by subsection B, of this section.

B. This regulation does not apply to:

1. Insurers with Virginia annual written premiums for accident and sickness policies or subscription contracts of less than \$500,000; or
2. Cooperative nonprofit life benefit companies and mutual assessment life, accident and sickness insurers; or
3. Insurers that solely issue policies not subject to the mandated benefits or mandated provider requirements of §§ 38.2-3408 through 38.2-3419 and 38.2-4221 of the Code of Virginia.

§ 5. Definitions.

State Corporation Commission

For the purposes of this regulation:

A. "Earned premiums" means the aggregate of the earned premium on all policies during a given period. The figure is calculated by adding the premiums written to the unearned premiums as of the beginning of the period and subtracting the unearned premiums as of the end of the period.

B. "Incurred claims" means the total losses sustained whether paid or unpaid.

C. "Mandated benefits" means those benefits that must be included or offered in policies delivered or issued for delivery in the Commonwealth as required by §§ 38.2-3408 through 38.2-3419 of the Code of Virginia.

D. "Mandated providers" means those practitioners that are required to be reimbursed directly by insurers as required by §§ 38.2-3408 and 38.2-4221 of the Code of Virginia.

E. "Paid claims" means the aggregate of loss payments, less deductions for all credits, except that no deduction is made for reinsurance recoveries, during a given period.

F. "Written premiums" means gross premiums written minus premiums on policies cancelled and all returned premiums during a given period. Premiums paid to reinsurance carriers on reinsurance ceded are not deducted.

§ 6. Procedures.

A. Each insurer, health services plan or health maintenance organization shall submit a report on mandated benefits and mandated providers to the Bureau of Insurance by May 1, of each year unless exempted from this requirement by the provisions of subsection 4B of this regulation.

B. The report shall be filed in the format prescribed in the appendices to this regulation.

The experience of group and nongroup business shall be reported separately. Information shall be converted to the required coding systems by the insurer, health services plan or health maintenance organization prior to submission to the Bureau of Insurance.

§ 7. Penalties.

The failure to file a substantially complete and accurate report on cost and utilization data relating to mandated benefits and mandated providers by the required day may be considered a willful violation and is subject to an appropriate penalty in accordance with §§ 38.2-218 and 38.2-219 of the Code of Virginia.

§ 8. Severability.

If any provision of this regulation or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of this regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

Appendix

All insurers must submit the information required by this regulation according to the format contained in this Appendix. The information must be collected on a calendar year basis. Insurers must submit the required information no later than May 1 of each year.

Information may be submitted manually or on computer diskette which is machine readable.

Insurers claiming an exemption from this regulation must annually complete form MB-1 attesting to the exemption of the company. The form must be submitted to the Bureau of Insurance no later than May 1.

A separate report is required for each insurer.

For group coverage, include only benefits paid for master contracts delivered or issued for delivery to group policyholders located in Virginia.

Report claim amounts separately for group and individual contracts.

For newborn children coverage, include claims for newborns less than 32 days old.

For dependent children coverage, include all health care claims for dependents beyond the age for cut-off for coverage of dependents that is specified in your contracts in the absence of a physical handicap/mental retardation (Identified in this manner will be those claims for dependents other than those routinely covered). This should supply the claims.

Form MB-1

Annual Report of Mandated Benefit and Mandated Provider Costs and Utilization as Required by Section 38.2-3419.1 of the Code of Virginia.

Insurer _____

Group Name _____

Mailing Address _____

NAIC # _____

Group NAIC # _____

This report is due on May 1, of each year beginning with 1992. Please contact the Automated Systems Section of the State Corporation Commission at (804) 371-0394 for details regarding the computerized transmission of the reports to the Bureau of Insurance. It is preferred that this report be transmitted by the use of diskettes, although written reports are acceptable provided the exact format set forth in this regulation is utilized.

Use Physician's Current Procedural Terminology, Fourth Edition (CPT-4) and the Internal Classification of Disease 9th Revision Clinical Modification Third Edition ICD-9CM as the basis for defining the information to be reported. Companies using a system other than CPT-4 or ICD-9CM should report the required information under a comparable system in use by that company that has been converted to CPT-4 or ICD-9CM.

Provider information should be reported by category of provider as they are listed. We are requesting information only for the providers mandated by 838.2-3408 and the physician counter part for that provider. Place of service can be identified by Uniform Billing Code Numbers (UB-82).

Insurers with less than \$500,000 in annual written premium in this Commonwealth for accident and sickness policies or subscription contracts are exempt from this process according to Section 4 of Regulation 38. Please return this form and complete only this page if you are exempt because of the amount of your written premiums.

1991 Virginia accident and sickness written premiums:

_____ Claiming Exemption

Name of person completing form _____

Title _____

Direct Telephone # _____

Mailing Address _____

1. Please use what you consider to be your standard policy to answer this question. For the individual policy used as your base calculations in the question below:
 - o What is the deductible? _____
 - o What is the coinsurance? _____
 - o What is the individual/employee out-of-pocket maximum? _____

For your health insurance in Virginia, what is the total annual premium including mandates, and what amount is added to the annual premium of each type policy for each mandate listed?

Please indicate where coverage under your policy exceeds Virginia's mandates.

	Individual Policy		Group Certificates	
	Single	Family	Single	Family
Total Annual Policy Premium	_____	_____	_____	_____
Premium for:				
Dependent Children Coverage	_____	_____	_____	_____
Doctor to Include Dentist	_____	_____	_____	_____
Newborn Children	_____	_____	_____	_____
Mental/Emotional/Nervous (Mental Disabilities)	_____	_____	_____	_____
Inpatient	_____	_____	_____	_____
Outpatient	_____	_____	_____	_____
Alcohol and Drug Dependence	_____	_____	_____	_____
Inpatient	_____	_____	_____	_____
Outpatient	_____	_____	_____	_____
Obstetrical Services	_____	_____	_____	_____
Pregnancy from Rape or Incest	_____	_____	_____	_____
Mammography	_____	_____	_____	_____
Child Health Supervision	_____	_____	_____	_____
Chiropractor	_____	_____	_____	_____
Optometrist	_____	_____	_____	_____
Optician	_____	_____	_____	_____
Psychologist	_____	_____	_____	_____

Exhibit 1

For question number 1, use claims for the Codes listed under each mandate to determine your claims cost.

**Child Health Supervision, Services
(Well Baby Care)**

CPT Codes

- 90701 Immunization, active; diphtheria and tetanus toxids and pertussis vaccine (DTP)
- 90702 Diphtheria and tetanus toxids (DT)
- 90703 Tetanus toxoid
- 90704 Mumps virus vaccine, live
- 90705 Measles virus vaccine, live, attenuated
- 90706 Rubella virus vaccine, live
- 90707 Measles, mumps and rubella virus vaccine, live
- 90708 Measles, and rubella virus vaccine, live
- 90709 Rubella and mumps virus vaccine, live
- 90712 Polio virus vaccine, live, oral ((any type (s)))
- 90737 Hemophilus influenza B
New Patient
- 90755 Infant care to one year of age, with a maximum of 12 office visits during regular office hours, including tuberculin skin testing and immunization of DPT and Oral polio
Established Patient
Interval history and exam related to the healthy individual, including anticipatory guidance, periodic type exam
- 90762 Late childhood (Age 5-6 years)
- 90763 Early childhood (Age 1 through 4 years)
- 90764 Infant (Age under 1 year)
- 90774 Administration and medical interpretation of developmental tests

Clinical Social Worker	_____	_____	_____
Podiatrist	_____	_____	_____
Professional Counselor	_____	_____	_____
Physical Therapist	_____	_____	_____
Clinical Nurse Specialist	_____	_____	_____
Audiologist	_____	_____	_____
Speech Pathologist	_____	_____	_____

2. What is the number of individual policies and/or group certificates issued by your Company in 1991 in Virginia?

	Single	Family
Individual	_____	_____
Group	_____	_____

3. What is the number of individual policies and/or group certificates in force for your company as of December 31, 1991 in Virginia?

	Single	Family
Individual	_____	_____
Group	_____	_____

4. What would be the annual premium for an individual policy with no mandated benefits or mandated providers for a 30 year old male in the Richmond area in your standard premium class? What would be the cost for a policy for the same individual with present mandates? (Assume coverage including \$250 deductible, \$1,000 stop-loss limit, 80% co-insurance factor, \$250,000 policy maximum.) If you do not issue a policy of this type, please provide the premium for a 30 year old male in your standard premium class for the policy that you offer that is most similar to the one described and summarize the differences from the described policy.

Without Mandates	\$ _____
With Mandates	\$ _____
Differences in Policy	_____

Mammography

CPT Codes

- 76090 Mammography, unilateral
- 76091 Mammography, bilateral
- 76092 Screening Mammography, bilateral

Mental/Emotional /Nervous Disorders

CPT Codes - Distinguish between inpatient and outpatient

- 90825 Psychiatric evaluation of hospital records, other psychiatric reports, psychometric and/or projective tests, and other accumulated data for medical diagnostic purposes
- 90801 Psychiatric diagnostic interview examination, including history, mental status, or disposition
- 90600-90643 Consultation for psychiatric evaluation of a patient includes examination of a patient and exchange of information with primary physician and other informants such as nurses or family members, and preparation of report.
- 90830 Psychological testing by physician, with written report per hour
- 90835 Narcosynthesis for psychiatric diagnostic and therapeutic purposes
- 90841 Individual medical psychotherapy by a physician, with continuing medical diagnostic evaluation and drug management when indicated, including insight oriented, behavior modifying or supportive psycho therapy; time unspecified
- 90843 approximately 20 to 30 minutes (90841)
- 90844 approximately 45 to 50 minutes (90841)
- 90845 Medical psychoanalysis
- 90846 Family medical psychotherapy (without the patient present)
- 90847 Family medical psychotherapy (conjoint psychotherapy)
- 90849 Multiple family group medical psychotherapy by a physician

- 90853 Group medical psychotherapy
- 90862 Pharmacologic management, including prescription use, and review of medication with no more than minimal medical psychotherapy
- 90870 Electro convulsive therapy
- 90871 Multiple seizures, per day
- Other Psychiatric Therapy
- 90880
- 90882
- 90887
- 90889
- Other Procedures
- 90899 Unlisted psychiatric service/procedure

Obstetrical Services

Delivery, Antepartum and Postpartum Care

CPT Codes

- 59400 Routine obstetric care including antepartum care, vaginal delivery (with or without episiotomy, and/or forceps) and postpartum care
- 54910 Vaginal delivery only (with or without episiotomy and/or forceps) including postpartum care
- 54912 External cephalic version, with or without tocolysis (list in addition to code(s) for delivery)
- 54914 Delivery of placenta following delivery of infant outside of hospital
- 59420 Antepartum care only (separate procedure)
- 54930 Postpartum care only (separate procedure)

Cesarean Delivery

- 59510 Routine obstetric care including antepartum care, cesarean delivery, and postpartum care
- 59515 Cesarean delivery only including postpartum care
- 59525 Subtotal or total hysterectomy after cesarean delivery (list in addition to 59510 or 59515)

Abortion

- 90000-90280 Medical treatment of spontaneous abortion, any trimester
- 59812 Treatment of spontaneous abortion, any trimester, completed surgically
- 58920 Treatment of missed abortion, completed surgically, first trimester
- 58921 second trimester
- 58930 Treatment of septic abortion, completed surgically
- 58999 Unlisted procedure, maternity care and delivery

Pregnancy from Rape/Incest
Same Codes as Obstetrical Services/Any Other Appropriate

Newborn Children

ICD Codes

- 740-759.9 Congenital Anomalies
- 760-763 Certain Conditions originating in the perinatal period
- 764-779 Other Conditions originating in the perinatal period

CPT

- 90225 History and examination of the normal newborn infant, initiation of diagnostic and treatment programs and preparation
- 90282 Normal Newborn Services

Dependent Children

ICD Codes

- 317-319 Mental Retardation

Alcohol and Drug Dependence

ICD Codes 291 - 292.9

- 291 Alcohol Psychoses
- 303 Alcohol dependence syndrome
 - Inpatient
 - Outpatient
- Drug Psychoses

ICD Codes 292 - 292.9

- 304 Drug dependence
 - Inpatient
 - Outpatient

ICD Codes

- 520-529 Diseases of oral cavity, salivary glands and jaws
- 524 Dentofacial anomalies, including malocclusion
- 525 Other diseases and conditions of the teeth and supporting structure
- 526 Diseases of the jaws

Doctor to Include Dentist

Utilization and Expenditures for Selected Procedures by Physician Provider Type

Select Procedure Codes are listed here to obtain information about utilization and costs for specific types of services. Please identify expenditures and only visits for the Procedure Codes Indicated. Other claims should not be included here.

Procedure Code 90015	Office Visit, Intermediate Service to New Patient	
Clinical Social Worker	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Chiropractor	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Podiatrist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Optometrist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____

Procedure Code 90844: Medical Psychotherapy
45 to 50 Minute Session

Professional Counselor	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Psychologist	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Physical Therapist	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____

Clinical Social Worker	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Professional Counselor	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Psychologist	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Clinical Nurse Specialist	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Psychiatrist	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____

Procedure Code 92507, Speech, Language or Hearing

Clinical Social Worker	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Audiologist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Professional Counselor	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Speech Pathologist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Physical Therapist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____

Procedure Code 90853: Group Medical Psychotherapy

Clinical Social Worker	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Professional Counselor	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Psychologist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Clinical Nurse Specialist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Psychiatrist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____

Procedure Code 97110: Physical Medicine Treatment, 30 min.
Therapeutic Exercise

Chiropractor	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Podiatrist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Speech Pathologist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Physical Therapist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Physician	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____

Physician

#Visits	_____
Claim Payments	_____
Cost Per Visit	_____

Procedure 97128: Physical Medicine Treatment, Ultrasound

Chiropractor	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Podiatrist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Physical Therapist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Physician	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____

Procedure Code 97124: Physical Medicine Treatment, Massage

Chiropractor	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Podiatrist	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Physical Therapist	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Physician	# Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____

Procedure Code 11765: Excision of Ingrown Toenail

Podiatrist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Physician	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____

Procedure Code 92002: Limited Eye Examination

Optometrist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Optician	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____
Ophthalmologist	#Visits	_____
	Claim Payments	_____
	Cost Per Visit	_____

RULES GOVERNING THE REPORTING OF COST AND UTILIZATION
DATA RELATED TO MANDATED BENEFITS AND MANDATED PROVIDERS

Table of Contents

<u>Section</u>	<u>Page</u>
1. Authority.	1
2. Purpose.	1
3. Effective Date.	1
4. Scope.	1
5. Definitions.	2
6. Procedures.	3
7. Penalties.	3
8. Severability.	4
Appendix	

Uniform Billing Manual
(UB-82)

PLACE OF SERVICE CODES

Field Values	Report As:
10 Hospital, inpatient	Inpatient
1S Hospital, affiliated hospice	Inpatient
1Z Rehabilitation hospital, inpatient	Inpatient
20 Hospital, outpatient	Outpatient
2F Hospital-based ambulatory surgical facility	Outpatient
2S Hospital, outpatient hospice services	Outpatient
2Z Rehabilitation hospital, outpatient	Outpatient
30 Provider's office	Outpatient
3S Hospital, office	Outpatient
40 Patient's home	Outpatient
4S Hospice (Home hospice services)	
51 Psychiatric facility, inpatient	Inpatient
52 Psychiatric facility, outpatient	Outpatient
53 Psychiatric day-care facility	Outpatient
54 Psychiatric night-care facility	Outpatient
55 Residential substance abuse treatment facility	Inpatient
56 Outpatient substance abuse treatment facility	Outpatient
60 Independent clinical laboratory	Outpatient
70 Nursing home	Inpatient
80 Skilled nursing facility/extended care facility	Inpatient
90 Ambulance; ground	Outpatient
9A Ambulance; air	Outpatient
9C Ambulance; sea	Outpatient
00 Other unlisted licensed facility	Outpatient
0G Hemophilia treatment center	
B0 Freestanding ambulatory medical facility	
BD Freestanding dialysis facility	
BF Freestanding ambulatory surgical facility	
BM Freestanding alternative birthing facility	
BR Freestanding cardiac rehabilitation facility	
BS Freestanding hospice facility	

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER SIX (91)

VIRGINIA'S SEVENTEENTH INSTANT GAME LOTTERY; "FAST SCRATCH," FINAL RULES FOR GAME OPERATION

In accordance with the authority granted by § 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's seventeenth instant game lottery, "Fast Scratch." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
Director
March 11, 1991

DIRECTOR'S ORDER NUMBER EIGHT (91)

VIRGINIA LOTTERY RETAILER LOTTO JACKPOT BONUS PROGRAM AND RULES; REVISED.

In accordance with the authority granted by § 58.1-4006A of the Code of Virginia, I hereby promulgate the revised Virginia Lottery Retailer Lotto Jackpot Bonus Program and Rules for the lottery retailer incentive program which began on Wednesday, October 31, 1990. These rules amplify and conform to the duly adopted State Lottery Board regulations and are as follows:

When the outcome of a Virginia Lotto drawing results in either a single jackpot winning ticket or multiple jackpot winning tickets, the lottery retailer(s) selling the jackpot winning tickets are entitled to bonus compensation, payable by the State Lottery Department according to the following terms:

(1) For any Virginia Lotto drawing which results in a single jackpot winning ticket, the retailer selling that jackpot winning ticket will receive bonus compensation of \$5,000.

(2) For any Virginia Lotto drawing which results in two or three jackpot winning tickets, the retailer(s) selling the jackpot winning tickets will receive bonus compensation of \$5,000 for each jackpot winning ticket sold for that drawing.

(3) For any Virginia Lotto drawing which results in four (4) through fifteen (15) jackpot winning tickets, the retailer(s) selling the jackpot winning tickets will receive bonus compensation representing a pro rata share of \$15,000 divided equally among each retailer selling a jackpot winning ticket according to the number of jackpot winning tickets each retailer sold. The total bonus compensation for this category shall not exceed \$15,000.

(4) For any Virginia Lotto drawing which results in sixteen (16) or more jackpot winning tickets, no bonus compensation will be paid to any retailer.

If a change of business ownership occurs for any retailer(s) selling the jackpot winning ticket(s) after the jackpot winning ticket(s) were purchased but prior to the drawing which determines the winning ticket(s), the bonus compensation will be paid to the retailer(s) owning the business at the time of that drawing.

Lottery retailers are responsible for all federal and state taxes associated with bonus compensation, as with other earned income. The retailer Lotto jackpot bonus maximum payment for any Lotto drawing is \$15,000. All retailer bonus compensation associated with this program will be made by the State Lottery Department in a single payment to the retailer(s). This program is applicable only to Virginia Lotto tickets and drawings and is payable only to active Virginia licensed lottery retailers.

These rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P. O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson
Director
March 11, 1991

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 450-01-0034. Pertaining to the Taking of Striped Bass.

Statutory Authority: §§ 28.1-23 and 28.1-50 of the Code of Virginia.

Effective Date: March 31, 1991.

Preamble:

This regulation establishes a limited commercial and recreational fishery for striped bass in Virginia. The purpose of this regulation is to provide for a transitional fishery and to ensure the continued recovery of the Chesapeake Bay stocks of striped bass. These changes comply with the recommendations of the Interstate Fishery Management Plan for Striped Bass.

Section 10 of this regulation authorizes the aquaculture of striped bass and hybrid striped bass and sets forth the terms and conditions required for their culture.

VR 450-01-0034. Pertaining to the Taking of Striped Bass.

§ 1. Authority, prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ ~~28.1-23~~ 28.1-28 and 28.1-50 of the Code of Virginia.

B. This regulation amends previous regulation VR 450-01-0034, Pertaining to the Taking of Striped Bass, which was promulgated and made effective on ~~June 1, 1990~~ September 17, 1990.

C. The effective date of this regulation is ~~September 17, 1990~~ March 31, 1991.

§ 2. Purpose.

The purpose of this regulation is to provide for the continued recovery of Virginia's striped bass stocks.

The provisions pertaining to aquaculture serve to prevent escapement of cultured hybrid striped bass into the natural environment and to minimize the impact of cultured fish in the market place on the enforcement of other provisions in this regulation.

§ 3. Definitions.

A. Striped bass - any fish of the species *Morone saxatilis*

including any hybrid striped bass.

B. Spawning rivers - the James, Pamunkey, Mattaponi and Rappahannock Rivers including all their tributaries.

C. Spawning reaches - sections within the spawning rivers as follows:

1. James River: From a line connecting Dancing Point and New Sunken Meadow Creek upstream to a line connecting City Point and Packs Point;

2. Pamunkey River: From the Route 33 bridge at West Point upstream to a line connecting Liberty Hall and the opposite shore;

3. Mattaponi River: From the Route 33 bridge at West Point upstream to the Route 360 bridge at Aylett;

4. Rappahannock River: From the Route 360 bridge at Tappahannock upstream to the Route 3 bridge at Fredericksburg.

§ 4. Fishing and possession seasons.

A. Except as provided in § 7 of this regulation, the open fishing season for striped bass in Virginia tidal waters shall be November 5, 1990, to December 5, 1990, both dates inclusive. It shall be unlawful for any person to take or catch any striped bass other than during the open fishing season. The open fishing season may be adjusted as described in § 7 of this regulation.

B. During the period September 17, 1990, to ~~March 31, 1991~~, August 31, 1991, both dates inclusive, it shall be lawful for any person to possess striped bass, including striped bass taken from waters other than Virginia tidal waters, under the following conditions:

1. The striped bass shall have been harvested legally in Virginia or another jurisdiction.

2. When the striped bass are in the possession of the harvester, the striped bass shall be accompanied with a copy of the permit or license authorizing their harvest or a receipt indicating the name of the permit holder, the permit number, date of catch, and number or pounds of fish in possession.

3. When striped bass are in the possession of any person other than the original harvester, the striped bass shall be accompanied by a bill of sale which shall include the name of the seller, the permit or license number of the seller if such permit or license is required in the jurisdiction of origin, the date of sale, the pounds of striped bass in possession, the location of catch and the gear type used to harvest the striped bass.

C. During the period ~~April 1, 1991~~ September 1, 1991, to September 16, 1991, both dates inclusive, it shall be

Marine Resources Commission

unlawful for any person to possess, transport, process, sell or offer for sale any striped bass.

§ 5. Minimum and maximum size limits, total length determination.

A. It shall be unlawful for any person to possess any striped bass measuring less than 18 inches, total length.

B. It shall be unlawful for any person to possess any striped bass taken from the Territorial Sea of any state, including Virginia, or the ocean waters under the jurisdiction of the federal government measuring less than 28 inches, total length.

C. It shall be unlawful for any person to possess any striped bass measuring greater than 36 inches, total length.

D. It shall be unlawful for any person, while aboard any boat or vessel or while fishing from shore or pier, to alter any striped bass or to possess any altered striped bass such that its total length cannot be determined.

E. Total length shall be measured in a straight line from the tip of the nose of the striped bass to the tip of its tail.

§ 6. Gear restrictions.

A. During the period April 1 to May 31, of each year, both dates inclusive, a person may not set or fish any anchored or staked gill net within the spawning reaches. Drift (float) gill nets may be set or fished within the spawning reaches during this time period, but the fishermen must remain with such net while that net is in the fishing position.

B. The minimum mesh size of any gill net used for the harvest of striped bass shall be five inches, stretched measure.

C. Persons utilizing a vessel or boat in the harvest of striped bass by gill net shall be limited to 1800 feet of gill net per vessel.

D. It shall be unlawful for any person utilizing a vessel or boat to harvest fish by gill net to have on board, possess or land striped bass in a vessel equipped with more than 1800 feet of gill net, or net with mesh size of less than 5 inches stretched measure.

§ 7. Commercial harvest quotas.

A. During the open fishing season it shall be unlawful to harvest striped bass for commercial purposes by any method other than by gill net, pound net, haul seine, or fyke net. The harvest of striped bass by any person using a gill net, pound net, haul seine, or fyke net shall be presumed to be for commercial purposes and the amounts of such harvest shall be summed to the total allowable level of commercial harvest.

B. The total allowable sum of commercial harvest of striped bass by all legal harvest methods shall be 211,000 pounds of whole fish. At such time as the total harvest of striped bass reaches 211,000 pounds it shall be unlawful for any person to take or land any striped bass by any method for commercial purposes.

C. The total allowable level of commercial striped bass harvest by gill net shall be 147,700 pounds of whole fish. At such time as the harvest of striped bass by gill net totals 147,700 pounds it shall be unlawful for any person to take or land any striped bass by gill net.

D. The total allowable level of commercial striped bass harvest by pound net shall be 52,750 pounds of whole fish. At such time as the harvest of striped bass by pound net totals 52,750 pounds, it shall be unlawful for any person to take or land any striped bass by pound nets.

E. The total allowable level of commercial striped bass harvest by haul seine shall be 6,330 pounds of whole fish. At such time as the harvest of striped bass by haul seine totals 6,330 pounds, it shall be unlawful for any person to take or land any striped bass by haul seine.

F. The total allowable level of commercial striped bass harvest for fyke net shall be 4,220 pounds of whole fish. At such time as the harvest of striped bass by fyke net totals 4,220 pounds, it shall be unlawful for any person to take or land any striped bass by fyke net.

G. In the event that the harvest of striped bass by any single commercial gear exceeds its harvest level provided for in the preceding paragraphs such that the total allowable level of commercial harvest reaches or exceeds 211,000 pounds, then all commercial harvest of striped bass shall cease. Such cessation of fishing shall apply to all gears even in the event other single gear quotas are not reached.

§ 8. Bag limit, sale of recreational catch.

A. It shall be unlawful for any person using hook-and-line, rod-and-reel, spear, or cast net to take or catch from Virginia tidal waters more than two striped bass per day. Any striped bass taken after the bag limit of two fish has been reached shall be returned to the water immediately.

B. When fishing from any boat or vessel, the daily bag limit shall be equal to the number of persons on board the boat or vessel multiplied by 2. Retention of the legal number of striped bass is the responsibility of the vessel captain or owner.

C. It shall be unlawful for any person to sell, offer for sale, trade or barter any striped bass taken by hook-and-line, rod-and-reel, spear, or cast net.

§ 9. Permits and reports.

Marine Resources Commission

A. Except as provided in subsection B of this section, it shall be unlawful for any commercial harvester, recreational harvester, or charter boat captain to take or attempt to take, striped bass without first having obtained a permit from the Marine Resources Commission.

B. It shall be lawful for a recreational fisherman to fish for striped bass from a charter boat or charter vessel without having a permit provided the captain of the boat is permitted under subsection A of this section and is the holder of a Coast Guard charter license.

C. It shall be unlawful for any person to purchase striped bass from a commercial harvester or to market one's own catch of striped bass without first obtaining a permit from the Marine Resources Commission.

D. Possession of a striped bass permit shall authorize Marine Resources Commission personnel or their designees to inspect, measure, weigh, and take biological samples of the striped bass catch.

E. All commercial harvesters of striped bass shall report to the Marine Resources Commission on forms provided by the Commission all quantities of striped bass harvested, the gear utilized to harvest, the water body fished, and the amount of hours or days fished on a weekly basis.

1. Weekly reports shall cover the period Monday through the following Sunday.

2. All weekly reports shall be forwarded to the Commission immediately and shall be postmarked no later than the Wednesday following the week described in the report.

F. All buyers of striped bass from commercial harvesters and all individuals marketing their own catch shall verbally report to the Marine Resources Commission on a daily basis the quantities of striped bass purchased, the permit number of the harvesters selling the fish and the gear utilized by the harvesters. Written reports of daily purchases and sales shall be forwarded to the Commission weekly and shall be postmarked no later than the Wednesday following the week described in the report.

G. Recreational fishermen and charter boat captains shall report to the Marine Resources Commission on forms provided by the Commission all daily quantities of striped bass harvested and daily fishing hours by themselves or their customers, respectively, at the end of the open fishing season. Written reports shall be forwarded to the Commission immediately at the end of the season and shall be postmarked no later than December 31, 1990.

H. Failure of any person permitted to harvest, buy or sell striped bass, to submit the required written or oral report for any fishing day shall constitute a violation of this regulation.

I. Permits must be in the possession of the permittee

while harvesting, selling, or possessing striped bass.

§ 10. Aquaculture of striped bass and hybrid striped bass.

A. Permit required.

It shall be unlawful for any person, firm, or corporation to operate an aquaculture facility without first obtaining a permit from the Marine Resources Commission. Such permit shall authorize the purchase, possession, sale, and transportation of striped bass or hybrid striped bass in accordance with the other rules contained in this section.

B. Application for and term of permit.

The application for a striped bass aquaculture facility shall state the name and address of the applicant, the type and location of the facility, type of water supply, location of nearest tidal waters or tributaries to tidal water, and an estimate of production capacity. All aquaculture permits shall expire on December 31 of the year of issue and are not transferable. Permits shall be automatically renewed by the Marine Resources Commission provided no structural changes in the facility have been made, the facility has been adequately maintained, and the permittee has complied with all of the provisions of this regulation.

C. Display of permit.

1. The original of each permit shall be maintained and prominently displayed at the aquaculture facility described therein.

2. A copy of such permit may be used as evidence of authorization to transport striped bass or hybrid striped bass to sell the fish away from the permitted facility under the conditions imposed in subsection G in this section.

D. Water supply; outfall; prevention of entry and escapement.

1. A striped bass or hybrid striped bass aquaculture facility may consist of one or more ponds, artificial impoundments, closed recirculating systems or a combination of the above.

2. No pond or impoundment used for striped bass or hybrid striped bass aquaculture may be constructed or situated on a natural water course that originates beyond the boundaries of private land upon which the pond or impoundment is located.

3. There shall be no direct and unfiltered discharge from any facility to any natural watercourse. Except as provided in subdivision 4 below, outfall from any pond or impoundment shall be processed according to one of the following systems:

a. The outfall shall pass over a dry ground percolation system in which ground absorption of

Marine Resources Commission

the water is sufficient to prevent the formation of a watercourse which is capable of reaching any natural watercourse. The outfall shall pass through a screened filter box prior to entering the percolation area.

b. The outfall shall pass through a chlorination process and retention pond for dechlorination. The outfall shall pass through a filter box prior to entering the chlorination system. Such facilities must also comply with regulations of the State Water Control Board.

4. If the outfall from an aquaculture facility may not conform to the systems described in subdivision 3 a or subdivision 3 b, above, then all of the following conditions shall be required:

a. The aquaculture of striped bass or hybrid striped bass shall be restricted to the use of cage culture. Such cages shall be constructed of a vinyl coated wire or high density polyethylene mesh material sufficient in size to retain the fish and all cages must be securely anchored to prevent capsizing. Covers shall be required on all cages.

b. The outfall from the pond or impoundment shall pass through a screened filter box. Such filter box shall be constructed of a mesh material sufficient in size to retain the fish and shall be maintained free of debris and in workable condition at all times; and

c. The outfall from the screened filter box shall pass into a containment basin lined and filled with quarry rock or other suitable material to prevent the escapement of the fish from the basin.

5. Those facilities utilizing embankment ponds shall maintain sufficient freeboard above the spillway to prevent overflow.

E. Acquisition of fish, fingerlings, fry, and eggs.

Striped bass or hybrid striped bass fingerlings, fry, or eggs, may be obtained only from state permitted fish dealers and must be certified by the seller as striped bass or hybrid striped bass having a disease free status. Each purchase or acquisition of striped bass or hybrid striped bass must be accompanied by a receipt or other written evidence showing the date, source, species, quantity of the acquisition and its destination. Such receipt must be in the possession of the permittee prior to transportation of such fish, fingerlings, fry, or eggs to the permitted facility. All such receipts shall be retained as part of the permittee's records. The harvesting of striped bass from the tidal waters of Virginia for the purpose of artificially spawning in a permitted aquaculture facility shall comply with all of the provisions of this regulation and state law including minimum size limits, maximum size limits, and closed harvesting seasons and areas.

F. Inspection of facilities.

1. Inspection. Agents of the Marine Resources Commission and the Department of Game and Inland Fisheries are authorized to make periodic inspection of the facilities and the stock of each operation permitted under this section. Every person engaged in the business of striped bass aquaculture shall permit such inspection at any reasonable time.

2. Diseased fish. No person permitted under this section shall maintain in the permitted facility any fish which shows evidence of any contagious disease listed in the then current list by the United States Fish and Wildlife Services as "certifiable diseases" except for the period required for application of standard treatment procedures or for approved disposition.

3. Disposition. No person permitted under this section shall sell or otherwise transfer possession of any striped bass or hybrid striped bass which shows evidence of a "certifiable disease" to any person, except that such transfer may be made to a fish pathologist for examination and diagnosis.

G. Sale of fish.

All striped bass or hybrid striped bass except fingerlings, fry, and eggs, which are the product of an aquaculture facility permitted under this section shall be packaged with a printed label bearing the name, address, and permit number of the aquaculture facility. When so packaged and labelled such fish may be transported and sold at retail or at wholesale for commercial distribution through normal channels of trade until reaching the ultimate consumer. Every such sale must be accompanied by a receipt showing the date of sale, the name, address and permit number of the aquaculture facility, the numbers and species of fish sold, and the name of the purchaser. Each subsequent resale must be accompanied by a receipt clearly identifying the seller by name and address, showing the number and species of the fish sold, the date sold, the permit number of the aquaculture facility and, if the sale is to other than the ultimate consumer, the name and address of the purchaser. The purchaser in possession of such fish must exhibit the receipt on demand of any law-enforcement officer. A duplicate copy of each such receipt must be retained for one year by the seller as part of the records of each transaction.

H. Records.

Each permitted aquaculture facility operator shall maintain a chronological file of the receipts or copies thereof showing the dates and sources of acquisitions of striped bass or hybrid striped bass and quantities thereof, and a chronological file of copies of the receipts of his sales required under subsection G of this section. Such records shall be segregated as to each permit year, shall

be made available for inspection by any authorized agent of the Marine Resources Commission or Department of Game and Inland Fisheries, and shall be retained for at least one year following the close of the permit year to which they pertain.

I. Revocation and nonrenewal of permit.

In addition to the penalties prescribed by law, any violation of § 7 shall be grounds for revocation or suspension of the permit for the aquaculture facility for the balance of the permit year. No person whose permit has been revoked shall be eligible to apply for an aquaculture facility permit for a period of two years after the date of such revocation.

J. Importation of striped bass for the consumer market.

Striped bass or hybrid striped bass which are the product of an approved and state permitted aquaculture facility in another state may be imported into Virginia for the consumer market. Such fish shall be packaged and labelled in accordance with the provisions contained in subsection G of this section. Any sale of such fish also shall be accompanied by receipts as described in subsection G of this section.

K. Release of live fish.

Under no circumstance shall striped bass or hybrid striped bass which are the product of an aquaculture facility located within or outside the Commonwealth of Virginia be placed into the waters of the Commonwealth without first having notified the commission and having received written permission from the commissioner.

§ 6. Penalty.

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

/s/ William A. Pruitt
Commissioner

GOVERNOR

EXECUTIVE ORDER NUMBER TWENTY-NINE (91)

DECLARATION OF STATE OF EMERGENCY ARISING FROM A FIRE NEAR WAKEFIELD, VIRGINIA

On March 20, 1991, a fire was reported in Sussex County near the Town of Wakefield at a site which contains approximately 500,000 used tires. The Department of Emergency Services states that the fire has created a serious risk and hazard to the community and to public safety. The location, near U.S. Route 460, is in a swampy area which is inaccessible to firefighters and their ground equipment. Smoke from the tire fire has closed Route 460 and the lack of water has restricted firefighters' efforts to extinguish the blaze. These conditions, the height of the flames, and the need for large quantities of water at the blaze site, require that helicopter-borne water buckets from the Virginia National Guard be deployed to combat the fire.

The health and safety of the citizens in the affected area require state action to help alleviate the conditions caused by the fire. This constitutes an emergency as contemplated under Code of Virginia Section 44-146.16.

In light of the foregoing, by virtue of the authority vested in me by Code of Virginia Sections 44-75.1 and 44-146.17 as Governor and as Director of Emergency Services, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby proclaim that a state of emergency exists in Sussex County near the Town of Wakefield, Virginia. I direct that the Adjutant General of Virginia make available, on state active duty service, such members of the Virginia National Guard and such equipment as might be necessary to combat the fire in Wakefield, Virginia.

The following conditions shall apply to the employment of the Virginia National Guard:

1. In all instances, members of the Virginia National Guard shall remain subject to military command as prescribed by Section 44-78.1 of the Code of Virginia and not subject to civilian authorities. They shall, however, work in close cooperation with the Department of Emergency Services, hazardous materials response workers, and local officials.

2. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(a) Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act; and, in addition,

(b) The same benefits for injury, disability, and/or death, or their equivalent, as would be provided by the federal government if the member were serving on federal active duty at the time of injury or

death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of the injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to Section 44-14 of the Code of Virginia, and subject to the concurrence of the Board of Military Affairs, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

3. The cost incurred by the Virginia National Guard in performing this mission shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 760 of Chapter 972 of the 1990 Acts of Assembly.

This Executive Order is retroactive to 0200 hours on this date and, except for that portion providing for benefits in the event of injury or death, will remain in effect until the Department of Emergency Services, in consultation with the Secretary of Public Safety, makes a recommendation to me and I determine that there is no longer a need for National Guard assistance, or unless this Executive Order is amended or rescinded by further executive order. The portion providing for benefits in the event of injury or death shall remain in effect indefinitely.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 21st day of March, 1991.

/s/ Lawrence Douglas Wilder
Governor

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

AUCTIONEERS BOARD

Title of Regulation: VR 150-01-2. Rules and Regulations of the Virginia Auctioneers Board.

Governor's Comment:

The proposed regulations, in accordance with the Callahan Act, would enable the Board for Auctioneers to

cover administrative expenses. Pending public comment, I recommend approval.

/s/ Lawrence Douglas Wilder
Governor
Date: March 29, 1991

BOARD FOR COSMETOLOGY

Title of Regulation: VR 235-01-02. Board for Cosmetology Regulations.

Governor's Comment:

The proposed regulations, in accordance with the Callahan Act, would enable the Board for Cosmetology to cover administrative expenses. Pending public comment, I recommend approval.

/s/ Lawrence Douglas Wilder
Governor
Date: March 29, 1991

VIRGINIA STATE LIBRARY AND ARCHIVES (LIBRARY BOARD)

Title of Regulation: VR 440-02-02. Requirements Which Must Be Met in Order to Receive Grants-in-Aid.

Governor's Comment:

I concur with the form and content of this proposal. I recommend, however, that the State Library review the impact of the proposed reductions in state aid, resulting from the general fund budget reductions proposed for the 1990-92 biennium, may have on the ability of localities (public libraries) to meet increased local expenditure requirements. My final comment will be contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: April 5, 1991

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: VR 480-05-22. Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing. (REPEALED.)
VR 480-05-22.1. Gas and Oil Regulations.

Governor's Comment:

The proposed regulations would replace existing gas and oil regulations in order to take account of changes made by the Gas and Oil Act of 1990. Pending public comment, I recommend approval of these regulations.

/s/ Lawrence Douglas Wilder
Governor
Date: April 1, 1991

* * * * *

Title of Regulation: VR 480-05-96. Regulations Governing Vertical Mine Ventilation Holes and Mining Near Gas and Oil Wells.

Governor's Comment:

These regulations are intended to allow well operators to more effectively use natural gas resources and seek to provide better protection to underground coal mine workers and the environment. Pending public comment, I recommend approval of the regulations.

/s/ Lawrence Douglas Wilder
Governor
Date: April 1, 1991

GENERAL NOTICES/ERRATA

Symbol Key †

† 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.

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.

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: **Public Participation Guidelines.** The purpose of the proposed action is to amend and update the council's Public Participation Guidelines.

Statutory Authority: § 9-164 2 of the Code of Virginia.

Written comments may be submitted until May 15, 1991.

Contact: G. Edward Dalton, Deputy Director, Virginia Health Services Cost Review Council, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

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: **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 460-02-4.1910. Methods and Standards for Establishing Payment Rates - In-Patient Hospital Care.** The purpose of the proposed action is to modify attachment 4.19 A to the State Plan for Medical Assistance as required by the Final Settlement Agreement between the Virginia Hospital Association and the Commonwealth of Virginia of the issues raised in Virginia Hospital Association v Wilder, et al.

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

Written comments may be submitted until May 6, 1991, to William R. Blakely, 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) 786-7959.

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 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.

General Notices/Errata

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: **VR 615-70-17. Child Support Enforcement Program.** The purpose of the proposed action is response to legislative action by the General Assembly in 1991, in anticipation of new federal child support regulations, and in response to the need for other programmatic changes, the department will develop rules to:

1. Define under what conditions the department shall release information to absent responsible parents and custodial parents involved in administrative proceedings regarding the child support enforcement program;
2. Define the conditions under which the department shall not administratively issue an immediate wage withholding at the time the administrative support order is issued (good cause);
3. Define the frequency and conditions under which the department shall review and modify child support obligations;
4. Define debt to the state and child support arrears;
5. Clarify that Medicaid-only clients are not required to cooperate with the child support enforcement program as a condition of eligibility for Medicaid-only services;

6. Define under what conditions both parents are responsible for the Aid to Dependent Children (ADC) debt;

7. Clarify that administrative obligation includes the provision of health care coverage and define the conditions under which the absent responsible parent will not be required to provide health care coverage, and

8. Revise the section of the regulation covering payment recovery when a payment made by an employer or absent responsible parent is not honored upon presentation to the bank upon which it was drawn and when the department sends the custodial parent a payment in error.

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

Written comments may be submitted until May 22, 1991, to Jarnice Johnson, Division of Child Support Enforcement, 8007 Discovery Drive, Blair Building, Richmond, Virginia.

Contact: Margaret J. Friedenberg, Legislative Analyst, Department of Social Services, Office of Governmental Affairs, 8007 Discovery Drive, Blair Building, Richmond, VA 23229-8699, telephone (804) 662-9217.

GENERAL NOTICES

DIVISION OF LEGISLATIVE SERVICES

† Public Notice

Beginning in April 1991, the Division of Legislative Services will publish The Legislative Record, a monthly newsletter containing summaries of all meetings of legislative study commissions and subcommittees held during the previous month. The newsletter, designed to provide members of the General Assembly and the public with timely and concise information on the activities of all legislative commissions and joint subcommittees, will be published as part of The Virginia Register of Regulations each month.

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

General Notices/Errata

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, to 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, VA 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/

2219, telephone (804) 786-3591.

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT of PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

ERRATA

STATE LOTTERY DEPARTMENT

Title of Regulations: VR 447-01-2. Administration Regulations.

Publication: 7:13 V.A.R. 1984-2004 March 25, 1990

Corrections to the Final Regulation:

Page 1994, second column, fourth paragraph, should read:

"...Virginia Business Opportunities - ,," published by the Department of General Services, Division of Purchases and Supply. "

Page 2000, second column, eighth paragraph, last line should read:

"...procured for the department; or"

Title of Regulations: VR 447-02-1. Instant Game Regulations.

Publication: 7:13 V.A.R. 2004-2017 March 25, 1990

Page 2005, first column, § 1.4 A 1 b should read:

"...b. Outstanding delinquent state tax liability;"

Page 2007, first column, § 1.7 F was omitted and should read:

"F. Surrender of license certificate.

If the license of a lottery retailer is suspended, revoked or not continued from year to year, the lottery retailer shall surrender the license certificate upon demand."

Page 2008, first column, of § 1.11 A 5, second line, should read:

"...frequented predominantly by persons under the age of ..."

Page 2012, second column, § 3.2 A, first line should read:

"...A. Any non-low-tier instant game cash prize..."

Page 2015, second column, § 3.32 A should read:

"...A. When paying any prize of \$600 or more, the department shall:

1. File the appropriate income reporting form(s) with the state Department of Taxation and the federal Internal Revenue Service; and:

2. Withhold any moneys due for delinquent debts listed with the Department of Taxation's set-off debt collection program."

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

† **May 3, 1991 - 9 a.m. – Open Meeting**
State Capitol, House Room 1, Richmond, Virginia. ☒

A general business meeting of the Long-Term Care Council.

Contact: Janet Lynch, Director, Long-Term Care Council, Virginia Department for the Aging, 700 East Franklin Street, 10th Floor, Richmond, Virginia 23219, telephone (804) 371-0552 or (804) 225-2271/TDD ☎

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 1-800-552-0446.

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

403, Richmond, VA 23209, telephone (804) 371-6558.

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 Sheraton Airport Inn, Salon A of the Ballroom, 4700 South Laburnum Avenue, Richmond, Virginia. ☒

May 10, 1991 - 9 a.m. - Open Meeting Sheraton Airport Inn, Salons A/B of the Ballroom, 4700 South Laburnum Avenue, Richmond, Virginia. ☒

CORRECTED NOTICE

A meeting of the board. Portions of the meeting may be held in closed session pursuant to authority contained in § 2.1-344 of the Code of Virginia.

A public hearing will be held at 10:30 a.m. on May 10 regarding proposed regulation VR 115-04-23, Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act and proposed amendments to VR 115-04-03, Rules and Regulations for Enforcement of the Virginia Pesticide Law. The public will have an opportunity to comment on the proposed regulations at the public hearing.

The public may also comment at 9 a.m., May 10 on any other matter not on the board's agenda.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Room

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 115-04-23, 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

Calendar of Events

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.

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.

STATE ADVISORY BOARD ON AIR POLLUTION

† **May 6, 1991 - 9 a.m. - Open Meeting**
Monroe Building, Meeting Room D, 14th and Bank Streets, Richmond, Virginia. ☒

The Advisory Board will discuss the impact of the 1990 Clean Air Act amendments on Virginia in terms of ozone nonattainment, sulfur dioxide emissions, and nitrogen oxide emissions.

Contact: Dr. Kathleen Sands, Board Liaison, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 225-2722.

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.

VIRGINIA AVIATION BOARD

† **April 23, 1991 - 10 a.m. - Open Meeting**
Best Western Airport Inn, 5700 Williamsburg Road, Richmond, Virginia. ☒

A meeting to discuss matters of interest to the Virginia aviation community.

Contact: Nancy C. Brent, 4508 S. Laburnum Avenue, Richmond, VA 23232-2422, telephone (804) 786-6284.

CHESAPEAKE BAY COMMISSION

† **May 9, 1991 - 2 p.m. - Open Meeting**
Conowingo Visitors Center, Route 1, Conowingo, Maryland.

† **May 10, 1991 - 9 a.m. - Open Meeting**
Willow Valley Resort and Conference Center, 2416 Willow Street Pike, Lancaster, Pennsylvania.

Topics to be considered include (i) a review of the 1991 General Assembly Session; (ii) genetic analysis of American shad entering the Chesapeake Bay; (iii) status of fish passage commitments under the 1987 Chesapeake Bay Agreement; (iv) status of oysters and oyster disease; and (v) striped bass management.

Contact: Ann Pesiri Swanson, 60 West St., Suite 200, Annapolis, MD 21401, telephone (804) 263-3420.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

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 ☒

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. ☒

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.

STATE BOARD FOR COMMUNITY COLLEGES

† **May 15, 1991 - 1 p.m. – Open Meeting**
J. Sargeant Reynolds Community College, Downtown Campus, 700 East Jackson Street, Richmond, Virginia.

A joint meeting of the State Board for Community Colleges and the State Council of Higher Education for Virginia. The State Board committee meetings will convene following the joint meeting.

† **May 16, 1991 - 9 a.m. – Open Meeting**
Monroe Building, Board Room, 15th Floor, 101 North 14th Street, Richmond, Virginia.

A regularly scheduled meeting. The agenda will be available by May 6, 1991.

Contact: Joy Graham, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2126.

COMPENSATION BOARD

April 25, 1991 - 5 p.m. – Open Meeting
† **May 30, 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)

Calendar of Events

A routine meeting.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 3-F, Richmond, VA 23206-0686, telephone (804) 786-3886 or (804) 786-3886/TDD ☎

DEPARTMENT OF CONSERVATION AND RECREATION

Catoctin Creek Scenic River Advisory Board

April 26, 1991 - 2 p.m. - Open Meeting
Waterford, Virginia.

A meeting to review river issues and programs.

Goose Creek Scenic River Advisory Board

† May 8, 1991 - 11 a.m. - Open Meeting
The Law offices of Shaw-Pittman, 201 Liberty Street, Leesburg, Virginia.

A review of 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

† May 16, 1991 - 10 a.m. - Open Meeting
Municipal Building, Council Chambers, 215 Church Avenue, 4th Floor, Roanoke, Virginia.

The board will meet to conduct a formal hearing: File Number 89-00558, Board for Contractors v. John T. Chitwood, III t/a J T's Remodeling .

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8524.

BOARD OF CORRECTIONS

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

† April 22, 1991 - 9 a.m. - Open Meeting
Days Inn - Waynesboro, 2060 Rosser Avenue, Waynesboro, Virginia.

A meeting to develop cosmetology practical examination.

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.

CRIMINAL JUSTICE SERVICES BOARD

† May 1, 1991 - 11 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

A meeting to consider matters related to the board's responsibilities for criminal justice training and improvement of the criminal justice system. Public comments will be heard before adjournment of the meeting.

Committee on Training

† May 1, 1991 - 9:30 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

A meeting to discuss matters related to training for criminal justice personnel.

Contact: Paula J. Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000.

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.

† **May 8, 1991 - 8 a.m. – Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

Formal hearings.

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.

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.

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 Station 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,

Calendar of Events

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 - COUNTY OF PRINCE WILLIAM, CITY OF MANASSAS, AND CITY OF MANASSAS PARK

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.

LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF PORTSMOUTH

† **May 8, 1991 - 9 a.m. - Open Meeting**
St. Juliens Creek Annex, Sykes Firefighting Training
Center, Victory Boulevard, near George Washington
Highway, Portsmouth, Virginia.

Portsmouth's LEPC conducts business as authorized
and required by the provisions of SARA Title III
"Superfund Amendments and Reauthorization Act of
1986," also referred to as Title III - Emergency
Planning and Community Right to Know Act of 1986."

Contact: Dan Brown, LEPC Coordinator, Director EOC, 603
Crawford St., Portsmouth, VA 23705, telephone (804)
393-8551.

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 DEPARTMENT OF EMERGENCY SERVICES

Hazardous Materials Training Committee

† **April 23, 1991 - 10 a.m. - Open Meeting**
Division of EMS, 1538 East Parham Road, Richmond,
Virginia.

A meeting to discuss curriculum course development
and review existing hazardous materials courses.

Contact: N. Paige Bishop, Henrico County Fire Training
Bureau, 10771 Old Washington Highway, Glen Allen, VA
23060, telephone (804) 264-2423.

BOARD OF FORESTRY

† **May 14, 1991 - 9 a.m. - Open Meeting**
The Islander Motel and Restaurant, Gwynn's Island,
Grimstead, Virginia. ☒

A general business meeting.

Contact: Barbara A. Worrell, Administrative Staff
Specialist, Department of Forestry, P.O. Box 3758,
Charlottesville, VA 22903, telephone (804) 977-6555, SCATS
487-1230, or (804) 977-6555/TDD ☎

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

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.

VIRGINIA GAS AND OIL BOARD

† **April 30, 1991 - 9 a.m. - Open Meeting**

The United Company, Library Conference Room, Glenway Avenue, Bristol, Virginia.

A regular business meeting of the board. A docket may be obtained prior to the hearing from the Department of Mines, Minerals and Energy, Division of Gas and Oil.

Contact: B. Thomas Fulmer, Gas and Oil Inspector, Division of Gas and Oil, 230 Charwood Drive, P.O. Box 1416, Abingdon, VA 24210, telephone (804) 628-8115, SCATS 676-5501 or 1-800-552-3831/TDD ☎

DEPARTMENT OF GENERAL SERVICES

Division of Consolidated Laboratory Services

† **May 3, 1991 - 9:30 a.m.** – Open Meeting
James Monroe Building, Room B, 101 North 14th Street, Richmond, Virginia.

The Advisory Board will discuss issues, concerns, and programs that impact the Division of Consolidated Laboratory Services and its user agencies.

Contact: Dr. A. W. Tiedemann, Jr., Director, 1 N. 14th St., Richmond, VA 23219, telephone (804) 786-7905.

BOARD FOR GEOLOGY

† **April 24, 1991 - 2:30 a.m.** – Open Meeting
Department of Commerce, Conference Room 3, 3600 West Broad Street, Richmond, Virginia. ☒

A general board meeting.

Contact: Nelle P. Hotchkiss, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595.

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 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

Calendar of Events

23218, telephone (804) 786-3561.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

April 23, 1991 - 9:30 a.m. - Open Meeting
† May 21, 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 FOR HEARING AID SPECIALISTS

† May 6, 1991 - 8:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

An open meeting to (i) administer examinations to eligible candidates; (ii) review enforcement cases; (iii) conduct regulatory review; (iv) sign certificates; and (v) consider 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.

DEPARTMENT OF HISTORIC RESOURCES

Virginia Historic Preservation Foundation

† May 14, 1991 - 10:30 a.m. - Open Meeting
Avenel, Bedford, Virginia.

A general business meeting.

Contact: Margaret Peters, Information Director, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or 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)

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.

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.

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.

Regulatory Effectiveness Advisory Committee

† May 15, 1991 - 1 p.m. - Open Meeting
† May 16, 1991 - 9 a.m. - Open Meeting
Virginia Housing Development, Training Room, 601
Belvidere Street, Richmond, Virginia. ☎

A meeting to develop challenge positions relative to the BOCA Committees actions on the 1991 proposed changes to the BOCA National Codes. REAC position thus developed are forwarded as recommendations to the Board of Housing and Community Development. Positions approved by the board will be presented at the BOCA Annual Conference in Indianapolis, Indiana, September 15-20, 1991.

Contact: Carolyn R. Williams, CPCA, Building Code Supervisor, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772 or (804) 786-5405/TDD ☎

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.

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
Community Room of the Clifton Forge Firehouse, 701 Church Street, Clifton Forge, Virginia.

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.

NOTE: CHANGE IN DATE

April 29, 1991 - 7 p.m. - Public Hearing
Alleghany High School, Valley Ridge Road, Covington, Virginia.

Public hearing regarding the proposed Alleghany County - City of Clifton Forge Consolidation.

Persons desiring to participate in the commission's public hearing 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
May 1, 1991 (if needed) - 9 a.m. - Open Meeting
Alleghany County Courthouse, Circuit Court Room, 266 West Main Street, Covington, Virginia.

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.

May 29, 1991 - 4 p.m. - Open Meeting
City Council Chambers, Bedford Municipal Building, 215 East Main Street, 2nd Floor, Bedford, Virginia.

Calendar of Events

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.

STATE LOTTERY BOARD

† April 22, 1991 - 10 a.m. - Open Meeting
† May 22, 1991 - 10 a.m. - Open Meeting
State Lottery Department, 2201 West Broad Street, Richmond, Virginia. ☒

A regular monthly meeting of the board. Business will be conducted according to items listed on the agenda which has not yet been determined. Two periods for public comment are scheduled.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

MARINE RESOURCES COMMISSION

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.

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.

Calendar of Events

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

Written comments may be submitted until April 26, 1991, to Chris Pruett, 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.

* * * * *

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.

Calendar of Events

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 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 ☎

† **June 6, 1991 - 8 a.m. - Open Meeting**
† **June 7, 1991 - 8 a.m. - Open Meeting**
† **June 8, 1991 - 8 a.m. - Open Meeting**
† **June 9, 1991 - 8 a.m. - Open Meeting**
Department of Health Professions, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

June 6 - An open session to conduct general board business and discuss any other items which may come before the board.

June 7, 8 and 9 - The board will meet to review reports, interview licensees and make decisions on discipline matters.

Public comments will be received at the conclusion of the meeting.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9925.

* * * * *

† **June 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 Medicine intends to adopt regulations entitled: **VR 465-02-01.**

Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture. These amendments pertain to Licensure by examination; examination, general; Licensure by endorsement; and Fees required by the board.

STATEMENT

Basis: Section 54.1-2400 of the Code of Virginia.

Purpose: The proposed amendments to the general regulations for medicine, osteopathy, podiatry, clinical psychology, and acupuncture are to (i) further define advertising fees for professional services; (ii) establish that the address of record shall be the professional address of the licensee; (iii) establish unprofessional conduct for referring patients to specific institutions or facilities to receive compensation; (iv) define more clearly the requirements for licensure by examination or endorsement for the practice of medicine, osteopathy, podiatry, and chiropractic; (v) establish alternatives or substitute postgraduate training or study acceptable to the board for two years of the three-year requirement for medicine or osteopathy; and (vi) establish new fees for licensure following the successful passing of the required examination to practice medicine, osteopathy, and podiatry.

Estimated Entities and Impacts:

Regulated entities: There are 23,480 doctors of medicine, osteopathy, podiatry, chiropractic, clinical psychology, and acupuncture, who hold a valid license to practice the healing arts in Virginia.

Projected costs to regulated entities: The proposed amendments will impact all currently licensed practitioners and new applicants applying for licensure who have elected to practice in Virginia.

Excepted costs to agency: The board anticipates an increase of \$15,000 for investigations and hearings relating to inappropriate advertising, referral of patients for the purpose of receiving compensation, and personal interviews with applicants to establish eligibility to sit for the licensure examination or for licensure by endorsement.

Source of funds: All funds of the board are derived from fees paid by licensees and applicants for licensure.

Impact on small business: If the practice of medicine, and other healing arts is defined as a small business, then the proposed regulations will impact small businesses as described within this statement. The proposed regulations, however, do not differentially impact small or large professional practice organizations.

Alternatives considered: During the last year, the Board of Medicine has reviewed the current regulations, regulations developed by other states, the requirements for licensure by examination in the Code of Virginia, and changes in

the national licensure examinations as they may impact the board, the licensee, and new applicants. The proposed regulations, in the opinion of the board, are the least burdensome approach while ensuring the health and welfare of the public.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 24, 1991, to Hilary H. Connor, M.D., Executive Director, 1601 Rolling Hills Drive, Richmond, Virginia.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9925.

* * * * *

† June 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 Medicine intends to adopt regulations entitled: VR 465-03-01. **Regulations Governing the Practice of Physical Therapy.** The purpose of the proposed amendments is to establish education and training requirements for foreign-trained physical therapist assistants, redefine passing grade on licensure exam, traineeships, and reinstatement examination.

STATEMENT

Basis: Section 54.1-2400 of the Code of Virginia.

Purpose: The proposed amendments to the current regulations, VR 465-03-01, address the need of the Advisory Board on Physical Therapy to establish requirements and examination process by which foreign-trained physical therapist assistants may apply for and be licensed to practice as an assistant in Virginia; to modify the periods of inactive practice years for the different levels of traineeships for therapists who have allowed their license to lapse to conform with the biennial license renewal periods; and to establish the new examination process and setting a pass/fail grade.

Projected costs to the agency for implementation and enforcement: The Board of Medicine and Advisory Board on Physical Therapy project a minimal expenditure of \$1,500 to implement the new examination process and no costs related to the traineeship programs, as the individual approved programs are self-funded. The additional increase for licensure reinstatement examination fees will be sufficient to cover projected costs associated with the administration and management of the program. The proposed amendments will provide for sufficient revenues to cover expenditures consistent with § 54.1-113 of the Code of Virginia.

Explanation of need: The amended regulations are needed

to implement the new nationally accepted licensure examination for licensure to practice physical therapy; to extend the traineeship program to encompass the foreign-trained physical therapist assistant; and to enhance the professional knowledge, skills, and ability to provide physical therapy care to patients in Virginia. The increased fee for reinstatement of licensure is needed to fund the examination administration costs.

Impact on small business: If the practice of physical therapy is defined as a small business, then the proposed regulations will impact small businesses as described within this statement. The proposed regulations, however, do not differentially impact small or large professional practice organizations.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 24, 1991, to Hilary H. Connor, M.D., Executive Director, 1601 Rolling Hills Drive, Richmond, Virginia.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9925.

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.

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.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9925.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

April 24, 1991 - 10 a.m. – Open Meeting

Calendar of Events

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.

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.

* * * * *

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

† May 7, 1991 - 9 a.m. - Public Hearing
Highland Community College, Room 605, Technology Building, Abingdon, Virginia. ☐

† May 7, 1991 - 3 p.m. - Public Hearing
Roanoke Marriott Hotel, Roanoke, Virginia. ☐

† May 8, 1991 - 11 a.m. - Public Hearing
James Madison University, Phillips Center, Harrisonburg, Virginia. ☐

† May 9, 1991 - 9 a.m. - Public Hearing
Richmond War Memorial Building, Richmond, Virginia. ☐

† May 9, 1991 - 2 p.m. - Public Hearing
Thomas Nelson Community College, Wythe Hall Room, Hampton, Virginia. ☐

An informal public meeting to review and solicit public comments on proposed revisions to the Salvage Motor Vehicle Act (§§ 46.2-1600 through 46.2-1610). Proposed revisions are intended to (i) regulate businesses dealing with salvage vehicles, (ii) increase consumer protection, and (iii) strengthen law-enforcement efforts dealing with stolen vehicles.

Contact: Steve L. Stupasky, Program Manager, Room 629, P. O. Box 27212, Richmond, VA 23269, telephone (804) 367-1939.

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.

Nursing Practice Advisory Committee

† May 13, 1991 - 1:30 p.m. - Open Meeting
Department of Health Professions, Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to organize an advisory committee on nursing practice for the purpose of studying nursing practice issues related to the legal scope of practice and advise the Board of Nursing of its findings and to assist and advise the board in the review, revision or initiation of proposed statutes or regulations pertaining to nursing practice. Public comment will be accepted at 3:30 p.m.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9909, toll-free 1-800-533-1560 or (804) 662-7197/TDD ☎

BOARD OF NURSING HOME ADMINISTRATORS

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.

† June 6, 1991 - 8:30 a.m. - Open Meeting
1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907.

BOARD FOR OPTICIANS

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.

Calendar of Events

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.

COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

† August 7, 1991 - TIME TO BE ANNOUNCED - Open Meeting

† August 8, 1991 - TIME TO BE ANNOUNCED - Open Meeting
LOCATION TO BE ANNOUNCED

Detailed agendas will be available at the committee meeting. If you would like to know more about a particular meeting you can call (804) 371-4950 for a recorded message about committee meeting agendas.

Contact: Telephone (804) 371-4950 for a recorded message.

Executive Committee

† July 8, 1991 - afternoon - Open Meeting
General Assembly Building, 5 West Conference Room, Richmond, Virginia.

Finance Committee

† May 22, 1991 - 10 a.m. - Open Meeting
† June 19, 1991 - 10 a.m. - Open Meeting
Capitol Building, House Room 1, Richmond, Virginia.

Detailed agendas will be available at the committee meeting. If you would like to know more about a particular meeting you can call (804) 371-4950 for a recorded message about committee meeting agendas.

Contact: Telephone (804) 371-4950 for a recorded message.

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.

† May 30, 1991 - 10 a.m. - Open Meeting
† June 27, 1991 - 10 a.m. - Open Meeting
Capitol Building, House Room 1, Richmond, Virginia.

Detailed agendas will be available at the committee meeting. If you would like to know more about a particular meeting you can call (804) 371-4950 for a recorded message about committee meeting agendas.

Contact: Telephone (804) 371-4950 for a recorded message.

Resources Committee

† May 15, 1991 - 9:30 a.m. - Open Meeting
† June 12, 1991 - 9:30 a.m. - Open Meeting
Capitol Building, House Room 1, Richmond, Virginia.

Detailed agendas will be available at the committee meeting. If you would like to know more about a particular meeting you can call (804) 371-4950 for a recorded message about committee meeting agendas.

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 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 RACING COMMISSION

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 Virginia Racir

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.

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 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.

† June 19, 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 662-04-02. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering - Entries. The purpose of the proposed amendments is to establish procedures and conditions under which entries will be taken for horse races with pari-mutuel wagering.

STATEMENT

Purpose: This proposed regulation, VR 662-04-02. Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering - Entries, sets forth the conditions and procedures under which entries shall be taken for horse races with pari-mutuel wagering. It is essential that the regulations for the taking of entries be clearly delineated so that horse racing will be of the highest quality and

integrity.

Estimated impact:

1. Entities affected:

The permit holders desiring to participate in horse racing, i.e., owners and trainers, will be directly affected. The holders of permits will have to enter their horses in races in accordance with the provisions of this proposed regulation. However, it should be noted that the commission has closely followed the uniform regulations of Racing Commissioners International (RCI) and those of neighboring jurisdictions in the development of this proposed regulation.

In the October 8, 1990, issue of The Virginia Register, the commission caused to be published a Notice of Intended Regulatory Action requesting input from interested parties in the development of the regulation pertaining to entries. The commission allocated time during its regular monthly meetings to discussions of the proposed regulation. Counsel from the Attorney General's Office was present and commented upon the drafts. Copies of the drafts were distributed to the commission's advisory group which includes representatives of the horse industry from within the Commonwealth.

This regulation represents a consensus of the commissioners and the parties who participated in the drafting process. This regulation specifies the conditions and procedures under which entries shall be taken for all forms of horse racing including Thoroughbred, Standardbred, Quarter Horse, Arabian and jump races.

Fiscal impact:

1. Cost to affected entities: The licensee will have to provide personnel, facilities and forms for the taking of entries in accordance with this proposed regulation. However, it should be noted that these requirements of personnel, facilities and forms are widely-accepted industry standards. There will be little or no cost to the permit holders, i.e., owners and trainers, other than the time required to properly complete the form for the entering of their horses.

2. Cost to the commission: There will be some cost to the commission in retaining qualified racing officials to administer the regulation. The commission will retain two stewards to supervise the taking of entries, rendering decisions on protests, and issue rulings on their findings. The cost will depend upon the number of racing days. Further, there will be some additional costs associated with hearing appeals from stewards' rulings.

3. Source of commission funds: The cost of initially administering this regulation will be drawn from a loan on a treasury note. It is anticipated that the commission's cost in administering this regulation will be covered by the Commonwealth's share of the retainage from pari-mutuel

Calendar of Events

wagering.

Need: This regulation is essential for the conduct of race meetings licensed by the commission. First, the holders of permits must clearly understand the conditions and procedures to follow when entering horses for races. Second, the racing officials, including the stewards, racing secretary and entry clerks, must clearly understand their duties and responsibilities in administering this regulation. Finally, the purpose of this proposed regulation is to ensure that horse racing in the Commonwealth will be of the highest integrity.

Small business impact: There will be relatively little or no impact upon small business due to this regulation.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until June 22, 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.

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 ☎

Regulatory Review Committee

† **May 3, 1991 - 10 a.m. – Open Meeting**
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia.

A meeting to review the draft of proposed Real Estate Appraiser Regulations.

Contact: Demetra Y. Kontos, Assistant Director,
Department of Commerce, 3600 W. Broad St., Richmond,
VA 23230, telephone (804) 367-2175 or (804) 367-9753/TDD
☎

REAL ESTATE BOARD

† **April 30, 1991 - 10 a.m. – Open Meeting**
Tysons Corner Marriott, 8028 Leesburg Pike, Vienna,
Virginia.

The board will meet to conduct a formal hearing: File Number 89-01137, Real Estate Board v. Frank M.

Connell, Jr.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8524.

BOARD OF REHABILITATIVE SERVICES

† **April 25, 1991 - 9:30 a.m. – Open Meeting**
Woodrow Wilson Rehabilitation Center, Fishersville,
Virginia. ☒ (Interpreter for deaf provided upon request)

The board will receive department reports, consider regulatory matters and conduct the regular business of the board.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Avenue, Richmond, VA 23230, telephone (804) 367-0319, toll-free 1-800-552-5019 TDD and Voice or (804) 367-0280/TDD ☎

Finance Committee

† **April 25, 1991 - 8:30 a.m. – Open Meeting**
Woodrow Wilson Rehabilitation Center, Fishersville,
Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review monthly financial reports and budgetary projections.

Legislation and Evaluation Committee

† **April 25, 1991 - 8:30 a.m. – Open Meeting**
Woodrow Wilson Rehabilitation Center, Fishersville,
Virginia. ☒ (Interpreter for deaf provided upon request)

Legislative update.

Program Committee

† **April 24, 1991 - 4 p.m. – Open Meeting**
Woodrow Wilson Rehabilitation Center, Fishersville,
Virginia. ☒ (Interpreter for deaf provided upon request)

WWRC Program Report.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Avenue, Richmond, VA 23230, telephone (804) 367-0319, toll-free 1-800-552-5019 TDD and Voice or (804) 367-0280/TDD ☎

VIRGINIA RESOURCES AUTHORITY

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

Calendar of Events

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.

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.

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.

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.

BOARD OF SOCIAL WORK

† **April 24, 1991 - 9:30 a.m. - Open Meeting**
1601 Rolling Hills Drive, Richmond, Virginia. ☐

Oral examination review and workshop. No public comment will be received.

† **May 16, 1991 - 1 p.m. - Open Meeting**
1601 Rolling Hills Drive, Suite 200, Richmond, Virginia.

A meeting to conduct general board business and certify oral examination results. No public comment will be received.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229, telephone (804)

Calendar of Events

662-9914.

COMMONWEALTH TRANSPORTATION BOARD

† May 15, 1991 - 2 p.m. - Open Meeting
Virginia Department of Transportation, Board Room, 1401
E. Broad Street, Richmond, Virginia. ☒

A work session of the board and the Department of
Transportation staff.

† May 16, 1991 - 10 a.m. - Open Meeting
Virginia Department of Transportation, Board Room, 1401
E. Broad Street, Richmond, Virginia. ☒ (Interpreter for
deaf provided upon request)

A monthly meeting 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 ☎

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.

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† May 8, 1991 - 1 p.m. - Open Meeting
† May 8, 1991 - 7:15 p.m. - Public Hearing
† May 9, 1991 - 8:30 a.m. - Open Meeting
Jefferson Sheraton Hotel, Franklin and Adams Street,
Richmond, Virginia.

May 8, 1991 - 1 p.m. Committee meetings.

3:30 p.m. General session.

7:15 p.m. Public Meeting (session to receive comments
on vocational-technical education).

May 9, 1991 - 8:30 a.m. - Business session.

Contact: George S. Orr, Jr., Executive Director, Virginia
Council on Vocational Education, 7420-A Whitepine Road,
Richmond, VA 23237, telephone (804) 275-6218.

VIRGINIA WASTE MANAGEMENT BOARD

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 ☎

STATE WATER CONTROL BOARD

† June 4, 1991 - 4 p.m. - Public Hearing
Town Hall, 2nd Street, Cleveland, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the State Water Control
Board intends to amend regulations entitled: VR
680-21-00. **Water Quality Standards.** The purpose of
the proposed amendment is to consider for the Town
of Cleveland a variance to the halogen ban section of
VR 680-21-01.11 by amending VR 680-01.11, VR
680-21-07.1 and VR 680-21-08.15.

STATEMENT

Basis: Section 62.1-44.15(3a) of the Code of Virginia
authorizes the board to establish water quality standards
and policies for any waters consistent with the purpose
and general policy of the State Water Control Law, and to
modify, amend, or cancel any such standards or policies
established. Such standards shall be adopted only after a
hearing is held and the board takes into consideration the
economic and social costs and benefits which can
reasonably be expected to be obtained as a result of the
standards as adopted, modified or cancelled. Section

§2.1-44.15(10) of the Code of Virginia authorizes the board to adopt regulations.

Purpose: Water quality standards establish the requirements for the protection of water quality and of beneficial uses of these waters. The purpose of the proposed amendments to VR 680-21-01.11, VR 680-21-07.1, and VR 680-21-08.15 is to consider for the Town of Cleveland a variance to the halogen ban section of VR 680-21-01.11, Chlorine in Surface Waters.

Impact: If the town is not allowed a variance to the halogen ban, the treatment facility would not be allowed to continue to use chlorine for disinfection and would be required to install an ultra-violet system of disinfection at an estimated cost of \$63,000. An economic analysis conducted by EPA found that the cost of alternate disinfection by means of ultra-violet treatment appear significant for a Town of Cleveland's size and financial condition.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Written comments may be submitted until June 21, 1991, to Doneva Dalton, at the address below.

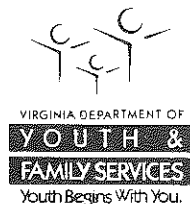
Contact: Jean Gregory, Office of Environmental Research and Standards, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6985.

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 22

Accountancy, Board for
Air Pollution Control, Department of
† Cosmetology, Board for
Emergency Response Council, Virginia
Governor's Job Training Coordinating Council
† Lottery Board, State

April 23

Accountancy, Board for
† Aviation Board, Virginia
† Emergency Services, Virginia Department of
- Hazardous Materials Training Committee
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
† Geology, Board for
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
† Rehabilitative Services, Board of
- Program Committee
† Social Work, Board of

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
† Rehabilitative Services, Board of
- Finance Committee
- Legislation and Evaluation Committee
Virginia Alcohol Safety Action Program, Commission
on the

April 26

Conservation and Recreation, Department of
- Catoctin Creek Scenic River Advisory Board
Dentistry, Board of

Calendar of Events

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
† Gas and Oil Board, Virginia
Local Government, Commission on
Nursing, Board of
- Education Advisory Committee
† Real Estate Board

May 1
† Criminal Justice Services Board
- Committee on Training
Local Government, Commission on

May 2
Emergency Planning Committee, Local - Chesterfield
County
Waste Management Board, Virginia

May 3
† Aging, Department for the
† Consolidated Laboratory Services, Division of
Medicine, Board of
- Advisory Board on Physical Therapy
Psychology, Board of
- Examination Committee
† Real Estate Appraiser Board
- Regulatory Review Committee
Women, Council on the Status of

May 6
† Air Pollution, State Advisory Board on
Cosmetology, Board for
Funeral Directors and Embalmers, Board of
† Hearing Aid Specialists, Board for

May 7
† Motor Vehicles, Department of
Hopewell Industrial Safety Council

May 8
† Conservation and Recreation, Department of
- Goose Creek Scenic River Advisory Board
† Dentistry, Board of

† Emergency Planning Committee, Local - City of
Portsmouth
Interagency Coordinating Council, Virginia
† Motor Vehicles, Department of
† Vocational Education, Virginia Council on

May 9
Agriculture and Consumer Services, Department of
- Pesticide Control Board
† Chesapeake Bay Commission
Chesapeake Bay Local Assistance Board
† Motor Vehicles, Department of
† Vocational Education, Virginia Council on
Youth and Family Services, Board of

May 10
Agriculture and Consumer Services, Department of
- Pesticide Control Board
† Chesapeake Bay Commission
Medicine, Board of
- Advisory Committee on Optometry

May 13
Agricultural Council, Virginia
† Nursing, Board of
- Nursing Practice Advisory Committee

May 14
† Forestry, Board of
† Historic Resources, Department of
- Virginia Historic Preservation Foundation
Resources Authority, Virginia

May 15
† Community Colleges, State Board for
† Housing and Community Development, Department
of
- Regulatory Effectiveness Advisory Committee
† Population Growth and Development, Commission on
- Resources Committee
† Transportation Board, Commonwealth

May 16
† Community Colleges, State Board for
† Contractors, Board for
Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee
- Regulatory Effectiveness Advisory Committee
Library Board
† Social Work, Board of
† Transportation Board, Commonwealth

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

Calendar of Events

May 21
† Health Services Cost Review Council, Virginia

May 22
Corrections, Board of
† Lottery Board, State
† Population Growth and Development, Commission on
- Finance Committee

May 23
Agriculture and Consumer Services, Board of
Audiology and Speech Pathology, Board of

May 28
Real Estate Appraiser Board

May 29
Local Government, Commission on

May 30
† Compensation Board
Education, Board of
† Population Growth and Development, Commission on
- Governance Committee

May 31
Education, Board of

June 4
Hopewell Industrial Safety Council

June 6
Emergency Planning Committee, Local - Chesterfield
County
† Medicine, Board of
† Nursing Home Administrators, Board of

June 7
† Medicine, Board of

June 8
† Medicine, Board of

June 9
† Medicine, Board of

June 11
Resources Authority, Virginia

June 12
† Population Growth and Development, Commission on
- Resources Committee

June 17
Emergency Planning Committee, Local - County of
Prince William, City of Manassas, and City of
Manassas Park

June 19
Corrections, Board of
† Population Growth and Development, Commission on

- Finance Committee

June 27
† Population Growth and Development, Commission on
- Governance Committee

June 28
Psychology, Board of
- Examination Committee

July 8
† Population Growth and Development, Commission on
- Executive Committee

August 7
† Population Growth and Development, Commission on

August 8
† Population Growth and Development, Commission on

PUBLIC HEARINGS

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
Local Government, Commission on
Mines, Minerals and Energy, Department of

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
† Water Control Board, State

June 5

Calendar of Events

Aging, Department for the

June 12
Aging, Department for the

June 13
Aging, Department for the

June 19
† Racing Commission, Virginia

June 26
Aging, Department for the

July 18
Optometry, Board of