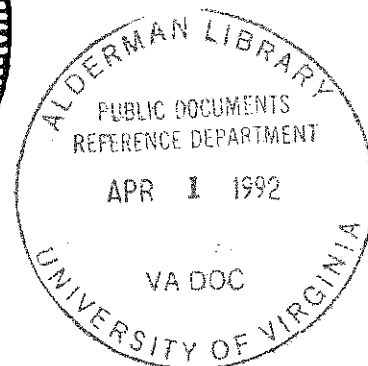
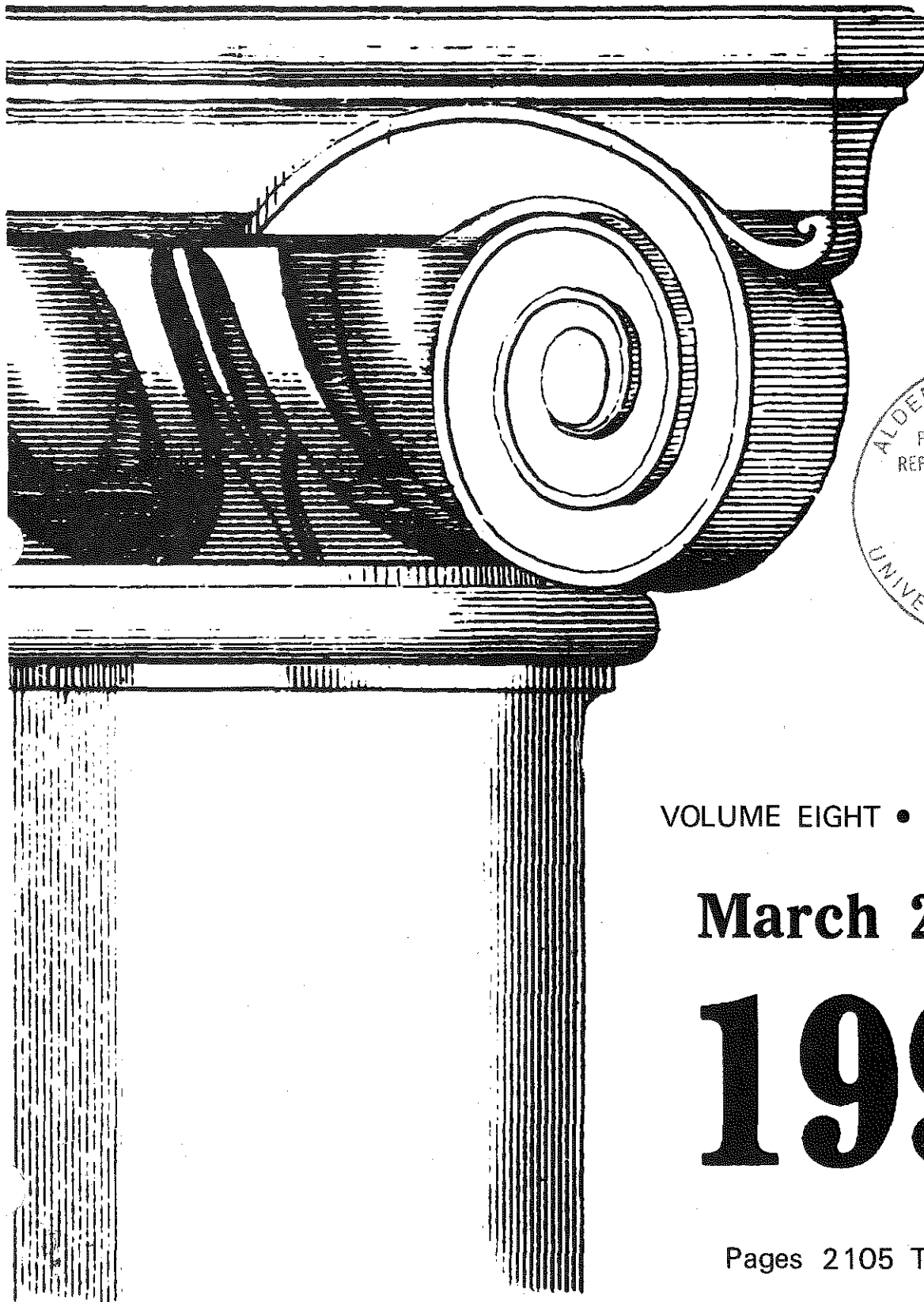


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THE VIRGINIA REGISTER

OF REGULATIONS

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March 23, 1992

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VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

CITATION TO THE VIRGINIA REGISTER

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Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

† Notice of Intended Regulatory Action

The Board of Agriculture and Consumer Services has WITHDRAWN its Notice of Intended Regulatory Action to amend VR 115-04-12, Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law. The board has adopted a uniform system of color code identification for underground petroleum storage tanks. The notice was published in 7:21 VA.R. 3291 July 15, 1991.

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 8, 1992, at 10 a.m. in House Committee Room 1, State Capitol, 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 8, 1992, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240.

Contact: Karen G. Sabasteanski, Policy Analyst, Division of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-2378.

STATE BOARD OF CORRECTIONS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Corrections intends to consider amending regulations

entitled: **VR 230-30-001. Minimum Standards for Jails and Lockups.** The purpose of the proposed action is to incorporate VR 230-30-006, Work/Study Release Standards for Local Facilities into this regulation.

Statutory Authority: §§ 53.1-5, 53.1-68 and 53.1-131 of the Code of Virginia.

Written comments may be submitted until April 15, 1992.

Contact: Mike Howerton, Chief of Operations, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3041.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Health Services Cost Review Council intends to consider amending regulations entitled: **VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.** The purpose of the proposed action is to allow health care institutions, which neither receive Medicare nor Medicaid reimbursement for patients, to develop their own methodology to ascertain nursing home costs and to eliminate the requirement that these facilities utilize the allocation methodology used for cost reports filed with the Virginia Department of Medical Assistance Services or for the Medicare Program.

Statutory Authority: §§ 9-158(A) and 9-164(2) of the Code of Virginia.

Written comments may be submitted until April 24, 1992.

Contact: John A. Rupp, Executive Director, Virginia Health Services Cost Review Council, 805 E. Broad Street, 6th Floor, Richmond, VA 23219, telephone (804) 786-6371.

BOARD FOR OPTICIANS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Opticians intends to consider amending regulations entitled: **VR 505-01-01:1. Board for Opticians Regulations.** The purpose of the proposed action is to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the board's Public Participation Guidelines and

Notices of Intended Regulatory Action

Chapter 2 of Title 54.1 of the Code of Virginia.

Building, Richmond, VA 23219, telephone (804) 225-2667.

Statutory Authority: § 54.1-201 of the Code of Virginia.

Written comments may be submitted until April 23, 1992.

Contact: Mrs. Peggy S. McCrerey, Director of Regulatory Programs, Department of Commerce, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 674-2194.

BOARD OF SOCIAL SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **Calculation of Expected Cohabitant Contribution in the Aid to Dependent Children (ADC) Program**. The purpose of the proposed action is to make the calculation of the expected cohabitant contribution consistent with the calculation of the amount of income which is deemed available to an assistance unit from a stepparent. Section 63.1-90.1 of the Code of Virginia holds a cohabitant responsible for the support and maintenance of the children of the parent with which he cohabits as man and wife.

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

Written comments may be submitted until April 22, 1992, to Ms. Constance O. Hall, ADC Program Manager, Department of Social Services, Division of Benefit Programs, 8007 Discovery Drive, Richmond, VA 23229.

Contact: Peggy Friedenber, Legislative Analyst, Bureau of Governmental Affairs, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Waste Management Board intends to consider amending regulations entitled: **VR 672-20-10. Solid Waste Management Regulations**. The purpose of the proposed action is to update the 1988 regulations including requirements of the newly promulgated federal Solid Waste Disposal Facility Criteria.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Written comments may be submitted until April 1, 1992.

Contact: Wladimir Gulevich, Department of Waste Management, 101 N. 14th Street, 11th Floor, Monroe

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

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

DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

Title of Regulation: VR 230-30-006. Work/Study Release Standards for Local Facilities. (WITHDRAWN)

Statutory Authority: §§ 53.1-5 and 53.1-131 of the Code of Virginia.

Publication Date: 8:3 V.A.R. 351-354 November 4, 1991.

NOTICE: The Department is WITHDRAWING the proposed regulation entitled "Work/Study Release Standards for Local Facilities" (VR 230-30-006) published in 8:3 V.A.R. 351-354 November 4, 1991.

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0012. Regulations Establishing Standards for Accrediting Public Schools in Virginia.

Statutory Authority: § 22.1-253.13:3 B of the Code of Virginia.

Public Hearing Dates:

April 6, 1992 - 7 p.m.

April 9, 1992 - 7 p.m.

April 13, 1992 - 7 p.m.

(See Calendar of Events section for additional information)

Summary:

The proposed changes are intended to limit the standards to regulatory intent, provide flexibility to school divisions by reducing mandates, eliminate duplicatory language with the Standards of Quality, and move the standards more toward a system of accountability based on both outcomes as well as inputs.

VR 270-01-0012. Regulations Establishing Standards for Accrediting Public Schools in Virginia.

PART I. INTRODUCTION.

§ 1.1. These standards, with certain exceptions as cited in this document, shall become effective beginning with the 1988-89 school year. Localities may implement these standards immediately with the exception of those which increase graduation requirements for students and with the exception of Standard C.11, which allows for alternatives

to the standard school year of 180 days. Students who completed the ninth grade prior 1988-89 may earn a diploma by meeting the graduation requirements in effect when they entered the ninth grade. Students who completed ninth, tenth, eleventh, or twelfth grade courses before the ninth grade under the 1983 standards shall be awarded credit for those courses under the provisions of these standards. These standards will be reviewed again in 1990 or sooner, if deemed necessary, by the Board of Education. *These standards shall become effective beginning with the 1992-93 school year. Graduation requirements for students shall be those in effect at the time the student entered the ninth grade. The last high school attended by the student during regular session shall award the diploma or certificate unless otherwise agreed by the principals of the two schools.*

PART II. PURPOSE OF ACCREDITATION.

§ 2.1. The standards for accreditation of public schools in Virginia are designed to provide a foundation for quality education. Accreditation standards provide guidance and direction to assist schools in their continuing efforts to offer educational programs to meet the needs, interests, and aspirations of all students. The accreditation standards are designed to achieve the following objectives:

1. Seek to ensure that schools Provide educational programs of high quality for all students.
2. Encourage continuous appraisal and improvement of the school program.
3. Foster public confidence.
4. Assure recognition by other institutions of learning.
5. Assist in determining the effectiveness of schools. ¹

PART III. REQUIREMENTS FOR ACCREDITATION OF PUBLIC SCHOOLS IN VIRGINIA.

§ 3.1. Section 22.1-19 of the Code of Virginia includes the requirement that the Board of Education shall provide for the accreditation of public elementary and secondary schools in accordance with standards prescribed by it.

§ 3.2. The Standards of Quality specify that each school division shall maintain schools which meet those requirements for accreditation prescribed by the Board of Education. *Section 22.1-253.13:3 B of the Code of Virginia requires that the Board of Education promulgate*

Proposed Regulations

regulations establishing standards for accreditation.

PART IV. PROCEDURES FOR ACCREDITATION.

§ 4.1. Reports and accreditation status.

A. Schools shall be accredited biennially. The principal of each school shall submit as required school accreditation reports, through the division superintendent, to the Department of Education. A Summer School Accreditation Report shall be submitted for each summer program conducted and shall be a part of the accreditation report for the regular school session immediately following the summer session. Report forms will be provided by the Department of Education. Failure to submit the reports on time will constitute grounds for withholding accreditation.

B. Information included in the reports, as well as that obtained through other records and through visits by Department of Education personnel or other designated representatives of the Board of Education, will be used to determine the accreditation status of each school in accordance with tolerances approved by the Board of Education. Schools will be accredited, accredited with advisement, or accredited with a warning, depending on the extent of existing deficiencies. Each school division shall develop by July 1 of the next school year a written corrective action plan, acceptable to the Board of Education, for any school that is accredited with a warning. A school division not implementing the approved corrective action plan as specified for any such school will lose accreditation status for that school and will be in violation of state law. No school in the warned category shall be permitted to maintain accreditation for more than one year.

C. Schools shall be accredited annually. The Board of Education may require immediate corrective action or change of accreditation status whenever significant deficiencies are reported by representatives of the Department of Education. Schools that lose their accredited status shall be considered for reaccreditation when subsequent reports and visits by Department of Education personnel reveal that prescribed standards are being met. The local school board shall review annually in public session the implementation of accreditation standards.

D. When a school applies for initial accreditation, a representative of the Department of Education shall visit the school to review the accreditation standards and procedures with the principal. A school with the number of deficiencies that would place it in the warned status will not be accepted for initial accreditation.

§ 4.2. Self-study and review.

A self-study followed by a review by the Department of Education is required for all schools every 10 years. The process shall be conducted using criteria developed or

approved by the Department of Education and shall be followed by a written progress report and a review within five years. School divisions that have their own procedure for the process may request approval to use it in lieu of the state process for the five year report.

§ 4.3. § 4.2. Application of the standards.

A. These standards apply to schools for all grade levels, K-12, as listed below:

1. Schools with containing grades K-5 shall meet elementary school standards for those grades ;
2. Schools with containing grades 6-8 shall meet the middle school standards for those grades ; and
3. Schools with containing grades 9-12 shall meet the secondary school standards for those grades .

B. Schools with grade patterns other than those listed above shall meet elementary, middle, or secondary school standards as determined by the Accreditation Service of the Department of Education.

C. B. Standards that are not appropriate to special education or to vocational and alternative programs housed in separate facilities will not be applied so long as state regulations governing services to the students enrolled are met.

D. C. In keeping with provisions of the "Standards of Quality," and in conjunction with the six-year plan of the division, each school shall prepare and implement a biennial school plan which shall be available to students, parents, staff and the public. Except for the biennial school plan required by Standard D-8 (See Part VIII of these regulations) , written divisionwide plans available in and applicable to each school may be used to satisfy all other written plans required in these standards.

D. Experimental and innovative programs that are not congruent with accreditation standards shall be submitted to the Department of Education for approval prior to implementation. The request must include the purpose, objectives, anticipated outcomes, outline, length, and evaluation procedures for the programs which have been recommended by representatives of faculty, staff, administration, and parents and approved by the local school board. However, no program may be approved which violates the provisions of "Standards of Quality."

PART V. STANDARD A: SCHOOL AND COMMUNITY RELATIONS : STANDARD A .

§ 5.1. Each school shall have in effect a written plan that promotes promote interaction with the community and that fosters foster mutual understanding in providing a quality educational program : The plan shall be developed using the following criteria through :

1. Encouraging parents, citizens, community agencies and representatives from business and industry shall be provided opportunities to participate by involving them in developing the biennial school plan, on advisory committees, in curriculum studies, and in evaluating the educational program.

2. A written plan shall be provided for interpreting the school program to the community.

3. 2. A close working relationship shall be maintained between the school and other community agencies that provide services to students.

4. 3. Schools shall have written plans for Cooperating with business and industry in formulating educational programs and conducting joint enterprises involving personnel, facilities, training programs, and other resources which shall be included in the biennial school plan .

5. The staff shall be responsible for using the resources of the community and involving parents and citizens in the following:

a. Evaluating the school program; and

b. Developing the biennial school plan.

6. 4. The school shall encourage Encouraging and support supporting the establishment of a Parent-Teacher Association + or organization and shall work working cooperatively with it.

PART VI. STANDARD B: PHILOSOPHY, GOALS, AND OBJECTIVES : STANDARD B .

§ 6.1. Each school shall have current written statements of its philosophy , goals, and objectives that shall serve as the basis for all school policies and practices : Such statement , and shall be developed using the following criteria : :

1. The philosophy , goals, and objectives shall be developed with the of concerned and interested professional and lay people who represent the various populations served by the school and included in the biennial school plan .

2. The school's philosophy and objectives shall be consistent with the Standards of Quality and the philosophy and objectives of the school division.

3. The individual school's philosophy , goals, and objectives shall be based on a realistic and systematic current needs assessment.

4. The objectives learning goals for students shall be stated in terms of student outcomes including knowledge, skills, abilities, and attitudes to be

developed .

5. The school staff and community representatives shall review biennially the philosophy , goals, and objectives of the school and shall revise them as needed.

6. Copies of the school's philosophy and objectives shall be available to staff members, students, and parents.

7. The school's philosophy and objectives shall be the basis for the biennial school plan.

PART VII. STANDARD C: INSTRUCTIONAL PROGRAM : STANDARD C .

§ 7.1. Each school shall provide a planned and balanced program of instruction that is in keeping with the abilities, interests, and educational needs of students and that promotes individual student achievement. Instruction shall be designed to accommodate all students, including those with disabilities, those identified as gifted/talented or those who have limited English proficiency. Students with disabilities shall have the opportunity to receive a full continuum of education services, in accordance with the "Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia" and other pertinent federal/state regulations.

§ 7.2. Instructional program in elementary schools.

A. Each elementary school shall provide each student a program of learning experiences organized to meet the needs of early childhood and shall provide instruction in the following subjects disciplines :

Art	Music
Health	Physical Education
Language Arts	Science
Mathematics	History and Social Studies Sciences
	(to include Virginia and U.S. Geography)

B. In grades + K -3, communication (reading, writing, spelling, listening, and speaking) , and mathematics shall be the core of the program. Phonics shall be taught in reading. All other subjects shall be taught emphasizing reading and the other language skills.

C. Students after grade 3 who can not reading read with comprehension the materials necessary for instruction at or above grade level after grade 3; as determined by local or state assessment, shall receive additional instruction in reading.

§ 7.3. Instructional program in middle schools.

A. Each middle level school shall provide each student a program of learning experiences organized to meet the

Proposed Regulations

needs of early adolescence and shall provide instruction in the following subjects *disciplines* :

Art	Music
Health	Physical Education
Language Arts	Science (Laboratory)
Mathematics	History and Social
Career and	Studies Sciences
Vocational Education	(to include
Exploration	World Geography)
Foreign Language	

B. The eighth grade shall provide a minimum of eight offerings in five academic areas (language arts, mathematics, science, *history and the social studies sciences*, and electives *foreign language*), health and physical education, fine arts, and *career and vocational education exploration*. *Level one of a foreign language shall be available to all eighth grade students.*

C. Students not reading at or above grade level, as determined by local or state assessment, shall receive additional instruction in reading.

§ 7.4. Instructional program in secondary schools.

A. Each secondary school shall *provide each student a program of learning experiences organized to meet the needs of adolescence and shall offer options opportunities* for students to pursue a program of studies in several academic and vocational areas. These *options* shall include the following:

1. Vocational education choices that prepare the student with a *marketable skill as a vocational program completer* in one of three or more occupational areas *and that prepare the student for technical or preprofessional programs of higher education*;
2. Academic choices that prepare the student for *technical or preprofessional programs of higher education*;
3. ~~2.~~ Liberal arts choices *Course work and experiences* that prepare the student for college-level studies *in the arts and sciences including access to at least two Advanced Placement courses or two college-level courses for credit*; and
4. Access to at least two advanced placement courses or two college level courses for credit; and
5. ~~3.~~ Preparation for scholastic aptitude tests; including as a minimum, a review of appropriate English and mathematics principles and instructions in taking the tests; shall be available for students.

B. Minimum course offerings for each secondary school, *grades 9-12*, shall be as follows:

English	(4)	
Mathematics	(4)	
Science (Laboratory)	(4)	
History and Social		
Studies Sciences	(to include	
World History and World		
Geography	at least	
1/2 unit of Economics)	(4)
Foreign Language		(3)
Electives		(4)
Vocational Education		11
Fine Arts		2
Health and Physical Education		2
Total Units		38

C. Students not reading at or above grade level, as determined by local or state assessment, shall receive additional instruction in reading.

D. C. When health and physical education are taught as a combination class, at least 40% of the instructional time shall be devoted to health education. Classroom driver education may count for 36 class periods of health education. Students ~~should~~ *shall* not be removed from classes in required courses other than health and physical education for the in-car phase of driver education.

E. The social studies offering shall include at least one-half unit in economics.

§ 7.5. The standard unit of credit for graduation shall be based on a minimum of 150 clock hours of instruction. When credit is awarded in less than whole units, the increment awarded must be no greater than the fractional part of the 150 hours of instruction provided. If a school division elects to award credit on a basis other than the standard unit of credit, the locality shall develop a written policy approved by the superintendent and school board which ensures:

1. That the content of the course for which credit is awarded is comparable to 150 clock hours of instruction; and
2. That upon completion, the student will have met the aims and objectives of the course as validated by passing an appropriate test.

§ 7.6. The summer school program shall be equal in quality to the program offered during the regular school term:

1. One unit of new credit per summer session shall be the maximum for which a student may enroll unless prior approval is obtained from the principal; to enroll in more than one subject.
2. 1. Credit for repeated work ordinarily will be granted on the same basis as that for new work. With prior approval of the principal, certain students may be allowed to enroll in two repeat subjects to be completed in not less than 75 clock hours of instruction per unit of credit.

Academic Subjects 9-12
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2. Summer school instruction which is provided as part of a remedial program shall be designed to improve specific identified student deficiencies.

§ 7.7. Locally developed elective courses offered for credit toward high school graduation shall be approved by the division superintendent and school board. When suitable course code numbers for reporting purposes cannot be found in the School Administrators Handbook of Course Codes and Endorsement Codes, they will be assigned, upon request, through the Accreditation Service of the Department of Education.

§ 7.8. Students who begin postsecondary education prior to high school graduation shall receive credit toward high school graduation when the following conditions are met: Beginning in the middle-school years, students shall be counseled as to opportunities for beginning postsecondary education prior to high school graduation. Students taking advantage of such opportunities shall not be denied participation in school activities for which they are otherwise eligible. Wherever possible, students shall be encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college degree credit, under the following conditions:

1. Prior written approval of the high school principal for the cross-registration must be obtained;
2. The college must accept the student for admission to the course(s); and
3. The course must be given by the college for degree credits (hence, no remedial courses will be accepted).

Schools that comply with this standard shall not be penalized in receiving state appropriations. Schools and colleges are strongly encouraged to provide such opportunities to the secondary school students at no tuition cost to the individual or his family.

§ 7.9. The school vocational education program shall be competency-based so that students can develop the knowledge, skills, and attitudes required for employment or advanced occupational preparation.

§ 7.10. § 7.9. Each middle and secondary school shall provide for the early identification and enrollment of students in a college preparation program with a range of educational and academic experiences in and outside the classroom, including an emphasis on experiences that will motivate disadvantaged and minority students to attend college.

§ 7.11. Each school shall have a program designed to improve the academic achievement and aspirations of culturally disadvantaged students.

§ 7.12. § 7.10. The standard school year shall be 180 days. The standard school day for students in grades 1-12 shall average at least 5-1/2 hours, excluding intermissions for

meals and a minimum of three hours for kindergarten. School divisions may develop alternative schedules for meeting these requirements as long as a minimum of 990 hours of instructional time is provided for grades 1-12 and 540 hours for kindergarten. Such alternative plans shall be approved by the local school board and by the Board of Education, under guidelines established by the Board of Education.

§ 7.13. § 7.11. All students in grades 1-12 shall maintain a full-day schedule of classes (5-1/2 hours), unless a waiver is granted by the local superintendent of schools.

§ 7.14. Each school shall implement Standards of Learning Objectives or locally developed objectives that are equivalent to or exceed Board of Education requirements.

§ 7.15. § 7.12. Each school shall make available a remediation program, which may include summer school, to reduce the number of students who score in the bottom national quartile on Virginia State Assessment Program Tests or those who fail the state's literacy tests ensure that students after grade 3 who can not read with comprehension the materials necessary for instruction as determined by local or state assessment receive additional instruction in reading, which may include summer school.

§ 7.16. § 7.13. Each school shall prepare and adhere to a written plan to teach appropriate writing skills at every grade level which shall include specific requirements and which culminates with a research paper in grades 11 or 12. Further, each student shall be required to make an oral presentation on the research paper before an adult or student audience.

§ 7.17. Each school shall implement career education which promotes students' awareness or knowledge of careers and the consequences and implications of leaving school without marketable skills.

§ 7.18. § 7.14. Each school shall provide for the early identification of gifted students and enrollment of such students in challenging identified as gifted with instructional programs taught by teachers with special training or experience in working with gifted students.

§ 7.19. Each school shall provide for the early identification of handicapped students offered a curriculum that is and enrollment of such students in appropriate instructional programs, as required by law.

§ 7.20. § 7.15. By graduation, each student shall receive instruction designed to help him achieve the objectives computer literacy as outlined in Computer Literacy for Students in Virginia issued by the Department of Education.

§ 7.21. § 7.16. Each school shall implement the Standards of Learning for the family life education program promulgated by the Board of Education or a family life education program consistent with the guidelines developed

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by the Board of Education in December, 1987 .

~~§ 7.22.~~ § 7.17. Homebound instruction shall be made available to students who are confined for periods that would prevent normal educational progress ~~school attendance based upon certification of need by a licensed physician or licensed clinical psychologist. For students eligible for special education or related services, the individualized education program committee must revise the IEP, as appropriate. Credit for the work shall be awarded when it is done under the supervision of a certified teacher, a person eligible to hold a Virginia certificate, or other appropriately licensed professional, employed by the local school board. Homebound instruction shall be approved for credit, provided Board of Education regulations governing such instruction are met.~~

~~§ 7.23.~~ § 7.18. When approved by the principal, Students may be allowed to enroll in and receive credit for supervised correspondence courses in subjects not available to them through the school's schedule with prior approval of the principal . Credit may shall be awarded for the successful completion of such courses when the work is done under the supervision of a certified teacher , or a person eligible to hold a Virginia certificate, approved by local school authorities.

~~§ 7.24.~~ § 7.19. Homework shall be governed by a written school board policy developed with the advice of parents and teachers. The policy shall include guidelines for the amount and timing of homework and shall outline the responsibility of students, teachers, and parents.

~~§ 7.25.~~ Experimental and innovative programs that are in conflict with accreditation standards shall be submitted to the Department of Education for approval prior to implementation. The request shall include the purpose, objectives, outline, and evaluation procedures for the programs, and shall be approved by the local school board.

~~§ 7.26.~~ § 7.20. Each school shall provide a variety of materials and equipment to support the instructional program.

~~§ 7.27.~~ § 7.21. School-sponsored extracurricular activities shall be under the direct supervision of the staff and shall contribute to the educational objectives of the school. Extracurricular activities shall be organized to avoid interrupting the instructional program. Extracurricular activities shall not be permitted to interfere with the student's required instructional activities. Extracurricular activities and eligibility requirements shall be established and approved by the superintendent and the school board. Activities which help a student meet the objectives of the course may be considered part of the instructional program ; and thus they are not considered extracurricular activities as long as they do ; however, these activities must not interfere with instruction in other courses.

~~§ 7.28.~~ § 7.22. Competitive sports of a varsity nature (scheduled league games) shall be prohibited as a part of the elementary school program.

PART VIII. STANDARD D: INSTRUCTIONAL LEADERSHIP : STANDARD D .

§ 8.1. The principal shall be responsible for instructional leadership and effective school management that promotes positive student outcomes, including achievement of individual students. As part of this responsibility, the principal shall ensure the development and implementation of the biennial school plan, approved by the superintendent. The principal shall be responsible for the following :

1. A Work to create an atmosphere of mutual respect and courtesy shall be a primary goal of the school, and the administrative staff shall make every effort to achieve it.
2. The principal shall Establish and include in the teachers' handbook procedures to protect instructional time from interruptions and intrusions.
3. The principal or his designee shall prepare and adhere to a written plan involving greater Include in the biennial plan the use of aids teacher assistants , volunteers, part-time instructors, and technology to assist teachers.
4. The regular school day shall be limited Limit the regular school day to teaching and learning activities.
5. The principal or his designee shall Monitor and evaluate the quality of instruction through the following and provide for in-service training and professional assistance and support designed to improve instruction.
 - a: The establishment of written objectives for each teacher, developed cooperatively by the teacher and the administrator;
 - b: A systematic program of classroom observation and follow-up consultation with each teacher;
 - c: In-service training and professional assistance and support designed to improve instruction;
 - d: Analysis and use of data on pupil achievements; and
 - e: An evaluation of each teacher at least every two years or in accordance with a schedule approved by the Department of Education.
6. At least 40% of the time of the principal and an average of 40% of the time of the assistant principal(s) shall be devoted to supervision of

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instruction and curriculum development.

7. 6. The principal shall Analyze test scores information on student outcomes, including achievement, and develop incorporate plans for improvement into the biennial school plan plans to improve them when needed. Plans shall be submitted to local school division superintendent .

8. The principal or his designee shall prepare and adhere to a written biennial school plan which includes the other written plans required in these standards, approved by the division superintendent, that is consistent with the division's six-year plan.

9. 7. The principal or his designee shall Be responsible for using the resources of the community and for involving parents and citizens in the educational program ; as indicated in Standard A (see Part V of these regulations) .

10. 8. Each school shall prepare and adhere to written procedures to Recognize and reward the scholastic achievements of students. (Include in biennial plan):

11. The principal or his designee shall demonstrate high expectations for all students.

12. 9. The principal or his designee shall act Maintain records of dropouts, including actions taken to prevent students from dropping out of school and their reasons for leaving school, and be responsible for the development and implementation of a program as a part of the biennial school plan designed to reduce the number of students who drop out of school by which shall include :

a. Including dropout prevention programs in the biennial school plan and implementing these programs;

b. a. Providing Alternative programs with emphasis on basic skills for students who are not successful in regular instructional programs;

c. b. Providing Interviews with potential dropouts and with students who are dropping out of school and counseling services that motivate students to stay in school;

d. c. Establishing and maintaining close Contact with parents of potential dropouts; and

e. Conducting interviews with potential dropouts and with students who are dropping out of school;

f. Maintaining records of dropouts, including actions taken to prevent students from dropping out of school, and their reasons for leaving school; and

g. d. Other activities deemed appropriate by local

school authorities.

13. 10. The principal or his designee Develop, with the advice of parents shall develop and substance abuse professionals, a written procedure for referring for treatment students identified as involved in substance abuse.

14. Each member of the administrative staff shall participate annually in state or local in-service programs designed specifically for administrators.

15. 11. Each school shall Maintain and disseminate a current student handbook of policies and procedures that includes the school division's standards of student conduct and procedures for enforcement, along with other matters of interest to parents and students.

16. 12. Each school shall Maintain records of receipts and disbursements of all funds handled. These records shall be audited annually by a professional accountant approved by the local school board.

17. 13. Each school shall Maintain a current record of certification, endorsement, and in-service training of the staff.

18. Fund-raising activities which involve elementary students in door-to-door solicitation shall be prohibited and so stated in the school handbook.

19. Each school shall have a written procedure to be followed when students or staff are injured or become ill and keep documentation of all injuries which occur at school and on school buses.

20. Each school shall have at least two full-time staff members who have attended and successfully completed courses approved by the State Board of Health in all of the following: cardiopulmonary resuscitation (CPR), Heimlich maneuver (for choking), and basic first aid.

PART IX.

STANDARD E: DELIVERY OF INSTRUCTION : STANDARD E .

§ 9.1. The staff shall provide instruction that is educationally sound in an atmosphere conducive to learning and in which all students are expected to achieve.

1. Mutual respect, courtesy, and a genuine concern for all students shall be evident in the learning environment.

2. § 9.2. Staff members shall serve as models for effective oral and written communication with special attention to correct use of language and spelling.

3. § 9.3. Teachers of all subjects shall strive to strengthen the basic skills of students.

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4. ~~§ 9.4.~~ Daily Teaching objectives shall be established to achieve the following:

- a. 1. Identify what students are expected to learn;
- b. 2. Inform students of the learning expected and keep them engaged in learning tasks; and
- c. 3. Enable the teacher to spend the maximum time possible in the teaching/learning process by keeping to a minimum disruptions, clerical responsibilities, and the time students are out-of-class.

5. ~~§ 9.5.~~ The staff shall provide for individual differences of students through the use of varied materials and activities suitable to their interests and abilities.

6. ~~§ 9.6.~~ The staff shall assess the progress of students and report promptly and constructively to them and their parents.

7. ~~The staff shall demonstrate a high expectation of learning for all students.~~

8. ~~The staff should demonstrate the qualities of patriotism, honesty, and fair play and expect the same of all students.~~

9. ~~Classroom activities shall be structured and monitored to minimize disruptive behavior.~~

10. ~~Inappropriate behavior by a student shall be responded to quickly and consistently without demeaning the student responsible for the behavior.~~

~~§ 9.7.~~ The staff shall define acceptable student behavior and develop a system of discipline that minimizes disruption without demeaning the student responsible for the behavior, consistent with the policies of the local school board. These school-level policies shall be distributed to each student and their parent or guardian.

11. ~~§ 9.8.~~ ~~Each school~~ Staff shall establish a broad-based process for determining the particular guidance and counseling needs of its students and for planning how best to meet these needs. Guidance and counseling programs shall be provided for all students in grades K-12, to achieve the following:

- a. 1. Ensure that individual curriculum planning is provided at the middle and secondary level to assist each student in selecting appropriate and challenging courses;
- b. 2. Provide opportunities for parents, teachers, and other adults to participate in planned activities that encourage the personal, social, educational, and career development of students;
- c. 3. Provide employment counseling and placement services to furnish information about employment

opportunities available to students graduating from or leaving school;

d. 4. Provide for the coordination of a testing program that includes orientation to test-taking, use of test data, and the interpretation and use of student records data;

e. 5. Provide for the evaluation of the guidance program by the principal, counselor(s), staff, and parents;

f. 6. Ensure that at least 60% of the time of each member of the guidance staff shall be devoted to counseling of students; and

g. 7. Ensure that each student has a balanced program of studies each year ; including at least one mathematics or laboratory science course in grades 11 or 12 .

12. ~~§ 9.9.~~ The library media center staff shall be organized as *organize the library media center* as the resource center of the school and shall provide a unified program of media services and activities for students and teachers before, during, and after school. The library media center shall have the following:

a. 1. An average monthly circulation of print and nonprint materials equal to at least 70% of the school membership;

b. 2. A schedule that provides for library use by all students;

c. 3. A written policy for the selection, evaluation, withdrawal, and disposal of all instructional materials purchased by the school division, with clearly stated procedures for handling challenged, controversial materials;

d. 4. Cataloging of all library media in the school, which promotes accessibility and ease of retrieval, including a functional loan system, an annual inventory of materials and equipment, and a procedure for screening and discarding media;

e. 5. An information file that reflects curriculum needs and contains pamphlets, clippings, pictures, and information about local resources;

f. 6. A minimum of two complete sets of encyclopedias, one of which has been copyrighted within the last five years;

g. 7. An unabridged dictionary and abridged dictionaries;

h. 8. Newspaper subscription(s) providing daily, local, state, and national news;

i. 9. Fifteen subscriptions to periodicals for elementary

schools and 25 subscriptions for middle and secondary schools that are pertinent to the school program;

j. 10. A current and accessible professional library in each school, or in a centralized instructional media center in the school division;

k. 11. Materials such as prints, charts, posters, recordings (disc and tape), filmstrips, multimedia kits, models, study prints, slides, transparencies, videotapes, videodiscs, computer software, and maps and globes that are carefully selected to meet the needs of the instructional program;

l. 12. Collection requirements (20% of which may be nonprint instructional material) for each library media center shall be as follows:

(1) a. Ten books per student in elementary schools;

(2) b. In middle and secondary schools, a basic collection of 1,000 well-selected titles. (In schools with more than 150 students there shall be a minimum of seven books per student); and

(3) c. Fifty percent of the minimum basic collection shall be available for circulation during the first semester in a new school.

m. 13. Librarians involved with teachers and administrators in planning the school curriculum; and

n. 14. Functional equipment to support the use of audiovisual materials.

PART X.

STANDARD F: STUDENT ACHIEVEMENT : STANDARD F .

§ 10.1. Each school shall provide learning objectives goals to be achieved by students at successive levels of development and shall continually assess the progress of each student in relation to these objectives goals and the goals of education in Virginia as promulgated by the Board of Education . The goals of public education in Virginia are to aid each pupil to the full extent of his abilities, to accomplish the following:

1. Develop competence in the basic learning skills;
2. Develop the intellectual skills of rational thought and creativity;
3. Acquire knowledge and process skills of science and technology;
4. Acquire broad knowledge and understanding of the Humanities;
5. Progress on the basis of achievement;

6. Graduate from high school and qualify for further education or employment;

7. Develop personal standards of ethical behavior and moral choice;

8. Participate in society as a responsible family member and citizen;

9. Develop a positive and realistic concept of self and others;

10. Acquire an appreciation for and a sensitivity to people of various races;

11. Practice sound habits of personal health and physical fitness;

12. Enhance the quality of the environment;

13. Develop skills, knowledge, and attitudes regarding the arts; and

14. Acquire a basic understanding and appreciation of democracy and the free enterprise system.

§ 10.2. Students shall pass the literacy tests prescribed by the Board of Education in reading, writing, and mathematics in order to be promoted to the ninth grade except for identified handicapped students who are progressing according to the objectives of their individualized education program (IEP). Students transferring to a Virginia public school prior to the ninth grade shall also be required to pass the literacy tests in order to be promoted to the ninth grade. Students who are not promoted shall be enrolled in alternative programs leading to one or more of the following:

1. Passing the literacy tests;
2. High school graduation;
3. General Educational Development (GED) Certificate;
4. Certificate of program completion; and
5. Job-entry skills.

§ 10.3. Graduation requirement Credit requirements for graduation .¹

A. To graduate from high school, a student shall pass all components of the Literacy Passport Test as required by the "Standards of Quality" and prescribed by the Board of Education and meet the minimum requirements for the 21-credit diploma outlined below for grades 9-12. Students who graduate with an average grade of "B" or better will receive a Board of Education Seal on the diploma.

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English	4
Mathematics ²	2
Laboratory Science ²	2
Math or Science ²	1
History and Social Studies Sciences :	3
Virginia and United States History-1,	
Virginia and United States Government-1,	
World Studies (World Culture, World History, World Geography)-1	
Health and Physical Education	2
Fine Arts or Practical Arts ⁴	1
Electives	6
Total Units	21

B. Each secondary school shall offer as an elective for students, an Advanced Studies Program which requires a minimum of 23 units of credit as outlined below for grades 9-12. Students who graduate with an average grade of "B" or better and successfully complete at least one advanced placement course (AP) or one college level course for credit will receive a Governor's Seal on the diploma.

	9-12
English	4
Mathematics	3
Laboratory Science	3
History and Social Studies Sciences :	3
Virginia and United States History-1,	
Virginia and United States Government-1	
World Studies (World Cultures, World History or World Geography)-1	
Foreign Language	3
(3 years of one language or 2 years each of 2 languages)	
Health and Physical Education	2
Fine Arts or Practical Arts ⁴	1
Electives	4
Total Units	23

C. To earn an Advanced Studies Diploma, students shall complete a mathematics sequence that includes Algebra I and two courses above the level of Algebra I, and a science sequence that includes three units of credit in at least three of the following subjects : ~~from~~ Earth Science, Biology I , Chemistry I , and Physics I .

D. When students below the ninth grade successfully complete ninth, tenth, eleventh or twelfth grade subjects courses offered in grades 9 through 12 , credit shall be counted toward meeting the units required for graduation in grades 9-12. Students shall be encouraged to take advantage of this option .

E. Students who are graduating from a secondary school, and do not intend to continue their education should in the year following graduation shall have identified marketable skills completed a vocational program .

F. Students completing graduation requirements in a

summer school accredited under these standards shall be eligible for a diploma. The last school attended by the student during the regular session shall award the diploma unless agreed upon by the principals of the two schools .

§ 10.4. Transfer of credits.

A. A secondary school shall accept credits received from other accredited secondary schools, including summer schools, special sessions, schools accredited through the Virginia Council for Private Education and educational programs operated by the Commonwealth. Credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted.

B. Records of transferred students shall be sent directly to the school receiving the student upon request of the receiving school in accordance with the provisions of the "Management of the Student's Scholastic Records in Virginia."

C. The transcript of a student who graduates or transfers from a Virginia secondary school shall show that a minimum of 21 units of credit courses in grades 9-12 are required for graduation.

D. Students transferring into a Virginia School division shall be required to earn 21 units of credit or the equivalent for graduation. Each student's prior record shall be evaluated to determine the number and content of additional credits required for graduation. Specified courses normally taken at lower grade levels shall not be required, provided the student has completed the courses required at those grade levels by the school division or state from which he transferred. Students transferring from states not giving credit for health and physical education shall not be required to repeat these courses.

§ 10.5. Students who have met the requirements and conditions set forth in these standards and have met such other requirements as may be prescribed by the local school board and approved by the Board of Education, and handicapped students who have completed the requirements of an individualized education program shall be awarded the appropriate diploma or certificate. The last school attended by the student during regular session shall award the diploma or certificate unless otherwise determined by the two superintendents.

PART XI.

STANDARD G: STAFFING : STANDARD G .

§ 11.1. Each school shall have the required staff with proper certification and endorsement.

A. The following shall be the minimum staffing according to type of school and student enrollment:

Position: Principal; Elementary: 1 half-time to 299, 1 full-time at 300; Middle: 1 full-time; Secondary: 1 full-time.

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Position: Assistant Principal; Elementary: 1 half-time at 600, 1 full-time at 900; Middle: 1 full-time each 600; Secondary: 1 full-time each 600.

Position: Librarian; Elementary: Part time to 299, 1 full-time at 300; Middle: 1 half-time to 299, 1 full-time at 300, 2 full-time at 1000; Secondary: 1 half-time to 299, 1 full-time at 300, 2 full-time at 1000.

Position: Guidance Counselors; Elementary: 1 hour per day per 100, 1 full-time at 500, 1 hour per day additional time per 100 or major fraction; Middle: 1 period per 80, 1 full-time at 400, 1 additional period per 80 or major fraction; Secondary: 1 period per 70, 1 full-time at 350, 1 additional period per 70 or major fraction.

Position: Clerical; Elementary: Part time to 299, 1 full-time at 300; Middle: 1 full-time and 1 additional full-time for each 600 beyond 200 and 1 full-time for the library at 750; Secondary: 1 full-time and 1 additional full-time for each 600 beyond 200 and 1 full-time for the library at 750.

B. A combined school, such as K-12, shall meet at all grade levels the staffing requirements for the highest grade level in that school. This requirement shall apply to all staff, except the guidance staff, and shall be based on the school's total enrollment. The guidance staff requirement shall be based on the enrollment at the various school organization levels as defined in § 4.3; ~~application of standards § 4.2 of these regulations~~. At the discretion of local school authorities, an alternative staffing plan may be developed which ensures that the services set forth in these standards are met. Any alternative staffing plan shall be submitted to the Accreditation and Evaluation Service, Department of Education; for approval. An alternative staffing plan that reduces the number of staff positions will not be acceptable.

C. The principal of each middle level and secondary school shall be employed on a 12-month basis.

D. Each secondary school with 350 or more students and each middle level school with 400 or more students shall employ at least one member of the guidance staff for 11 months.

E. The maximum number of students in Average Daily Membership per certified classroom teacher for grades K-3 shall be the number required by the Standards of Quality.

F. The maximum number of students in Average Daily Membership per certified classroom teacher for grades 4-7 in elementary schools shall not exceed 35.

G. Each middle and secondary school shall have a student-teacher ratio (based on full-time equivalent teachers and excluding administrators, librarians, and guidance personnel) that does not exceed 25-1.

H. In grade 1 and in English classes (grades 6-12), the number of students per teacher shall not exceed the

number required by the Standards of Quality.

I. E. Middle level school teachers with a seven period day may teach 30 class periods per week, provided all teachers with more than 25 class periods per week have one period per day unencumbered of all teaching or supervisory duties.

J. F. The secondary classroom teacher's standard load shall be no more than 25 class periods per week. One class period each day, unencumbered by supervisory or teaching duties, shall be provided for every full-time classroom teacher for instructional planning. Teachers of block programs with no more than 120 student periods per day may teach 30 class periods per week. Teachers who teach very small classes may teach 30 class periods per week, provided the teaching load does not exceed 75 student periods per day. If a classroom teacher teaches 30 class periods per week with more than 75 student periods per day (120 in block programs) an appropriate contractual arrangement and compensation shall be provided.

K. G. Middle level or secondary school teachers shall teach no more than 750 student periods per week; however, physical education and music teachers may teach 1,000 student periods per week.

L. H. Every effort shall be made to provide staff members with an unencumbered lunch period. Each school shall report the extent to which an unencumbered lunch is provided for all classroom teachers.

M. I. The number of students in special and vocational education classrooms shall comply with regulations of the Board of Education.

N. Custodial services shall be available to keep the school plant and grounds safe and clean.

O. J. Pupil personnel services, including visiting teachers/school social workers, school psychologists, and guidance counselors, shall be available to all students as necessary; especially to promote academic achievement and provide assistance in preventing dropouts and substance abuse.

PART XII.

STANDARD H: BUILDINGS AND GROUNDS : STANDARD H .

§ 12.1. The school building shall accommodate an educational program that will meet the needs of the students and ensure the health and safety of students and staff as follows:

1. The school site and physical plant shall be accessible, barrier-free, safe, clean, and free from excessive noise and other distractions, and shall be adequate in size to meet the needs of the students enrolled.

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2. Each school shall prepare and adhere to a written plan of vehicular traffic control designed to ensure safe and prompt movement of students, staff, and visitors.
3. Each school shall have a written plan to follow in emergencies. The plan shall be outlined in the student handbook and discussed with staff and students during the first week of each school year.
4. All exit doors in a school shall be equipped with panic bars that are usable while the building is occupied.
5. Records shall be maintained to show that fire drills are held once a week during the first month of school and at least once each month for the remainder of the school term. Evacuation routes for students shall be posted in each room.
6. The principal shall be responsible for *providing a safe environment to include:*
 - a. Conducting one fire inspection during each semester in accordance with regulations contained in the Fire Inspection Guide for Schools.
 - b. *Prohibiting fund-raising activities that involve elementary students in door-to-door solicitation and so state in the student handbook.*
 - c. *Implementing a written procedure to be followed when students or staff are injured or become ill and keep documentation of all injuries that occur at school and on school buses.*
 - d. *Ensuring that staff knowledgeable in safety procedures such as cardiopulmonary resuscitation (CPS), Heimlich maneuver, and basic first aid are available.*
 - e. *Implementing a written procedure to be followed when a student is found to have in his possession a weapon or illegal substance.*
7. Each school shall have provisions for the proper outdoor display of the flags of the United States and of the Commonwealth of Virginia.
8. Each school plant shall have a maintenance and housekeeping program designed to ensure a healthful and pleasant learning environment.
9. The administrative unit shall have space for a principal's office, secretarial assistance, and record storage.
10. Suitable space shall be made available for student personnel services.
11. The school media center shall have adequate

space to provide for the collection and circulation of instructional materials, and adequate seating for group activities.

12. Adequate, safe, and properly-equipped laboratories shall be provided to meet the needs of instruction in the sciences, computers, vocational, and fine arts.
13. Each school shall have appropriate areas and facilities for the physical education program offered. Secondary schools shall have locker rooms and showers.
14. Adequate and properly-equipped classroom space shall be provided.
15. The school plant and grounds shall be kept safe and clean with the responsibility for the care of buildings and grounds shared by staff and the students.
16. Space shall be provided for the proper care of students who become ill.

.....
Footnotes:

¹ The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining the effectiveness of the Commonwealth's public schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. In the 1990-91 school year or one year following the approval by the board of such criteria, whichever is later, the Superintendent of Public Instruction shall annually identify to the board those schools that exceed or do not meet the approved criteria. From such funds as are identified in the appropriations act for this purpose, a program of one-time grants shall be established by the board to assist local school boards in the implementation of corrective action plans for those schools that are designated as not meeting the approved criteria.

² Level one of a foreign language shall be available to all eighth grade students. An exploratory foreign language offering is encouraged for students below grade 8, but will not be required until electronic classroom technology makes this program available.

³ These regulations elaborate the credit requirements of Standards of Quality Standard 4 C, which gives full diploma requirements.

⁴ Must be selected from a list of courses approved for graduation requirements by the Board of Education. Only one year of a course in general mathematics may be used to meet the mathematics requirement.

⁵ Must be selected from a list of courses approved for graduation requirements by the Board of Education or, as an alternative, this requirement may be met by completing an appropriate sequence of courses in vocational education or *Junior Reserve Officer Training Corp.* (JROTC).

⁶ Must be selected from a list of courses approved for graduation requirements by the Board of Education.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Title of Regulation: VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.

Statutory Authority: §§ 9-161 D and 9-164(2) of the Code of Virginia.

Public Hearing Date: N/A - Written comments may be submitted until May 22, 1992.

(See Calendar of Events section for additional information)

Summary:

The proposed amendment to § 6.3 of this regulation would indicate that any change in a health care institution's charges or cumulative changes in charges that will increase or decrease council-approved budgeted gross patient services revenues by less than one percent of annual revenue for the remaining portion of the budgeted fiscal year would be considered minimal and need not be reported. All other changes would have to be reported.

VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.

PART I. DEFINITIONS.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning:

"Adjusted patient days" means inpatient days divided by the percentage of inpatient revenues to total patient revenues.

"Aggregate cost" means the total financial requirements of an institution which shall be equal to the sum of:

1. The institution's reasonable current operating costs, including reasonable expenses for operating and maintenance of approved services and facilities, reasonable direct and indirect expenses for patient care services, working capital needs and taxes, if any;
2. Financial requirements for allowable capital purposes, including price level depreciation for depreciable assets and reasonable accumulation of funds for approved capital projects;
3. For investor-owned institutions, after tax return on equity at the percentage equal to two times the average of the rates of interest on special issues of public debt obligations issued to the Federal Hospital

Insurance Trust Fund for the months in a provider's reporting period, but not less, after taxes, than the rate or weighted average of rates of interest borne by the individual institution's outstanding capital indebtedness. The base to which the rate of return determined shall be applied is the total net assets, adjusted by paragraph 2 of this section, without deduction of outstanding capital indebtedness of the individual institution for assets required in providing institutional health care services;

4. For investor-owned institutions organized as proprietorships, partnerships, or S-corporations an imputed income tax, for fiscal years ending July 1, 1989, or later, at a combined federal and state income tax rate equal to the maximum tax rates for federal and state income taxes. The combined rate for 1989 is equal to 34% for individuals and 40% for corporations. Such tax computation shall be exclusive of net operating loss carryforwards prior to July 1, 1989. Operating losses incurred after July 1, 1989, may be carried forward no more than five years but may not be carried back prior years. The schedule of imputed income taxes shall be reported as a note to the financial statements or as a supplemental schedule of the certified audited financial statements submitted to the Virginia Health Services Cost Review Council by the institution.

"Certified nursing facility" means any skilled nursing facility, skilled care facility, intermediate care facility, nursing or nursing care facility, or nursing home, whether freestanding or a portion of a freestanding medical care facility, that is certified as a Medicare or Medicaid provider, or both, pursuant to § 32.1-137.

"Council" means the Virginia Health Services Cost Review Council.

"Consumer" means any person (i) whose occupation is other than the administration of health activities or the provision of health services (ii) who has no fiduciary obligation to a health care institution or other health agency or to any organization, public or private, whose principal activity is an adjunct to the provision of health services, or (iii) who has no material financial interest in the rendering of health services.

"Health care institution" means (i) a general hospital, ordinary hospital, or outpatient surgical hospital, nursing home or certified nursing facility licensed or certified pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of Title 32.1, (ii) a mental or psychiatric hospital licensed pursuant to Chapter 8 (§ 37.1-179 et seq.) of Title 37.1 and (iii) a hospital operated by the University of Virginia or Virginia Commonwealth University. In no event shall such term be construed to include any physician's office, nursing care facility of a religious body which depends upon prayer alone for healing, independent laboratory or outpatient clinic.

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"Hospital" means any facility licensed pursuant to §§ 32.1-123, et seq. or 37.1-179 et seq. of the Code of Virginia.

"Late charge" means a fee that is assessed a health care institution that files its budget, annual report, or charge schedule with the council past the due date.

"Nursing home" means any facility or any identifiable component of any facility licensed pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of Title 32.1, in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and nursing or nursing care facilities.

"Voluntary cost review organization" means a nonprofit association or other nonprofit entity which has as its function the review of health care institutions' costs and charges but which does not provide reimbursement to any health care institution or participate in the administration of any review process under Chapter 4 of Title 32.1 of the Code of Virginia.

"Patient day" means a unit of measure denoting lodging facilities provided and services rendered to one inpatient, between census-taking-hour on two successive days. The day of admission but not the day of discharge or death is counted a patient day. If both admission and discharge or death occur on the same day, the day is considered a day of admission and counts as one patient day. For purposes of filing fees to the council, newborn patient days would be added. For a medical facility, such as an ambulatory surgery center, which does not provide inpatient services, each patient undergoing surgery during any one 24-hour period will be the equivalent to one patient day.

PART II. GENERAL INFORMATION.

§ 2.1. Authority for regulations.

The Virginia Health Services Cost Review Council, created by §§ 9-156 through 9-166 of the Code of Virginia, is required to collect, analyze and make public certain financial data and findings relating to hospitals which operate within the Commonwealth of Virginia. Section 9-164 of the Code of Virginia directs the council from time to time to make such rules and regulations as may be necessary to carry out its responsibilities as prescribed in the Code of Virginia.

§ 2.2. Purpose of rules and regulations.

The council has promulgated these rules and regulations to set forth an orderly administrative process by which the council may govern its own affairs and require compliance with the provisions of §§ 9-156 through 9-166 of the Code

of Virginia.

§ 2.3. Administration of rules and regulations.

These rules and regulations are administered by the Virginia Health Services Cost Review Council.

§ 2.4. Application of rules and regulations.

These rules and regulations have general applicability throughout the Commonwealth. The requirements of the Virginia Administrative Process Act, codified as § 9-6.14:1, et seq. of the Code of Virginia applied to their promulgation.

§ 2.5. Effective date of rules and regulations.

These rules and regulations or any subsequent amendment, modification, or deletion in connection with these rules and regulations shall become effective 30 days after the final regulation is published in the Virginia Register.

§ 2.6. Powers and procedures of regulations not exclusive.

The council reserves the right to authorize any procedure for the enforcement of these regulations that is not inconsistent with the provision set forth herein and the provisions of § 9-156 et seq. of the Code of Virginia.

PART III. COUNCIL PURPOSE AND ORGANIZATION.

§ 3.1. Statement of mission.

The council is charged with the responsibility to promote the economic delivery of high quality and effective institutional health care services to the people of the Commonwealth and to create an assurance that the charges are reasonably related to costs.

The council recognizes that health care institutional costs are of vital concern to the people of the Commonwealth and that it is essential for an effective cost monitoring program to be established which will assist health care institutions in controlling their costs while assuring their financial viability. In pursuance of this policy, it is the council's purpose to provide for uniform measures on a statewide basis to assist in monitoring the costs of health care institution's without sacrifice of quality of health care services and to analyze the same to determine if charges and costs are reasonable.

§ 3.2. Council chairman.

The council shall annually elect one of its consumer members to serve as chairman. The chairman shall preside at all meetings of the council and shall be responsible for convening the council.

§ 3.3. Vice-chairman.

The council shall annually elect from its membership a vice-chairman who shall assume the duties of the chairman in his absence or temporary inability to serve.

§ 3.4. Expense reimbursement.

Members of the council shall be entitled to be reimbursed in accordance with state regulations for necessary and proper expenses incurred in the performance of their duties on behalf of the council.

§ 3.5. Additional powers and duties.

The council shall exercise such additional powers and duties as may be specified in the Code of Virginia.

PART IV. VOLUNTARY COST REVIEW ORGANIZATIONS.

§ 4.1. Application.

Any organization desiring approval as a voluntary rate review organization may apply for approval by using the following procedure:

1. Open application period. A voluntary cost review organization may apply for designation as an approved voluntary cost review organization to be granted such duties as are prescribed in § 9-162 of the Code of Virginia.
2. Contents of application. An application for approval shall include:
 - a. Documentation sufficient to show that the applicant complies with the requirements to be a voluntary cost review organization, including evidence of its nonprofit status. Full financial reports for the one year preceding its application must also be forwarded. If no financial reports are available, a statement of the projected cost of the applicant's operation with supporting data must be forwarded;
 - b. If any of the organization's directors or officers have or would have a potential conflict of interests affecting the development of an effective cost monitoring program for the council, statements must be submitted with the application to fully detail the extent of the other conflicting interest;
 - c. A detailed statement of the type of reports and administrative procedures proposed for use by the applicant;
 - d. A statement of the number of employees of the applicant including details of their classification; and
 - e. Any additional statements or information which is necessary to ensure that the proposed reporting and review procedures of the applicant are satisfactory

to the council.

§ 4.2. Review of application.

A. Designation.

Within 45 calendar days of the receipt of an application for designation as a voluntary cost review organization, the council shall issue its decision of approval or disapproval. Approval by the council shall take effect immediately.

B. Disapproval.

The council may disapprove any application for the reason that the applicant has failed to comply with application requirements, or that the applicant fails to meet the definition of a cost review organization, or fails to meet the specifications cited in paragraph A above concerning application contents or that the cost and quality of the institutional reporting system proposed by the applicant are unsatisfactory.

C. Reapplication.

An organization whose application has been disapproved by the council may submit a new or amended application to the council within 15 calendar days after disapproval of the initial application. An organization may only reapply for approval on one occasion during any consecutive 12-month period.

§ 4.3. Annual review of applicant.

A. By March 31 of each year, any approved voluntary cost review organization for the calendar year then in progress which desires to continue its designation shall submit an annual review statement of its reporting and review procedures.

B. The annual review statement shall include:

1. Attestation by the applicant that no amendments or modifications of practice contrary to the initially approved application have occurred; or
2. Details of any amendments or modifications to the initially approved application, which shall include justifications for these amendments or modifications.

C. The council may require additional information from the applicant supporting that the applicant's reports and procedures are satisfactory to the council.

§ 4.4. Revocation of approval.

The council may revoke its approval of any cost review organization's approval when the review procedures of that organization are no longer satisfactory to the council or for the reason that the voluntary cost review organization could be disapproved under § 4.2.B of these regulations.

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§ 4.5. Confidentiality.

A voluntary cost review organization approved as such by the council shall maintain the total confidentiality of all filings made with it required by these regulations or law. The contents of filings or reports summaries and recommendations generated in consequence of the council's regulations may be disseminated only to members of the council, the council's staff and the individual health care institution which has made the filings or which is the subject of a particular report.

PART V. CONTRACT WITH VOLUNTARY COST REVIEW ORGANIZATION.

§ 5.1. Purpose.

It is the intention of the council to exercise the authority and directive of § 9-163 of the Code of Virginia whereby the council is required to contract with any voluntary cost review organization for services necessary to carry out the council's activities where this will promote economy and efficiency, avoid duplication of effort, and make best use of available expertise.

§ 5.2. Eligibility.

In order for a voluntary cost review organization to be eligible to contract with the council, it shall have met all other requirements of §§ 4.1 and 4.5 of these regulations relating to voluntary cost review organization and have been approved as such an organization.

§ 5.3. Contents of contract.

The written agreement between the council and any voluntary cost review organization shall contain such provisions which are not inconsistent with these regulations or law as may be agreed to by the parties. Any such contract shall be for a period not to exceed five years.

PART VI. FILING REQUIREMENTS AND FEE STRUCTURE.

§ 6.1. Each health care institution shall file an annual report of revenues, expenses, other income, other outlays, assets and liabilities, units of service, and related statistics as prescribed in § 9-158 of the Code of Virginia on forms provided by the council together with the certified audited financial statements (or equivalents) as prescribed in § 9-159 of the Code of Virginia, which shall be received by the council no later than 120 days after the end of the respective applicable health care institution's fiscal year. Extensions of filing times may be granted for extenuating circumstances upon a health care institution's written application for a 30-day extension. Such request for extension shall be filed no later than 120 days after the end of a health care institution's fiscal year. Each health care institution with licensed nursing home beds or certified nursing facility beds shall exclude all revenues,

expenses, other income, other outlays, assets and liabilities, units of service and related statistics directly associated with a hospital, continuing care retirement community, or with home for adult beds in the annual report filed with the council. The cost allocation methodology required by the Virginia Department of Medical Assistance Services and Medicare for cost reports submitted to it shall be utilized for findings submitted to the council.

§ 6.2. Each health care institution shall file annually a projection (budget) of annual revenues and expenditures as prescribed in § 9-161 B of the Code of Virginia on forms provided by the council. The institution's projection (budget) shall be received by the council no later than 60 days before the beginning of its respective applicable fiscal year. This regulation shall be applicable to nursing homes or certified nursing facilities for each fiscal year starting on or after June 30, 1990. Each health care institution with licensed nursing home beds or certified nursing facility beds shall exclude all revenues, expenses, other income, other outlays, assets and liabilities, units of service and related statistics directly associated with a hospital, continuing care retirement community, or with home for adult beds in the budget filed with the council. The cost allocation methodology required by the Virginia Department of Medical Assistance Services and Medicare for cost reports submitted to it shall be utilized for findings submitted to the council.

§ 6.3. Each health care institution shall file annually a schedule of charges to be in effect on the first day of such fiscal year, as prescribed in § 9-161 D of the Code of Virginia. The institution's schedule of charges shall be received by the council within 10 days after the beginning of its respective applicable fiscal year or within 15 days of being notified by the council of its approval of the charges, whichever is later.

Any subsequent amendment or modification to the annually filed schedule of charges shall be filed at least 60 days in advance of its effective date, together with supporting data justifying the need for the amendment. Changes in charges which will have a minimal impact on revenues are exempt from this requirement. *Any change in an institution's charges or cumulative changes in charges that will increase or decrease council-approved budgeted gross patient services revenues by less than 1.0% of annual revenue for the remaining portion of the budgeted fiscal year are considered minimal and need not be reported. All other changes must be reported.*

§ 6.3.1. Each health care institution shall file annually a survey of rates charged. For hospitals, the survey shall consist of up to 30 select charges, including semi-private and private room rates. The survey shall also consist of charges of the most frequently occurring diagnoses or procedures for inpatient and outpatient treatment. The charges shall be calculated by taking an average for one month of all patient bills where the requested CPT or ICD-9 code numbers are indicated as the principal diagnosis or procedure. This information shall be received

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by the council from each hospital no later than April 30 of each year. The annual charge survey for nursing homes shall include up to 30 select charges, including semi-private and private room rates. The select charges shall reflect the rates in effect as of the first day of a sample month to be chosen by the council. This information shall be provided to the council no later than March 31 of each year.

§ 6.3:2. Each hospital or any corporation that controls a hospital shall respond to a survey conducted by the council to determine the extent of commercial diversification by such hospitals in the Commonwealth. The survey shall be in a form and manner prescribed by the council and shall request the information specified in subdivision a, f, g, h and i below on each hospital or such corporation and, with respect to any tax-exempt hospital or controlling corporation thereof, the information specified in subdivision a through i below for each affiliate of such hospital or corporation, if any:

- a. The name and principal activity;
- b. The date of the affiliation;
- c. The nature of the affiliation;
- d. The method by which each affiliate was acquired or created;
- e. The tax status of each affiliate and, if tax-exempt, its Internal Revenue tax exemption code number;
- f. The total assets;
- g. The total revenues;
- h. The net profit after taxes, or if not-for-profit, its excess revenues; and
- i. The net quality, or if not-for-profit, its fund balance.

§ 6.3:3. The information specified in § 6.3:2 shall relate to any legal controls that exist as of the 1st of July of each calendar year in which the survey is required to be submitted.

§ 6.3:4. Each hospital or any corporation that controls a hospital and that is required to respond to the survey specified in § 6.3:2 shall complete and return the survey to the council by the 31st day of August of each calendar year or 120 days after the hospital's fiscal year end, whichever is later, in which the survey is required to be submitted.

§ 6.3:5. Each hospital that reports to the council or any corporation which controls a hospital that reports to the council shall submit an audited consolidated financial statement to the council which includes a balance sheet detailing its total assets, liabilities and net worth and a

statement of income and expenses and includes information on all such corporation's affiliates.

§ 6.4. All filings prescribed in § 6.1, § 6.2 and § 6.3:2 of these regulations will be made to the council for its transmittal to any approved voluntary cost review organization described in Part IV of these regulations.

§ 6.5. A filing fee based on an adjusted patient days rate shall be set by the council, based on the needs to meet annual council expenses. The fee shall be established and reviewed at least annually and reviewed for its sufficiency at least annually by the council. All fees shall be paid directly to the council. The filing fee shall be no more than 11 cents per adjusted patient day for each health care institution filing. Prior to the beginning of each new fiscal year, the council shall determine a filing fee for hospitals and a filing fee for nursing homes based upon the council's proportionate costs of operation for review of hospital and nursing home filings in the current fiscal year, as well as the anticipated costs for such review in the upcoming year.

§ 6.6. Fifty percent of the filing fee shall be paid to the council at the same time that the health care institution files its budget under the provisions of § 6.2 of these regulations. The balance of the filing fee shall be paid to the council at the same time the health care institution files its annual report under the provisions of § 6.1 of these regulations. When the council grants the health care institution an extension, the balance of the filing fee shall be paid to the council no later than 120 days after the end of the respective applicable health care institution's fiscal year. During the year of July 1, 1989, through June 30, 1990, each nursing home and certified nursing facility shall pay a fee of 7 cents per adjusted patient day when it files its annual report in order to comply with subdivisions A1 and A2 of § 9-159 of the Code of Virginia. Following June 30, 1990, all nursing homes and certified nursing facilities shall submit payment of the filing fees in the amount and manner as all other health care institutions.

§ 6.7. A late charge of \$10 per working day shall be paid to the council by a health care institution that files its budget or annual report past the due date.

§ 6.8. A late charge of \$50 shall be paid to the council by the health care institution that files the charge schedule past the due date.

§ 6.9. A late charge of \$25 per working day shall be paid to the council by the reporting entity required to complete the survey required in § 6.3:2 or file the audited consolidated financial statement required by § 6.3:5 or both.

§ 6.10. A late charge of \$25 per working day shall be paid to the council by the reporting entity required to complete the survey required in § 6.3:1.

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PART VII. WORK FLOW AND ANALYSIS.

§ 7.1. The annual report data filed by health care institutions as prescribed in § 6.1 of these regulations shall be analyzed as directed by the council. Summarized analyses and comments shall be reviewed by the council at a scheduled council meeting within approximately 75 days after receipt of properly filed data, after which these summaries and comments, including council recommendations, may be published and disseminated as determined by the council. The health care institution which is the subject of any summary, report, recommendation or comment shall receive a copy of same at least 10 days prior to the meeting at which the same is to be considered by the council.

§ 7.2. The annual schedule of charges and projections (budget) of revenues and expenditures filed by health care institutions as prescribed in § 6.2 of these regulations shall be analyzed as directed by the council. Summarized analyses and comments shall be reviewed by the council at a scheduled council meeting within approximately 75 days after receipt of properly filed data, after which these summaries and comments, including council recommendations will be published and disseminated by the council. Amendments or modifications to the annually filed schedule of charges shall be processed in a like manner and reviewed by the council no later than 50 days after receipt of properly filed amendments or modifications. Any health care institution which is the subject of summaries and findings of the council shall be given upon request an opportunity to be heard before the council.

PART VIII. PUBLICATION AND DISSEMINATION OF INFORMATION RELATED TO HEALTH CARE INSTITUTIONS.

§ 8.1. The staff findings and recommendations and related council decisions on individual health care institutions' annual historical data findings will be kept on file at the council office for public inspection. However, the detailed annual historical data filed by the individual health care institutions will be excluded from public inspection in accordance with § 9-159 B, of the Code of Virginia.

§ 8.2. Periodically, but at least annually, the council will publish the rates charged by each health care institution in Virginia for up to 30 of the most frequently used services in Virginia, including each institution's average semiprivate and private room rates. The data will be summarized by geographic area in Virginia, and will be kept on file at the council office for public inspection and made available to the news media. In addition, annual charge schedules and subsequent amendments to these schedules filed under the provisions of § 6.3 of these rules and regulations will be kept on file at the council office for public inspection. Staff findings and recommendations and related council decisions on changes to health care

institutions' rates and charges will also be kept on file at the council office for public inspection and available to the news media.

§ 8.3. Periodically, but at least annually, the council will publish an annual report which will include, but not be limited to the following: cost per admission comparison, cost per patient day comparison, percentage increase in cost per patient day, budget and historical reports reviewed, interim rate changes, excess operating expenses, revenue reduction recommendations, operating profits and losses, deductions from revenue (contractuals, bad debts, and charity care) and hospital utilization.

§ 8.3.1. The council will also periodically publish and disseminate information which will allow consumers to compare costs and services of hospitals, nursing homes and certified nursing facilities.

§ 8.4. The staff findings and recommendations and related council decisions on individual health care institutions' annual budget and related rate filings will be kept on file at the council office for public inspection. However, the detailed annual budget data filed by the individual health care institutions will be excluded from public inspection.

§ 8.5. The council may release historical financial and statistical data reported by health care institutions to state or federal commissions or agencies based on individual, specific requests, and the merit of such requests. Requests must list the purpose for which the requested data is to be used to permit the council to reach a valid decision on whether or not the data requested will fit the need and should, therefore, be made available. Under no circumstances will data be released which contains "personal information" as defined in § 2.1-379(2) of the Code of Virginia.

§ 8.6. The council shall not release prospective (budgeted) financial and statistical data reported by health care institutions to anyone, except for the staff findings and recommendations as provided for in § 8.4 of these regulations.

§ 8.7. No data, beyond that specified in §§ 8.1 through 8.4 of these regulations will be released to other nongovernmental organizations and entities, except that data deemed pertinent by the council in negotiations with third-party payors such as Blue Cross/Blue Shield, commercial insurers, etc. Such pertinent data may be released and used on an exception, as needed, basis.

§ 8.8. Except for data specified in §§ 8.1 through 8.4 of these regulations available to anyone, the council shall have a right to furnish data, or refuse to furnish data, based on merit of the request and ability to furnish data based on data and staff time availability. The council may levy a reasonable charge to cover costs incurred in furnishing any of the data described in this section of the rules and regulations.

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NOTICE: The forms used in administering the Virginia Health Services Cost Review Council 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 Virginia Health Services Cost Review Council, 805 East Broad Street, 9th Floor, Richmond, Virginia, or at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Room 262, Richmond, Virginia.

Historical Submission for Acute Care and Psychiatric Facilities

Budget Submission for Acute Care and Psychiatric Facilities

Historical Submission for Long Term Care Facilities

Budget Submission for Long Term Care Facilities

Historical Submission for Outpatient Surgical Hospitals

Budget Submission for Outpatient Surgical Hospitals

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

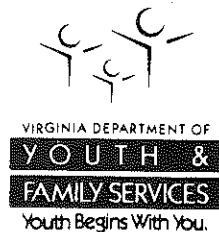
Title of Regulation: VR 615-32-01. Administrative Procedures for the Child Development Associate Scholarship Program. (REPEAL)

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

Public Hearing Date: N/A -- Written comments may be submitted until May 22, 1992.

Summary:

This regulation addresses eligibility requirements and procedures to be used in applying for scholarships awarded through the federal Child Development Associate Scholarship Program. It is being repealed to allow for promulgation of new regulations which will address the availability of additional federal and state funding streams and different eligibility requirements for scholarship recipients. This current regulation is outdated.



DEPARTMENT OF YOUTH AND FAMILY SERVICES
(BOARD OF)

Title of Regulation: VR 690-15-001. Regulations for State Reimbursement of Local Juvenile Residential Facility Costs.

Statutory Authority: §§ 16.1-313, 16.1-322.5 through 16.1-322.7 and 66-10 of the Code of Virginia.

Public Hearing Date: April 8, 1992 - 4 p.m.
(See Calendar of Events section for additional information)

Summary:

This is a new regulation issued by the Board of Youth and Family Services to provide guidance to localities in requesting reimbursement for construction costs.

This regulation:

- 1. Serves as a guideline in evaluating requests for reimbursement of local facility costs;*
- 2. Includes criteria to assess need and establish funding priorities;*
- 3. Ensures the fair and equitable distribution of state funds provided for reimbursing local facility construction costs; and*
- 4. Provides criteria for private construction of detention or other residential facilities.*

VR 690-15-001. Reimbursement of Local Juvenile Residential Facility Costs.

INTRODUCTION.

The State Board of Youth and Family Services is charged with the responsibility for approving all requests from localities for financial assistance relative to the development and operation of new programs and services; for purchase of property; and for construction, enlargement, or renovation of detention homes, group homes or other residential care facilities for children, whether publicly or privately constructed.

The Department of Youth and Family Services exercises oversight responsibility in the establishment and maintenance of programs, services and residential care facilities for children.

The Office of Capital Outlay Management within the Department of Youth and Family Services is responsible for architectural and engineering review of residential care facilities which are constructed, enlarged or renovated, and reimbursed with state funds.

Approval of projects for which state funding is requested is vested by the Governor in the Office of the Secretary of Public Safety. Such projects are best

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accomplished as a cooperative venture between a locality and the Department of Youth and Family Services. By working together as partners from project planning to project implementation, the locality and the department ensure that an optimum number of children are provided high quality services at a minimum cost to the locality and to the Commonwealth.

As a basis for this regulation:

1. "The Virginia Public Procurement Act" applies generally to every public body in the Commonwealth which § 11-37 of the Code of Virginia defines to include any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty. Therefore, The Commonwealth of Virginia Agency Procurement and Surplus Property Manual, current addition, will apply when construction of juvenile facilities is reimbursed by state funds.

2. The Agency Procurement and Surplus Property Manual incorporates the Commonwealth of Virginia Capital Outlay manual for policy and guidelines for "Capital Outlay Projects." Generally, construction or renovation of juvenile facilities would constitute "Capital Outlay." The Department of Youth and Family Services shall therefore apply the Commonwealth of Virginia Capital Outlay Manual, current addition, whenever reimbursement with state funds is requested.

3. The Department of Youth and Family Services does not intend to replace or relieve responsibilities of the architectural and engineering firms and applicable regulatory authorities (i.e., Building Official, State Fire Marshal, etc.). For the purposes of these reimbursement reviews, the Department of Youth and Family Services or its designee, will act in lieu of the Virginia Department of General Services and its applicable subdivisions.

PART I. DEFINITIONS AND LEGAL BASIS.

§ 1.1. Definitions.

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

"Architectural/Engineering (A/E) Services" means an individual or firm that is licensed by the Virginia Department of Commerce to provide professional services appropriate for the specific project, and is hired by the owner to provide those specific services for the project.

"Board" means the Virginia Board of Youth and Family Services.

"Board approved standards" means standards approved by the Board of Youth and Family Services. These standards include:

1. VR 690-40-004, Standards for Interdepartmental Regulation of Residential Facilities for Children;
2. VR 690-30-001, Standards for Secure Detention; and
3. VR 690-20-001, Standards for Pre and Post Dispositional Group Homes.

"Department" means the Department of Youth and Family Services.

"Enlargement" or "Expansion" means to expand an existing local facility by constructing additional area(s).

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

"Local facility" means a juvenile residential facility which is owned, maintained, or operated by any political subdivision or combination of political subdivisions of the Commonwealth, or a privately owned or operated juvenile residential facility which has contracted with any political subdivision or combination of political subdivisions of the Commonwealth.

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

"New construction" means to erect a new local facility, or replace an outdated existing local facility.

"Operating capacity" means operating capacity as established by the Department of Youth and Family Services, based on "per bed area allowances." (Ref. § 2.3 C 2 of this regulation.)

"Procedures" means the Department of Youth and Family Services Procedures for Receiving State Reimbursement for Local Facility Construction, Enlargement or Renovation.

"Renovation" means altering or otherwise modifying an existing local facility or piece of stationary equipment for the purpose of modernizing or changing its use or capability. Renovation does not include routine maintenance. Renovation renders the facility, item or area superior to the original.

"Replacement" means constructing a local facility in place of a like local facility or purchasing stationary equipment to replace stationary equipment which cannot

be economically renovated or repaired.

"Reviewing authority" means the department, division or agency to which the Governor has delegated authority to act in his behalf in reviewing local facility construction projects for reimbursement approval.

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

§ 1.2. Legal basis.

A. This regulation has been promulgated by the board to carry out the provisions of §§ 16.1-313 and 16.1-322.5 through 16.1-322.7 of the Code of Virginia. This regulation:

1. Serves as a guideline in evaluating requests for reimbursement of local facility construction costs;
2. Includes criteria to assess need and establish priorities;
3. Ensures the fair and equitable distribution of state funds provided for reimbursing local facility construction costs; and
4. Provides criteria for private construction of detention or other residential facilities.

B. The board is authorized to promulgate regulations pursuant to § 66-10 of the Code of Virginia.

PART II. REIMBURSEMENT REQUEST PROCEDURES.

§ 2.1. Reimbursement request.

A. Requests for reimbursement shall be submitted as follows:

1. Requests for reimbursement shall be approved by the board by June 1 of each year for inclusion in the department's budget request to the Governor and consideration during the next General Assembly session. Incomplete submissions, or submissions not received by the department prior to June 1, will not be considered for inclusion in the department's budget request.
2. The locality shall direct a letter to the department requesting the board to recommend to the Governor reimbursement for construction, enlargement or renovation. The letter shall be accompanied by the information required by § 2.1 B.

B. Requests for reimbursement of local facility construction, enlargement or renovation costs shall be accompanied by:

1. A Needs Assessment as specified in the Procedures;
2. A Resolution from the locality(s) requesting reimbursement;
3. An estimate of the reimbursement amount being requested;
4. A Planning Study as specified in the Procedures; and
5. A copy of the agreement between the participating localities including the allocation of financial and operational responsibilities, shall be included for requests for regional facilities.

§ 2.2. Preliminary review.

Localities wishing a review of their needs assessment prior to formally submitting a reimbursement request may submit only the Needs Assessment as specified in § 2.1 B. Upon review of the Needs Assessment, the board will notify the locality(s) as to whether it appears to the board that they are ready to proceed with the formal reimbursement request.

§ 2.3. Criteria for board funding recommendation.

A. The board will evaluate the need for the project as demonstrated by the information provided in the Needs Assessment and Planning Study.

B. The board shall take into consideration the operational cost efficiency of the interior design of the facility with special concern for the number of staff required, functional layout, material selection and energy efficiency.

C. Construction economy shall be reviewed in relation to the adjusted median cost of local facilities. The adjusted median cost of local facilities will be calculated by the department as a per bed cost using the following procedure:

1. A cost per square foot base figure will be the national median square-foot cost for jails (location factor applied), published in the latest edition of "Means Facilities Cost Data" published by R. S. Means Company Inc.;
2. The adjusted square-foot costs will be converted to per-bed costs using per-bed area allowances based on the average gross square footage of actual and proposed local facilities in Virginia; the area allowances will be (area allowance must be in accordance with all applicable codes and standards):

National cost per square foot (Means)

x Location Factor (Means)

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x Area allowance per bed (maximum 900 sq. ft. per bed)

= Adjusted median construction cost of local facility;

3. The total project cost will include:

- a. Construction (subdivision C 2 above);
- b. Site and utilities (Means);
- c. Architectural and engineering (Virginia Capital Outlay Manual);
- d. Furnishings and equipment (as itemized);
- e. Project inspection (Virginia Capital Outlay Manual); and
- f. Contingency (3.0%).

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

§ 2.4. Funding priorities.

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

1. New construction/renovation is needed because the existing facility is closed by the court, Board of Youth and Family Services or local governing authority, due to its failure to meet state or local operating standards;
2. An unsafe physical plant which fails to meet life, health, safety standards, or a court-ordered renovation, expansion, or new construction;
3. Replacement or renovation of bedspace lost due to fire, earthquake or other disaster;
4. An existing local facility is experiencing overcrowding (at least, operational capacity plus an additional 25%) which is expected to continue based on population forecasts;
5. A locality with no existing local facility;
6. An addition to or renovation of support facilities;
7. Phased projects; and
8. Cost overruns.

B. The board will ordinarily give preference to requests

for reimbursement for regionalized local facilities.

§ 2.5. Board recommendations to the Governor.

A. The department will direct a letter to the locality notifying the governing body of the board's decision to recommend or not to recommend a project for reimbursement, and the rationale for the decision.

B. The board shall submit to the Governor, or his designee (i) its recommendations with respect to reimbursement requests and the rationale therefore; and (ii) such information as the Governor may require with respect to a request for approval of reimbursements.

C. Final appropriations are subject to the Governor's approval and legislative enactment. Sections 16.1-313 and 16.1-322.7 of the Code of Virginia establish the rate of reimbursement to localities for construction, enlargement or renovation.

PART III. PROJECT DEVELOPMENT.

§ 3.1. Preliminary design.

A. The locality shall submit preliminary design documents to the department, as specified in the Procedures and the Virginia Capital Outlay Manual. The locality may also be required to submit preliminary design documents to other regulatory agencies.

B. Preliminary design documents shall be approved by the department.

C. If the department requires changes to the construction documents, all such required changes will be communicated in writing to the locality.

D. The locality shall require its A/E to respond in writing to the department to all comments in the preliminary design review. Necessary revisions to the project documents may be incorporated in the submission of the construction documents; however, all issues in question between the A/E and the department shall be resolved before the construction document phase is begun.

§ 3.2. Construction documents.

A. Localities shall submit construction documents to the department as specified in the Procedures and the Virginia Capital Outlay Manual. The locality may also be required to submit construction documents to other regulatory agencies. The fire official of the authority having jurisdiction over the proposed facility shall conduct a plans review and approve the construction.

B. The department will review construction documents for compliance with board standards, Code requirements, and incorporation of all changes required by the department at the preliminary document review stage.

This review in no way releases the A/E from their responsibilities and requirements.

C. If the department requires changes to the construction documents, all such required changes will be communicated in writing to the locality.

D. The locality shall require its A/E to respond in writing to the department to all comments in the construction document review. All issues in question between the architect and the department shall be resolved before the project is bid.

E. Upon satisfactory resolution of all review comments, the department shall approve construction documents and advise the locality in writing.

§ 3.3. Changes during project development; suspension of project.

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

PART IV. PROJECT CONSTRUCTION.

§ 4.1. Bids.

After bids for construction have been received and opened, and the locality has determined to proceed with the project, the locality shall require its A/E to submit to the department a bid tabulation, analysis and recommendation as to the award of the contract.

§ 4.2. Construction.

A. During construction the locality shall require its architect to submit monthly inspection or progress reports to the department.

B. Any change ordered during the construction phase shall be submitted in writing to the department for review and approval. Only those changes that are approved by the department shall be eligible for reimbursement.

C. A representative of the department may visit the project site during the construction period to observe the work in progress. Any observed deviations from approved documents having the effect of voiding or reducing compliance with board standards or Code requirements shall be reported in writing to the locality and shall be corrected.

§ 4.3. Final inspection.

A. Upon construction completion, the locality shall require its A/E to establish a schedule for final inspection of the project as follows:

1. The locality shall notify the department and all regulatory agencies which reviewed preliminary design or construction documents of the schedule for final inspection. The fire official of the authority having jurisdiction shall conduct a plan review and approve the construction;

2. The locality(s) shall request personnel or agencies involved in the final inspection to submit comments or recommendations in writing to the locality and forward copies to the department.

3. The locality shall require its architect to take necessary corrective action on all deficiencies noted in the comments and submit a report of completed actions to the appropriate reviewing agencies and forward a copy of the report to the department.

B. Upon completion of the final inspection and corrective actions as required, the locality shall provide to the department copies of all regulatory agency letters verifying approval of the completed project.

§ 4.4. Record documents.

The locality shall require its architect to modify original drawings and specifications to reflect the condition of the project as actually constructed and such documents shall be marked "Record." The record documents shall be prepared in accordance with procedures.

PART V. PRIVATE CONSTRUCTION OF JUVENILE FACILITIES.

§ 5.1. Legal basis.

Section 16.1-322.5 of the Code of Virginia provides for the Board of Youth and Family Services to authorize a county or city or any combination of counties, cities or towns established pursuant to § 16.1-315 of the Code of Virginia to contract with a private entity for the financing, site selection, acquisition or construction of a local or regional detention home or other secure facility. Localities authorized to contract for private construction of a juvenile detention facility shall receive state reimbursement authorized by § 16.1-313, of the Code of Virginia, in accordance with Parts I through VI of these regulations.

§ 5.2. Contract authorization.

Prior to receiving the Board of Youth and Family Services authorization to enter into a contract for private construction, localities shall certify and submit documentation demonstrating that all requirements mandated by § 16.1-322.5 of the Code of Virginia have

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been met by both the locality and the contractor.

PART VI. FINAL REIMBURSEMENT.

§ 6.1. Request for final reimbursement.

A. Upon completion of the project, the locality shall submit the documentation specified by the procedures to the department.

B. If the final amount of reimbursement requested is more than the reimbursement amount initially recommended, the cost increase shall be justified by the locality and resubmitted to the board and the Governor, or his designee, for approval.

§ 6.2. Compliance.

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

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

Title of Regulation: VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of [Telecommunications Equipment Technological Assistive Devices].

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Effective Date: April 22, 1992.

Summary:

The regulations have been revised to incorporate terminology changes to reflect current knowledge and usage. Hearing aid specialists are now permitted to certify applicants. Ownership of technological assistive devices costing or valued at \$5,000 or more will be retained by the Department for the Deaf and Hard of Hearing. Elimination of the section regarding the coupon distribution method will enable the agency to establish internal procedures of dissemination of technological assistive devices to streamline the process.

VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Technological Assistive Devices.

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

["*Alerting device*" means a device that alerts individuals with a hearing loss of sounds around them.]

~~"Amplified handset"~~ "*Amplification device*" means a mechanical device that amplifies either incoming sounds for hearing-impaired persons individuals who have a hearing loss or outgoing sounds for speech-impaired persons individuals who have a speech disability .

"*Applicant*" means a person who applies for [telecommunications equipment technological assistive devices].

"*Application*" means the TAP Application (VDDHH-TDD-1).

"*Audiologist*" means any person who accepts compensation for examining, testing, evaluating, treating or counseling persons having or suspected of having disorders or conditions affecting hearing and related communicative disorders or who assists persons in the perception of sound and is not authorized by another regulatory or health regulatory board to perform any such services.

["*Braille TDD text telephone*" means an electrical a device for use with a telephone line that utilizes a keyboard, an acoustic coupler, a visual display and a braille display nonvoice terminal and braille keyboard and display to transmit and receive messages.]

"*Completion date*" means the date all supporting documentation for the application is received by the department.

"*Coordinator*" means the [Telecommunications Technology] Assistance Program Coordinator for Statewide Telecommunications Programs for the Deaf of the Virginia Department for the Deaf and Hard-of-Hearing.

"*Coupon*" means a voucher which may be used by the recipient applicant [as credit toward towards] the purchase of approved [telecommunications equipment technological assistive devices] from a contracted vendor.

"*Deaf*" means the presence of a hearing impairment a hearing loss that requires use of a telecommunications device for the deaf text telephone to communicate effectively on the telephone.

"*Deaf-blind*" means the presence of a hearing impairment and a visual impairment a dual loss of hearing and vision that requires use of a braille or large-print TDD text telephone to communicate effectively on the telephone.

"*Department*" means the Virginia Department for the Deaf and Hard-of-Hearing.

["*Director*" means the Director of the Virginia Department for the Deaf and Hard-of-Hearing.

"*Family*" means the applicant, his dependents and any person legally required to support the applicant, including spouses.

"*Gross income*" means the income, total cash receipts before taxes from all sources of the applicant, his dependents , and any person legally required to support the applicant, including spouses.

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["Hard of hearing" means a hearing loss that requires use of either a text telephone or an amplification device to communicate effectively on the telephone.]

"Hearing aid specialist [~~dealer~~] " means a person who accepts compensation for evaluating hearing for the purpose of fitting appropriate hearing aids.

"Hearing-impaired/visually-impaired" means a dual loss of hearing and vision that requires use of large [~~print~~ visual display] text telephone or a braille text telephone to communicate effectively on the telephone.

["Manager" means the Telecommunications Programs Manager of the Virginia Department for the Deaf and Hard-of-Hearing.]

"Minor" means a person less than 18 years of age whose parents are legally responsible for his support.

["Outreach specialist" means a person hired by the department to provide outreach services and to assist the department in carrying out activities related to the Telecommunications Assistance Program on either a regional or local level.]

"Physician" means a person who has a medical degree and a license to practice medicine in any one of the United States.

"Program" or ["TAP Program" "TAP"] means [Telecommunications Technology] Assistance Program for distributing [telecommunications equipment technological assistive devices] to individuals who are deaf, [severely hearing-impaired hard of hearing] , hearing-impaired/visually-impaired, deaf-blind and or speech-impaired persons and who meet eligibility requirements through an application process.

"Public assistance" means and includes aid to dependent children; auxiliary grants to the aged, blind and disabled; medical assistance; food stamps; general relief; fuel assistance; and social services.

"Recipient" means a person who receives [telecommunications equipment technological assistive devices] or a coupon valid toward the purchase of the equipment .

"Ring signal device" means a mechanical device that alerts a individual who is deaf, [severely hearing-impaired hard of hearing] , hearing impaired/visually-impaired or deaf-blind person of an incoming call.

["Severely hearing-impaired" means a hearing loss that requires use of either a Telecommunications Device for the Deaf text telephone or an amplified telephone handset amplification device to communicate effectively on the telephone.]

"Speech-impaired" means a loss of verbal communication ability which prohibits normal usage of a standard telephone handset.

"Speech pathologist" means any person who accepts compensation for examining, testing, evaluating, treating or counseling persons having or suspected of having disorders or conditions affecting speech, voice or language and is not authorized by another regulatory or health regulatory board to perform any such services.

"Telecommunications devices for the deaf, hereinafter called TDD" means an electrical device for use with a telephone that utilizes a keyboard, acoustic coupler and display screen to transmit and receive messages.

["Technological assistive device" means any adaptation for an alerting or communication system needed by individuals who are deaf, hard of hearing, hearing-impaired/visually impaired, deaf-blind or speech-impaired.]

["Telecommunications equipment" means any mechanical adaptation for a telephone needed by a individuals who are deaf, a hearing-impaired ; hearing-impaired/visually-impaired, deaf-blind or a speech-impaired person in order to use the telephone, including amplified handsets amplification devices ; ring signaling devices, and braille, large-print or regular-print TDDs TTs :]

"Text telephone" (hereinafter called [~~TT~~ TTP]) means a nonvoice terminal device used to transmit and receive messages via telephone. This includes, but is not limited to, telecommunications devices for the deaf (TDD/TTY) and computer modems.

["VDDHH outreach specialist" means a person hired by the department to provide outreach services and to assist the department in carrying out activities related to the Technology Assistance Program on either a regional or local level.]

PART II. DETERMINING OWNERSHIP.

§ 2.1. Ownership guidelines.

A. Any [telecommunications technological assistive] device or component distributed through the program is the property of the individual recipient except for any device which, individually, has a value or cost in excess of \$5,000 at the date of acquisition.

B. The department shall retain ownership of any [telecommunications technological assistive] device or component distributed through the program that costs \$5,000 or more.

Where ownership of [telecommunications technological assistive] devices or components is retained by the

department, the department, in its discretion, may suspend part or all of the following regulations as deemed necessary.

PART H III . PARTICIPATION OF APPLICANT.

§ 2-1: § 3.1. Eligibility requirements.

Upon request for [~~telecommunications equipment technological assistive devices~~] by an applicant, the department will require information as to the family size, financial status, and other related data as described on the application. It is the applicant's responsibility to furnish the department with the correct financial data in order to be appropriately classified according to income level and to determine applicable charges for [~~telecommunications equipment technological assistive devices~~]. Applicants eligible to participate in the program shall meet the following requirements:

1. The applicant must be certified as deaf, [~~severely hearing-impaired hard of hearing~~], ~~hearing-impaired/visually-impaired~~, deaf-blind, or speech-impaired by a licensed physician, audiologist, speech-language pathologist, [~~hearing aid specialist~~], vocational rehabilitation counselor employed by the Department of Rehabilitative Services or the Department for the Visually Handicapped, a Virginia School for the Deaf and Blind representative, a [~~Virginia Department for the Deaf and Hard-of-Hearing VDDHH~~] outreach specialist or other appropriate agency or government representative.

2. The applicant shall reside in the Commonwealth of Virginia.

3. An applicant shall submit a completed and signed application.

§ 2-2: § 3.2. Charges for equipment.

Eligible applicants shall be granted program participation based on a first-come, first-served basis and the availability of program funds. [~~The participation of applicants shall be by coupon. (See Part IV V → The approved applicant may use his coupon in addition to his contribution, as defined in subdivisions A 1 and 2 of § 2-2 of these regulations this section, to purchase the approved equipment at the state contract rate.)~~]

A. Cost of the program to applicant.

If the individual or family monthly gross income is such that a charge for [~~telecommunications equipment technological assistive devices~~] is required, an explanation of the charges shall be provided to the recipient.

1. An applicant shall not be required to participate in the cost of [~~telecommunications equipment technological assistive devices~~] if his individual or

family monthly gross income is :

a. If his individual or family monthly gross income is:

a. (1) Obtained solely from [; any one or combination of;] public assistance, as defined in Part I of these regulations, earnings of minor children or gifts, or any combination thereof; or

b. (2) Less than or equal to the Economic Needs Guidelines found in subdivision A 3 of § 2-2 of these regulations this section .

b. If ownership of [~~telecommunications technological assistive~~] devices or components is retained by the department.

2. Any other applicant shall be required to participate in the cost of any [~~telecommunications equipment technological assistive devices~~] distributed to the applicant. The portion paid by the applicant to the vendor shall be equal to the amount which his individual or family monthly gross income exceeds the following Economic Needs Guidelines. However, this amount shall not exceed the approved equipment total price or \$75, whichever is lower.

3. Statewide Economic Needs Guidelines. The same formula used to determine the following sets of Economic Needs Guidelines shall be applied where the number of family members exceeds six.

	Monthly Gross Income	Annual Gross Income
Family of 1	\$1,210	\$14,520
Family of 2	1,583	18,996
Family of 3	1,995	23,940
Family of 4	2,327	27,924
Family of 5	2,699	32,388
Family of 6	3,072	36,864

a. Northern Virginia Economic Needs Guidelines. To be used for applicants residing in Arlington, Fairfax, Loudoun, and Prince William counties and the incorporated cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

	Monthly Gross Income	Annual Gross Income
Family of 1	\$1,319	\$15,828
Family of 2	1,726	20,712
Family of 3	2,175	26,100

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Family of 4	2,537	30,444
Family of 5	2,942	35,304
Family of 6	3,349	40,188

b. If an applicant is paying monthly installments toward a debt(s), then the amount of one monthly installment will be subtracted from the applicant's expected contribution before the valid amount [of the coupon owed] is determined, under the following conditions:

1- (1) The debt(s) is owed for nonpreventative medical or dental services; and

2- (2) The debt(s) is owed by or for the applicant or individuals whom the applicant is legally responsible to support or is legally supported by.

§ 2.3. § 3.3. Type of equipment.

[The applicant must choose the type(s) of equipment requested based upon the applicant's sensory loss.] The equipment [that may be] available through the program includes [but is not limited to]: TDDs, braille TDDs, amplified handsets and ring signal devices [FFs TTPs], large [print FFs visual display TTPs], braille [FFs TTPs], amplification devices [and,] ring signal devices [, doorbell signallers, visual smokefire detectors, TTP paper rolls, baby criers, and visual or vibrating alarm clocks] .

PART III IV . APPLICATION PROCEDURES.

§ 3.1. § 4.1. The application may be obtained from the department or the department's outreach specialists or other authorized distribution centers. Completed applications shall be forwarded to:

Virginia Department for the Deaf and Hard-of-Hearing
ATTN: [TAP Program VDDHH-TAP]
Washington Building
Capitol Square
1100 Bank Street
12th Floor
Richmond, VA 23219-3640.

The VDDHH telephone number is 1-800-552-7917 (V/
TDD [FF TTP]) or (804) 225-2570 (V/ TDD [FF TTP]).

§ 3.2. § 4.2. Processing applications.

A. The coordinator shall approve all applications for which eligibility requirements defined in § 2.1 § 3.1 are satisfied, except as provided in subsections B and , C , and D of this regulation.

B. Original application shall not be approved:

1. When the applicant [who must contribute] has already been issued a coupon which is still valid towards the purchase of [telecommunications equipment technological assistive devices] under this program.

2. When the applicant has received a device from the TAP Program within the preceding four years.

C. Application for replacement equipment shall not be approved when:

1. A device previously issued by the department has been subjected to abuse, misuse or unauthorized repair by the recipient.

2. The recipient fails to provide a police report of a stolen device or refuses to cooperate with the police investigation or in the prosecution of the suspect, including the refusal to testify in court when requested to do so.

3. The recipient is found negligent in the police report, such as doors to the house or car left unlocked or unattended.

4. The recipient has lost the device.

5. The recipient has sold the device.

D. Replacement equipment may be given within a four-year period if [telecommunications equipment a technological assistive device] is damaged through natural disasters, such as lightning, electrical storms, or floods. The recipient must first send damaged equipment to the vendor. If the vendor certifies to the department that the equipment, provided it is still under valid warranty, is unrepairable due to natural disaster, a replacement unit shall be issued to the recipient, upon reapplication, either free or up to \$75, depending on eligibility criteria as outlined in § 3.2.

E. Exchange of equipment may be permitted only where the original equipment can no longer be used by a recipient due to deteriorating vision or hearing. A recipient must obtain a letter from a physician stating that the recipient has deteriorating vision or hearing and can no longer benefit from the equipment currently used by the recipient and that the recipient would benefit from another device available through TAP.

F. Eligibility requirements regarding financial data and family size shall not be required by the department if ownership of telecommunications devices or components is retained by the department.

§ 3.3. § 4.3. Notice of action on approved or denied applications.

The recipient shall be notified of a decision regarding an original application within 30 days of the completion

date.

§ 4.4. If a recipient obtained [*telecommunications equipment technological assistive devices*] under false premises or misrepresentation of facts on the TAP application, the department reserves the right to demand return of such equipment. Such a recipient may be prosecuted to the fullest extent of the law.

PART IV V . [COUPON PROCESSING] SYSTEM.

[§ 5.1. Processing, redemption and invoicing shall be governed by internal department procedures, contractual agreements and the Commonwealth of Virginia's Prompt Payment Act that shall be applied uniformly to applicants and contracted vendors.

§ 4.1. § 5.1. Coupons:

A coupon for purchase of telecommunications equipment based on an original application will be processed as follows:

1. The TAP Program Coordinator shall issue coupons varying in amount, but not exceeding the equipment's contracted price, for the purchase of approved equipment to persons determined to be eligible for the program. The coordinator will attach a list of contracted vendors who sell the approved telecommunications equipment.

Coupons shall not be issued if the department retains ownership of the telecommunications device or component.

2. The coupon shall entitle the recipient *applicant* to purchase the approved equipment at the state contract rate.

3. The recipient *applicant* shall present or send the coupon to the vendor to make a purchase of approved equipment within 30 days of the coupon's issuance date *the specified time period indicated on the coupon* :

4. The coupon shall have the signature and signature date of the recipient *applicant* : The signature date indicates the order date for approved equipment by the recipient *applicant* .

5. The vendor shall complete its section of the coupon, including signature and date, documenting the corresponding serial numbers for all approved equipment. The serial number for all equipment shall be required for reimbursement.

6. Within 30 days of the order date *the specified time period on the coupon* ; the vendor shall forward the coupon to the Virginia Department for the Deaf and Hard-of-Hearing (VDDHH). An invoice for payment

shall accompany the coupon for reimbursement. When submitting the coupon and invoice for payment, the vendor shall provide proof of delivery to the recipient's home address. This proof shall include a signature indicating receipt of the approved equipment.

7. Payment reimbursed from VDDHH to the vendor shall not exceed the valid amount, found in the upper right-hand corner, of the coupon.

8. The difference between the equipment's state-contracted price under the program and the value of the coupon will be collected by the vendor from the recipient.

9. Upon receipt of the authorized coupon, accompanying invoice, and confirmation of satisfactory delivery of the equipment, VDDHH will process an accounting voucher for the valid amount. The agency accounting voucher will be processed with an appropriate due date in accordance with the terms and conditions set forth in the Commonwealth's Prompt Payment Act.]

§ 4.2. Ownership.

All telecommunications devices distributed through the program are the property of the recipient.

§ 4.3. § 5.2. Liability.

Recipients shall be responsible for any repairs to or loss of a device issued in the program , *except where the department retains ownership of the device* .

PART V VI . CONFIDENTIALITY.

§ 5.1. § 6.1. Confidentiality.

All TAP applications and other client materials shall be kept confidential by department personnel and other persons authorized by the department to view such materials. An applicant's award shall also be confidential and shall not be released without the applicant's permission.



FOR OFFICE USE ONLY

Date Received	Date Complete	Region	City/County	Applicant #
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TELECOMMUNICATIONS ASSISTANCE PROGRAM (TAP)

All information is confidential.

ALL INFORMATION MUST BE FILLED IN.

1. NAME OF PERSON WHO WILL USE THIS EQUIPMENT: _____
First MI Last

2. THIS IS MY FIRST TAP APPLICATION: YES NO

4. APPLICANT IS: MARRIED SINGLE
 LEGALLY SEPARATED DIVORCED WIDOWED

6A. HOME ADDRESS: (NO POST OFFICE BOXES!)
Number Street Name Apt. #
City State Zip

6B. IF APPROVED, WHERE DO YOU WANT YOUR EQUIPMENT SHIPPED TO? (MUST BE IN VIRGINIA ONLY)
 Home Address as Listed in 6A
 Other:
Name: First MI Last
Street Address: Number Street Name Apt. #
City State Zip

7. YOUR TELEPHONE NUMBERS:
 HOME: (____) _____ TDD ___ Voice
 WORK: (____) _____ TDD ___ Voice

9. YOUR WHOLE FAMILY MONTHLY INCOME (BEFORE TAXES): \$ _____

10. FAMILY SIZE (INCLUDE YOURSELF): _____

11. WHERE DO YOU GET YOUR INCOME? (See Instructions on the back)

<p>12. I AM:</p> <input type="checkbox"/> Deaf <input type="checkbox"/> Severely Hearing-Impaired <input type="checkbox"/> Deaf-Blind <input type="checkbox"/> Hearing-Impaired/Visually-Impaired <input type="checkbox"/> Speech-Impaired	<p>13. EQUIPMENT:</p> <p>GROUP 1 Check (✓) one box</p> <input type="checkbox"/> Electric-Powered In-Line Amplifier <input type="checkbox"/> Battery-Powered In-Line Amplifier <input type="checkbox"/> TDD (Telecommunications Device for the Deaf) <input type="checkbox"/> Large Print TDD* <input type="checkbox"/> Braille TDD* <input type="checkbox"/> Speech Amplifier** <input type="checkbox"/> Other _____	<p>GROUP 2 Check (✓) one box</p> <input type="checkbox"/> Audible Ring Signaler <input type="checkbox"/> Visual Ring Signaler <input type="checkbox"/> Tactile Ring Signaler* <input type="checkbox"/> Other _____
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*FOR HEARING-IMPAIRED/VISUALLY-IMPAIRED OR DEAF-BLIND APPLICANTS ONLY.
 **FOR SPEECH-IMPAIRED APPLICANTS ONLY.

14. DO YOU NEED TRAINING TO USE THIS EQUIPMENT? YES NO

15. APPLICANT CERTIFICATION:

I CERTIFY:
 1 - All information on this application is true.
 2 - I live in Virginia.
 3 - I am hearing-impaired and/or speech-impaired.
 4 - YOUR WHOLE FAMILY MONTHLY INCOME (Question #9) is the total gross monthly income my family earns in one month.

I UNDERSTAND:
 1 - If any information on this application is not true I will have to give all equipment back to VDDHH.
 2 - I accept responsibility for the machines.
 3 - I accept responsibility for all repair and maintenance costs.
 4 - I accept responsibility for all of my telephone bills.

APPLICANT SIGNATURE _____ Soc. Sec. # _____ / _____ / _____ Date: _____ / _____ / _____

PARENT OR GUARDIAN: _____ Soc. Sec. # _____ / _____ / _____ Date: _____ / _____ / _____

16. PROFESSIONAL CERTIFICATION (Take this application to one of the professionals listed below. They must fill out this section and return the application to you.)

Doctor (licensed physician) Va. School for the Deaf Rep. Deaf Hearing-Impaired/Visually-Impaired
 Audiologist DRS or DVH Rep. Severely Hearing-Impaired Deaf-Blind
 Speech Pathologist Other appropriate agency Rep. Speech-Impaired Other _____
 VDDHH Outreach Specialist (check with VDDHH)

I Certify: That this applicant meets the definition of "Deaf," "Severely Hearing-Impaired," "Hearing-Impaired/Visually-Impaired," "Deaf-Blind" or "Speech-Impaired" given on the reverse side of this application. (Please see back of this form for a definition of each impairment and a description of each device.)

Name of Certifying Person: _____ Title: _____

Name of Agency: _____ State Lic. # (if applicable): _____

Address: _____ Day Phone Number: (____) _____

Signature: _____ Date: _____ / _____ / _____

Applicants for the program shall be afforded equal opportunity without regard to race, color, religion, national origin, political affiliation, handicap, sex or age.
 Mail completed application to: VDDHH (TAP) Washington Building Capitol Square 1100 Bank Street, 12th Floor, Richmond, VA 23219-3640. For more information, call: 1-800-552-7917 TDD/V.
 (1/19/88 HHS) Form 05-11

TAP APPLICATION INSTRUCTIONS

ALL INFORMATION LISTED ON THE APPLICATION IS CONFIDENTIAL!

ALL QUESTIONS ARE TO BE ANSWERED BY THE PERSON WHO WILL BE USING THE EQUIPMENT. IF THE PERSON IS A MINOR, A PARENT OR GUARDIAN SHOULD LIST ANSWERS FOR THE MINOR (i.e. for question #2, put down the minor's name, not the parent's or guardian's name).

Important! Follow the directions carefully.

If any answers are incorrect, inconsistent or left blank, the application process will be delayed and you may have to fill out additional forms.

You must write an answer to every question on the TAP Application! (Do not write in the shaded areas.)

1. Name of Person Who Will Use This Equipment
 Print your full legal name; first name, middle initial and last name.

2. This is My First TAP Application
 Check (✓) "YES" if you have not received equipment through this program before.

3. Birthdate
 Use numbers. For example: August 11, 1956 = 8/11/56

4. Applicant is:
 Married Single Legally Separated Divorced Widowed
 Check the box that relates to the person who will use this equipment, not the parent.

5. Spouse Name
 Write the first name, middle initial and last name of the spouse of the person who will use this equipment, not the parent. If none, write "none" in the space.

6A. Home Address
 Write your complete home (street) address. A P.O. Box is not acceptable.

6B. Shipping Address
 If the address is different, print your complete mailing address (including P.O. Box, R.D. #, etc.). It must be a Virginia address.

6C. City/County Applicant Lives In
 For example, you may live in Roanoke City or Roanoke County. If you live in Chatham, you should write Pittsylvania County.

7. Telephone Numbers
 Write your telephone numbers. If you don't have a telephone number, then write in "none."

8. Name of Person Listed on Home Telephone Bill
 Write the first name, middle initial and last name of the person as it appears on your monthly home telephone bill.

9. Your Whole Family Monthly Income (Before Taxes)
 Put down the TOTAL dollar amount that you, your spouse, your children (and anyone else that you are legally required to support or that you claimed on your most recent income tax return) made in one month before taxes and other deductions (for example, you make \$1300 a month from work, your spouse gets \$800 a month from a private pension plan and your child gets \$100 a month from a trust fund: \$1300 + \$800 + \$100 = \$2200 per month). PUT DOWN ONLY THE TOTAL AMOUNT.

10. Family Size (Include Yourself)
 List the number of people that you are legally required to support or that you claimed on your most recent income tax return. BE SURE TO COUNT YOURSELF! (For example, you have a spouse and three children: 1 + 3 + yourself = 5.) If you did not fill out a tax return, count the number of relatives living with you.

11. Where Do You Get Your Income?
 Write in where the money in "Your Whole Family Monthly Income" comes from using the codes below. (Example: If your money comes from salary/wages, you would write an "A" in the space.) Use as many letters as you need to show where all your money comes from.

- CODES FOR QUESTION 11.
- | | |
|--|---|
| A Salary/Wages | (Continued) |
| B Self-Employed (money after business deductions) | I Social Services (SSI and SSDI or SSA)—not regular Social Security retirement; Auxiliary Grants to the aged, blind or disabled; Medical Assistance (Medicaid); Food Stamps |
| C Unemployment Compensation | J General Relief; and Fuel Assistance |
| D Worker's Compensation (if you were injured on the job) | K Earnings of minor children |
| E Veteran's Benefits | L Gifts |
| F Private Pension (Retirement) | M Public Assistance (Retirement); Medicare |
| G Government Employee Pension | N Other (Specify on application) |
| H Alimony | |
| I Public Assistance (Retirement); Medicare Children (ADC or AFDC); | |

12. Classification
 Check only one box that describes you: Deaf, Severely Hearing-Impaired, Hearing-Impaired/Visually-Impaired, Deaf-Blind, or Speech-Impaired.

13. Equipment
 Check (✓) only one type of equipment in each group. The following lists are a guide to help you pick the right equipment:
 DEAF: must have a TDD to communicate on the telephone.
 SEVERELY HEARING-IMPAIRED: must have either a TDD or an in-line amplification device to communicate on the telephone.
 HEARING-IMPAIRED/VISUALLY-IMPAIRED: must have either a Large Print TDD or a Braille TDD to communicate on the telephone.
 DEAF-BLIND: must have a Braille TDD to communicate on the telephone.
 SPEECH-IMPAIRED: must have either a TDD or a speech amplification device to communicate on the telephone.
 OTHER: (only when new equipment is approved by VDDHH).

14. Do You Need Training to Use This Equipment?
 Check "yes" if you want to learn how to use the equipment.

15. Applicant Certification
 Read all statements in this section. If all is clearly explained to you and you agree and all of your information is true, then sign your name, social security number and today's date (use numbers).
 All applicants, regardless of age, must have their social security number on the application. Applicants who are 7 years old or older must also have their signature on the application.
 If the applicant is under 18 years old, then the mother, father or legal guardian must also sign the application, and put their social security number and today's date on the second line provided.

16. Professional Certification
 Take this application to any one of the kinds of professionals listed in this section. They must fill out the section, certify your impairment and give the application back to you.
 VDDHH must approve a person not listed in this section.

CHECK YOUR APPLICATION BEFORE MAILING IT!!
 Did you sign your name?
 Write your social security number?
 Fill in today's date?
 Check the equipment you want?
 Have a doctor or other listed professional sign your application?

Mail This Application To: Virginia Department for the Deaf and Hard of Hearing
 Washington Building, Capitol Square
 1100 Bank Street, 12th Floor
 Richmond, VA 23219-3640
 If you do not get a telephone call or letter from VDDHH within six weeks, call: 1-800-552-7917 TDD/V.

TDD
 Telecommunications Device for the Deaf. A TDD is a machine that looks like a small typewriter. To use it you put your telephone handset on the TDD. The person you are talking to must also have a TDD.

Large Print TDDs are available for hearing-impaired/visually-impaired people.

Ring Signalers
 A Ring Signaler is a machine that helps you know when someone is calling you on the telephone. There are 3 kinds of Ring Signalers: Visual (light); Audible (loud); and Tactile (vibrating for Deaf-Blind).

Large Print TDDs are available for hearing-impaired/visually-impaired people.

Amplification Devices
 A volume amplifier lets you control how loud the person you are talking to sounds if you are hearing-impaired. There are two kinds of in-line devices: battery-powered and electric-powered.

Braille TDDs are available for Deaf-Blind people.

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0054. Regulations Governing Reporting of Acts of Violence and Substance Abuse in Schools.

Statutory Authority: § 22.1-280.1 of the Code of Virginia.

Effective Date: April 22, 1992.

Summary:

The regulations provide a format and timelines for local school divisions to report to the Department of Education certain acts of violence and substance abuse. The regulations require that principals report to the division superintendent semi-annually, the incidence of physical battery, sexual battery, homicide, possession of weapons, possession of alcohol, possession of drugs, possession of tobacco products, and the number of students involved in such behavior. The regulations further require the division superintendent to submit to the Department of Education an aggregate report on or before the last day of October.

VR 270-01-0054. Regulations Governing Reporting of Acts of Violence and Substance Abuse in Schools.

§ 1. The principal of each public school shall collect and maintain information on the following events which occur on school property, on a school bus, or at a school-sponsored activity, and shall report the information semi-annually to the division superintendent on dates established by the superintendent. The division superintendent shall submit annually to the Department of Education, on forms provided by the department, an aggregate report of such incidences on or before the last day of October.

A. Incidences of crime and violence.

1. Physical battery

- a. On school personnel by students
- b. On students by students
- c. On students by persons other than students

2. Sexual battery

- a. On school personnel by students
- b. On students by students
- c. On students by persons other than students

3. Homicides

- a. On school personnel by students
- b. On students by students
- c. On students by persons other than students

4. Possession of weapons

5. Possession of alcohol

6. Possession of drugs

7. Possession of tobacco products

B. Students involved in incidences of crime and violence.

1. Total number of students involved in physical assaults

- a. Perpetrator (categorized by grade and gender)
- b. Victims (categorized by grade and gender)

2. Total number of students involved in sexual battery

- a. Perpetrator (categorized by grade and gender)
- b. Victims (categorized by grade and gender)

3. Total number of students involved in homicides

- a. Perpetrator (categorized by grade and gender)
- b. Victims (categorized by grade and gender)

4. Total number of students involved in possession of weapons (categorized by grade and gender)

5. Total number of students involved in possession of alcohol (categorized by grade and gender)

6. Total number of students referred (by self or others) for assistance with substance abuse problems (categorized by grade and gender)

7. Total number of students involved in possession of drugs (categorized by grade and gender)

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Title of Regulation: VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.

Statutory Authority: §§ 9-158 and 9-164 of the Code of Virginia.

Effective Date: July 1, 1992.

Summary:

The changes to § 6.1 amend and update the regulation which deals with the required submission of an audit by health care institutions. The current regulation requires that a certified audited financial statement be submitted following the conclusion of a health care institution's fiscal year. However, there is no limitation regarding when it must be submitted. The regulatory changes require that the certified audited financial statement be submitted within 120

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days of the completion of the institution's fiscal year. The change to § 6.7 provides for a late charge of \$10 per working day if the audit was filed past the due date.

VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.

PART I. DEFINITIONS.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning:

"Adjusted patient days" means inpatient days divided by the percentage of inpatient revenues to total patient revenues.

"Aggregate cost" means the total financial requirements of an institution which shall be equal to the sum of:

1. The institution's reasonable current operating costs, including reasonable expenses for operating and maintenance of approved services and facilities, reasonable direct and indirect expenses for patient care services, working capital needs and taxes, if any;
2. Financial requirements for allowable capital purposes, including price level depreciation for depreciable assets and reasonable accumulation of funds for approved capital projects;
3. For investor-owned institutions, after tax return on equity at the percentage equal to two times the average of the rates of interest on special issues of public debt obligations issued to the Federal Hospital Insurance Trust Fund for the months in a provider's reporting period, but not less, after taxes, than the rate or weighted average of rates of interest borne by the individual institution's outstanding capital indebtedness. The base to which the rate of return determined shall be applied is the total net assets, adjusted by paragraph 2 of this section, without deduction of outstanding capital indebtedness of the individual institution for assets required in providing institutional health care services;
4. For investor-owned institutions organized as proprietorships, partnerships, or S-corporations an imputed income tax, for fiscal years ending July 1, 1989, or later, at a combined federal and state income tax rate equal to the maximum tax rates for federal and state income taxes. The combined rate for 1989 is equal to 34% for individuals and 40% for corporations. Such tax computation shall be exclusive of net operating loss carryforwards prior to July 1, 1989. Operating losses incurred after July 1, 1989, may be carried forward no more than five years but may not be carried back prior years. The schedule of

imputed income taxes shall be reported as a note to the financial statements or as a supplemental schedule of the certified audited financial statements submitted to the Virginia Health Services Cost Review Council by the institution.

"Certified nursing facility" means any skilled nursing facility, skilled care facility, intermediate care facility, nursing or nursing care facility, or nursing home, whether freestanding or a portion of a freestanding medical care facility, that is certified as a Medicare or Medicaid provider, or both, pursuant to § 32.1-137.

"Council" means the Virginia Health Services Cost Review Council.

"Consumer" means any person (i) whose occupation is other than the administration of health activities or the provision of health services (ii) who has no fiduciary obligation to a health care institution or other health agency or to any organization, public or private, whose principal activity is an adjunct to the provision of health services, or (iii) who has no material financial interest in the rendering of health services.

"Health care institution" means (i) a general hospital, ordinary hospital, or outpatient surgical hospital, nursing home or certified nursing facility licensed or certified pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of Title 32.1, (ii) a mental or psychiatric hospital licensed pursuant to Chapter 8 (§ 37.1-179 et seq.) of Title 37.1 and (iii) a hospital operated by the University of Virginia or Virginia Commonwealth University. In no event shall such term be construed to include any physician's office, nursing care facility of a religious body which depends upon prayer alone for healing, independent laboratory or outpatient clinic.

"Hospital" means any facility licensed pursuant to §§ 32.1-123, et seq. or 37.1-179 et seq. of the Code of Virginia.

"Late charge" means a fee that is assessed a health care institution that files its budget, annual report, or charge schedule with the council past the due date.

"Nursing home" means any facility or any identifiable component of any facility licensed pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of Title 32.1, in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and nursing or nursing care facilities.

"Voluntary cost review organization" means a nonprofit association or other nonprofit entity which has as its function the review of health care institutions' costs and charges but which does not provide reimbursement to any

health care institution or participate in the administration of any review process under Chapter 4 of Title 32.1 of the Code of Virginia.

"Patient day" means a unit of measure denoting lodging facilities provided and services rendered to one inpatient, between census-taking-hour on two successive days. The day of admission but not the day of discharge or death is counted a patient day. If both admission and discharge or death occur on the same day, the day is considered a day of admission and counts as one patient day. For purposes of filing fees to the council, newborn patient days would be added. For a medical facility, such as an ambulatory surgery center, which does not provide inpatient services, each patient undergoing surgery during any one 24-hour period will be the equivalent to one patient day.

PART II. GENERAL INFORMATION.

§ 2.1. Authority for regulations.

The Virginia Health Services Cost Review Council, created by §§ 9-156 through 9-166 of the Code of Virginia, is required to collect, analyze and make public certain financial data and findings relating to hospitals which operate within the Commonwealth of Virginia. Section 9-164 of the Code of Virginia directs the council from time to time to make such rules and regulations as may be necessary to carry out its responsibilities as prescribed in the Code of Virginia.

§ 2.2. Purpose of rules and regulations.

The council has promulgated these rules and regulations to set forth an orderly administrative process by which the council may govern its own affairs and require compliance with the provisions of §§ 9-156 through 9-166 of the Code of Virginia.

§ 2.3. Administration of rules and regulations.

These rules and regulations are administered by the Virginia Health Services Cost Review Council.

§ 2.4. Application of rules and regulations.

These rules and regulations have general applicability throughout the Commonwealth. The requirements of the Virginia Administrative Process Act, codified as § 9-6.14:1, et seq. of the Code of Virginia applied to their promulgation.

§ 2.5. Effective date of rules and regulations.

These rules and regulations or any subsequent amendment, modification, or deletion in connection with these rules and regulations shall become effective 30 days after the final regulation is published in the Virginia Register.

§ 2.6. Powers and procedures of regulations not exclusive.

The council reserves the right to authorize any procedure for the enforcement of these regulations that is not inconsistent with the provision set forth herein and the provisions of § 9-156 et seq. of the Code of Virginia.

PART III. COUNCIL PURPOSE AND ORGANIZATION.

§ 3.1. Statement of mission.

The council is charged with the responsibility to promote the economic delivery of high quality and effective institutional health care services to the people of the Commonwealth and to create an assurance that the charges are reasonably related to costs.

The council recognizes that health care institutional costs are of vital concern to the people of the Commonwealth and that it is essential for an effective cost monitoring program to be established which will assist health care institutions in controlling their costs while assuring their financial viability. In pursuance of this policy, it is the council's purpose to provide for uniform measures on a statewide basis to assist in monitoring the costs of health care institution's without sacrifice of quality of health care services and to analyze the same to determine if charges and costs are reasonable.

§ 3.2. Council chairman.

The council shall annually elect one of its consumer members to serve as chairman. The chairman shall preside at all meetings of the council and shall be responsible for convening the council.

§ 3.3. Vice-chairman.

The council shall annually elect from its membership a vice-chairman who shall assume the duties of the chairman in his absence or temporary inability to serve.

§ 3.4. Expense reimbursement.

Members of the council shall be entitled to be reimbursed in accordance with state regulations for necessary and proper expenses incurred in the performance of their duties on behalf of the council.

§ 3.5. Additional powers and duties.

The council shall exercise such additional powers and duties as may be specified in the Code of Virginia.

PART IV. VOLUNTARY COST REVIEW ORGANIZATIONS.

§ 4.1. Application.

Any organization desiring approval as a voluntary rate

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review organization may apply for approval by using the following procedure:

1. Open application period. A voluntary cost review organization may apply for designation as an approved voluntary cost review organization to be granted such duties as are prescribed in § 9-162 of the Code of Virginia.

2. Contents of application. An application for approval shall include:

a. Documentation sufficient to show that the applicant complies with the requirements to be a voluntary cost review organization, including evidence of its nonprofit status. Full financial reports for the one year preceding its application must also be forwarded. If no financial reports are available, a statement of the projected cost of the applicant's operation with supporting data must be forwarded;

b. If any of the organization's directors or officers have or would have a potential conflict of interests affecting the development of an effective cost monitoring program for the council, statements must be submitted with the application to fully detail the extent of the other conflicting interest;

c. A detailed statement of the type of reports and administrative procedures proposed for use by the applicant;

d. A statement of the number of employees of the applicant including details of their classification; and

e. Any additional statements or information which is necessary to ensure that the proposed reporting and review procedures of the applicant are satisfactory to the council.

§ 4.2. Review of application.

A. Designation.

Within 45 calendar days of the receipt of an application for designation as a voluntary cost review organization, the council shall issue its decision of approval or disapproval. Approval by the council shall take effect immediately.

B. Disapproval.

The council may disapprove any application for the reason that the applicant has failed to comply with application requirements, or that the applicant fails to meet the definition of a cost review organization, or fails to meet the specifications cited in paragraph A above concerning application contents or that the cost and quality of the institutional reporting system proposed by the applicant are unsatisfactory.

C. Reapplication.

An organization whose application has been disapproved by the council may submit a new or amended application to the council within 15 calendar days after disapproval of the initial application. An organization may only reapply for approval on one occasion during any consecutive 12-month period.

§ 4.3. Annual review of applicant.

A. By March 31 of each year, any approved voluntary cost review organization for the calendar year then in progress which desires to continue its designation shall submit an annual review statement of its reporting and review procedures.

B. The annual review statement shall include:

1. Attestation by the applicant that no amendments or modifications of practice contrary to the initially approved application have occurred; or

2. Details of any amendments or modifications to the initially approved application, which shall include justifications for these amendments or modifications.

C. The council may require additional information from the applicant supporting that the applicant's reports and procedures are satisfactory to the council.

§ 4.4. Revocation of approval.

The council may revoke its approval of any cost review organization's approval when the review procedures of that organization are no longer satisfactory to the council or for the reason that the voluntary cost review organization could be disapproved under § 4.2.B of these regulations.

§ 4.5. Confidentiality.

A voluntary cost review organization approved as such by the council shall maintain the total confidentiality of all filings made with it required by these regulations or law. The contents of filings or reports summaries and recommendations generated in consequence of the council's regulations may be disseminated only to members of the council, the council's staff and the individual health care institution which has made the filings or which is the subject of a particular report.

PART V. CONTRACT WITH VOLUNTARY COST REVIEW ORGANIZATION.

§ 5.1. Purpose.

It is the intention of the council to exercise the authority and directive of § 9-163 of the Code of Virginia whereby the council is required to contract with any voluntary cost review organization for services necessary

to carry out the council's activities where this will promote economy and efficiency, avoid duplication of effort, and make best use of available expertise.

§ 5.2. Eligibility.

In order for a voluntary cost review organization to be eligible to contract with the council, it shall have met all other requirements of §§ 4.1 and 4.5 of these regulations relating to voluntary cost review organization and have been approved as such an organization.

§ 5.3. Contents of contract.

The written agreement between the council and any voluntary cost review organization shall contain such provisions which are not inconsistent with these regulations or law as may be agreed to by the parties. Any such contract shall be for a period not to exceed five years.

PART VI. FILING REQUIREMENTS AND FEE STRUCTURE.

§ 6.1. Each health care institution shall file an annual report of revenues, expenses, other income, other outlays, assets and liabilities, units of service, and related statistics as prescribed in § 9-158 of the Code of Virginia on forms provided by the council together with the certified audited financial statements (or equivalents) as prescribed in § 9-159 of the Code of Virginia ; ~~which~~ . *The annual report and the certified audited financial statement* shall be received by the council no later than 120 days after the end of the respective applicable health care institution's fiscal year. Extensions of filing times *for the annual report or the certified audited financial statement* may be granted for extenuating circumstances upon a health care institution's written application for a 30-day extension. Such request for extension shall be filed no later than 120 days after the end of a health care institution's fiscal year. Each health care institution with licensed nursing home beds or certified nursing facility beds shall exclude all revenues, expenses, other income, other outlays, assets and liabilities, units of service and related statistics directly associated with a hospital, continuing care retirement community, or with home for adult beds in the annual report filed with the council. The cost allocation methodology required by the Virginia Department of Medical Assistance Services and Medicare for cost reports submitted to it shall be utilized for findings submitted to the council.

§ 6.2. Each health care institution shall file annually a projection (budget) of annual revenues and expenditures as prescribed in § 9-161 B of the Code of Virginia on forms provided by the council. The institution's projection (budget) shall be received by the council no later than 60 days before the beginning of its respective applicable fiscal year. This regulation shall be applicable to nursing homes or certified nursing facilities for each fiscal year starting on or after June 30, 1990. Each health care institution with licensed nursing home beds or certified

nursing facility beds shall exclude all revenues, expenses, other income, other outlays, assets and liabilities, units of service and related statistics directly associated with a hospital, continuing care retirement community, or with home for adult beds in the budget filed with the council. The cost allocation methodology required by the Virginia Department of Medical Assistance Services and Medicare for cost reports submitted to it shall be utilized for findings submitted to the council.

§ 6.3. Each health care institution shall file annually a schedule of charges to be in effect on the first day of such fiscal year, as prescribed in § 9-161 D of the Code of Virginia. The institution's schedule of charges shall be received by the council within 10 days after the beginning of its respective applicable fiscal year or within 15 days of being notified by the council of its approval of the charges, whichever is later.

Any subsequent amendment or modification to the annually filed schedule of charges shall be filed at least 60 days in advance of its effective date, together with supporting data justifying the need for the amendment. Changes in charges which will have a minimal impact on revenues are exempt from this requirement.

§ 6.3:1. Each health care institution shall file annually a survey of rates charged. For hospitals, the survey shall consist of up to 30 select charges, including semi-private and private room rates. The survey shall also consist of charges of the most frequently occurring diagnoses or procedures for inpatient and outpatient treatment. The charges shall be calculated by taking an average for one month of all patient bills where the requested CPT or ICD-9 code numbers are indicated as the principal diagnosis or procedure. This information shall be received by the council from each hospital no later than April 30 of each year.

The annual charge survey for nursing homes shall include up to 30 select charges, including semi-private and private room rates. The select charges shall reflect the rates in effect as of the first day of a sample month to be chosen by the council. This information shall be provided to the council no later than March 31 of each year.

§ 6.3:2 Each hospital or any corporation that controls a hospital shall respond to a survey conducted by the council to determine the extent of commercial diversification by such hospitals in the Commonwealth. The survey shall be in a form and manner prescribed by the council and shall request the information specified in subdivision a, f, g, h and i below on each hospital or such corporation and, with respect to any tax-exempt hospital or controlling corporation thereof, the information specified in subdivision a through i below for each affiliate of such hospital or corporation, if any:

- a. The name and principal activity;
- b. The date of the affiliation;

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- c. The nature of the affiliation;
- d. The method by which each affiliate was acquired or created;
- e. The tax status of each affiliate and, if tax-exempt, its Internal Revenue tax exemption code number;
- f. The total assets;
- g. The total revenues;
- h. The net profit after taxes, or if not-for-profit, its excess revenues; and
- i. The net quality, or if not-for-profit, its fund balance.

§ 6.3.3. The information specified in § 6.3.2 shall relate to any legal controls that exist as of the 1st of July of each calendar year in which the survey is required to be submitted.

§ 6.3.4. Each hospital or any corporation that controls a hospital and that is required to respond to the survey specified in § 6.3.2 shall complete and return the survey to the council by the 31st day of August of each calendar year or 120 days after the hospital's fiscal year end, whichever is later, in which the survey is required to be submitted.

§ 6.3.5. Each hospital that reports to the council or any corporation which controls a hospital that reports to the council shall submit an audited consolidated financial statement to the council which includes a balance sheet detailing its total assets, liabilities and net worth and a statement of income and expenses and includes information on all such corporation's affiliates.

§ 6.4. All filings prescribed in § 6.1, § 6.2 and § 6.3.2 of these regulations will be made to the council for its transmittal to any approved voluntary cost review organization described in Part IV of these regulations.

§ 6.5. A filing fee based on an adjusted patient days rate shall be set by the council, based on the needs to meet annual council expenses. The fee shall be established and reviewed at least annually and reviewed for its sufficiency at least annually by the council. All fees shall be paid directly to the council. The filing fee shall be no more than 11 cents per adjusted patient day for each health care institution filing. Prior to the beginning of each new fiscal year, the council shall determine a filing fee for hospitals and a filing fee for nursing homes based upon the council's proportionate costs of operation for review of hospital and nursing home filings in the current fiscal year, as well as the anticipated costs for such review in the upcoming year.

§ 6.6. Fifty percent of the filing fee shall be paid to the council at the same time that the health care institution

files its budget under the provisions of § 6.2 of these regulations. The balance of the filing fee shall be paid to the council at the same time the health care institution files its annual report under the provisions of § 6.1 of these regulations. When the council grants the health care institution an extension, the balance of the filing fee shall be paid to the council no later than 120 days after the end of the respective applicable health care institution's fiscal year. During the year of July 1, 1989, through June 30, 1990, each nursing home and certified nursing facility shall pay a fee of 7 cents per adjusted patient day when it files its annual report in order to comply with subdivisions A1 and A2 of § 9-159 of the Code of Virginia. Following June 30, 1990, all nursing homes and certified nursing facilities shall submit payment of the filing fees in the amount and manner as all other health care institutions.

§ 6.7. A late charge of \$10 per working day shall be paid to the council by a health care institution that files its budget or annual report or certified audited financial statement past the due date.

§ 6.8. A late charge of \$50 shall be paid to the council by the health care institution that files the charge schedule past the due date.

§ 6.9. A late charge of \$25 per working day shall be paid to the council by the reporting entity required to complete the survey required in § 6.3.2 or file the audited consolidated financial statement required by § 6.3.5 or both.

§ 6.10. A late charge of \$25 per working day shall be paid to the council by the reporting entity required to complete the survey required in § 6.3.1.

PART VII. WORK FLOW AND ANALYSIS.

§ 7.1. The annual report data filed by health care institutions as prescribed in § 6.1 of these regulations shall be analyzed as directed by the council. Summarized analyses and comments shall be reviewed by the council at a scheduled council meeting within approximately 75 days after receipt of properly filed data, after which these summaries and comments, including council recommendations, may be published and disseminated as determined by the council. The health care institution which is the subject of any summary, report, recommendation or comment shall receive a copy of same at least 10 days prior to the meeting at which the same is to be considered by the council.

§ 7.2. The annual schedule of charges and projections (budget) of revenues and expenditures filed by health care institutions as prescribed in § 6.2 of these regulations shall be analyzed as directed by the council. Summarized analyses and comments shall be reviewed by the council at a scheduled council meeting within approximately 75 days after receipt of properly filed data, after which these

summaries and comments, including council recommendations will be published and disseminated by the council. Amendments or modifications to the annually filed schedule of charges shall be processed in a like manner and reviewed by the council no later than 50 days after receipt of properly filed amendments or modifications. Any health care institution which is the subject of summaries and findings of the council shall be given upon request an opportunity to be heard before the council.

PART VIII. PUBLICATION AND DISSEMINATION OF INFORMATION RELATED TO HEALTH CARE INSTITUTIONS.

§ 8.1. The staff findings and recommendations and related council decisions on individual health care institutions' annual historical data findings will be kept on file at the council office for public inspection. However, the detailed annual historical data filed by the individual health care institutions will be excluded from public inspection in accordance with § 9-159 B, of the Code of Virginia.

§ 8.2. Periodically, but at least annually, the council will publish the rates charged by each health care institution in Virginia for up to 30 of the most frequently used services in Virginia, including each institution's average semiprivate and private room rates. The data will be summarized by geographic area in Virginia, and will be kept on file at the council office for public inspection and made available to the news media. In addition, annual charge schedules and subsequent amendments to these schedules filed under the provisions of § 6.3 of these rules and regulations will be kept on file at the council office for public inspection. Staff findings and recommendations and related council decisions on changes to health care institutions' rates and charges will also be kept on file at the council office for public inspection and available to the news media.

§ 8.3. Periodically, but at least annually, the council will publish an annual report which will include, but not be limited to the following: cost per admission comparison, cost per patient day comparison, percentage increase in cost per patient day, budget and historical reports reviewed, interim rate changes, excess operating expenses, revenue reduction recommendations, operating profits and losses, deductions from revenue (contractuals, bad debts, and charity care) and hospital utilization.

§ 8.3.1. The council will also periodically publish and disseminate information which will allow consumers to compare costs and services of hospitals, nursing homes and certified nursing facilities.

§ 8.4. The staff findings and recommendations and related council decisions on individual health care institutions' annual budget and related rate filings will be kept on file at the council office for public inspection. However, the detailed annual budget data filed by the individual health

care institutions will be excluded from public inspection.

§ 8.5. The council may release historical financial and statistical data reported by health care institutions to state or federal commissions or agencies based on individual, specific requests, and the merit of such requests. Requests must list the purpose for which the requested data is to be used to permit the council to reach a valid decision on whether or not the data requested will fit the need and should, therefore, be made available. Under no circumstances will data be released which contains "personal information" as defined in § 2.1-379(2) of the Code of Virginia.

§ 8.6. The council shall not release prospective (budgeted) financial and statistical data reported by health care institutions to anyone, except for the staff findings and recommendations as provided for in § 8.4 of these regulations.

§ 8.7. No data, beyond that specified in §§ 8.1 through 8.4 of these regulations will be released to other nongovernmental organizations and entities, except that data deemed pertinent by the council in negotiations with third-party payors such as Blue Cross/Blue Shield, commercial insurers, etc. Such pertinent data may be released and used on an exception, as needed, basis.

§ 8.8. Except for data specified in §§ 8.1 through 8.4 of these regulations available to anyone, the council shall have a right to furnish data, or refuse to furnish data, based on merit of the request and ability to furnish data based on data and staff time availability. The council may levy a reasonable charge to cover costs incurred in furnishing any of the data described in this section of the rules and regulations.

NOTICE: The forms used in administering the Virginia Health Services Cost Review Council 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 Virginia Health Services Cost Review Council, 805 East Broad Street, 6th Floor, Richmond, Virginia, or at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Room 262, Richmond, Virginia.

Budget Submission for Acute Care Facilities
Budget Submission for Long Term Care Facilities
Budget Submission for Outpatient Surgical Hospitals
Historical Submission for Acute Care Facilities
Historical Submission for Long Term Care Facilities
Historical Submission for Outpatient Surgical Hospitals

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance

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with § 9-6.14:4.1 C 4(c) of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 425-02-83. Virginia Occupational Safety and Health Standards for the General Industry - Occupational Exposure to Bloodborne Pathogens (1910.1030).

Statutory Authority: § 40.1-22 (5) of the Code of Virginia.

Effective Date: June 1, 1992.

Summary:

This standard mandates engineering controls, work practices and personal protective equipment that, coupled with employee training, will reduce on-the-job risks for all employees who have occupational exposure to blood and other potentially infectious materials.

Such bloodborne pathogens include the hepatitis B virus (HBV) and the human immunodeficiency virus (HIV), which causes AIDS. Note that coverage under this standard is not conditional on the frequency of exposure but rather is based on reasonably anticipated exposure resulting from the performance of any employee's duties.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, Occupational Exposure to Bloodborne Pathogens (1910.1030) is declared a document generally available to the public and appropriate for incorporation by reference. However, the document is being printed in The Virginia Register of Regulations.

VR 425-02-83. Virginia Occupational Safety and Health Standards for the General Industry - Occupational Exposure to Bloodborne Pathogens (1910.1030).

When the regulations as set forth in the Occupational Exposure to Bloodborne Pathogens standard are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the federal terms are to be read as given.

On February 25, 1992, the Virginia Safety and Health Codes Board adopted to the federal OSHA regulation concerning Occupational Exposure to Bloodborne Pathogens, 29 CFR 1910.1030, as published in the Federal Register, Vol. 56, No. 325, pp 64175-64182, Friday, December 6, 1991. The regulation is set out below.

§ 1910.1030. Bloodborne Pathogens.

(a) Scope and Application. This section applies to all occupational exposure to blood or other potentially infectious materials as defined by paragraph (b) of this section.

(b) Definitions. For purposes of this section, the following shall apply:

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, or designated representative.

"Blood" means human blood, human blood components, and products made from human blood.

"Bloodborne Pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

"Clinical Laboratory" means a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

"Contaminated Sharps" means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

"Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

"Director" means the Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designated representative.

"Engineering Controls" means controls (e.g., sharps disposal containers, self-sheathing needles) that isolate or remove the bloodborne pathogens hazard from the workplace.

"Exposure Incident" means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

"Handwashing Facilities" means a facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

"Licensed Healthcare Professional" is a person whose legally permitted scope of practice allows him or her to independently perform the activities required by paragraph (f) Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up.

"HBV" means hepatitis B virus.

"HIV" means human immunodeficiency virus.

"Occupational Exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

"Other Potentially Infectious Materials" means

(1) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

(2) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

(3) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

"Parenteral" means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

"Personal Protective Equipment" is specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

"Production Facility" means a facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.

"Regulated Waste" means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials that are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

"Research Laboratory" means a laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

"Source Individual" means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the

employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

"Sterilize" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

"Universal Precautions" is an approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

"Work Practice Controls" means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

(c) Exposure control.

(1) Exposure Control Plan.

(i) Each employer having an employee(s) with occupational exposure as defined by paragraph (b) of this section shall establish a written Exposure Control Plan designed to eliminate or minimize employee exposure.

(ii) The Exposure Control Plan shall contain at least the following elements:

(A) The exposure determination required by paragraph (c)(2),

(B) The schedule and method of implementation for paragraphs (d) Methods of Compliance, (e) HIV and HBV Research Laboratories and Production Facilities, (f) Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-up, (g) Communication of Hazards to Employees, and (h) Recordkeeping, or this standard, and

(C) The procedure for the evaluation of circumstances surrounding exposure incidents as required by paragraph (f)(3)(i) of this standard.

(iii) Each employer shall ensure that a copy of the Exposure Control Plan is accessible to employees in accordance with 29 CFR 1910.20(e).

(iv) The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

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- (v) *The Exposure Control Plan shall be made available to the Assistant Secretary and the Director upon request for examination and copying.*
- (2) *Exposure determination.*
- (i) *Each employer who has an employee(s) with occupational exposure as defined by paragraph (b) of this section shall prepare an exposure determination. This exposure determination shall contain the following:*
- (A) *A list of all job classifications in which all employees in those job classifications have occupational exposure;*
- (B) *A list of job classifications in which some employees have occupational exposure; and*
- (C) *A list of all tasks and procedures or groups of closely related task and procedures in which occupational exposure occurs and that are performed by employees in job classifications listed in accordance with the provisions of paragraph (c)(2)(i)(B) of this standard.*
- (ii) *This exposure determination shall be made without regard to the use of personal protective equipment.*
- (d) *Methods of compliance.*
- (1) *General. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.*
- (2) *Engineering and work practice controls.*
- (i) *Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.*
- (ii) *Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.*
- (iii) *Employers shall provide handwashing facilities which are readily accessible to employees.*
- (iv) *When provision of handwashing facilities is not feasible, the employer shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.*
- (v) *Employers shall ensure that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible after removal of gloves or other personal protective equipment.*
- (vi) *Employers shall ensure that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.*
- (vii) *Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed except as noted in paragraphs (d)(2)(vii)(A) and (d)(2)(vii)(B) below. Shearing or breaking of contaminated needles is prohibited.*
- (A) *Contaminated needles and other contaminated sharps shall not be recapped or removed unless that employer can demonstrate that no alternative is feasible or that such action is required by a specific medical procedure.*
- (B) *Such recapping or needle removal must be accomplished through the use of a mechanical device or a one-handed technique.*
- (viii) *Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed. These containers shall be:*
- (A) *Puncture resistant;*
- (B) *Labeled or color-coded in accordance with this standard;*
- (C) *Leakproof on the sides and bottom; and*
- (D) *In accordance with the requirements set forth in paragraph (d)(4)(ii)(E) for reusable sharps.*
- (ix) *Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.*
- (x) *Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on countertops or benchtops where blood or other potentially infectious materials are present.*
- (xi) *All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.*
- (xii) *Mouth pipetting/suctioning of blood or other*

potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

(A) The container for storage, transport, or shipping shall be labeled or color-coded according to paragraph (g)(1)(i) and closed prior to being stored, transported, or shipped. When a facility utilizes Universal Precautions in the handling of all specimens, the labeling/color-coding of specimens is not necessary provided containers are recognizable as containing specimens. This exemption only applies while such specimens/containers remain within the facility. Labeling or color-coding in accordance with paragraph (g)(1)(k) is required when such specimens/containers leave the facility.

(B) If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded according to the requirements of this standard.

(C) If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is puncture-resistant in addition to the above characteristics.

(xiv) Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary, unless the employer can demonstrate that decontamination of such equipment or portions of such equipment is not feasible.

(A) A readily observable label in accordance with paragraph (g)(1)(i)(H) shall be attached to the equipment stating which portions remain contaminated.

(B) The employer shall ensure that this information is conveyed to all affected employees, the servicing representative, and/or the manufacturer, as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

(3) Personal protective equipment.

(i) Provision. When there is occupational exposure, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass

through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

(ii) Use. The employer shall ensure that the employee uses appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

(iii) Accessibility. The employer shall ensure that appropriate personal protective equipment in the appropriate sizes is readily accessible at the worksite or is issued to employees. Hypoallergenic gloves, glove liners, powderless gloves or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.

(iv) Cleaning, Laundering, and Disposal. The employers shall clean, launder, and dispose of personal protective equipment required by paragraphs (d) and (e) of this standard at no cost to the employee.

(v) Repair and Replacement. The employer shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.

(vi) If a garment(s) is penetrated by blood or other potentially infectious materials, the garment(s) shall be removed immediately or as soon as feasible.

(vii) All personal protective equipment shall be removed prior to leaving the work area.

(viii) When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

(ix) Gloves. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin; when performing vascular access procedures except as specified in paragraph (d)(3)(ix)(D); and when handling or touching contaminated items or

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surfaces.

(A) Disposable (single use) gloves such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.

(B) Disposable (single use) gloves shall not be washed or decontaminated for re-use.

(C) Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

(D) If an employer in a volunteer blood donation center judges that routine gloving for all phlebotomies is not necessary then the employer shall:

(1) Periodically reevaluate this policy;

(2) Make gloves available to all employees who wish to use them for phlebotomy;

(3) Not discourage the use of gloves for phlebotomy; and

(4) Require that gloves be used for phlebotomy in the following circumstances:

(i) When the employee has cuts, scratches, or other breaks in his or her skin;

(ii) When the employee judges that hand contamination with blood may occur, for example, when performing phlebotomy on an uncooperative source individual; and

(iii) When the employee is receiving training in phlebotomy.

(x) *Masks, Eye Protection, and Face Shields.* Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(xi) *Gowns, Aprons, and Other Protective Body Clothing.* Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated.

(xii) *Surgical caps or hoods and/or shoe covers or boots* shall be worn in instances when gross contamination can reasonably be anticipated (e.g., autopsies, orthopaedic surgery).

(4) *Housekeeping.*

(i) *General.* Employers shall ensure that the worksite is maintained in a clean and sanitary condition. The employer shall determine and implement an appropriate written schedule for cleaning and method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present and tasks or procedures being performed in the area.

(ii) All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

(A) Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures; immediately or as soon as feasible when surfaces or overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the work shift if the surface may have become contaminated since the last cleaning.

(B) Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the workshift if they may have become contaminated during the shift.

(C) All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.

(D) Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps.

(E) Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

(iii) *Regulated Waste.*

(A) *Contaminated Sharps Discarding and*

Containment.

(1) Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are:

(i) Closable;

(ii) Puncture resistant;

(iii) Leakproof on sides and bottom; and

(iv) Labeled or color-coded in accordance with paragraph (g)(1)(i) of this standard.

(2) During use, containers for contaminated sharps shall be:

(i) Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., laundries);

(ii) Maintained upright throughout use; and

(iii) Replaced routinely and not be allowed to overfill.

(3) When moving containers of contaminated sharps from the area of use, the containers shall be:

(i) Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping;

(ii) Placed in a secondary container if leakage is possible. The second container shall be:

(A) Closable;

(B) Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping; and

(C) Labeled or color-coded according to paragraph (g)(1)(i) of this standard.

(4) Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

(B) Other Regulated Waste Containment.

(1) Regulated waste shall be placed in containers which are:

(i) Closable;

(ii) Constructed to contain all contents and prevent

leakage of fluids during handling, storage, transport or shipping;

(iii) Labeled or color-coded in accordance with paragraph (g)(1)(i) of this standard; and

(iv) Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

(2) If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be:

(i) Closable;

(ii) Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping;

(iii) Labeled or color-coded in accordance with paragraph (g)(1)(i) of this standard; and

(iv) Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

(C) Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, States and Territories, and political subdivisions of States and Territories.

(iv) Laundry.

(A) Contaminated laundry shall be handled as little as possible with a minimum of agitation.

(1) Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.

(2) Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded in accordance with paragraph (g)(1)(i) of this standard. When a facility utilizes Universal Precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with Universal Precautions.

(3) Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior.

(B) The employer shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment.

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(C) When a facility ships contaminated laundry off-site to a second facility which does not utilize Universal Precautions in the handling of all laundry, the facility generating the contaminated laundry must place such laundry in bags or containers which are labeled or color-coded in accordance with paragraph (g)(1)(i).

(e) HIV and HBV Research Laboratories and Production Facilities.

(1) This paragraph applies to research laboratories and production facilities engaged in the culture, production, concentration, experimentation, and manipulation of HIV and HBV. It does not apply to clinical or diagnostic laboratories engaged solely in the analysis of blood, tissues, or organs. These requirements apply in addition to the other requirements of the standard.

(2) Research laboratories and production facilities shall meet the following criteria;

(i) Standard microbiological practices. All regulated waste shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

(ii) Special practices.

(A) Laboratory doors shall be kept closed when work involving HIV or HBV is in progress.

(B) Contaminated materials that are to be decontaminated at a site away from the work area shall be placed in a durable, leakproof, labeled or color-coded container that is closed before being removed from the work area.

(C) Access to the work area shall be limited to authorized persons. Written policies and procedures shall be established whereby only persons who have been advised of the potential biohazard, who meet any specific entry requirements, and who comply with all entry and exit procedures shall be allowed to enter the work areas and animal rooms.

(D) When other potentially infectious materials or infected animals are present in the work area or containment module, a hazard warning sign incorporating the universal biohazard symbol shall be posted on all access doors. The hazard warning sign shall comply with paragraph (g)(1)(ii) of this standard.

(E) All activities involving other potentially infectious materials shall be conducted in biological safety cabinets or other physical-containment devices within the containment module. No work with these other potentially infectious materials shall be conducted on the open bench.

(F) Laboratory coats, gowns, smocks, uniforms, or other appropriate protective clothing shall be used in the work area and animal rooms. Protective clothing shall not be worn outside of the work area and shall be decontaminated before being laundered.

(G) Special care shall be taken to avoid skin contact with other potentially infectious materials. Gloves shall be worn when handling infected animals and when making hand contact with other potentially infectious materials is unavoidable.

(H) Before disposal all waste from work areas and from animal rooms shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

(I) Vacuum lines shall be protected with liquid disinfectant traps and high-efficiency particulate air (HEPA) filters or filters of equivalent or superior efficiency and which are checked routinely and maintained or replaced as necessary.

(J) Hypodermic needles and syringes shall be used only for parenteral injection and aspiration of fluids from laboratory animals and diaphragm bottles. Only needle-locking syringes or disposable syringe-needle units (i.e., the needle is integral to the syringe) shall be used for the injection or aspiration of other potentially infectious materials. Extreme caution shall be used when handling needles and syringes. A needle shall not be bent, sheared, replaced in the sheath or guard, or removed for the syringe following use. The needle and syringe shall be promptly placed in a puncture-resistant container and autoclaved or decontaminated before reuse or disposal.

(K) All spills shall be immediately contained and cleaned up by appropriate professional staff or others properly trained and equipped to work with potentially concentrated infectious materials.

(L) A spill or accident that results in an exposure incident shall be immediately reported to the laboratory director or other responsible person.

(M) A biosafety manual shall be prepared or adopted and periodically reviewed and updated at least annually or more often if necessary. Personnel shall be advised of potential hazards, shall be required to read instructions on practices and procedures, and shall be required to follow them.

(iii) Containment equipment.

(A) Certified biological safety cabinets (Class I, II, or III) or other appropriate combinations of personal protection or physical containment devices, such as special protective clothing, respirators, centrifuge safety cups, sealed centrifuge rotors, and

containment caging for animals, shall be used for all activities with other potentially infectious materials that pose a threat of exposure to droplets, splashes, spills, or aerosols.

(B) Biological safety cabinets shall be certified when installed, whenever they are moved and at least annually.

(3) HIV and HBV research laboratories shall meet the following criteria:

(i) Each laboratory shall contain a facility for hand washing and an eye wash facility which is readily available within the work area.

(ii) An autoclave for decontamination of regulated waste shall be available.

(4) HIV and HBV production facilities shall meet the following criteria:

(i) The work areas shall be separated from areas that are open to unrestricted traffic flow within the building. Passage through two sets of doors shall be the basic requirement for entry into the work area from access corridors or other contiguous areas. Physical separation of the high-containment work area from access corridors or other areas or activities may also be provided by a double-doored clothes-change room (showers may be included), airlock, or other access facility that requires passing through two sets of doors before entering the work area.

(ii) The surfaces of doors, walls, floors and ceilings in the work area shall be water resistant so that they can be easily cleaned. Penetrations in these surfaces shall be sealed or capable of being sealed to facilitate decontamination.

(iii) Each work area shall contain a sink for washing hands and a readily available eye wash facility. The sink shall be foot, elbow, or automatically operated and shall be located near the exit door of the work area.

(iv) Access doors to the work area or containment module shall be self-closing.

(v) An autoclave for decontamination of regulated waste shall be available within or as near as possible to the work area.

(vi) A ducted exhaust-air ventilation system shall be provided. This system shall create directional airflow that draws air into the work area through the entry area. The exhaust air shall not be recirculated to any other area of the building, shall be discharged to the outside, and shall be dispersed away from occupied areas and air intakes. The

proper direction of the airflow shall be verified (i.e., into the work area).

(5) Training Requirements. Additional training requirements for employees in HIV and HBV research laboratories and HIV and HBV production facilities are specified in paragraph (g)(2)(ix).

(f) Hepatitis B vaccination and post-exposure evaluation and follow-up.

(1) General.

(i) The employer shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had an exposure incident.

(ii) The employer shall ensure that all medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis, are:

(A) Made available at no cost to the employee;

(B) Made available to the employee at a reasonable time and place;

(C) Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional; and

(D) Provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place, except as specified by this paragraph (f).

(iii) The employer shall ensure that all laboratory tests are conducted by an accredited laboratory at no cost to the employee.

(2) Hepatitis B Vaccination.

(i) Hepatitis B vaccination shall be made available after the employee has received the training required in paragraph (g)(2)(vii)(1) and within 10 working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

(ii) The employer shall not make participation in a prescreening program a prerequisite for receiving hepatitis B vaccination.

(iii) If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the

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vaccination, the employer shall make available hepatitis B vaccination at that time.

(iv) The employer shall assure that employees who decline to accept hepatitis B vaccination offered by the employer sign the statement in appendix A.

(v) If a routine booster dose(s) of hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available in accordance with section (f)(1)(ii).

(3) Post-exposure Evaluation and Follow-up. Following a report of an exposure incident, the employer shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

(i) Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred;

(ii) Identification and documentation of the source individual, unless the employer can establish that identification is infeasible or prohibited by state or local law;

(A) The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.

(B) When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

(C) Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

(iii) Collection and testing of blood for HBV and HIV serological status;

(A) The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.

(B) If the employee consents to baseline blood collection, but does not give consent at the time for HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the

baseline sample tested, such testing shall be done as soon as feasible.

(iv) Post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service;

(v) Counseling; and

(vi) Evaluation of reported illnesses.

(4) Information Provided to the Healthcare Professional.

(i) The employer shall ensure that the healthcare professional responsible for the employee's Hepatitis B vaccination is provided a copy of this regulation.

(ii) The employer shall ensure that the healthcare professional evaluating an employee after an exposure incident is provided the following information:

(A) A copy of this regulation;

(B) A description of the exposed employee's duties as they relate to the exposure incident;

(C) Documentation of the route(s) of exposure and circumstances under which exposure occurred;

(D) Results of the source individual's blood testing, if available; and

(E) All medical records relevant to the appropriate treatment of the employee including vaccination status which are the employer's responsibility to maintain.

(5) Healthcare Professional's Written Opinion. The employer shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within 15 days of the completion of the evaluation.

(i) The healthcare professional's written opinion for Hepatitis B vaccination shall be limited to whether Hepatitis B vaccination is indicated for an employee, and if the employee has received such vaccination.

(ii) The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:

(A) That the employee has been informed of the results of the evaluation; and

(B) That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which

require further evaluation or treatment.

(iii) All other findings or diagnoses shall remain confidential and shall not be included in the written report.

(6) *Medical recordkeeping.* Medical records required by this standard shall be maintained in accordance with paragraph (h)(1) of this section.

(g) *Communication of hazards to employees.*

(1) *Labels and signs.*

(i) *Labels.*

(A) Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport or ship blood or other potentially infectious materials, except as provided in paragraph (g)(1)(i)(E), (F) and (G).

(B) Labels required by this section shall include the following legend:



BIOHAZARD

BIOHAZARD

(C) These labels shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color.

(D) Labels required by affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.

(E) Red bags or red containers may be substituted for labels.

(F) Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from the labeling requirements of paragraph (g).

(G) Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment or disposal are exempted from the labeling requirement.

(H) Labels required for contaminated equipment shall be in accordance with this paragraph and shall also state which portions of the equipment remain contaminated.

(I) Regulated waste that has been decontaminated need not be labeled or color-coded.

(ii) *Signs.*

(A) The employer shall post signs at the entrance to work areas specified in paragraph (e), HIV and HBV Research Laboratory and Production Facilities, which shall bear the following legend:



BIOHAZARD

(Name of the Infectious Agent)

(Special requirements for entering the area)

(Name, telephone number of the laboratory director or other responsible person.)

(B) These signs shall be fluorescent orange-red or predominantly so, with lettering or symbols in a contrasting color.

(2) *Information and Training.*

(i) Employers shall ensure that all employees with occupational exposure participate in a training program which must be provided at no cost to the employee and during working hours.

(ii) Training shall be provided as follows:

(A) At the time of initial assignment to tasks where occupational exposure may take place;

(B) Within 90 days after the effective date of the standard; and

(C) At least annually thereafter.

(iii) For employees who have received training on bloodborne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard which

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were not included need be provided.

(iv) Annual training for all employees shall be provided within one year of their previous training.

(v) Employers shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure. The additional training may be limited to addressing the new exposures created.

(vi) Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used.

(vii) The training program shall contain at a minimum the following elements:

(A) An accessible copy of the regulatory text of this standard and an explanation of its contents;

(B) A general explanation of the epidemiology and symptoms of bloodborne diseases;

(C) An explanation of the modes of transmission of bloodborne pathogens;

(D) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;

(E) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;

(F) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;

(G) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;

(H) An explanation of the basis for selection of personal protective equipment;

(I) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;

(J) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;

(K) An explanation of the procedure to follow if an exposure incident occurs, including the method of

reporting the incident and the medical follow-up that will be made available;

(L) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;

(M) An explanation of the signs and labels and/or color coding required by paragraph (g)(1); and

(N) An opportunity for interactive questions and answers with the person conducting the training session.

(viii) The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address.

(ix) Additional Initial Training for Employees in HIV and HBV Laboratories and Production Facilities. Employees in HIV or HBV research laboratories and HIV or HBV production facilities shall receive the following initial training in addition to the above training requirements.

(A) The employer shall assure that employees demonstrate proficiency in standard microbiological practices and techniques and in the practices and operations specific to the facility before being allowed to work with HIV or HBV.

(B) The employer shall assure that employees have prior experience in the handling of human pathogens or tissue cultures before working with HIV or HBV.

(C) The employer shall provide a training program to employees who have no prior experience in handling human pathogens. Initial work activities shall not include the handling of infectious agents. A progression of work activities shall be assigned as techniques are learned and proficiency is developed. The employer shall assure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated.

(h) Recordkeeping.

(1) Medical Records.

(i) The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with 29 CFR 1910.20.

(ii) This record shall include:

(A) The name and social security number of the

employee;

(B) A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by paragraph (f)(2);

(C) A copy of all results of examinations, medical testing, and follow-up procedures as required by paragraph (f)(3);

(D) The employer's copy of the healthcare professional's written opinion as required by paragraph (f)(5); and

(E) A copy of the information provided to the healthcare professional as required by paragraphs (f)(4)(ii)(B)(C) and (D).

(iii) Confidentiality. The employer shall ensure that employee medical records required by paragraph (h)(1) are:

(A) Kept confidential; and

(B) Are not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law.

(iv) The employer shall maintain the records required by paragraph (h) for at least the duration of employment plus 30 years in accordance with 29 CFR 1910.20.

(2) Training Records.

(i) Training records shall include the following information:

(A) The dates of the training sessions;

(B) The contents or a summary of the training sessions;

(C) The names and qualifications of persons conducting the training; and

(D) The names and job titles of all persons attending the training sessions.

(ii) Training records shall be maintained for 3 years from the date on which the training occurred.

(3) Availability.

(i) The employer shall ensure that all records required to be maintained by this section shall be made available upon request to the Assistant Secretary and the Director for examination and

copying.

(ii) Employee training records required by this paragraph shall be provided upon request for examination and copying to employees, to employee representatives, to the Director, and to the Assistant Secretary in accordance with 29 CFR 1910.20.

(iii) Employee medical records required by this paragraph shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, to the Director, and to the Assistant Secretary in accordance with 29 CFR 1910.20.

(4) Transfer of Records.

(i) The employer shall comply with the requirements involving transfer of records set forth in 29 CFR 1910.20(h).

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the Director, at least three months prior to their disposal and transmit them to the Director, if required by the Director to do so, within that three month period.

(i) Dates.

(1) Effective Date. The standard shall become effective on March 6, 1992.

(2) The Exposure Control Plan required by paragraph (c)(2) of this section shall be completed on or before May 5, 1992.

(3) Paragraph (g)(2) Information and Training and (h) Recordkeeping shall take effect on or before June 4, 1992.

(4) Paragraphs (d)(2) Engineering and Work Practice Controls, (d)(3) Personal Protective Equipment, (d)(4) Housekeeping, (e) HIV and HBV Research Laboratories and Production Facilities, (f) Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-up, and (g)(1) Labels and Signs, shall take effect July 6, 1992.

Appendix A to § 1910.1030—Hepatitis B Vaccine Declination (Mandatory).

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be a risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of

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acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.



COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building

910 CAPITOL STREET
RICHMOND, VIRGINIA 23219
(804) 786-3591

March 6, 1992

Ms. Carol Amato, Commissioner
Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219

Re: VR 425-02-83 - Occupational Exposure to Bloodborne Pathogens

Dear Ms. Amato:

This will acknowledge receipt of the above-referenced regulations from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these regulations are exempt from the operation of Article 2 of the Administrative Process Act, since they do not differ materially from those required by federal law.

Sincerely,

A handwritten signature in cursive script that reads "Joan W. Smith".

Joan W. Smith
Registrar of Regulations

JWS:jbc

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VIRGINIA MILITARY INSTITUTE

REGISTRAR'S NOTICE: The Virginia Military Institute 1992 Summer Session Catalogue is exempted from the provisions of the Administrative Process Act by § 9-6.14:4.1. However, it is being filed under § 9-6.18 of the Virginia Register Act and published under § 9-6.14:22 of the Administrative Process Act.

* * * * *

Due to its length, the 1992 Summer Session Catalogue is not being published; however, the full text of the regulation is available for public inspection at the office of the Registrar of Regulations, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219 and at the Virginia Military Institute, Lexington, Virginia 24450.

Title of Regulation: VR 473-01-02. Virginia Military Institute 1992 Summer Session Catalogue

Statutory Authority: § 23-9.213 of the Code of Virginia.

Effective Date: May 21, 1992.

Summary:

The 1992 Summer Session Catalogue at Virginia Military Institute (VMI) sets forth both academic and nonacademic regulations for students during the 1992 VMI summer session. It also contains summer session dates, admission requirements, registration procedures, summer session fees, a description of the VMI honor code, motor vehicle regulations, and course offerings.

PUBLIC DEFENDER COMMISSION AND VIRGINIA STATE BAR

NOTICE: The standards set forth below have been adopted by the Public Defender Commission and the Virginia State Bar and are published here for informational purposes only.

Title of Regulation: VR 573-01-01. Standards for the Qualifications of Appointed Counsel in Capital Cases.

Statutory Authority: § 19.2-163.8 E of the Code of Virginia.

Effective Date: July 1, 1992.

STANDARDS FOR THE QUALIFICATIONS OF APPOINTED COUNSEL IN CAPITAL CASES

Pursuant to § 19.2-163.8 E of the Code of Virginia of 1950 as amended, the Public Defender Commission, in conjunction with the Virginia State Bar, hereby sets forth the following standards for appointed counsel determined to be qualified and possessing proficiency and commitment to quality representation in capital cases.¹ While §

19.2-163.7 of the Virginia Code, effective July 1, 1992, does not require more than one attorney, the appointment of two attorneys is strongly urged for trial, appellate and habeas proceedings. Thus, the standards often refer to "lead counsel" and "co-counsel." If a public defender is appointed as either "lead" or "co-counsel," the other attorney should be appointed from the private bar.

A. Trial counsel:

1. Court-appointed "lead counsel" shall:

a. Be an active member in good standing of the Virginia State Bar or admitted to practice *pro hac vice*.

b. Have at least five years of criminal litigation practice with demonstrated competence.

c. Have had, within the past two years, some specialized training in capital litigation.

d. Have at least one of the following qualifications:

i. Experience as "lead counsel" in the defense of at least one capital case;

ii. Experience as "co-counsel" in the defense of at least two capital cases;

iii. Experience as "lead counsel" (or as lead prosecutor) in at least five felony jury trials in Virginia courts involving crimes of violence which carry, upon conviction, a minimum sentence of at least five years imprisonment.

e. Be familiar with the requisite court system, including specifically the procedural rules regarding timeliness of filings and procedural default.

f. Have demonstrated proficiency and commitment to quality representation.

2. Court-appointed "co-counsel" must:

a. Meet all of the requirements of "lead counsel" except 1(b) and 1(d).

b. Have at least one of the following qualifications:

i. Experience as "lead counsel" or "co-counsel" in a murder trial;

ii. Experience as "lead" or "co-counsel" in at least one criminal jury trials.

B. Appellate counsel.

Attorneys qualifying as court appointed "lead counsel" under subsection A 1 automatically qualify as "lead" appellate counsel. Other appointed appellate counsel must

meet the following requirements:

1. Be an active member in good standing of the Virginia State Bar or admitted to practice *pro hac vice*.
2. Have briefed and argued the merits in:
 - a. At least three criminal cases in an appellate court; or
 - b. The appeal of a case in which the death penalty was imposed.
3. Have had, within the past two years, some specialized training in capital case litigation and be familiar with the rules and procedure of appellate practice.

C. Habeas corpus counsel.

1. Habeas corpus "lead counsel" shall satisfy one of the following requirements:

- a. Be qualified as "lead counsel" pursuant to subsection A 1 and possess familiarity with Virginia as well as federal habeas corpus practice.
- b. Possess experience as counsel of record in Virginia or federal post conviction proceedings involving attacks on the validity of one or more felony convictions as well as a working knowledge of state and federal habeas corpus practice through specialized training in the representation of persons with death sentences.

2. Habeas corpus "co-counsel" shall satisfy one of the following requirements:

- a. Service as "lead" or "co-counsel" in at least one capital habeas corpus proceeding in Virginia or federal courts, or both, during the last three years;
- b. Have at least seven years of civil trial and appellate litigation experience in the Courts of Record of the Commonwealth or federal courts, or both.

¹ Whenever the term "capital case" is used, it shall mean a case tried to a jury wherein the sentencing phase was held pursuant to § 19.2-264.2.

² Whenever the term "lead counsel" is used, this would also include an attorney acting as sole counsel in a case.

BOARD OF PHARMACY

Title of Regulation: VR 530-01-2. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.

Statutory Authority: §§ 54.1-2400 and 54.1-3302 of the Code of Virginia.

Effective Date: April 22, 1992.

Summary:

The amendments delete existing § 2.1, which requires practitioners to pass an examination as a condition of licensure, and add a new § 2.1 which establishes an initial licensure fee of \$275. The amendments are identical to emergency regulations which expired September 18, 1991.

VR 530-01-2. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"*Licensee*" as used in these regulations shall mean a practitioner who is licensed by the Board of Pharmacy to sell controlled substances.

"*Personal supervision*" means the licensee must be physically present and render direct, personal control over the entire service being rendered or act(s) being performed. Neither prior nor future instructions shall be sufficient nor shall supervision be rendered by telephone, written instructions, or by any mechanical or electronic methods.

"*Practitioner*" as used in these regulations shall mean a doctor of medicine, osteopathy or podiatry who possesses a current unrestricted license issued by the Board of Medicine.

"*Special packaging*" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the controlled substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

"*U.S.P.-N.F.*" means the United States Pharmacopeia-National Formulary.

PART II. LICENSURE REQUIREMENTS.

§ 2.1. Examination requirement *Application for licensure*.

A. In order to sell controlled substances as provided for

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in § 54.1-2914(B) of the Code of Virginia, a practitioner who possesses a current unrestricted license issued by the Board of Medicine shall make application to the Board of Pharmacy on a form provided by the board. *A fee of \$275 shall be remitted with the application for licensure.*

B. The application shall be submitted to the board 45 days prior to the examination date with a fee of \$300.

C. In order to establish his qualifications for licensure, the practitioner shall pass an examination to assure that the applicant possesses the knowledge to safely sell controlled substances. The passing grade on the examinations shall be not less than 75.

§ 2.2. Renewal of license.

A license so issued shall be valid until December 31 of the year of issue. A renewal of the license shall be made on or before December 31. The fee shall be the same fee as that set for a pharmacist license.

§ 2.3. Acts to be performed by the licensee.

A. The selection of the controlled substance from the stock, any, preparation or packaging of a controlled substance or the preparation of a label for a controlled substance to be transferred to a patient shall be the personal responsibility of the licensee.

Any compounding of a controlled substance shall be personally performed by the licensee.

B. Prior to the dispensing, the licensee shall inspect the prescription product to verify its accuracy in all respects, and place his initials on the record of sale as provided in § 4.3 B as certification of the accuracy of, and the responsibility for, the entire transaction.

C. If the record of sale is maintained in an automated data processing system as provided in § 4.5, the licensee shall personally place his initials with each entry of a sale as provided in § 4.3 B as a certification of the accuracy of, and the responsibility for, the entire transaction.

§ 2.4. Licensees ceasing to sell controlled substances.

Licensees ceasing to sell controlled substances; inventory required prior to disposal.

A. Any licensee who desires to cease selling controlled substances shall notify the board 10 days prior to cessation and his license will be placed on an inactive status.

B. Any Schedule II through V controlled substances shall be inventoried and may be disposed of by transferring the controlled substance stock to another licensee or other practitioner or by destruction as set forth in these regulations.

C. The licensee or other responsible person shall inform

the board of the name and address of the licensee to whom the controlled substances are transferred.

§ 2.5. Inactive status.

Any licensee in an inactive status shall apply to the board to reactivate his license and shall pay the fee charged for license renewal.

PART III. INSPECTION REQUIREMENTS, STANDARDS AND SECURITY FOR STORAGE AREA.

§ 3.1. Maintenance of a common stock of controlled substances.

Any two or more licensees who elect to maintain a common stock of controlled substances for dispensing shall:

1. Designate a licensee who shall be the primary person responsible for the stock, the required inventory, the records of receipt and destruction, safeguards against diversion and compliance with these regulations.

2. Report to the board the name of the licensee and the location of the controlled substance stock on a form provided by the board.

3. Upon a change in the licensee so designated, an inventory of all Schedule II through V controlled substances shall be conducted in the manner set forth in § 54.1-3404 of the Drug Control Act and such change shall immediately be reported to the board.

4. Nothing shall relieve the other individual licensees who sell controlled substances at the location of the responsibility for the requirements set forth in these regulations.

§ 3.2. Inspection and notice required.

A. The area designated for the storage and selling of controlled substances shall be inspected by an agent of the board prior to the issuance of a license.

B. Applications for licenses which indicate a requested inspection date, or requests which are received after the application is filed, shall be honored provided a 14-day notice to the board is allowed prior to the requested inspection date.

C. Requested inspection dates which do not allow a 14-day notice to the board may be adjusted by the board to provide 14 days for the scheduling of the inspection.

D. At the time of the inspection, the controlled substance selling and storage area shall comply with §§ 3.3, 3.4, 3.5, 3.6 and 3.7 of these regulations.

E. No license shall be issued to sell controlled

substances until adequate safeguards against diversion have been provided for the controlled substance storage and selling area and approved by the board or its authorized agent.

§ 3.3. Physical standards.

Physical standards for the controlled substance selling and storage area:

1. The building in which the controlled substances selling and storage area is located shall be constructed of permanent and secure materials. Trailers and other movable facilities shall not be permitted;
2. There shall be an area that is designated as the controlled substances selling and storage area;
3. Controlled substances maintained for ultimate sale shall be maintained separately from any other controlled substances maintained for other purposes;
4. The selling and storage area, work counter space and equipment in the area shall be maintained in a clean and orderly manner;
5. The counter work space shall be used only for the preparation and selling of controlled substances and necessary record keeping;
6. The selling and storage area shall not be operated or maintained in conjunction with any activity that would compromise the quality of the controlled substances;
7. A sink with hot and cold running water shall be available within the immediate vicinity of the selling and storage area; and
8. The entire area described in this regulation shall be well lighted and ventilated; the proper storage temperature shall be maintained to meet official specifications for controlled substance storage.

§ 3.4. Access to selling area.

Access to stock rooms, rest rooms, and other areas other than an office that is exclusively used by the licensee shall not be through the selling and storage area.

§ 3.5. Minimum equipment.

The licensee shall be responsible for maintaining the following equipment in the designated area:

1. A current copy of the United States Pharmacopeia Dispensing Information Reference Book;
2. A refrigerator with a monitoring thermometer, located in the selling area, if any controlled substances requiring refrigeration are maintained;

3. A copy of the current Virginia Drug Control Act and board regulations;

4. A current copy of the Virginia Voluntary Formulary;

5. A laminar flow hood if sterile product(s) are to be prepared; and

6. Prescription balances and weights, if the licensee is engaged in extemporaneous compounding.

§ 3.6. Safeguards against diversion of controlled substances.

A device for the detection of breaking shall be installed in the controlled substances selling and storage area. The installation and the device shall be based on accepted burglar alarm industry standards, and shall be subject to the following conditions:

1. The device shall be a sound, microwave, photoelectric, ultrasonic, or any other generally accepted and suitable device;
2. The device shall be maintained in operating order;
3. The device shall fully protect the immediate controlled substance selling and storage areas and shall be capable of detecting breaking by any means whatsoever in the area when the area is closed;
4. The alarm system must have an auxiliary source of power;
5. The alarm system shall be capable of being activated and operated separately from any other alarm system in the area or the business in which the controlled substance selling and storage area is located;
6. The alarm system is controlled only by the licensee; and
7. An emergency key or access code to the system shall be maintained as set forth in § 3.7 B of these regulations.

§ 3.7. Selling area enclosures.

A. The controlled substance selling and storage area of the licensee shall be provided with enclosures subject to the following conditions:

1. The enclosure shall be construed in such a manner that it protects the controlled substance stock from unauthorized entry and from pilferage at all times whether or not the licensee is on duty;
2. The enclosure shall be of sufficient height as to prevent anyone from reaching over to gain access to the controlled substances;

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3. Entrances to the enclosed area must have a door which extends from the floor and which is at least as high as the adjacent counters or adjoining partitions; and

4. Doors to the area must have locking devices which will prevent entry in the absence of the licensee.

B. The door keys to the selling and storage area shall be subject to the following requirements:

1. Only the licensee shall be in possession of any keys to the locking device on the door to such enclosure;

2. The licensee or the licensee so designated pursuant to subdivision 1 of § 3.1 may place a key in an envelope or other container which contains a seal and a signature placed by the licensee on the container in a safe or vault within the office or other secured place; and

3. The key may be used to allow emergency entrance to the selling area by other licensees licensed under these regulations.

C. Restricted access to the selling and storage area.

The controlled substance selling and storage area is restricted to the licensee and a person designated by the licensee. Such other persons may be present in the selling and storage area only during the hours when the licensee is on duty to render personal supervision.

§ 3.8. Controlled substances outside of the selling area.

Any Schedule II through VI controlled substances not stored within the selling area and kept for stock replenishing shall be secured and access to it shall be restricted to the licensee.

§ 3.9. Prescriptions awaiting delivery.

Prescriptions prepared for delivery to the patient may be placed in a secure place outside of the controlled substance selling area and access to the prescriptions restricted by the licensee to designated assistants. The prepared prescriptions may be transferred to the patient whether or not the licensee is on duty.

§ 3.10. Expired controlled substances; security.

Any controlled substance which has exceeded the expiration date shall be separated from the stock used for selling and may be maintained in a designated area with the unexpired stock prior to the disposal of the expired controlled substances.

§ 3.11. Destruction of Schedule II through V controlled substances.

If a licensee wishes to destroy unwanted Schedule II

through V controlled substances maintained for selling, he shall use the following procedures for the destruction:

1. At least 14 days prior to the destruction date, the licensee shall provide a written notice to the board office; the notice shall state the following:

a. Date, time and manner or place of destruction;

b. The name(s) of the licensee who will witness the destruction process;

2. If the destruction date is to be changed or the destruction does not occur, a new notice must be provided to the board office as set forth above in this subsection.

3. The DEA Drug Destruction Form No. 41 must be used to make a record of all controlled substances to be destroyed.

4. The controlled substances must be destroyed by burning in an incinerator; an alternate method of flushing may be used if incineration is not possible and if permitted by the municipality.

5. The actual destruction shall be witnessed by the licensee and another licensee of the board not employed by the practitioner.

6. Each form shall show the following information:

a. Legible signatures of the licensee and the witnessing person.

b. The license number of the licensee and other licensed person destroying the controlled substances.

c. The date of destruction.

7. At the conclusion of the destruction of the controlled substance stock:

a. Two copies of the completed destruction form shall be sent to: Drug Enforcement Administration, Washington Field Division, Room 2558, 400 6th Street, SW, Washington, DC 20024, Attn: Diversion Control Group.

b. A copy of the completed destruction form shall be sent to the office of the board.

c. A copy of the completed destruction form shall be retained with the inventory records.

PART IV. WRITTEN PRESCRIPTION AND RECORD KEEPING STANDARDS.

§ 4.1. Sign and written prescription requirement.

Requirements are:

1. The licensee shall provide the patient with a written prescription whether or not he intends to sell the controlled substance to the patient;
2. The licensee shall provide a sign in the public area of the office. The sign must be legible to the public with normal vision and must advise the public that the controlled substances may be obtained from him or from a pharmacy;
3. The licensee after delivery of the written prescription to the patient shall, in each case, advise the patient of their right to obtain the controlled substance from him or from a pharmacy; and
4. If the patient chooses to purchase the controlled substance from the licensee, the written prescription shall be returned to the licensee, be signed by the patient, marked void by the licensee and filed chronologically.

§ 4.2. Manner of maintaining inventory records for licensees selling controlled substances.

A. Each licensee shall maintain the inventories and records of controlled substances as follows:

1. Inventories and records of all controlled substances listed in Schedule II shall be maintained separately from all other records of the licensee;
2. Inventories and records of controlled substances listed in Schedules III, IV and V may be maintained separately or with records of Schedule VI controlled substances but shall not be maintained with other records of the licensee;
3. Location of records. All records of Schedule II through V controlled substances shall be maintained at the same location as the stock of controlled substances to which the records pertain;
4. Inventory after controlled substance theft. In the event that an inventory is taken as the result of a theft of controlled substances pursuant to § 54.1-3404 of the Drug Control Act, the inventory shall be used as the opening inventory within the current biennial period. Such an inventory does not preclude the taking of the required inventory on the required biennial inventory date.

§ 4.3. Form of records of Schedule II through VI drugs sold.

A. The record of selling of controlled substances shall be in a book form or may be maintained in an automated data system as provided in § 4.5.

B. The licensee shall personally inspect the prescription

product prior to dispensing to the patient and verify its accuracy in all respects by initialing the record of each sale at the time of inspection.

§ 4.4. Records for Schedule II through VI drugs sold.

A. The records of selling for Schedule II controlled substances shall be as follows:

1. The record of the selling of Schedule II controlled substances shall be separate from other records.
2. The record shall be maintained in chronological order and shall show the selling date, a number which identifies the sale, the name and address of the patient, the name and strength of the controlled substance and the quantity sold.

B. The records of selling for Schedule III through V controlled substances shall be as follows:

1. The record shall be in the manner set forth in subdivision B A 2 of this section.
2. The selling records for Schedule III through V controlled substances may be maintained separate from other selling records or may be maintained with selling records for Schedule VI controlled substances provided the Schedule III through V controlled substance records are readily retrievable from the selling records for Schedule VI controlled substances. The records shall be deemed readily retrievable if a red "C" is placed uniformly on the record entry line for each Schedule III through V controlled substance sold.

§ 4.5. Automated data processing records of sale.

A. An automated data processing system may be used for the storage and retrieval of the sale of controlled substances instead of manual record keeping requirements, subject to the following conditions:

1. Any computerized system shall also provide retrieval via CRT display or printout of the sale of all controlled substances during the past two years, the listing to be in chronological order and shall include all information required by the manual method; and
2. If the system provides a printout of each day's selling activity, the printout shall be verified, dated and signed by the licensee. The licensee shall verify that the data indicated is correct and then sign the document in the same manner as he would sign a check or legal document (e.g., J.H. Smith or John H. Smith). In place of such printout, the licensee shall maintain a bound log book, or separate file, in which the licensee shall sign a statement each day, in the manner previously described, attesting to the fact that the selling information entered into the computer that day has been reviewed by him and is correct as

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shown.

B. Printout of dispensing data requirement.

Any computerized system shall have the capability of producing a printout of any selling data which the practitioner is responsible for maintaining under the Drug Control Act.

PART V. PACKAGING, REPACKAGING AND LABEL STANDARDS.

§ 5.1. Repackaging of controlled substances; records required.

A. Record required.

A licensee repackaging controlled substances shall maintain adequate control records for a period of one year or until the expiration, whichever is greater. The records shall show the name of the controlled substance(s) repackaged, strength, if any, quantity prepared, initials of the licensee supervising the process, manufacturer's or distributor's name and control number, or the assigned number, and an expiration date.

B. Expiration date.

The controlled substance name, strength, if any, the manufacturer's or distributor's name and control number, or assigned control number, and an appropriate expiration date shall appear on any subsequently repackaged units:

1. If U.S.P.-N.F. Class B or better packaging material is used for oral unit dose packages, an expiration date not to exceed six months or the expiration date shown on the original manufacturing bulk containers, whichever is less, shall appear on the repackaged units;
2. If it can be documented that the repackaged unit has a stability greater than six months, an appropriate expiration date may be assigned; and
3. If U.S.P.-N.F. Class C or less packaging material is used for oral, solid medication, an expiration date not to exceed 30 days shall appear on the repackaged units.

§ 5.2. Labeling of prescription as to content and quantity.

A. Any controlled substances sold by a licensee shall bear on the label of the container, in addition to other requirements, the following information:

1. The name and address of the practitioner and the name of the patient;
2. The date of the dispensing; and
3. The controlled substance name and strength, when

applicable.

a. If a trade name controlled substance is sold, the trade name of the controlled substance or the generic name of the controlled substance.

b. If a generic controlled substance is sold in place of a trade name controlled substance, in addition to the requirements of § 32.1-87 A of the Code of Virginia, one of the following methods shall be used:

- (1) The generic name; or
 - (2) A name for the product sold which appears on the generic manufacturer's label; or
 - (3) The generic name followed by the word "generic for" followed by the trade name of the controlled substance for which the generic controlled substance is substituted.
4. The number of dosage units, or if liquid, the number of millimeters dispensed.

§ 5.3. Packaging standards for controlled substance sold.

A controlled substance shall be sold only in packaging approved by the current U.S.P.-N.F. for the controlled substance. In the absence of such packaging standard for the controlled substance, it shall be dispensed in a well-closed container.

§ 5.4. Special packaging.

A. Each controlled substance sold to a person in a household shall be sold in special packaging, except when otherwise requested by the purchaser, or when such controlled substance is exempted from such requirements promulgated pursuant to the Poison Prevention Packaging Act of 1970.

B. Each licensee may have a sign posted near the compounding and selling area advising the patients that nonspecial packaging may be requested.

PART VI. PATIENT'S CHOICE OF SUPPLIER AND RETURN OF CONTROLLED SUBSTANCES.

§ 6.1. Choice of controlled substance supplier.

A licensee shall not interfere with the patient's right to choose his supplier of medication or cooperate with any person or persons in denying a patient the opportunity to select his supplier of prescribed medications.

§ 6.2. Returning of controlled substances.

Controlled substances shall not be accepted for return or exchange by any licensee for resale after such controlled substances have been taken from the premises where sold,

unless such controlled substances are in the manufacturer's original sealed container or in a unit-dose container which meets the U.S.P.-N.F. Class A or Class B container requirement and have not be stored under conditions whereby it may have become contaminated.

PART VII.
GROUNDS FOR REVOCATION OR SUSPENSION.

§ 7.1. Grounds for revocation or suspension.

The Board of Pharmacy may revoke, suspend, refuse to issue or renew a license to sell controlled substances or may deny any application if it finds that the applicant:

1. Has been negligent in the sale of controlled substances;
2. Has become incompetent to sell controlled substances because of his mental or physical condition;
3. Uses drugs or alcohol to the extent that he is rendered unsafe to sell controlled substances;
4. Has engaged in or attempted any fraud or deceit upon the patient or the board in connection with the sale of controlled substances;
5. Has assisted or allowed unlicensed persons to engage in the sale of controlled substances;
6. Has violated or cooperated with others in violating any state or federal law or any regulation of the board relating to the sale, distribution, dispensing or administration of controlled substances;
7. Has had his federal registration to dispense controlled substances revoked or suspended; or
8. Has been convicted of violating any federal drug law or any drug law of Virginia or of another state or has had his license to practice medicine, osteopathy or podiatry suspended or revoked in Virginia or in any other state.

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REAL ESTATE BOARD

Title of Regulation: VR 585-01-1. Virginia Real Estate Board Licensing Regulations.

Statutory Authority: §§ 54.1-113, 54.1-201 and 54.1-2105 of the Code of Virginia.

Effective Date: May 15, 1992.

Summary:

This regulation applies directly to approximately 13,000 brokers, 50,000 salespersons, 3,100 firms, 30 rental location agents and 50 proprietary schools either licensed or registered by the board in Virginia.

The final regulations provide for the licensing of sole proprietorships owned by nonbrokers under the licensing of real estate firms whereas this category was not previously provided for. A change to the maintenance of escrow accounts provides that accounts must be maintained only if the firm is to hold escrow funds. The amendment regarding advertising no longer requires sizes of individuals names to be smaller than that of the firm, but simply that the firm name must appear in the advertisement and be legible. The amendment on disclosure of interest provides that disclosure must be made in sales and lease situations; this regulation incorrectly deleted leases during the 1989 revision. The amendment on Disclosure of Agency Relationships provides for a more relaxed disclosure in the leasing of property and exempts vacation-type leases from disclosure. The amendment on Principal Broker responsibility provides that a supervising broker may be held responsible. Lastly, in the regulations regarding schools, changes have been adopted to expand those who may be approved to teach real estate courses at proprietary schools. The amendments also seek to confirm the emergency regulations which were effective on May 15, 1991. All other changes are clarifying in nature.

The only change to the final regulations that differs from the proposed regulations is that the definition of "classroom/clock hour" in § 7.1 was changed from 60 minutes to 50 minutes to coincide with the standard academic definition of "classroom/clock hour."

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

PART I. GENERAL.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, unless a different meaning is provided or is plainly required by the context, shall have the following

meanings:

"Actively engaged" means employment by or affiliation as an independent contractor with a licensed real estate firm or sole proprietorship in performing those activities as defined in §§ 54.1-2100 and 54.1-2101 of the Code of Virginia for an average of at least 20 hours per week.

"Associate broker" means any individual licensee of the board holding a broker's license other than one who has been designated as the principal broker.

"Firm" means any partnership, association, or corporation, other than a sole proprietorship, which is required by § 2.1 B of these regulations to obtain a separate brokerage firm license.

"Inactive status" refers to any broker or salesperson who is not under the supervision of a principal broker or supervising broker, not affiliated with a firm or sole proprietorship and who is not performing any of the activities defined in §§ 54.1-2100 and 54.1-2101 of the Code of Virginia.

"Licensee" means any person, partnership, association, or corporation holding a license by the Real Estate Board to act as a real estate broker or real estate salesperson, as defined, respectively, in §§ 54.1-2100 and 54.1-2101 of the Code of Virginia.

"Principal" means a party who has engaged a real estate broker to perform real estate purchases, sales or rental services in a principal-agent relationship.

"Principal broker" means the individual broker who shall be designated by each firm to assure compliance with Title 54.1, Chapter 21 of the Code of Virginia, and these regulations, and to receive communications and notices from the board which may affect the firm or any licensee employed by or affiliated with the firm. In the case of a sole proprietorship, the licensed broker who is the sole proprietor shall have the responsibilities of the principal broker. The principal broker shall have responsibility for the activities of the firm and all its licensees.

"Principal to a transaction" means a party to a real estate transaction in the capacity of a seller, buyer, lessee or lessor, or having some other direct contractual connection to such transaction.

"Sole proprietor" means any individual broker, not a corporation, who is trading under the broker's own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Supervising broker" means the individual associate broker who shall be designated by the firm to supervise the activities of any one of its offices.

PART II. ENTRY.

§ 2.1. Necessity for license or registration.

It shall be unlawful for any person, partnership, association or corporation, to act as a real estate broker, real estate salesperson, or rental location agent or to advertise or assume to act as such real estate broker, real estate salesperson, or rental location agent without a salesperson or broker license or rental location agent registration issued by the Real Estate Board. No partnership, association or corporation shall be granted a license unless every member, and officer of such partnership, association or corporation, who actively participates in its brokerage business shall hold a license as a real estate broker, and unless every employee and every independent contractor who acts as a salesperson for such partnership, association or corporation shall hold a license as a real estate salesperson; provided, however, that a person who holds a license as a real estate broker may act as a salesperson for another real estate broker.

A. Individual license.

A real estate broker's license shall not be issued to an individual trading under an assumed or fictitious name, that is, a name other than the individual's full name, until the individual signs and acknowledges a certificate provided by the board, setting forth the name under which the business is to be organized and conducted, the address of the individual's residence, and the address of the individual's place of business. Each certificate must be attested by the Clerk of Court of the county or jurisdiction wherein the business is to be conducted. The attention of all applicants and licensees is directed to §§ 59.1-69 through 59.1-76 of the Code of Virginia.

B. *Sole proprietor (nonbroker owner)*, partnership, association, or corporation.

Every *sole proprietor (nonbroker owner)*, partnership, association, or corporation must secure a real estate license for its brokerage firm before transacting real estate business. Application for such license shall disclose, and the license shall be issued to, the name under which the applicant intends to do or does business and holds itself out to the public. This license is separate and distinct from the individual broker license required of each partner, associate, and officer of a corporation who is active in the brokerage business.

1. Sole proprietor (nonbroker owner). Each sole proprietor (nonbroker owner) acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of the owner; the name and style of the firm; and the address of the office of the real estate entity. Each change in the information contained on the certificate filed with the board must

be evidenced by filing a new certificate with the board within 30 days after the change is effective.

1. 2. Partnership. Each partnership acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each person composing the partnership; the name and style of the firm; the address of the Virginia office of the firm; the length of time for which it is to continue; and the percentage or part of the partnership owned by each partner. Every change in the partnership must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

2. 3. Association. Each association acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each person composing the association; the name and style of the firm; the address of the Virginia office of the firm; the length of time for which it is to continue; and the percentage of part of the association owned by each associate. Every change in the association must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

3. 4. Corporation. Each corporation acting as a real estate broker shall file with the board a certificate on a form provided by the board, which shall include the following information: the name, business address, and residential address of each officer of the corporation; the name and style of the corporation; the address of the Virginia office of the firm; the corporation's place of business, and the names and addresses of the members of the Board of Directors.

a. Every change of officers must be evidenced by filing a new certificate with the board within 30 days after the change is effective.

b. The board will not consider the application of any corporation or its officers, employees, or associates until the corporation is authorized to do business in Virginia.

C. Branch office license.

If a real estate broker maintains more than one place of business within the state, a branch office license shall be issued for each branch office maintained. Application for the license shall be made on forms provided by the board and shall reveal the name of the firm, the location of the branch office, and the name of the supervising broker for that branch office. Only the branch office license shall be maintained at the branch office location.

§ 2.2. Qualifications for licensure.

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Every applicant to the Real Estate Board for a sales person's or broker's license shall have the following qualifications:

1. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate broker or a real estate salesperson in such a manner as to safeguard the interests of the public.

2. The applicant shall meet the current educational requirements by achieving a passing grade in all required courses of § 54.1-2105 of the Code of Virginia prior to the time the applicant sits for the licensing examination and applies for licensure. See § 7.6 of these regulations for educational requirements for salespersons.

3. The applicant shall be in good standing as a licensed real estate broker or salesperson in every jurisdiction where licensed and the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.

4. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony. Neither shall the applicant have been found to have violated the fair housing laws of any jurisdiction. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

5. The applicant shall be at least 18 years old.

6. The applicant, within 12 months prior to making application for a license, shall have passed a written examination provided by the board or by a testing service acting on behalf of the board. Complete applications must be received within the 12-month period.

7. The applicant shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board and the testing service with regard to conduct at the examination shall be grounds for denial of application.

§ 2.3. Additional qualifications for brokers.

An applicant for a license as a real estate broker shall

meet the following requirements in addition to those set forth in § 2.2 of these regulations:

A. New broker applicants.

1. The applicant shall meet the current educational requirements of § 54.1-2105 of the Code of Virginia.

2. The applicant shall have been actively engaged as defined in § 1.1 of these regulations as a real estate salesperson for a period of 36 of the 48 months immediately preceding application.

B. Previous brokers.

Any person who has previously held a Virginia real estate broker's license which license was not revoked, suspended or surrendered in connection with a disciplinary action may be issued a broker's license without first having to meet the experience requirements of § 2.3 A 2 of these regulations by:

1. Completing the current educational requirements of § 54.1-2105 of the Code of Virginia; and

2. Passing a written examination provided by the board or by a testing service selected by the board.

§ 2.4. Concurrent licenses.

Concurrent licenses shall be issued by the board to brokers active in more than one separate legal entity upon receipt of a concurrent license form and written affidavits stating that written notice of the applicant's concurrent licensure status has been provided to the principal broker of each firm with which the applicant has been associated. Payment will be required for each license.

§ 2.5. Qualifications for licensure by reciprocity.

Every applicant to the Real Estate Board for a license by reciprocity shall have the following qualifications, except that § 2.4 A 5 shall only be applicable for salesperson applicants:

A. An individual who is currently licensed as a real estate salesperson or broker in another jurisdiction may obtain a Virginia real estate license without taking the Virginia written licensing examination by meeting the following requirements:

1. The applicant shall be at least 18 years of age.

2. The applicant shall have received the salesperson or broker's license by virtue of having passed in the jurisdiction of original licensure a written examination deemed to be substantially equivalent to the Virginia examination.

3. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and

understands the Virginia real estate license law and the regulations of the Real Estate Board.

4. The applicant shall be in good standing as a licensed real estate broker or salesperson in every jurisdiction where licensed and the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.

5. At the time of application for a salesperson's license, the applicant must have been actively engaged in real estate for 12 of the preceding 36 months or have met educational requirements that are substantially equivalent to those required in Virginia.

6. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate salesperson or broker in such a manner as to safeguard the interests of the public.

7. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony. Neither shall the applicant have been found to have violated the fair housing laws of any jurisdiction. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

B. Additional qualifications for reciprocal licensure as a broker.

An individual who is currently licensed as a real estate broker in another jurisdiction may obtain a Virginia real estate broker's license without taking a written examination by meeting the following requirements in addition to those set forth in § 2.5 A 1 through A 4, A 6 and A 7.

1. The applicant shall have been licensed as a real estate broker and actively engaged as a real estate broker or salesperson in the current jurisdiction of licensure for at least 36 of the 48 months immediately prior to making application in Virginia. (See § 1.1 of these regulations for the definition of "actively engaged.")

2. The applicant shall have met broker educational requirements that are substantially equivalent to those required in Virginia.

§ 2.6. Activation of license.

A. Any inactive licensee may affiliate that license with

a licensed real estate firm or sole proprietorship by completing an activate form prescribed by the board. Continuing education pursuant to § 54.1-2105 of the Code of Virginia shall be completed within two years prior to activation of a license.

B. Any inactive licensee may affiliate that license with a licensed real estate firm or sole proprietorship by completing an activate form prescribed by the board. Further, any licensee who has not been actively licensed with a licensed real estate firm or sole proprietorship for a period of greater than three years shall be required to meet the educational requirements for a salesperson or broker in effect at the time the license activate form for issuance of such license is filed with the board.

§ 2.7. Rental location agent.

An applicant for registration as a rental location agent need not be employed by or affiliated with a real estate broker, but shall apply in writing upon forms provided by the board, and shall meet the following requirements:

1. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a rental location agent as defined in § 54.1-2102 of the Code of Virginia.

2. The applicant shall be at least 18 years old.

3. A rental location agent shall not be concurrently registered with more than one rental location agency.

4. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony. Neither shall the applicant have been found to have violated the fair housing laws of any jurisdiction. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

§ 2.8. Rental location agency.

A. Each business operating as a rental location agency, whether in the form of a sole proprietorship, association, partnership, or corporation, shall obtain from the board a firm registration as a rental location agency.

B. Every rental location agency shall be supervised by a supervising rental location agent designated by the agency and registered with the board. The supervising rental location agent shall have responsibility for supervising the activities of the agency and all its registrants.

C. Each rental location agent registration shall be issued only to the agency where the agent is affiliated or

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employed. The supervising rental location agent shall keep such registrations in his custody and control for the duration of the agent's employment or association with that agency.

D. When any rental location agent is discharged or in any way terminates his employment or affiliation with an agency, it shall be the duty of the supervising rental location agent to notify the board of the termination by returning the registration by certified mail to the board within 10 calendar days. The supervising rental location agent shall indicate on the registration the date of termination, and shall sign the registration before returning it.

§ 2.9. Application and registration fees.

All application fees for licenses and registrations are nonrefundable *and the date of receipt by the board or its agent is the date which will be used to determine whether or not it is on time*.

A. Application fees for original licenses or registrations are as follows:

Salesperson by education and examination	\$50
Salesperson by reciprocity	\$ 75
Broker by education and examination	\$ 70
Broker by reciprocity	\$ 100
Broker concurrent license	\$60
Rental location agent	\$ 60
Rental location agency	\$ 100
Firm license	\$ 100
Branch office license	\$ 50
Transfer application	\$ 35
Activate application	\$ 35
Certification of licensure	\$ 35

B. Examination fees are as follows:

Preregistration for sales and brokers	\$15
Late registration for sales and brokers	\$25
Walk-in registration for sales and brokers	\$27
Registration for sales and brokers	\$68.50
Additional fee for phone or "fax" registrations	\$ 5.00

PART III. RENEWAL OF LICENSE/REGISTRATION.

§ 3.1. Renewal required.

Licenses issued under these regulations for salespersons, brokers, and firms shall expire two years from the last day of the month in which they were issued, as indicated on the license. Registrations issued under these regulations for rental location agents and rental location agencies shall expire every two years on June 30.

§ 3.2. Qualification for renewal.

A. Continuing education requirements.

As a condition of renewal, and pursuant to § 54.1-2105 of the Code of Virginia, all *active* brokers and salespersons ~~either active or inactive~~, resident or nonresident, *except those called to active duty in the Armed Forces of the United States*, shall be required to satisfactorily complete a course of not less than six classroom hours during each licensing term. *Active licensees called to active duty in the Armed Forces of the United States may complete this course within six months of their release from active duty. Inactive brokers and salespersons are not required to complete the continuing education course as a condition of renewal (see § 2.6, Activation of license).*

1. Schools and instructors shall be those as require under § 54.1-2105 of the Code of Virginia, and § 7.2 of these regulations.

2. The specific course content and curriculum shall be prescribed and approved by the board. The course curriculum shall be provided to each school in final form prior to the course offering and updated periodically to reflect recent developments in federal, state, and local real estate law, regulations and case decisions.

a. Continuing education courses offered in other jurisdictions must meet Virginia's statutory requirements and must conform to the board's specifically prescribed course content and curriculum as described in § 54.1-2105 of the Code of Virginia. Such courses must be approved in advance of offering to be certified for course credit for licenses.

b. Correspondence courses will not be approved for credit for continuing education.

3. Attendance. Credit for continuing education course completion is to be given only for attendance in its entirety. It will be the instructor's responsibility to ensure compliance with this regulation.

4. Certification of course completion. It shall be the responsibility of the licensee to provide continuing

education course completion certification. Proof of course completion shall be made on a form prescribed by the board. Failure to provide course completion certification will result in the license not being renewed and reinstatement will therefore be required.

5. Credit earned by instructors. Instructors who are also licensees of the board may earn continuing education credit for teaching continuing education courses. Verification of instructor compliance with the continuing education course required must be verified by the director or dean of the school at which the course was taught.

B. Applicants for renewal of a license shall meet the standards for entry as set forth in §§ 2.2 1, 2.2 3 and 2.2 4 of these regulations.

§ 3.3. Procedures for renewal.

A. The board will mail a renewal application form to the licensee or registrant at the last known home address. The board will mail a firm renewal notice to the business address of the firm. These notices shall outline the procedures for renewal. The board will notify the firm 30 days after the expiration of the licenses of salespersons and brokers associated with the firm. Failure to receive these notices shall not relieve the licensee or the registrant of the obligation to renew.

B. Prior to the expiration date shown on the license or registration, each licensee or registrant desiring to renew his license or registration shall return to the board the renewal application forms and the appropriate fee as outlined in § 3.4 of these regulations.

§ 3.4. Fees for renewal.

All fees for renewals are nonrefundable, and the date of receipt by the board or its agent is the date which will be used to determine whether or not it is on time, and are as follows:

Salesperson	\$ 50
Broker	\$ 70
Concurrent broker	\$50 \$70
Firm	\$ 100
Rental location agent	\$ 60
Rental location agency	\$ 100
Branch office	\$ 50

§ 3.5. Board discretion to deny renewal.

The board may deny renewal of a license for the same reasons as it may refuse initial licensure or discipline an

extant license.

PART IV. REINSTATEMENT.

§ 4.1. Failure to renew; reinstatement required.

A. All applicants for reinstatement must meet all requirements set forth in §§ 3.2 A and 3.2 B of these regulations. Applicants for reinstatement of an active license must have completed the continuing education requirement prior to the license expiration date. If the continuing education requirement was not completed during that licensing term, then the individual is not eligible for reinstatement and must reapply as a new applicant in order to reinstate the license. Applicants for reinstatement of an inactive license are not required to complete the continuing education requirement for license reinstatement.

B. Additional fees for reinstatement are required as follows:

1. If the renewal fee is not received by the board within 30 days of the expiration date noted on the license or registration, a reinstatement fee equal to twice the renewal fee is required of \$200 is required.
2. If the reinstatement fee is not received by the board within 180 days of the expiration date noted on the license or registration, a reinstatement fee equal to four times the renewal fee is required.

C. After 12 months, reinstatement is not possible under any circumstances and the applicant must meet all current educational and examination requirements and apply as a new applicant.

D. While a license may be reinstated with additional fee for up to one year following expiration, any real estate activity conducted subsequent to the expiration shall constitute unlicensed activity and may be subject to prosecution under Chapter 1 of Title 54.1 of the Code of Virginia.

§ 4.2. Board discretion to deny reinstatement.

The board may deny reinstatement of a license for the same reasons as it may refuse initial licensure or discipline an extant license.

PART V. STANDARDS OF PRACTICE.

§ 5.1. Place of business.

A. Within the meaning and intent of § 54.1-2110 of the Code of Virginia, a place of business shall be an office where:

1. The principal broker, either through his own efforts

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or through the efforts of his employees or associates, regularly transacts the business of a real estate broker as defined in § 54.1-2100 of the Code of Virginia; and

2. The principal broker and his employees or associates can receive business calls and direct business calls to be made.

B. No place of business shall be in a residence unless it is separate and distinct from the living quarters of the residence and is accessible by the public.

C. Each place of business and each branch office shall be supervised and personally managed by an on-premises real estate broker who shall supervise only that office and shall be at the office or within easy access during regular business hours.

D. Every individual, partnership, association, or corporation acting as a real estate broker may display signage on the outside of each place of business maintained in the Commonwealth for the purpose of transacting business as a real estate broker. If displayed, the sign shall state the name of such individual, partnership, association, or corporation, as set forth in the license issued by the board, and contain the words "real estate," "realty" or other words or phrases designating a member of a generally recognized association or organization of real estate brokers, whichever is applicable.

E. Every principal broker shall have readily available in the firm's main place of business his license and the license of every salesperson and broker associated with or employed by the firm. The licenses shall be displayed together, not individually, in such a manner that the public can readily determine the names of the licensees.

F. Notice in writing, accompanied by all the current licenses, shall be given to the board in the event of any change of business name or location. Such notice shall be mailed to the board within 10 days of the change of name or location, whereupon the board shall reissue the license for the unexpired period.

§ 5.2. Maintenance of licenses.

A. Salespersons and individual brokers shall at all times keep the board informed of their current home address. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board of any change of address. *A licensee shall notify the board in a written form acceptable to the board within 10 days of any change in the licensee's name in which they do business.*

B. Salespersons and brokers shall only be issued a license to the place of business of the sole proprietorship or firm with which the salesperson or broker is affiliated or at which such licensee is employed. The license shall

be issued after the sole proprietor or principal broker files a written request on a form supplied by the board.

C. Salespersons and brokers on inactive status shall receive written acknowledgement of payment from the board at the time they renew their license, but no license shall be issued since they are not affiliated with a sole proprietorship or firm.

D. When any salesperson or broker is discharged or in any way terminates his employment or affiliation with a sole proprietorship or firm, it shall be the duty of the sole proprietor or principal broker to return the license by certified mail to the board so that it is received within 10 calendar days of the date of termination. The sole proprietor or principal broker shall indicate on the license the date of termination, and shall sign the license before returning it.

E. The board, upon receipt of a transfer application or request for placement of a license on inactive status from a salesperson or associate broker, will notify the former principal broker of the licensee's change of affiliation or status at the firm's address of record. If the license has not been received by the board by the date on which above notification is issued, then it shall be the duty of the former principal broker to return the license by certified mail to the board so that it is received within 10 calendar days of the date of the above notification.

F. All certificates of licensure in any form are the property of the Real Estate Board. Upon termination of a licensee, closing of a firm, death of a licensee, change of licensee name or address such licenses must be returned with proper instruction to the board within 10 days.

§ 5.3. Maintenance and management of escrow accounts and financial records.

A. Maintenance of escrow accounts.

1. *If money is to be held in escrow*, each firm or sole proprietorship shall maintain in the name by which it is licensed one or more separate escrow accounts in a federally insured depository in Virginia into which all down payments, earnest money deposits, money received upon final settlement, rental payments, rental security deposits, money advanced by a buyer or seller for the payment of expenses in connection with the closing of real estate transactions, money advanced by the broker's principal or expended on behalf of the principal, or other escrow funds received by him or his associates on behalf of his principal or any other person shall be deposited unless all parties to the transaction have agreed otherwise in writing. The principal broker shall and the supervising broker may be held responsible for these accounts. All such accounts, *checks and bank statements* shall be labeled "escrow" and the account(s) shall be designated as "escrow" accounts with the financial institution where such accounts are established.

2. Funds to be deposited in the escrow account will necessarily include moneys which shall ultimately belong to the licensee, but such moneys shall be separately identified in the escrow account records and shall be paid to the firm by a check drawn on the escrow account when the funds become due to the licensee. The fact that an escrow account contains money which may ultimately belong to the licensee does not constitute "commingling of funds" as set forth by § 6.12 5 of these regulations, provided that there are periodic withdrawals of said funds at intervals of not more than six months, and that the licensee can at all times accurately identify the total funds in that account which belong to the licensee and the firm.

3. If escrow funds are used to purchase a certificate of deposit, the pledging or hypothecation of such certificate, or the absence of the original certificate from the direct control of the principal or supervising broker, shall constitute commingling as prohibited by § 6.12 5 of these regulations.

B. Disbursement of funds from escrow accounts.

1. Upon acceptance of a contract (ratification), earnest money deposits and down payments received by the principal or supervising broker or his associates shall be placed in an escrow account and shall remain in that account until the transaction has been consummated or terminated. In the event the transaction is not consummated, the principal or supervising broker shall hold such funds in escrow until (i) all *parties principals* to the transaction have agreed in writing as to their disposition, or (ii) a court of competent jurisdiction orders such disbursement of the funds, or (iii) the broker can pay the funds to the *party principal to the transaction* who is entitled to receive them in accordance with the clear and explicit terms of the contract which established the deposit. In the latter event, prior to disbursement, the broker shall give written notice to each *party principal to the transaction* by either (i) hand delivery receipted for by the addressee, or (ii) by regular and certified mail, that this payment will be made unless a written protest from that *party principal to the transaction* is received by the broker within 30 days of the delivery or mailing, as appropriate, of that notice. A broker who has carried out the above procedure shall be construed to have fulfilled the requirements of this regulation.

2. Unless otherwise agreed in writing by all *parties principals* to the transaction, a licensee shall not be entitled to any part of the earnest money deposit or to any other money paid to the licensee in connection with any real estate transaction as part of the licensee's commission until the transaction has been consummated.

3. On funds placed in an account bearing interest,

written disclosure at contract or lease writing shall be made to the principals involved in the transaction regarding the disbursement of interest.

4. A licensee shall not disburse or cause to be disbursed moneys from a *an escrow or* property management *escrow* account unless sufficient money is on deposit in that account to the credit of the individual client or property involved.

5. Unless otherwise agreed in writing by all *parties principals* to the transaction, expenses incidental to closing a transaction, e.g., fees for appraisal, insurance, credit report, etc., shall not be deducted from a deposit or down payment.

C. Maintenance of financial records.

1. A complete record of financial transactions conducted under authority of the principal broker's Virginia license or the rental location agent's registration shall be maintained in the principal broker's place of business, or in a designated branch office, or in the office of the rental location agency. When the principal broker's office or the main office of the rental location agency is located outside of Virginia and the firm has a branch office in Virginia, these records shall be maintained in the Virginia office. These records shall show, in addition to any other requirements of the regulations, the following information: from whom money was received; the date of receipt; the place of deposit; the date of deposit; and, after the transaction has been completed, the final disposition of the funds.

2. The principal broker shall maintain a bookkeeping system which shall accurately and clearly disclose full compliance with the requirements outlined in § 5.3 of these regulations. Accounting records which are in sufficient detail to provide necessary information to determine such compliance shall be maintained.

§ 5.4. Advertising by licensees.

The name under which the broker does business and the manner in which the broker advertises shall not imply that the property listed or marketed by the broker for others is "for sale by owner." A broker shall not advertise in any newspaper, periodical, or sign to sell, buy, exchange, rent, or lease property in a manner indicating that the offer to sell, buy, exchange, rent, or lease such property is being made by a person not licensed as a real estate broker. No advertisement shall be inserted in any publication where only a post office box number, telephone number, or street address appears. Every broker, when advertising real estate in any newspaper or periodical, shall affirmatively and unmistakably indicate that the party advertising is a real estate broker.

A. Definitions.

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The following definitions apply unless a different meaning is plainly required by the context:

"Advertising" means any communication, whether oral or written, between a licensee or an entity acting on behalf of one or more licensees and any other person or business entity. It shall include, but is not limited to, telephonic communications, insignias, business cards, advertisements, telephone directory, listing agreements, contracts of sale, billboards, signs, letterheads, as well as radio, television, magazine, and newspaper advertisements; and

"Institutional advertising" means advertising in which neither the licensed name nor any other identification of any licensed individual is disclosed, no real property is identified, and a service mark is identified.

"Service mark" means the trade name, service mark, or logo, whether or not registered under any federal or state law, which is owned by an entity other than the licensee and which the licensee has obtained permission to use through agreement, license, franchise, or otherwise;

B. Every salesperson or associate broker licensee is prohibited from advertising and marketing under the licensee's own name (*except for sole proprietors trading under the principal broker's own name*) in any manner offering on behalf of others to buy, sell, exchange, rent, or lease any real property. All advertising and marketing must be under the direct supervision of the principal broker or supervising broker and in the name of the firm. The name of the firm *firm's licensed name* must be clearly and legibly displayed on all display signs and other types of advertising and marketing and must be printed in a size equal to or greater than the size of the name of the salesperson or broker.

C. Notwithstanding the above restrictions, where a salesperson or associate broker licensee is the owner of or has any ownership interest in the property being advertised, the licensee shall advertise with the notice that the owner is a real estate licensee, but such advertisement must not indicate or imply that the licensee is operating a real estate brokerage business.

D. Service marks and institutional advertising.

1. All institutional advertising shall state that the service being advertised is real estate brokerage, and shall state, if applicable, that each licensed firm or sole proprietorship displaying or using the service mark is an independently owned and operated business.

2. Disclosure that the licensed firm or sole proprietorship is independently owned and operated shall not be required in the following categories of written noninstitutional advertising:

a. "For sale" and "for lease" signs located on the

premises of specific property for sale or lease;

b. Advertising by a licensed firm or sole proprietorship in newspapers, magazines, or other publications of a single specific property for sale or lease when the advertisement occupies no more than 28 of the standard classified advertising lines of the newspaper, magazine, or other publications in which the advertisement is published;

c. Telephone directory advertisements disclosing that the licensed brokerage firm or sole proprietorship is independently owned and operated is required in "display" advertisements and in "in column informational" or "business card" advertisements, or their equivalent, appearing in telephone directories.

3. In oral, noninstitutional advertising, the speaker shall disclose affirmatively the licensee's name, and except in the case of telephone communication, shall disclose that the licensed firm or sole proprietorship is independently owned and operated.

PART VI. STANDARDS OF CONDUCT.

§ 6.1. Grounds for disciplinary action.

The board has the power to fine any licensee or registrant, and to suspend or revoke any license or registration issued under the provisions of Title 54.1 Chapter 21 of the Code of Virginia, and the regulations of the board, at any time after a hearing conducted pursuant to the provisions of the Administrative Process Act, Title 9, Chapter 1-1 of the Code of Virginia where the licensee has been found to have violated or cooperated with others in violating any provision of Title 54.1, Chapter 21 of the Code of Virginia, or any regulation of the board.

§ 6.2. Disclosure of interest.

A. If a selling agent or listing agent licensee knows or should have known that he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest, is acquiring or attempting to acquire real property through purchase or lease and the licensee is a party to the transaction, the agent must disclose that information to the owner in writing in the contract offer to purchase or lease.

B. A licensee selling or leasing property in which he has any interest must disclose that he is a real estate licensee to any purchaser or lessor in writing in the contract offer to purchase or lease.

§ 6.3. Disclosure of agency relationships.

A. All licensees shall promptly disclose their agency relationship(s) to all actual and prospective buyers and sellers; lessors and lessees and optionors and optionees in these ways:

A. 1. As soon as the licensee has substantive discussions about specific property(ies) with a principal or prospective principal, the licensee shall disclose to the principal or prospective principal the person(s) whom the licensee represents in a principal-agency relationship; and

B. 2. Further, this disclosure shall be made in writing at the earliest practical time, but in any case not later than the time when specific real estate assistance is first provided. This written disclosure shall be acknowledged by the principals.

B. All licensees shall promptly disclose their agency relationships to all actual and prospective lessors and lessees in the following way:

1. A disclosure statement shall be included in writing in all applications for lease or in the lease itself, whichever occurs first; and

2. The disclosure requirement shall not apply to lessors and lessees in single or multi-family residential units on leases of less than two months.

§ 6.4. Licensees dealing on own account.

Any licensee failing to comply with the provisions of Title 54.1, Chapter 21 of the Code of Virginia or the regulations of the Real Estate Board in performing any acts covered by §§ 54.1-2100 and 54.1-2101 of the Code of Virginia, may be charged with improper dealings, regardless of whether those acts are in the licensee's personal capacity or in his capacity as a real estate licensee.

§ 6.5. Provision of records to the board.

A licensee of the Real Estate Board shall upon request or demand, promptly produce to the board or any of its agents any document, book, or record in a licensee's possession concerning any real estate transaction in which the licensee was involved as a broker or salesperson, or for which the licensee is required to maintain records for inspection and copying by the board or its agents. These records shall be made available at the licensee's place of business during regular business hours.

§ 6.6. Unworthiness and incompetence.

Actions constituting unworthy and incompetent conduct include:

1. Obtaining a license by false or fraudulent representation;
2. Holding more than one license as a real estate broker or salesperson in Virginia except as provided in these regulations;
3. As a currently licensed real estate salesperson,

sitting for the licensing examination for a salesperson's license;

4. As a currently licensed real estate broker, sitting for a real estate licensing examination;

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

6. Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury;

7. Having been found in a court or an administrative body of competent jurisdiction to have violated the Virginia Fair Housing Act, the Fair Housing Laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968, or the Civil Rights Act of 1866, there being no appeal therefrom or the time for appeal having elapsed; and

8. Failing to act as a real estate broker or salesperson in such a manner as to safeguard the interests of the public, or otherwise engaging in improper, fraudulent, or dishonest conduct.

§ 6.7. Conflict of interest.

Actions constituting a conflict of interest include:

1. Being employed by, affiliated with or receiving compensation from a real estate broker other than the licensee's principal broker, without the written consent of the principal broker;
2. Acting for more than one party in a transaction without the written consent of all principals for whom the licensee acts;
3. Acting as an agent for any principal in a real estate transaction outside the licensee's brokerage firm(s) or sole proprietorship(s).

§ 6.8. Improper brokerage commission.

Actions resulting in an improper brokerage commission include:

1. Paying a commission or other valuable

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consideration to any person for acts or services performed in violation of Title 54.1, Chapter 21 of the Code of Virginia, or these regulations; provided, however, that referral fees and shared commissions may be paid to any real estate firm licensed in this or another jurisdiction, or to any referral firm in the United States, the members of which are brokers licensed in this or another jurisdiction and which only disburses commissions or referral fees to its licensed member brokers;

2. Notwithstanding the provisions of § 54.1-2102 of the Code of Virginia, accepting a commission or other valuable consideration, as a real estate salesperson or associate broker, for the performance of any of the acts specified in Title 54.1, Chapter 21 of the Code of Virginia or the regulations of the board, from any person except the licensee's principal broker at the time of the transaction;

3. Receiving a fee or portion thereof including a referral fee or a commission or other valuable consideration for services required by the terms of the real estate contract when such costs are to be paid by either one or both principals to the transaction unless such fact is revealed in writing to the principal(s) prior to the time of ordering or contracting for the services;

4. Offering or paying any money or other valuable consideration for services required by the terms of the real estate contract to any party other than the principals to a transaction which results in a fee being paid to the licensee; without such fact being revealed in writing to the principal(s) prior to the time of ordering or contracting for the services.

5. Making a listing contract or lease which provides for a "net" return to the seller/lessor, leaving the licensee free to sell or lease the property at any price he can obtain in excess of the "net" price named by the seller/lessor;

6. Charging money or other valuable consideration to or accepting or receiving money or other valuable consideration from any person or entity other than the licensee's principal for expenditures made on behalf of that principal without the written consent of the principal.

§ 6.9. Improper dealing.

Actions constituting improper dealing include:

1. Making an exclusive agency contract or an exclusive right-to-sell contract which does not have a definite termination date;
2. Offering real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than

those authorized by the owner or the owner's authorized agent;

3. Placing a sign on any property without the consent of the owner of the property or the owner's authorized agent;

4. Causing any advertisement for sale, rent, or lease to appear in any newspaper, periodical, or sign without including in the advertisement the name of the firm or sole proprietorship;

5. Acting in the capacity of settlement agent in a real estate closing by a salesperson, except:

a. When the salesperson is under the direct supervision of the principal/supervising broker;

b. When the salesperson is under the direct supervision of a licensed officer of the corporation or a licensed partner of the partnership under which the salesperson is licensed;

c. When the settlement agent is a member of the Virginia State Bar or a law firm, the members of which are members of the Virginia State Bar; or

d. When the settlement agent is a title insurance company or an agency thereof or a firm regularly engaged in the business or closing real estate transactions;

§ 6.10. Misrepresentation/omission.

Actions constituting misrepresentation or omission, or both, include:

1. Using "bait and switch" tactics by advertising or offering real property for sale or rent with the intent not to sell or rent at the price or terms advertised, unless the advertisement or offer clearly states that the property advertised is limited in specific quantity and the licensee or registrant did in fact have at least that quantity for sale or rent;

2. Failing to disclose in a timely manner to a prospective purchaser/licensee, or seller/lessor, any material information related to the property reasonably available to the licensee or registrant;

3. Failing as a licensee to promptly tender to the buyer and seller every written offer or counter-offer to purchase obtained on the property involved;

4. Failing to include the complete terms and conditions of the real estate transaction in any offer to purchase or rent, including identification of all those holding any deposits;

5. Knowingly making any false statement or report, or willfully misstating the value of any land, property, or

security for the purpose of influencing in any way the action of any lender upon:

a. Applications, advance discounts, purchase agreements, repurchase agreements, commitments or loans;

b. Changes in terms or extensions of time for any of the items listed in § 6.10 5 whether by renewal, deferrment of action, or other means without the prior written consent of the principals to the transaction;

c. Acceptance, release, or substitution of security for any of the items listed in § 6.10 5 a without the prior written consent of the principals to the transaction.

6. Making any misrepresentation; and

7. Making a false promise through agents, salespersons, advertising, or other means.

§ 6.11. Delivery of instruments.

Actions constituting improper delivery of instruments include:

1. Failing to make prompt delivery to each party to a document, complete and legible copies of any written or printed listings, contracts, residential leases, addenda or other agreements being negotiated by a salesperson or broker at the time such listings, contracts, residential leases, addenda or other agreements signed by the parties are secured offers to lease, offers to purchase, counteroffers, addenda and ratified agreements ;

2. Failing to make prompt delivery of fully executed copies of the contract or lease, and addenda signed by the seller/lessor and purchaser/lessee, to both purchaser/lessee and seller/lessor after obtaining a proper acceptance of the offer to purchase or rent;

3. 2. Failing to provide in a timely manner to all parties to the transaction written notice of any material changes to the transaction;

4. 3. Failing to deliver to the seller and buyer, at the time a real estate transaction is completed, a complete and accurate statement of receipts and disbursements of moneys received by the licensee, duly signed and certified by the principal or supervising broker or his authorized agent; provided, however, if the transaction is closed by a settlement agent other than the licensee or his broker, and if the disbursement of moneys received by the licensee is disclosed on the applicable settlement statement, the licensee shall not be required to provide the separate statement of receipts and disbursements; and

5. 4. Refusing or failing without just cause to surrender to the rightful owner, upon demand, any document or instrument which the licensee possesses.

§ 6.12. Record keeping and escrow funds.

Actions constituting improper record keeping and maintenance of escrow funds include:

1. Failing, as a principal or supervising broker, to retain for a period of three years from the date of the closing a complete and legible copy of each contract and agreement, notice and closing statement related to a real estate transaction, and all other documents material to that transaction available and accessible to the broker;

2. Having received moneys on behalf of others and failed to maintain a complete and accurate record of such receipts and their disbursements for a period of three years from the date of the closing;

3. Failing, within a reasonable time, to account for or to remit any moneys coming into a licensee's possession which belong to others;

4. Accepting any note, nonnegotiable instrument, or anything of value not readily negotiable, as a deposit on a contract, offer to purchase, or lease, without acknowledging its acceptance in the agreement;

5. Commingling the funds of any person by a principal or supervising broker or his employees or associates with his own funds, or those of his corporation, firm, or association; or failure to deposit such funds in an account or accounts designated to receive only such funds as required by these regulations, see § 5.3 A 1. and

6. Failure to deposit such funds in an account or accounts designated to receive only such funds as required by these regulations (see § 5.3 A 1).

§ 6.13. Rental location agents.

Actions constituting improper activities of a rental location agent include:

1. Accepting or agreeing to accept any fee as a rental location agent without giving the person paying or agreeing to pay such fee a contract or receipt in which the agent sets forth a definite termination date for the services to be provided. The termination date shall not be later than one year from the date of the original agreement or acceptance of a fee. The rental location agent shall agree in the contract or receipt to repay, upon request, within 10 days of the expiration date, any amount of fee collected over and above the sum of the service charge if no rental is obtained. The rental location agent shall further agree in the contract or receipt that if rental information provided

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by the agent is not current or accurate, the full fee shall be repaid upon request within 10 days of the delivery of the inaccurate rental information;

2. Referring, as a rental location agent, a prospective tenant to any property for which the agent has not verified the availability of the property within seven working days prior to the referral; and

3. Failing, as a rental location agent, to maintain a written registry of all lists of rentals provided to customers and of all advertisements published or caused to be published by the agent, together with the address of the property listed or advertised, the date of verification of the availability, and the name, address, and telephone number, if any, of the party who offered the property for rent. This registry shall be kept for a period of three years from the date of the lists or the publication of any advertisement listed in it.

§ 6.14. Principal and supervising broker's responsibility for acts of licensees.

Any unlawful act or violation of any of the provisions of Title 54.1, Chapter 21 or of Title 36, Chapter 5 of the Code of Virginia or of the regulations of the board by any real estate salesperson, employee, partner or affiliate of a principal broker, supervising broker, or both, may not be cause for disciplinary action against the principal broker, supervising broker, or both, unless it appears to the satisfaction of the board that the principal broker, supervising broker, or both, knew or should have known of the unlawful act or violation.

§ 6.15. Effect of disciplinary action on subordinate licensees.

Action by the board resulting in the revocation, suspension, or denial of renewal of the license of any principal broker or sole proprietor shall automatically result in an order that the licenses of any and all individuals affiliated with or employed by the affected firm be returned to the board until such time as they are reissued upon the written request of a sole proprietor or principal broker pursuant to § 5.2 B.

PART VII. SCHOOLS.

§ 7.1. Definitions.

As used in these regulations, unless a different meaning is plainly required by the context:

"Accredited colleges, universities and community colleges," as used in § 54.1-2105 2 of the Code of Virginia, means those accredited institutions of higher learning approved by the Virginia Council of Higher Education or listed in the Transfer Credit Practices of Designated Educational Institutions, published by the American

Association of Collegiate Registrars and Admissions Officers.

"Classroom hour/clock hour" means [60 50] minutes.

"Equivalent course" means any course encompassing the principles and practices of real estate and approved by the board.

"Proprietary school" means a privately owned school, not under the authority of the Department of Education, but approved by the Real Estate Board to teach real estate courses.

§ 7.2. Proprietary school standards.

Every applicant to the Real Estate Board for a proprietary school certificate shall meet the following standards:

A. Educational environment.

All schools must be in a building conducive to academic purposes, with library facilities readily accessible to students at times other than their regularly scheduled class hours. Classroom arrangement should allow for workshop-type instruction and small-group activity. Facilities must meet necessary building code standards, fire safety standards, and sanitation standards.

B. Instructor qualifications.

Every applicant to the Real Estate Board for approval as an instructor shall have one of the following qualifications:

1. Baccalaureate degree in real estate, or in business with a concentration in real estate or a closely related field; or

2. Baccalaureate degree, a real estate license, and two years of discipline-free active real estate experience within the past five years; or

3. Seven years of discipline-free active experience acquired in the real estate field in the past 10 years and an active broker's license ; or

4. Approval may be granted to an active Virginia licensed attorney whose primary area of practice is real estate law; or

5. Qualified experts in a specific field of real estate who will teach only in the area of their expertise. For example, a licensed real estate appraiser, with at least five years of active appraisal experience in Virginia, may be approved to teach Real Estate Appraisals. Such applicants will be required to furnish proof of their expertise including, but not limited to, educational transcripts, professional certificates and letters of reference which will verify the applicants

expertise.

C. Courses.

All real estate courses must be acceptable to the board and are required to have a monitored, final written examination.

D. All schools must establish and maintain a record for each student. The record shall include: the student's name and address; the course name and clock hours attended; and the date of successful completion. Records shall be available for inspection during normal business hours by authorized representatives of the board. *Schools must maintain all student and class records for a minimum of five years.*

§ 7.3. Fees.

A. The application fee for original certificate for a proprietary school shall be \$100.

B. The renewal fee for proprietary school certificates expiring annually on June 30 shall be \$50.

C. The Board in its discretion may deny renewal of a certificate. Upon such denial, the certificate holder may request that a hearing be held.

§ 7.4. Posting school certificate of approval and registration.

School certificates of approval and registration, and instructor certificates must be displayed in each approved school facility in a conspicuous place readily accessible to the public.

§ 7.5. Withdrawal of approval.

The board may withdraw approval of any school for the following reasons:

1. The school, instructors, or courses no longer meet the standards established by the board.
2. The school solicits information from any person for the purpose of discovering past examination questions or questions which may be used in future examinations.
3. The school distributes to any person copies of examination questions, or otherwise communicates to any person examination questions, without receiving the prior written approval of the copyright owner to distribute or communicate those questions.
4. The school, through an agent or otherwise, advertises its services in a fraudulent, deceptive or misrepresentative manner.
5. Officials, instructors or designees of the school sit

for a real estate licensing examination for any purpose other than to obtain a license as a broker or salesperson.

§ 7.6. Course content of real estate principles and practices.

The following shall be included in the ~~three~~ *four* -semester-hour or ~~six~~ *seven* -quarter-hour course which shall not have less than ~~45~~ *60* classroom hours:

1. Economy and social impact of real estate
2. Real estate market and analysis
3. Property rights
4. Contracts
5. Deeds
6. Mortgages and deeds of trust
7. Types of mortgages
8. Leases
9. Liens
10. Home ownership
11. Real property and title insurance
12. Investment
13. Taxes in real estate
14. Real estate financing
15. Brokerage and agency contract responsibilities
16. Real estate marketing
17. Real property management
18. Search, examination, and registration of title
19. Title closing
20. Appraisal of residential and income producing property
21. Planning subdivision developments and condominiums
22. Regulatory statutes
23. Housing legislation
24. Fair housing statutes

Final Regulations

25. Real Estate Board regulations

§ 7.7. Related subjects.

"Related subjects," as referred to in § 54.1-2105 of the Code of Virginia, shall be real estate related and shall include, but are not limited to, courses in property management, land planning and land use, business law, real estate economics, and real estate investments.

§ 7.8. Required specific courses.

Brokerage shall be a required specific course with three semester hours or six quarter hours constituting a complete course.

§ 7.9. Credit for broker-related courses.

No more than three semester hours or three quarter hours of broker-related courses shall be accepted in lieu of specific broker courses.

§ 7.10. Broker-related course approval procedure.

Schools intending to offer equivalent broker courses must submit to the board for approval a copy of the syllabus of the particular course with a cover letter requesting approval. In addition, the school must accompany these materials with a copy of a comparable course syllabus from an accredited university, college, or community college to establish equivalency.

NOTICE: The forms used in administering the Virginia Real Estate Board Licensing Regulations are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Commerce, 3600 West Broad Street, Richmond, Virginia, or at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Room 262, Richmond, Virginia.

General Instructions for Completion of All Real Estate Application Forms
Real Estate Salesperson Application
Real Estate Broker Application
Real Estate Concurrent Broker Application (RE10 - 10/2/89)
Rental Location Agent Registration Application (RE8 - 10/2/89)
Rental Location Agency Application (RE5 - 10/2/89)
Real Estate Business License Application
Real Estate Branch Office Application
Real Estate Activate Application
Real Estate Transfer Application

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-01-37. Aid to Dependent Children - Elimination of Monthly Reporting.

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

Effective Date: April 22, 1992.

Summary:

Applicants and recipients are not required to report income and circumstances monthly. Changes in income and circumstances are to be reported to the agency the day the change occurs or the following working day.

VR 615-01-37. Aid to Dependent Children - Elimination of Monthly Reporting.

§ 1. Definitions.

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

"ADC" means Aid to Dependent Children.

"Monthly reporting" is the process where an ADC recipient files a report of income and circumstances every month in order to be considered for continuing eligibility for ADC.

"Reporting changes requirement" means the applicant/recipient must report all changes the day the change occurs or the [next following] working day.

§ 2. Elimination of monthly reporting. Recipients, including those not eligible for a money payment due to the minimum payment requirement, are required to report monthly if: (a) earnings are being received by a member of the assistance unit (including student earnings) or a person living with the assistance unit whose earnings are deemed available (earnings are considered deemed when being received, regardless of whether they are sufficient to be counted in the grant computation); (b) any assistance unit member who has a recent work history, as well as those individuals whose earnings are deemed available to the unit; (c) unearned income is being counted in a computer calculated grant computation; (d) there is a stepparent in the home; (e) a child's deprivation is based on death or incapacity; (f) a child is 16, or older; (g) unearned income was counted in a computer calculated grant computation during the past three months; (h) earned income was counted in a computer calculated grant computation during the past six months; or (i) included in an ADC UP case. *The reporting changes requirement is that the applicant or recipient must report all changes in income and circumstances the day the change occurs or the following working day.*

STATE CORPORATION COMMISSION

February 7, 1992

Administrative Letter 1992-4

TO: All Companies Licensed To Write Private Passenger Automobile And/Or Homeowners Insurance In Virginia

RE: Revisions To VA CP-19(2/92) And VA CP-20(2/92)
(And Annual Submission of VA-CP-12(12/90))

The Bureau of Insurance developed Competitive Pricing Forms to establish a rate level index system for private passenger automobile and homeowners insurance. Administrative letters have been issued to update and revise these forms as needed. Premium information received is published in our Automobile and Homeowners Consumer's Guides.

At this time, we are amending Competitive Pricing Forms VA CP-19 and VA CP-20 to reflect recent legislation which amended Virginia Code Sections 38.2-124 (medical payments) and 38.2-2201 (medical expense) by combining these two coverages.

Administrative Letter 1990-21 dated December 19, 1990, established the procedure for submitting Competitive Pricing Forms annually.

This letter is to notify you that the Bureau of Insurance is designating the next competitive pricing report to be due April 1, 1992. The enclosed transmittal form must be submitted on or before April 1, 1992 and must reflect rates for policies effective on and after April 1, 1992.

Steven T. Foster
Commissioner of Insurance

Transmittal Form

Date: _____

*Rates Effective: _____

Company Name: _____

NAIC No.: _____

RE: VA CP-12 (12/90), VA CP-19 (2/92) and VA CP-20 (2/92)

Please return the completed VA CP-12 (12/90) and the VA CP-19 (2/92) and/or VA CP-20 (2/92) **NO LATER THAN APRIL 1, 1992 TO:**

Priscilla Gauden
Insurance Market Examiner
Bureau of Insurance
State Corporation Commission
Box 1157
Richmond, VA 23209
(804) 786-0551

* Use the effective date of your rates currently on file with the Bureau of Insurance

State Corporation Commission

COMPANY
 VIRGINIA HOMEOWNERS INSURANCE PREMIUMS
 RATES EFFECTIVE

TOTAL
PREMIUM

TERRITORY/CODE

Alexandria/

Frame (\$100,000)
 Masonry (100,000)

Norfolk/

Frame (\$100,000)
 Masonry (100,000)

Richmond/

Frame (\$100,000)
 Masonry (100,000)

Roanoke/

Frame (\$100,000)
 Masonry (100,000)

Charlotte County/ - Use Protection Class 10 -

Frame (\$100,000)
 Masonry (100,000)

(See Reverse Hereof For Instructions)

VA CP-12(12/90)

INSTRUCTIONS

Report ANNUAL premiums for the best fire protection class in each territory for coverage under "Special form (Form 3)" with a \$250 flat deductible. Dollar amounts in parentheses are "insured for" values. Do not apply any other rating rules or procedures. Since Charlotte County is representative of a rural risk, Protection Class 10 should be used.

The premiums displayed contemplate a Section II Liability Limit of \$100,000 and Medical Payments coverage of \$1,000.

NOTE: IF THE COMPANY DOES NOT PROVIDE THE SPECIFIC COVERAGE REQUESTED, PLEASE CLEARLY NOTE THIS FACT AND INDICATE THE DIFFERENCES BELOW AND REPORT THE PREMIUM CHARGED FOR THE POLICY MOST NEARLY COMPARABLE TO THE ONE FOR WHICH PREMIUM DATA IS REQUESTED. FOR EXAMPLE, IF THE COMPANY DOES NOT OFFER A \$250 DEDUCTIBLE, REPORT THE PREMIUMS FOR THE MOST COMPARABLE DEDUCTIBLE.

*COMPANY'S EXCEPTIONS:

Form completed by: _____ Signature _____ Date Completed: _____
 _____ Title _____ Phone: _____

VA CP-12 (12/90)

State Corporation Commission

COMPANY
 VIRGINIA SPECIAL PACKAGE AUTOMOBILE POLICY INSURANCE PREMIUMS
 RATES EFFECTIVE

*MODEL YEAR USED _____
 OCN/SYMBOL USED _____

CLASSIFICATION RATING FACTORS	TERRITORY/CODE	SPECIAL PACKAGE AUTOMOBILE POLICY	UNINSURED MOTORISTS	COMPREHENSIVE	COLLISION	TOTAL
_____	Alexandria/					
_____	Married Adult-Age 45					
_____	Unmarried Male-Age 20					
_____	Unmarried Female-Age 20					
_____	Norfolk/					
_____	Married Adult-Age 45					
_____	Unmarried Male-Age 20					
_____	Unmarried Female-Age 20					
_____	Richmond/					
_____	Married Adult-Age 45					
_____	Unmarried Male-Age 20					
_____	Unmarried Female-Age 20					
_____	Roanoke/					
_____	Married Adult-Age 45					
_____	Unmarried Male-Age 20					
_____	Unmarried Female-Age 20					
_____	Charlotte County/					
_____	Married Adult-Age 45					
_____	Unmarried Male-Age 20					
_____	Unmarried Female-Age 20					

(See Reverse Hereof for Instructions)
 (Complete both sides)

* Use current model year. (Remember, model year changes October 1 to the next year. Any exception to the October 1 model year change should be clearly noted.)

VA CP-19 (2/92)

INSTRUCTIONS:

Report ANNUAL premiums for minimum Special Package Automobile Policy liability coverage, including uninsured motorists coverage, required by Virginia's financial responsibility laws; i.e., SPAP-\$70,000 Single Limit with \$2,000 Medical Expense Benefits and \$1,000 Death Benefit and Uninsured Motorists coverage at minimum limits. Report ANNUAL Special Package Automobile Policy physical damage premiums for a new, standard performance intermediate class car (OCN \$12,000, Age Group 1), with Bumper Discount, where applicable. Report Comprehensive premiums with a \$50 deductible. Report Collision premiums with a \$100 deductible.

Report premiums for risks who are owners or principal operators, who are accident and conviction free for the preceding three years, who have had driver training, who do not use their vehicles for business, who drive 12,000 miles a year and who drive to or from work 9 miles each way. (Report the married adult premium for a risk whose vehicle is customarily operated by no one other than the named insured or spouse.) Do not apply any other rating rules or procedures.

- NOTE:
1. IF THE COMPANY DOES NOT PROVIDE THE SPECIFIC COVERAGE REQUESTED, PLEASE CLEARLY NOTE THIS FACT BELOW* AND REPORT THE PREMIUM CHARGED FOR THE POLICY MOST NEARLY COMPARABLE TO THE ONE FOR WHICH PREMIUM DATA IS REQUESTED. FOR EXAMPLE, IF THE COMPANY DOES NOT OFFER A \$50 DEDUCTIBLE COMPREHENSIVE, REPORT THE PREMIUMS FOR THE MOST COMPARABLE DEDUCTIBLE.
 2. INCLUDE, BY SEPARATE ATTACHMENT, A SPECIFIC EXAMPLE OF THE METHOD OF CALCULATION USED TO COMPUTE THESE PREMIUMS. THE EXAMPLE SHOULD INCLUDE ALL THE STEPS NECESSARY TO COMPUTE THE FINAL PREMIUM, SUCH AS ROUNDING, APPLICATION OF FACTORS, ETC.

***COMPANY'S EXCEPTIONS:**

Form completed by: _____ Signature _____ Date Completed: _____
 _____ Title _____ Phone: _____

VA CP-19 (2/92)

State Corporation Commission

COMPANY
VIRGINIA PRIVATE PASSENGER AUTOMOBILE INSURANCE PREMIUMS
RATES EFFECTIVE

*MODEL YEAR USED _____
OCN/SYMBOL USED _____

CLASSIFICATION RATING FACTORS	TERRITORY/CODE	BODILY INJURY	PROPERTY DAMAGE	MEDICAL EXPENSE BENEFITS	COMPREHENSIVE	COLLISION	TOTAL
_____	Alexandria/	_____	_____	_____	_____	_____	_____
_____	Married Adult-Age 45	_____	_____	_____	_____	_____	_____
_____	Unmarried Male-Age 20	_____	_____	_____	_____	_____	_____
_____	Unmarried Female-Age 20	_____	_____	_____	_____	_____	_____
_____	Norfolk/	_____	_____	_____	_____	_____	_____
_____	Married Adult-Age 45	_____	_____	_____	_____	_____	_____
_____	Unmarried Male-Age 20	_____	_____	_____	_____	_____	_____
_____	Unmarried Female-Age 20	_____	_____	_____	_____	_____	_____
_____	Richmond/	_____	_____	_____	_____	_____	_____
_____	Married Adult-Age 45	_____	_____	_____	_____	_____	_____
_____	Unmarried Male-Age 20	_____	_____	_____	_____	_____	_____
_____	Unmarried Female-Age 20	_____	_____	_____	_____	_____	_____
_____	Roanoke/	_____	_____	_____	_____	_____	_____
_____	Married Adult-Age 45	_____	_____	_____	_____	_____	_____
_____	Unmarried Male-Age 20	_____	_____	_____	_____	_____	_____
_____	Unmarried Female-Age 20	_____	_____	_____	_____	_____	_____
_____	Charlotte County/	_____	_____	_____	_____	_____	_____
_____	Married Adult-Age 45	_____	_____	_____	_____	_____	_____
_____	Unmarried Male-Age 20	_____	_____	_____	_____	_____	_____
_____	Unmarried Female-Age 20	_____	_____	_____	_____	_____	_____

(See Reverse Hereof for Instructions)
(Complete both sides)

* Use current model year. (Remember, model year changes October 1 to the next year. Any exception to the October 1 model year change should be clearly noted.)

VA CP 20 (2/92)

INSTRUCTIONS:

Report **ANNUAL** premiums for minimum liability coverage, including uninsured motorists coverage, required by Virginia's financial responsibility laws; i.e., Bodily Injury limits of \$25,000/\$50,000, Property Damage limits of \$20,000, Uninsured Motorists coverage at minimum limits and Medical Expense Benefits coverage of \$2,000. Report **ANNUAL** physical damage premiums for a new, standard performance intermediate class car (OCN \$12,000, Age Group 1), with Bumper Discount, where applicable. Report Comprehensive premiums with a \$50 deductible. Report Collision premiums with a \$100 deductible.

Report premiums for risks who are owners or principal operators, who are accident and conviction free for the preceding three years, who have had driver training, who do not use their vehicles for business, who drive 12,000 miles a year and who drive to or from work 9 miles each way. (Report the married adult premium for a risk whose vehicle is customarily operated by no one other than the named insured or spouse.) Do not apply any other rating rules or procedures.

- NOTE:**
- IF THE COMPANY DOES NOT PROVIDE THE SPECIFIC COVERAGE REQUESTED, PLEASE CLEARLY NOTE THIS FACT BELOW* AND REPORT THE PREMIUM CHARGED FOR THE POLICY MOST NEARLY COMPARABLE TO THE ONE FOR WHICH PREMIUM DATA IS REQUESTED. FOR EXAMPLE, IF THE COMPANY DOES NOT OFFER A \$50 DEDUCTIBLE COMPREHENSIVE OR MINIMUM LIABILITY COVERAGE, REPORT THE PREMIUMS FOR THE MOST COMPARABLE DEDUCTIBLE OR LIMIT.
 - INCLUDE, BY SEPARATE ATTACHMENT, A SPECIFIC EXAMPLE OF THE METHOD OF CALCULATION USED TO COMPUTE THESE PREMIUMS. THE EXAMPLE SHOULD INCLUDE ALL THE STEPS NECESSARY TO COMPUTE THE FINAL PREMIUM, SUCH AS ROUNDING, APPLICATION OF FACTORS, ETC.

***COMPANY'S EXCEPTIONS:**

Form completed by: _____ Signature _____ Date Completed _____
 _____ Title _____ Phone: _____

VA CP-20 (2/92)

State Corporation Commission

February 19, 1992

Administrative Letter 1992-6

TO: All Companies Licensed to Write Title Insurance in Virginia and All Licensed Title Insurance Agents in Virginia

RE: Prohibition Against the Payment or Receipt of Title Insurance Kickbacks, Rebates, Commissions and Other Payments

Subsection A of Section 38.2-4614 prohibits a person selling real estate, or performing services as a real estate agent, attorney, or lender, who performs services regarding a particular real estate settlement or sale, from paying or receiving, directly or indirectly, any payment in connection with the issuance of title insurance on the property. The Code further states that no title insurance company, agency or agent shall make any such payment. This section does not apply to federally insured lenders, holding companies to which they belong, or subsidiaries of such lenders or holding companies.

Subsection C of Section 38.2-4614 states that the kickback prohibition is not violated solely by ownership in a "bona fide title insurance company, agency or agent", which is defined as "...a company, agency or agent that passes upon and makes title insurance underwriting decisions on title risks, including the issuance of title insurance policies or binders and endorsements."

A recent Bureau investigation has revealed that some companies have arranged for what are sometimes referred to as "sub-agency" programs. These agencies which are incorporated and owned by attorneys or realtors do not meet the definition of a bona fide title insurance agency. Some do no actual title work and others contract the title work back to the title insurer, including the title search, underwriting, and the issuance of the policy and commitment. As stated in the statute, a bona fide title agency makes underwriting decisions on title risks, and issues policies or binders and endorsements. The "sub-agency" programs are considered a violation of Section 38.2-4614 and any title company making payments to these agencies is in violation of the statute.

In addition to these practices, we have been made aware of title companies and agencies offering free settlement services and discounts on settlement fees with the purchase of a title policy. Other companies and agents are offering free homeowner warranties with the purchase of a title policy. We believe these practices are in conflict with Virginia Code Section 38.2-509(2), which prohibits the offering or giving directly or indirectly of any valuable consideration as inducement to an insurance contract.

You should make certain that your company or agency is in compliance with the requirements of these statutes. Arrangements which are in violation of the Code may result in monetary penalties, the revocation of your license

or conviction for a misdemeanor.

Should you have any questions concerning this matter, please contact the Bureau of Insurance in writing.

Steven T. Foster
Commissioner of Insurance

AT RICHMOND, FEBRUARY 26, 1992

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE920003

Ex Parte, In re: Consideration
of a rule governing Accounting for
Postretirement Benefits other than
Pensions

ORDER GRANTING EXTENSION OF TIME AND EXCLUDING ELECTRIC COOPERATIVES FROM PROCEEDING

On January 21, 1992, the Virginia State Corporation Commission ("Commission") entered an Order establishing a rulemaking to consider the propriety of adopting a rule governing the accounting treatment for other postretirement employment benefits ("OPEB"). This Order invited interested persons, including public utilities subject to the Commission's jurisdiction to file with the Commission, on or before February 28, 1992, an original and fifteen (15) copies of written comments addressing the issues raised in the January 21 Order, together with comments on any other issues of special concern related to OPEB. It further directed that any request for oral argument on these issues be filed with the Commission on or before February 28, 1992. That Order directed the Commission Staff to file a Report, on or before April 17, 1992, analyzing the comments received, together with the Staff's recommended treatment for OPEB. On February 18, 1992, Virginia Natural Gas, Inc. ("VNG") filed a request for an extension of time in which to prepare its comments in the captioned docket. It cited the complexity of OPEB related issues and its extensive workload associated with year-end closings and annual reporting requirements in support of its request. VNG seeks an extension of the comment period to May 15, 1992. Subsequent requests for an extension of time in which to file comments were filed by Delmarva Power & Light Company, Washington Gas Light Company, the Virginia Telephone Association, Central Virginia Electric Cooperative, and Shenandoah Telephone Company.

On February 24, 1992, A & N Electric Cooperative, BARC Electric Cooperative, Community Electric Cooperative, Craig-Botetourt Electric Cooperative, Mecklenburg Electric Cooperative, Northern Neck Electric Cooperative, Northern Virginia Electric Cooperative, Powell Valley Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative,

State Corporation Commission

Shenandoah Valley Electric Cooperative, and Southside Electric Cooperative (hereafter collectively referred to as "the Cooperatives"), by counsel, requested the Commission to extend the date for filing comments for the Cooperative to January 3, 1994. In the alternative, the Cooperatives requested that the scope of this rulemaking be limited by excluding electric cooperatives from the rulemaking. In support of their Motion, the Cooperatives noted that FASB Statement No. 106 becomes effective for the fiscal years beginning after December 15, 1992, for most public utilities, but that Statement No. 106 does not become effective for cooperatives until fiscal years beginning after December 15, 1994. In addition, the Cooperative noted in their Motion that the Rural Electrification Administration ("REA") was also considering a rulemaking on the implementation of Statement 106, and, in addition to the accounting procedures already prescribed in Statement 106, was expected to address REA funding requirements for retiree medical costs, permissible accounting deferrals for ratemaking purposes associated with postretirement benefits, and the effects of recording the transition obligation on a borrower's TIER calculations.

On February 25, 1992, Virginia Electric and Power Company ("Virginia Power") filed a Response to the requests for an extension of time in which to file comments. In its Response, Virginia Power noted that while it did not oppose requests seeking an additional 30 day extension, it was concerned with the potential consequences of a delay greater than 30 days.

NOW THE COMMISSION, having considered the requests for extension, is of the opinion and finds that an extension of time in which to file comments and requests for oral argument is reasonable and will not unduly prejudice any person interested in this proceeding; that an extension of time in which to file comments and request oral argument should be granted through April 15, 1992, for all parties and should not unduly delay the efficient and expeditious determination of the issues raised in this proceeding; that given the complexity of the OPEB issue and the potential activity on this issue by REA, the Cooperatives' request that they be excluded from this rulemaking and a separate docket created at an appropriate date should be granted; that the time for filing the Staff's Report in this matter should be extended to June 15, 1992; and that public utilities subject to our jurisdiction should make a copy of this Order available for public review at their respective business offices where customer bills may be paid.

Accordingly, IT IS ORDERED:

- (1) That the time in which all interested persons may file written comments or request oral argument on the issues raised in the January 21, 1992 Order Directing notice and Inviting Comments shall be extended to April 15, 1992;
- (2) That the time in which the Commission Staff shall file its Report analyzing the comments received herein, and presenting the Staff's recommendations

concerning the appropriate treatment for OPEB shall be extended to June 15, 1992, and Staff shall serve a copy of said Report upon all the public utilities subject to the Commission's jurisdiction, and upon all interested persons submitting written comments or requests for hearing;

(3) That the Cooperatives' Motion is granted to the extent that it requests us to exclude electric cooperatives from this docket and create a separate docket for them at a later date;

(4) That the public utilities subject to the Commission's jurisdiction shall make a copy of this Order available for public review at their respective business offices where customer bills may be paid.

(5) That the remaining findings and directives of the January 21, 1992 Order Directing Notice and Inviting Comment shall remain in effect, and this matter shall be continued until further Commission Order; and

(6) That this Order shall be sent by the Clerk of the Commission to: all public utilities subject to the Commission's jurisdiction, together with the other parties listed in the attached Service List; the Division of Consumer Counsel, Office of the Attorney General of Virginia, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Energy Regulation, Public Utility Accounting, and Economics and Finance.

AT RICHMOND, MARCH 3, 1992

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

v.

CASE NO. INS920076

Ex Parte: In the matter
of adopting Rules Governing
Accelerated Benefits Provisions

ORDER TO TAKE NOTICE

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 provides that the Commission is authorized to issue reasonable rules and regulations governing accelerated benefits provisions of individual and group life insurance policies and to provide required standards of disclosure;

WHEREAS, the Bureau of Insurance has submitted to the Commission a proposed regulation entitled "Rules Governing Accelerated Benefits Provisions" which is attached hereto and made a part hereof; and

WHEREAS, the Commission is of the opinion that the proposed regulation should be adopted;

THEREFORE, IT IS ORDERED:

(1) That all interested persons TAKE NOTICE that the Commission shall enter an order subsequent to April 15, 1992, adopting the regulation proposed by the Bureau of Insurance unless on or before April 15, 1992, any person objecting to the adoption of such a regulation files a request for a hearing, specifying in detail their objection to the adoption of the proposed regulation, with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23216;

(2) That an attested copy hereof shall 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 adoption of the regulation to all insurance companies licensed to write life insurance in the Commonwealth of Virginia; and

(3) That the Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

Rules Governing Accelerated Benefits Provisions (Insurance Regulation No. 44)

Section 1. Authority.

This Regulation is issued pursuant to the authority vested in the Commission under § 38.2-223 of the Code of Virginia.

Section 2. Purpose.

The purpose of this Regulation is to regulate accelerated benefit provisions of individual and group life insurance policies and to provide required standards of disclosure. This Regulation shall apply to all accelerated benefits provisions of individual and group life insurance policies except those subject to Insurance Regulation No. 40, Rules Governing Long-Term Care Insurance, issued or delivered in this Commonwealth, on or after the effective date of this Regulation.

Section 3. Effective Date.

A. This Regulation shall be effective on May 15, 1992.

B. No new policy form shall be approved on or after May 15, 1992 unless it complies with this Regulation.

C. No policy form shall be delivered or issued for delivery in this Commonwealth on or after May 15, 1992 unless it complies with this Regulation.

Section 4. Applicability and Scope.

Except as otherwise specifically provided, this Regulation applies to accelerated benefit provisions on individual and group life insurance policies delivered or issued for delivery in this Commonwealth, on or after the effective date hereof, by insurers, fraternal benefit societies, cooperative non-profit life benefit companies or mutual assessment life, accident and sickness insurers.

Section 5. Definitions.

For the purposes of this Regulation:

A. "Accelerated benefits" as used in this Regulation means benefits payable under a life insurance contract:

(1) To a policyowner or certificateholder, during the lifetime of the insured, in anticipation of death or upon the occurrence of specified life-threatening or catastrophic conditions as defined by the policy or rider; and

(2) Which reduce the death benefit otherwise payable under the life insurance contract; and

(3) Which are payable upon the occurrence of a single qualifying event which results in the payment of a benefit amount fixed at the time of acceleration.

B. "Qualifying event" means one or more of the following:

(1) A medical condition which would result in a drastically limited life span as specified in the contract, for example, twenty-four (24) months or less; or

(2) A medical condition which has required or requires extraordinary medical intervention, such as, but not limited to, major organ transplant or continuous artificial life support, without which the insured would die; or

(3) Any condition which usually requires continuous confinement in an eligible institution as defined in the contract if the insured is expected to remain there for the rest of his or her life; or

(4) A medical condition which would, in the absence of extensive or extraordinary medical treatment, result in a drastically limited life span. Such conditions may include, BUT ARE NOT LIMITED TO, one or more of the following:

(a) Coronary artery disease resulting in an acute infarction or requiring surgery;

(b) Permanent neurological deficit resulting from cerebral vascular accident;

(c) End stage renal failure;

State Corporation Commission

(d) Acquired Immune Deficiency Syndrome; or

(e) Other medical conditions which the Commission shall approve for any particular filing; or

(5) Other qualifying events which the Commission shall approve for any particular filing.

Section 6. Type of Product.

Accelerated benefit riders and life insurance policies with accelerated benefit provisions are primarily mortality risks rather than morbidity risks. They are life insurance benefits subject to Chapter 31 § 38.2-3100 et seq., Chapter 32 § 38.2-3200 et seq., and Chapter 33 § 38.2-3300 et seq. of Title 38.2 of the Code of Virginia.

Section 7. Assignee/Beneficiary.

Prior to the payment of the accelerated benefit, the insurer is required to obtain from any assignee or irrevocable beneficiary a signed acknowledgement of concurrence for payout. If the insurer making the accelerated benefit is itself the assignee under the policy, no such acknowledgement is required.

Section 8. Criteria for Payment.

A. Lump Sum Settlement Option Required.

Contract payment options shall include the option to take the benefit as a lump sum. The benefit shall not be made available as an annuity contingent upon the life of the insured.

B. Restrictions on Use of Proceeds.

No restrictions are permitted on the use of the proceeds.

C. Accidental Death Benefit Provision.

If any death benefit remains after payment of an accelerated benefit, the accidental death benefit provision, if any, in the policy or rider shall not be affected by the payment of the accelerated benefit.

Section 9. Required Disclosure Provision.

A. Descriptive Title.

The terminology "accelerated benefit" shall be included in the descriptive title. Products regulated under this Regulation shall not be described or marketed as long-term care insurance or as providing long-term care benefits.

B. Tax Consequences.

A disclosure statement is required at the time of application for the policy or rider and at the time the

accelerated benefit payment request is submitted that receipt of these accelerated benefits may be taxable and that assistance should be sought from a personal tax advisor. The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related documents.

C. Solicitations.

(1) A written disclosure including, but not necessarily limited to, a brief description of the accelerated benefit and definitions of the conditions or occurrences triggering payment of the benefits shall be given to the applicant. The description shall include an explanation of any effect of the payment of a benefit on the policy's cash value, accumulation account, death benefit, premium, policy loans and policy liens.

(a) In the case of agent solicited insurance, the agent shall provide the disclosure form to the applicant prior to or concurrently with the application. Acknowledgment of the disclosure shall be signed by the applicant and writing agent.

(b) In the case of a solicitation by direct response methods, the insurer shall provide the disclosure form to the applicant at the time the policy is delivered, with a notice that a full premium refund shall be received if the policy is returned to the company within the free look period.

(c) In the case of group insurance policies, the disclosure form shall be contained as part of the certificate of coverage or any related document furnished by the insurer for the certificateholder.

(2) If there is a premium or cost of insurance charge, the insurer shall give the applicant a generic illustration numerically demonstrating any effect of the payment of a benefit on the policy's cash value, accumulation account, death benefit, premium, policy loans and policy liens.

(a) In the case of agent solicited insurance, the agent shall provide the illustration to the applicant prior to or concurrently with the application.

(b) In the case of a solicitation by direct response methods, the insurer shall provide the illustration to the applicant at the time the policy is delivered.

(c) In the case of group insurance policies, the disclosure form shall be contained as part of the certificate of coverage or any related document furnished by the insurer for the certificateholder.

(3) Disclosure of Premium Charge.

(a) Insurers with financing options other than as described in Section 13 A(2) and (3) of this

Regulation shall disclose to the policyowner any premium or cost of insurance charge for the accelerated benefit. These insurers shall make a reasonable effort to assure that the certificateholder is aware of any additional premium or cost of insurance charge if the certificateholder is required to pay such charge.

(b) Insurers shall furnish an actuarial demonstration to the Commission when filing the product disclosing the method of arriving at their cost for the accelerated benefit.

(4) Disclosure of Administrative Expense Charge.

The insurer shall disclose to the policyowner any administrative expense charge. The insurer shall make a reasonable effort to assure that the certificateholder is aware of any administrative expense charge if the certificateholder is required to pay such charge.

D. Effect of the Benefit Payment.

When a policyowner or certificateholder requests an acceleration, the insurer shall send a statement to the policyowner or certificateholder and irrevocable beneficiary showing any effect that the payment of the accelerated benefit will have on the policy's cash value, accumulation account, death benefit, premium, policy loans and policy liens. The statement shall disclose that receipt of accelerated benefit payments may adversely affect the recipient's eligibility for Medicaid or other government benefits or entitlements. In addition, receipt of an accelerated benefit payment may be taxable and assistance should be sought from a personal tax advisor. When a previous disclosure statement becomes invalid as a result of an acceleration of the death benefit, the insurer shall send a revised disclosure statement to the policyowner or certificateholder and irrevocable beneficiary. When the insurer agrees to accelerate death benefits, the insurer shall issue an amended schedule page to the policyholder or notify the certificateholder under a group policy to reflect any new, reduced in-force face amount of the contract.

Section 10. Effective Date of the Accelerated Benefits.

The accelerated benefit provision shall be effective for accidents on the effective date of the policy or rider. The accelerated benefit provision shall be effective for illness no more than thirty (30) days following the effective date of the policy or rider.

Section 11. Waiver of Premiums.

The insurer may offer a waiver of premium for the accelerated benefit provision in the absence of a regular waiver of premium provision being in effect. At the time the benefit is claimed, the insurer shall explain any continuing premium requirement to keep the policy in force.

Section 12. Discrimination.

Insurers shall not unfairly discriminate among insureds with differing qualifying events covered under the policy or among insureds with similar qualifying events covered under the policy. Insurers shall not apply further conditions on the payment of the accelerated benefits other than those conditions specified in the policy or rider.

Section 13. Actuarial Standards.

A. Financing Options.

(1) The insurer may require a premium charge or cost of insurance charge for the accelerated benefit. These charges shall be based on sound actuarial principles. In the case of group insurance, the additional cost may also be reflected in the experience rating.

(2) The insurer may pay a present value of the face amount. The calculation shall be based on any applicable actuarial discount appropriate to the policy design. The interest rate or interest rate methodology used in the calculation shall be based on sound actuarial principles and disclosed in the contract or actuarial memorandum. The maximum interest rate used shall be no greater than the greater of:

(a) The current yield on 90 day treasury bills; or

(b) The current maximum statutory adjustable policy loan interest rate.

(3) The insurer may accrue an interest charge on the amount of the accelerated benefits. The interest rate or interest rate methodology used in the calculation shall be based on sound actuarial principles and disclosed in the contract or actuarial memorandum. The maximum interest rate used shall be no greater than the greater of:

(a) The current yield on 90 day treasury bills; or

(b) the current maximum statutory adjustable policy loan interest rate.

The interest rate accrued on the portion of the lien which is equal in amount to the cash value of the contract at the time of the benefit acceleration shall be no more than the policy loan interest rate stated in the contract.

B. Effect on Cash Value.

(1) Except as provided in Section 13B(2), when an accelerated benefit is payable, there shall be no more than a pro rata reduction in the cash value based on the percentage of death benefits accelerated to produce the accelerated benefit payment.

(2) Alternatively, the payment of accelerated benefits,

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any administrative expense charges, any future premiums and any accrued interest can be considered a lien against the death benefit of the policy or rider and the access to the cash value may be restricted to any excess of the cash value over the sum of any other outstanding loans and the lien. Future access to additional policy loans could also be limited to any excess of the cash value over the sum of the lien and any other outstanding policy loans.

C. Effect of Any Outstanding Policy Loans on Accelerated Death Benefit Payment.

When payment of an accelerated benefit results in a pro rata reduction in the cash value, the payment may not be applied toward repaying an amount greater than a pro rata portion of any outstanding policy loans.

Section 14. Actuarial Disclosure and Reserves.

A. Actuarial Memorandum.

A qualified actuary should describe the accelerated benefits, the risks, the expected costs and the calculation of statutory reserves in an actuarial memorandum accompanying each filing. The insurer shall maintain in its files descriptions of the bases and procedures used to calculate benefits payable under these provisions. These descriptions shall be made available for examination by the Commission upon request.

B. Reserves.

(1) When benefits are provided through the acceleration of benefits under group or individual life policies or riders to such policies, policy reserves shall be determined in accordance with §§ 38.2-3126 through 38.2-3144. All valuation assumptions used in constructing the reserves shall be determined as appropriate for statutory valuation purposes by a Member in good standing of the American Academy of Actuaries. Mortality tables and interest currently recognized for life insurance reserves by the National Association of Insurance Commissioners may be used as well as appropriate assumptions for the other provisions incorporated in the policy form. The actuary must follow both actuarial standards and certification for good and sufficient reserves. Reserves in the aggregate should be sufficient to cover:

- (a) Policies upon which no claim has yet arisen.
- (b) Policies upon which an accelerated claim has arisen.

(2) For policies and certificates which provide actuarially equivalent benefits, no additional reserves need to be established.

(3) Policy liens and policy loans, including accrued interest, represent assets of the company for statutory

reporting purposes. For any policy on which the policy lien exceeds the policy's statutory reserve liability such excess must be held as a non-admitted asset.

Section 15. Filing Requirement.

The filing and prior approval of forms containing an accelerated benefit is required.

Section 16. Severability.

If any provision of this Regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of this Regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Title of Regulation: **VR 240-04-2. Rules Relating to the Forfeited Drug Asset Sharing Program.**

Governor's Comment:

Promulgation of these regulations would establish regulations for the Forfeited Drug Asset Sharing Program by the Department of Criminal Justice Services. Approval is recommended.

/s/ Lawrence Douglas Wilder
Governor
Date: February 24, 1992

BOARD OF MEDICINE

Title of Regulation: **VR 465-05-01. Governing the Practice of Physician's Assistants.**

Governor's Comment:

I concur with the form and the content of this proposal. My final approval will be contingent upon a review of the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: February 23, 1992

DEPARTMENT OF WASTE MANAGEMENT

Title of Regulation: **VR 672-20-11. Solid Waste Management Facility Permit Application.**

Governor's Comment:

As the regulations to establish permit fees are intended to defray a portion of the cost associated with issuing a permit, I recommend approval pending public comment.

/s/ Lawrence Douglas Wilder
Governor
Date: February 26, 1992

* * * * *

Title of Regulation: **VR 672-30-1. Regulations Governing the Transportation of Hazardous Materials.**

Governor's Comment:

The proposal would comply with the amended hazardous material transportation rules of the U.S. Department of Transportation. Federal law requires state regulations to be consistent with federal rules. Pending public comments, I recommend approval of the proposal.

/s/ Lawrence Douglas Wilder
Governor
Date: February 22, 1992

STATE WATER CONTROL BOARD

Title of Regulation: **VR 680-14-09. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Domestic Sewage Discharges of Less than or Equal to 1,000 Gallons Per Day.**

Governor's Comment:

As this regulation reduces paperwork for small discharges and administrative time processing the permits, yet should not adversely affect water quality, I recommend approval pending public comment.

/s/ Lawrence Douglas Wilder
Governor
Date: February 28, 1992

* * * * *

Title of Regulation: **VR 680-15-02. Virginia Water Protection Permit Regulation.**

Governor's Comment:

As the regulations are necessary to protect water quality, I recommend approval pending public comment.

/s/ Lawrence Douglas Wilder
Governor
Date: February 18, 1992

* * * * *

Title of Regulation: **VR 680-21-00. Water Quality Standards.**

Governor's Comment:

As the regulations are necessary to protect water quality, aquatic life and human health, I recommend approval at this time, however, I will withhold my final opinion until I have reviewed the public's comments.

/s/ Lawrence Douglas Wilder
Governor
Date: March 3, 1992

* * * * *

Governor

Title of Regulation: **VR 680-21-00. Water Quality Standards.**

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

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

Governor's Comment:

As the regulation protects water quality and reduces the level of copper to protect an endangered species of freshwater mussels, I recommend approval pending public comment.

/s/ Lawrence Douglas Wilder

Governor

Date: February 26, 1992

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

GENERAL NOTICES

NOTICE

Notices of Intended Regulatory Action are published as a separate section at the beginning of each issue of the Virginia Register.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

† General Notice

Office of Weights and Measures

Administrative Procedure for Processing Violations for Civil Penalty Assessment

Inspector

1. Documents violations at time of inspection.
2. Writes Summary of Violations immediately following inspection.
3. Forwards reports and summary related to violations to regional manager by Friday of each week. (6 days or less after violation)

Regional Manager

1. Evaluates violations to determine needed level of enforcement and initiates action within 8 working days. In no cases will this period of time be more than 3 weeks after the date of inspection.

Supervisor of Field Operations

1. Reviews all submitted reports from regional managers for completeness and accuracy. Within 5 work days submits to compliance officer for action.

Compliance Officer

1. If minor violation, send an official Notice of Violation within 5 work days to alleged violator; copy to inspector, and post in tracking docket.
2. If violation warrants a Civil Penalty, prepare a penalty assessment worksheet; prepare a Notice of Violation, and penalty assessment explanation within 5

work days for mailing to alleged violator.

3. If Civil Penalty is \$500 or less, mail to alleged violator within 5 work days; and post in tracking docket.

4. If Civil Penalty is greater than \$500, forward to the Program Manager within 3 work days for review and approval.

Program Manager

1. If Civil Penalty of greater than \$500 is approved, return to the compliance officer within 3 work days for mailing to alleged violator, and posting in tracking docket.

2. If Civil Penalty greater than \$500 is not approved, return to compliance officer with 3 work days for reassessment of penalty or issue of Official Notice of Violation.

Compliance Officer

1. Mail approved civil penalty assessment within 2 work days of receipt of approval to alleged violator, along with notification that the assessment can be appealed in a FACT-FINDING CONFERENCE which can be requested by WRITING TO THE COMMISSIONER; send copy to inspector, and post in tracking docket.

2. If penalty is not approved, reassess or send Notice of Warning within 2 work days as recommended; resubmit any penalty assessment for approval as before.

Commissioner

1. Consider written request for FACT-FINDING CONFERENCE within 5 work days of receipt of request; appoint a conference officer as required; request Weights and Measures' compliance officer to schedule the conference with the alleged violator and conference officer.

Compliance Officer

1. If a FACT-FINDING CONFERENCE is requested by alleged violator in writing to the Commissioner within 15 days of the Notice of Violations, schedule conference with conference officer designated by the Commissioner within 5 work days after receiving the request, and notify alleged violator of date and time;

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notify inspector, and post in tracking docket.

Conference Officer appointed by Commissioner

1. Hold FACT-FINDING CONFERENCE as requested to consider all relevant information on violation within 30 days of receipt of request; officer may affirm, raise, lower, or abate penalty or may Negotiate a Settlement based on new information, inform the alleged violator that the decision can be appealed in an ADJUDICATIVE CONFERENCE (on a civil penalty) or in a FORMAL HEARING (for denial, suspension, revocation or modification of a permit, certificate, or registration). REQUEST FOR AN APPEAL CONFERENCE OR HEARING MUST BE IN WRITING TO THE COMMISSIONER.

2. Conference Officer shall affirm, raise, lower, or abate penalty within 5 work days of conference date, and post in tracking docket.

Commissioner

1. Consider written request for ADJUDICATIVE CONFERENCE within 5 work days of receipt of request; appoint a conference officer as required; request Weights and Measures' compliance officer to schedule the conference with the alleged violator and conference officer.

Compliance Officer

1. If an ADJUDICATIVE CONFERENCE is requested by alleged violator in writing within 15 days of receiving the decision from the fact-finding conference, schedule a conference with conference officer designated by the Commissioner within 5 work days after receiving the request; arrange conference to be held in the area of venue; notify the inspector, and post in tracking docket.

Conference Officer appointed by Commissioner

1. Hold ADJUDICATIVE CONFERENCE as requested to hear all relevant information concerning the case within 30 days of receipt of request.

2. Officer shall consider all the facts concerning a civil penalty case, then transmit findings and recommendation to the Board of Agriculture and Consumer Services within 5 work days of conference date.

3. Inform alleged violator that the Board of Agriculture and Consumer Services will hear final verbal arguments (15 minutes maximum time) only upon written request to the Board within 15 days of date of ADJUDICATIVE CONFERENCE.

Commissioner

1. Consider written request for a FORMAL HEARING within 5 work days of receipt of request; if formal hearing is warranted, request Weights and Measures' compliance officer to arrange for a hearing.

Compliance Officer

1. If FORMAL HEARING is requested by the alleged violator or when violations may result in the denial, suspension, revocation or modification of a permit, certificate, or registration, within 15 days of receiving decision from the fact-finding conference, the Compliance Officer will arrange for an attorney appointed by the State Supreme Court to act as the hearing officer within 3 work days after receipt of request; case will be heard in area of venue; notify inspector, and post in tracking docket.

Court Appointed Attorney

1. Hold FORMAL HEARING as requested within 60 days of receipt of request to hear all relevant information concerning the case.

2. Hearing Officer shall consider the facts of related violations presented as part of the same case within 30 work days of the hearing date; and transmit the findings and recommendation to the Board of Agriculture and Consumer Services.

3. Inform alleged violator that the Board will hear final verbal arguments (15 minutes maximum time unless additional time for presentation is petitioned by the alleged violator) only upon written request to the Board within 15 days of date of formal hearing.

Board of Agriculture and Consumer Services

1. Consider recommendations from ADJUDICATIVE CONFERENCE or a FORMAL HEARING at the next Board meeting after receipt of recommendation; Board may hear final arguments from VDACS and alleged violator before rendering a decision; ALLEGED VIOLATOR MUST PETITION THE BOARD TO HEAR VERBAL ARGUMENTS (15 minutes maximum length unless additional time for presentation is petitioned by the alleged violator).

2. Board shall render a decision concerning a civil penalty or the status of a permit, certificate, or registration within 5 work days of considering the case; inform alleged violator that decision can be appealed to court for judicial review. Send a copy of transcript and decision to the Office of Weights and Measures.

COUNCIL ON THE ENVIRONMENT

† Public Notice

Virginia Coastal Resources Management Program Public Meeting Evaluation

A public meeting will be held on Wednesday, April 8, 1992, at the Glens, Virginia (Gloucester County) campus of the Rappahannock Community College from 7 p.m. to 9 p.m. in the college's Lecture Hall to hear comments and recommendations regarding Virginia's Coastal Resources Management Program. The meeting is being held to give the public the opportunity to present its views on how well Virginia's Coastal Resources Management Program meets the objectives of the federal Coastal Zone Management Act.

Federal officials from the office of Ocean and Coastal Resource Management (OCRM) of the National Oceanic and Atmospheric Administration (NOAA) will visit the Commonwealth during the week of April 6 to April 10 to assess the effectiveness of the Virginia Coastal Resources Management Program. Federal review will focus on implementation of Virginia's networked coastal program, which is enforced by the Virginia Marine Resources Commission, State Water Control Board, Air Pollution Control Board, the Game and Inland Fisheries, Health, and Conservation and Recreation departments. The review team also may consider such issues as local government involvement in the program and federal consistency with Virginia coastal policies and regulations.

The April 8 public meeting is the central feature of the federal review process.

Comments regarding Virginia's coastal program may be submitted orally or in writing. Written comments should be mailed to Eric Hughes, CCRM/NOAA, 1825 Connecticut Avenue, N.W., Room 705, Washington, D.C. 20235. Copies of written comments should be forwarded to Keith Buttleman, Administrator, Virginia Council on the Environment, 202 N. Ninth Street, Suite 900, Richmond, Virginia 23219.

For additional information on the Virginia Coastal Resources Management Program and the federal evaluation process, contact Stephen Laughlin, Council on the Environment, (804) 786-4500.

DEPARTMENT OF LABOR AND INDUSTRY

† General Notice

Virginia Occupational Safety and Health Standards For General Industry

Extension of Administrative Stay to the General Industry Standard for Occupational Exposure to Formaldehyde

On February 25, 1992, the Virginia Safety and Health Codes Board adopted an additional extension of the administrative stay for Occupational Exposure to Formaldehyde - § 1910.1048(m)(1)(i).

The effective date of the stay is February 26, 1992, and it will remain in effect through May 5, 1992.

While the stay is in effect, affected employers must continue to comply with the provisions of OSHA's Hazard Communication Standard.

† Notice to the Public

The Safety and Health Codes Board adopted the following Federal OSHA Standards at its meeting on February 25, 1992:

1. Occupational Exposure to Bloodborne Pathogens; Final Rule - 1910.1030.

Effective date is June 1, 1992.

2. Extension of Administrative Stay to the General Industry Standard for Occupational Exposure to Formaldehyde, 1910.1048(m)(1)(i) through (m)(4)(ii).

Effective date is February 26, 1992, and will remain in effect until May 5, 1992.

Contact person for additional information: John J. Crisanti, Director of Office of Enforcement Policy, (804) 786-2384.

MARINES RESOURCES COMMISSION

† Notice of Public Hearing

The Marine Resources Commission invites public comment on recommendations to restore the Virginia oyster industry. During 1991, a panel of industry representatives, legislators, members of local government, scientists and managers appointed by the Secretary of Natural Resources met to discuss the status of Virginia oyster resources and devised a set of recommendations advising the Commission on steps to take to restore the troubled fishery.

The Commission will hold two public hearings to consider testimony regarding these recommendations. Hearings will be held on Monday, March 23 and Monday, April 27, 1992. The hearings will begin at 3 p.m. and will be held at the Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, VA.

Please contact the Fisheries Management Division to obtain a full copy of the Panel Recommendations at P.O. Box 756, 2600 Washington Avenue, Newport News, VA 23507-0756; (804) 247-2248. The scheduled hearing dates and topics are as follows:

Monday, March 23, 1992, 3 p.m.

• Use of Non-Native Oysters for Restoration of Oyster Beds: the Panel has recommended that research be performed to determine potential disease resistance and geographic distribution of Japanese oysters in the

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Chesapeake Bay. Conditional on favorable research results, a test reef is recommended for the York River followed by potential introductions to other areas of the Bay, if the pilot programs are successful.

- **Improve Assistance to Oyster Aquaculture Industry:** the Panel recommends improvements to technical advisory programs designed to assist the aquaculture industry, the study of tax incentives to help industry growth, and promulgation of regulations simplifying permitting requirement for aquaculture facilities.

- **Improve Oyster Markets:** the Panel recommends funding economic studies to understand the best marketing strategies to maximize industry stability and growth.

- **Develop Depuration Techniques:** depuration of oysters is used to eliminate any bacterial contamination from live oysters to ensure product safety. The Panel recommends the development of this technique to use oyster resources in areas closed by the Department of Health and to improve marketability of uncooked oyster products.

Monday, April 27, 1992, 3 p.m.

- **Management of Public Grounds:** the Panel has recommended the following specific harvest restrictions and management measures for public grounds. In general the Panel also endorsed the concept of limited entry as a means of controlling and allocating harvest of limited oyster resources.

James River:

1. Establish an 18' maximum shaft long length
2. Establish an annual harvest quota
3. Increase the minimum size limit to 3" in the Jail Island Clean Cull Area
4. Reduce allowable amount of shell in a bushel of seed oysters from 10 quarts to 6 quarts
5. Create a 2000 acre sanctuary in the Jail Island and Wreck Shoal Area
6. Transplant oysters from Deepwater Shoal to the Sanctuary
7. Allow limited public use of Deepwater Shoal during May if sufficient oysters remain
8. Establish beds for intensive repletion near the Sanctuary

Rappahannock River:

1. Expand the prohibited area for patent tonging to include the area on the southside of the river to the channel above a line connecting Bailey Point

(Urbanna) and Beach Creek (Northside).

2. Establish a 50-acre sanctuary and associated repletion areas

Pocomoke/Tangier Sounds:

Prohibit patent tonging and dredging for 3 years.

Seaside Eastern Shore:

Establish minimum size of 3" in areas in Chincoteague and Hog Island Bays.

Mobjack Bay:

Establish a 50-acre sanctuary and associated repletion areas.

Plankstand and Great Wicomico Rivers:

Continue present role as seed areas for the Repletion Program.

Repletion Strategies:

1. Develop special repletion areas where sanctuaries are established and seeded if necessary; adjacent beds then will be rehabilitated by turning and cleaning or placing clean shell to increase strike of young oysters.
2. Intensively monitor all repletion areas to evaluate success and determine allowable harvest.
3. Monitoring will include complete harvest data as well as scientific survey information by individual oyster bed.

VMRC does not discriminate against individuals with disabilities, therefore, if you are in need of reasonable accommodations due to a disability, please advise Kathy Leonard (804) 247-2120 no less than 72 hours prior to the meeting time and identify your need.

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 Amherst and the Town of Amherst. The County of Amherst will be 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 March 30, 1992 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 804-371-8737/TDD ☎

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 designation.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at (804) 225-2667.

Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of § 10.1-1411 of the Code of Virginia, and Part V, Regulations for the Development of Solid Waste Management Plans, VR 672-50-01, the Director of the Department of Waste Management intends to designate a solid waste management region for the local governments of the Counties of Accomack and Northampton and the Towns of Accomac, Belle Haven, Bloxom, Cape Charles, Cheriton, Chinocoteague, Eastville, Exmore, Hallwood, Keller, Melfa, Nassawadox, Onancock, Onley, Painter, Parksley, Saxis, Tangier, and Wachpreague. The Accomack-Northampton Solid Waste Management Committee will be 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 March 30, 1992 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 804-371-8737/TDD ☎

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Public Notice

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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 Franklin and the Towns of Rocky Mount and Boones Mill. The County of Franklin will be 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 March 30, 1992 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 804-371-8737/TDD ☎

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Public Notice

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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 Grayson, City of Galax and the Towns of Independence, Troutdale, and Fries. The County of Grayson will be 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

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governments.

Anyone wishing to comment on the designation of this region should respond in writing by 5 p.m. on March 30, 1992 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 804-371-8737/TDD ☎

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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 Henry, the City of Martinsville and the Town of Ridgeway. The County of Henry will be 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 March 30, 1992 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 804-371-8737/TDD ☎

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 designation.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at (804) 225-2667.

Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of § 10.1-1411 of the

Code of Virginia, and Part V, Regulations for the Development of Solid Waste Management Plans, VR 672-50-01, the Director of the Department of Waste Management intends to designate a solid waste management region for the local governments of the County of Highland and the Town of Monterey. The County of Highland will be 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 March 30, 1992 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 804-371-8737/TDD ☎

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 designation.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at (804) 225-2667.

† Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of § 10.1-1411 of the Code of Virginia, and Part V, Regulations for the Development of Solid Waste Management Plans, VR 672-50-01, the Director of the Department of Waste Management intends to designate a solid waste management region for the local governments of the County of Lee and the Towns of Jonesville, Pennington Gap and St. Charles. The County of Lee will be 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 April 21, 1992 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 804-371-8737/TDD ☎

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 designation.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at (804) 225-2667.

Public Notice

Designation of Regional Solid Waste Management Planning Area

In accordance with the provision of § 10.1-1411 of the Code of Virginia, and Part V, Regulations for the Development of Solid Waste Management Plans, VR 672-50-01, the Director of the Department of Waste Management intends to designate a solid waste management region for the local governments of the County of Rockbridge, the Cities of Lexington and Buena Vista, and the Towns of Glasgow and Goshen. The County of Rockbridge will be 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 March 30, 1992 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 804-371-8737/TDD ☎

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 designation.

Any questions concerning this notice should be directed to Ms. Cheryl Cashman, Legislative Liaison, at (804) 225-2667.

VIRGINIA CODE COMMISSION

NOTICE 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 copy. Our FAX number is: 371-0169.

FORMS FOR FILING MATERIAL ON DATES FOR PUBLICATION IN THE VIRGINIA REGISTER OF REGULATIONS

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT of PLANNING AND BUDGET (Transmittal Sheet) - DPBR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

ERRATA

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

Title of Regulation: VR 173-02-01. Chesapeake Bay Preservation Area Designation and Management Regulations.

Publication: 7:24 VA.R. 3782 August 26, 1991.

Correction to Final Regulation:

(The following language was dropped by the computer.)

Page 3782, § 4.1, last line of the first paragraph, after " in" insert " *nonpoint source pollution from agricultural and siluiculture uses.* "

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-14-07. Oil Discharge Contingency Plans and Administrative Fees for Approval.

Publication: 8:7 VA.R. 1147-1159 December 30, 1991.

Correction to Final Regulation:

Page 1149, § 5 A 11, line 3, delete

; and

General Notices/Errata

insert

, and

Page 1150, § 5 A 13 b, line 6, after “ areas ,”

insert

wildlife refuges, management areas

Page 1152, § 5 C, line 14, after “ *signat*”

insert

by a general

Page 1153, § 5 K 3, line 1, after “ *approvat*”

insert

[*or of this regulation*]

Page 1154, § 6 C 2 b, line 1, after “storage,”

insert

handling or

Page 1154, § 6 C 2 c, line 1, after “storage,”

insert

handling or

Title of Regulation: VR 680-14-08. Financial Responsibility Requirements and Administrative Fees for Approval.

Publication: 8:7 V.A.R. 1160-1177 December 30, 1991.

Correction to Final Regulation:

Page 1162, § 5 E 5, line 6, after “§ 62.1-44.34:16”

insert

of the Code of Virginia .

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



Long-Term Care Ombudsman Program Advisory Council

March 26, 1992 - 9 a.m. - Open Meeting

Richmond Memorial Hospital, Laburnum Conference Room, 1300 Westbrook Avenue, Richmond, Virginia. ☒

Deborah Little from the Department of Health will discuss licensure and certification of nursing facilities and OBRA implementation in Virginia. Business will include finalizing plans for the development of a citizen advocacy network.

Contact: Ms. Virginia Dize, State Ombudsman, Virginia Department for the Aging, 700 E. Franklin Street, 10th Floor, Richmond, VA 23219, telephone (804) 225-2271/TDD ☎ or toll-free 1-800-552-3402.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Pesticide Control Board

April 16, 1992 - 10 a.m. - Open Meeting

April 17, 1992 - 9 a.m. - Open Meeting

The Community Cultural Center, Northern Virginia Community College, 8333 Little River Turnpike, Annandale, Virginia. ☒

During the general business meeting, the board will conduct a forum, during which the public may comment on the residential use of pesticides. Beginning at 9 a.m. the public will also have an opportunity to comment on matters not on the board's agenda. Portions of the meeting may be held in closed session pursuant to § 2.1-344 of the Code of Virginia.

Contact: Dr. Marvin A. Lawson, Program Manager, Office of Pesticide Management, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Room 403, Richmond, VA 23209, telephone (804) 371-6558.

Virginia Sweet Potato Board

† March 25, 1992 - 7:30 p.m. - Open Meeting

Eastern Shore Agriculture Experiment Station, Route 1, Box 133, Research Drive, Painter, Virginia. ☒

A meeting to discuss marketing, promotion, research and education programs for the state's sweet potato industry and to develop the board's annual budget. At the conclusion of other business, the board will entertain public comments for a period not to exceed 30 minutes.

Contact: J. William Mapp, Program Director, Box 26, Onley, VA 23418, telephone (804) 787-5867.

Virginia Winegrowers Advisory Board

April 6, 1992 - 10 a.m. - Open Meeting

Virginia Agricultural Experiment Station, 2500 Valley Avenue, Winchester, Virginia.

The board will (i) hear reports from Committee Chairs and Project Monitors; (ii) review old and new business; and (iii) hear and vote on new proposals for the 1992-1993 fiscal year.

Contact: Annette C. Ringwood, Wine Marketing Specialist, 1100 Bank Street, Suite 1010, Richmond, VA 23219, telephone (804) 371-7685.

Calendar of Events

STATE AIR POLLUTION CONTROL BOARD

† March 27, 1992 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A meeting to consider a permit application from Hadson (Buena Vista) and discuss policy issues related to medical waste incineration.

Contact: Dr. Kathleen Sands, Policy Analyst, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 225-2722.

April 8, 1992 - 10 a.m. - Open Meeting
State Capitol Building, House Room 1, Richmond, Virginia.

A public meeting to receive input on the development of proposed amendments to Regulations for the Control and Abatement of Air Pollution.

Contact: Karen G. Sabasteanski, Policy Analyst, Division of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-2378.

ALCOHOLIC BEVERAGE CONTROL BOARD

March 30, 1992 - 9:30 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☒

A meeting to receive and discuss reports and activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, Secretary to the Board, 2901 Hermitage Road, P.O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616.

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

Board for Architects

† April 9, 1992 - 9:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes from January 23, 1992, meeting; (ii) review correspondence; (iii) review enforcement files; and (iv) review applications.

Contact: Willie Fobbs, III, Assistant Director, Department of Commerce, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

Board for Interior Designers

March 27, 1992 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes from January 10, 1992, meeting; (ii) review correspondence; and (iii) review applications.

† April 24, 1992 - 1 p.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes from March 27, 1992, meeting; (ii) review correspondence; and (iii) review applications.

Contact: Willie Fobbs, III, Assistant Director, Department of Commerce, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

† March 24, 1992 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Richmond, Virginia.

A scheduled commission meeting.

Contact: Mr. William T. McCollum, Executive Director, Commission on VASAP, telephone (804) 786-5895.

ASAP POLICY BOARD - TIDEWATER

† March 26, 1992 - 4 p.m. - Open Meeting
Virginia Beach Resort Hotel and Conference Center, Virginia Beach, Virginia. ☒

A meeting to conduct business of the Tidewater VASAP program.

Contact: James M. Rogan, Executive Assistant, 5163 Cleveland Street, Virginia Beach, VA 23462, telephone (804) 552-1800.

BOARD FOR BRANCH PILOTS

† April 16, 1992 - 9:30 a.m. - Open Meeting
The Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ☒

A regular meeting to consider routine business.

Contact: Willie Fobbs, III, Assistant Director, Department of Commerce, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8514.

STATE BUILDING CODE TECHNICAL REVIEW BOARD

March 27, 1992 - 10 a.m. - Open Meeting

Virginia Housing Development Authority, 601 Belvidere Street, Second Conference Room, First Floor, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code; and (iii) approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 North Fourth Street, Richmond, VA 23219, telephone (804) 371-7772.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

March 26, 1992 - 10 a.m. - CANCELLED.

State Water Control Board, Conference Room, Innsbrook Corporate Center, 4900 Cox Road, Glen Allen, Virginia. ☒ (Interpreter for deaf provided upon request)

The board meeting has been cancelled.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

Central Area Review Committee

March 23, 1992 - 10 a.m. - Open Meeting

† April 27, 1992 - 10 a.m. - Open Meeting

† May 11, 1992 - 10 a.m. - Open Meeting

† June 8, 1992 - 10 a.m. - Open Meeting

† June 22, 1992 - 10 a.m. - Open Meeting

General Assembly Building, Senate Room B, 9th and Broad Streets, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area Programs for the Central Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the Review Committee meetings. However, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

Northern Area Review Committee

March 25, 1992 - 10 a.m. - Open Meeting

Council on the Environment, Conference Room, 9th Street

Office Building, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

† April 8, 1992 - 10 a.m. - Open Meeting

† May 13, 1992 - 10 a.m. - Open Meeting

† May 27, 1992 - 10 a.m. - Open Meeting

† June 10, 1992 - 10 a.m. - Open Meeting

† June 24, 1992 - 10 a.m. - Open Meeting

General Assembly Building, Senate Room B, 9th and Broad Streets, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area Programs for the Northern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the Review Committee meetings. However, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

Southern Area Review Committee

† April 1, 1992 - 10 a.m. - Open Meeting

† May 6, 1992 - 10 a.m. - Open Meeting

† June 3, 1992 - 10 a.m. - Open Meeting

General Assembly Building, Senate Room B, 9th and Broad Streets, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

† April 15, 1992 - 10 a.m. - Open Meeting

Hampton Roads Planning District Commission, The Regional Building, 723 Woodlake Drive, Chesapeake, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review Chesapeake Bay Preservation Area Programs for the Southern Area. Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule. No comments from the public will be entertained at the Review Committee meetings. However, written comments are welcome.

Contact: Receptionist, Chesapeake Bay Local Assistance Department, 805 E. Broad St., Suite 701, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

COUNCIL ON CHILD DAY CARE AND EARLY CHILDHOOD PROGRAMS

March 24, 1992 - 2 p.m. - Public Hearing

March 24, 1992 - 7 p.m. - Public Hearing

Wytheville Community College, Grayson Commons,

Calendar of Events

Wytheville, Virginia. ☒ (Interpreter for deaf provided upon request)

A public hearing on child care and development block grant. Public comments will be received.

Contact: Margaret A. Smith, Acting Director, Virginia Council on Child Day Care and Early Childhood Programs, Suite 1116, Washington Building, 1100 Bank Street, Richmond, VA 23219, telephone (804) 371-8603.

BOARD OF COMMERCE

† April 2, 1992 - 7 p.m. – Public Hearing
The Sheraton Premier Motor Lodge at Tyson's Corner, 8661 Leesburg Pike, Vienna, Virginia. ☒

A public hearing in connection with its study of the necessity and feasibility of regulation of electronic security businesses in Virginia. This study is a result of the Virginia House of Delegates Joint Resolution 365, passed during the 1991 session of the General Assembly, requesting such a study.

† May 4, 1992 - 10 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A regular meeting. Items to be discussed include legislation passed in the 1992 Session of the General Assembly which will impact upon the agency, and the full board will receive a study progress report concerning HJR 365, requesting a study of contractors who install electronic security systems.

Contact: Alvin D. Whitley, Secretary to the Board, Department of Commerce, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8564 or SCATS (804) 367-8519.

STATE BOARD FOR COMMUNITY COLLEGES

March 25, 1992 - Time to be determined – Open Meeting
Patrick Henry Community College, Martinsville, Virginia.

A state board committee meeting.

March 26, 1992 - 9 a.m. – Open Meeting
Patrick Henry Community College, Martinsville, Virginia.

A regularly scheduled state board meeting. Agenda available by March 9, 1992.

Contact: Joy Graham, Assistant Chancellor, Public Affairs, Virginia Community College System, 101 North 14th Street, Richmond, VA 23219, telephone (804) 225-2126 or (804) 371-8504/TDD ☎

COMPENSATION BOARD

March 26, 1992 - 5 p.m. – Open Meeting
Ninth Street Office Building, Room 913/913A, 9th Floor, 202 North Ninth Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A routine meeting to conduct business.

Contact: Bruce W. Haynes, Executive Secretary, P.O. Box 3-F, Richmond, VA 23206-0686, telephone (804) 786-3886.

DEPARTMENT OF CONSERVATION AND RECREATION (BOARD OF)

† April 2, 1992 - 9:30 a.m. – Open Meeting
State Capitol, House Room 1, Richmond, Virginia. ☒

A general business meeting of the board.

Contact: Karen A. Spencer, Executive Secretary, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124 or (804) 786-2121/TDD ☎

BOARD FOR CONTRACTORS

April 10, 1992 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Contractors intends to amend regulations entitled: **VR 220-01-2. Board for Contractors Licensing Regulations.** These amendments are proposed to enhance the administration of the board's regulations, thereby promoting public health, safety and welfare, as well as benefiting consumers and licensed/registered contractors.

Contact: Florence R. Brassier, Assistant Director, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8557.

Recovery Fund Committee

March 26, 1992 - 9 a.m. – Open Meeting
3600 West Broad Street, Richmond, Virginia. ☒

A meeting to consider claims filed against the Virginia Contractor Transaction Recovery Fund. This meeting will be open to the public; however, a portion of the discussion may be conducted in Executive Session.

Contact: Vickie Brock, Recovery Fund Administrator, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-2394.

BOARD OF CORRECTIONS

† April 15, 1992 - 1 p.m. - Open Meeting
† May 13, 1992 - 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 to the board.

Contact: Mrs. Vivian Toler, Secretary to the Board, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3235.

Liaison Committee

† May 14, 1992 - 9:30 a.m. - Open Meeting
6900 Atmore Drive, Board of Corrections Board Room, Richmond, Virginia.

A meeting to address and discuss criminal justice issues.

Contact: Mrs. Vivian Toler, Secretary to the Board, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3235.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

April 1, 1992 - 9 a.m. - Public Hearing
General Assembly Building, House Room D, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: VR 240-01-2. Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections Institutional Services.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until March 12, 1992.

Contact: L.T. Eckenrode, Division Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, telephone (804) 786-4000.

April 1, 1992 - 9 a.m. - Public Hearing
General Assembly Building, House Room D, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: VR 240-01-12. Rules Relating to Certification of Criminal Justice Instructors. These proposed amendments set forth mandated training requirements for certification of Criminal Justice Instructors.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until March 12, 1992.

Contact: L.T. Eckenrode, Division Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, telephone (804) 786-8475.

April 1, 1992 - 2:30 p.m. - Public Hearing
General Assembly Building, House Room D, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to adopt regulations entitled: VR 240-04-2. Rules Relating to the Forfeited Drug Asset Sharing Program. The purpose of the proposed regulation is to regulate the administration of the Forfeited Drug Asset Sharing Program.

Statutory Authority: §§ 19.2-386.4, 19.2-386.10 and 19.2-386.14 of the Code of Virginia.

Written comments may be submitted until February 28, 1992.

Contact: Paula J. Scott, Executive Assistant, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, telephone (804) 786-8730.

† April 1, 1992 - 1 p.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia.

A meeting to consider matters relating 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.

Contact: Paula J. Scott, Executive Assistant, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, telephone (804) 786-4000.

Committee on Criminal Justice Information Systems

March 26, 1992 - 10 a.m. - Open Meeting
Governor's Cabinet Conference Room, 6th Floor, Ninth Street Office Building, 9th and Grace Streets, Richmond, Virginia.

Calendar of Events

A meeting to discuss projects and business of the committee.

Contact: Paula J. Scott, Executive Assistant, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, telephone (804) 786-4000.

Committee on Training

† **April 1, 1992 - 9 a.m.** – Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

A meeting to matters related to training for criminal justice personnel.

Contact: Paula J. Scott, Executive Assistant, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, telephone (804) 786-4000.

BOARD OF DENTISTRY

† **April 5, 1992 - 9 a.m.** – Open Meeting
Virginia Beach Resort and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia. ☒

A regulatory committee meeting. No public testimony will be received.

† **April 5, 1992 - Noon** – Open Meeting
Virginia Beach Resort and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia. ☒

A board business meeting. Committee reports will be received. No public testimony will be received.

† **April 6, 1992 - 8 a.m.** – Open Meeting
† **April 7, 1992 - 8 a.m.** – Open Meeting
Virginia Beach Resort and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia. ☒

Formal hearings. No public testimony will be received.

† **April 11, 1992 - 9 a.m.** – Open Meeting
Northern Virginia Community College, Woodbridge Campus, Woodbridge, Virginia. ☒

Informal conferences. No public testimony will be received.

† **April 15, 1992 - 1 p.m.** – Open Meeting
† **May 6, 1992 - 11:30 a.m.** – Open Meeting
Alcoholic Beverage Commission, 4907 Mercury Boulevard, Hampton, Virginia. ☒

Informal conferences. No public testimony will be received.

† **April 21, 1992 - 10 a.m.** – Open Meeting
Alcoholic Beverage Commission, 1103 South Military

Highway, Chesapeake, Virginia. ☒

Informal conferences. No public testimony will be received.

† **April 25, 1992 - 11:30 a.m.** – Open Meeting
† **June 20, 1992 - 8 a.m.** – Open Meeting
Wytheville Community College, Wytheville, Virginia. ☒

Informal conferences. No public testimony will be received.

† **May 9, 1992 - 9 a.m.** – Open Meeting
Northern Virginia Community College, 8333 Little River Turnpike, Annandale, Virginia. ☒

Informal conferences. No public testimony will be received.

Contact: Nancy Taylor Feldman, Executive Director, 1601 Rolling Hills Drive, Richmond, VA, telephone (804) 662-9906.

DEPARTMENT OF EDUCATION (STATE BOARD OF)

† **March 25, 1992 - 8 a.m.** – Open Meeting
† **March 26, 1992 - 8 a.m.** – Open Meeting
† **April 21, 1992 - 8 a.m.** – Open Meeting
† **April 22, 1992 - 8 a.m.** – Open Meeting
† **April 23, 1992 - 8 a.m.** – Open Meeting
James Monroe Building, 101 North Fourteenth Street, Conference Rooms D and E, Richmond, Virginia. ☒
(Interpreter for deaf provided if requested)

The Board of Education and the Board of Vocational Education will hold a regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request. Public comment will not be received at the meeting.

Contact: Dr. Margaret Roberts, Executive Director, State Department of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 225-2540.

* * * * *

April 24, 1992 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to repeal existing regulations entitled **VR 270-02-0000. Teacher Certification Regulations**, and to adopt new regulations entitled: **VR 270-01-0000:1. Regulations Governing the Licensure of School Personnel**. These regulations provide a basis for the licensure of school personnel including teachers, administrators, and support personnel.

NOTICE

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Public hearings were scheduled in four locations statewide for February 20, 1992, four days prior to the publication of the regulations in the Virginia Register. A snow date has been set for March 5 (except in Manassas where the snow date is set for March 4).

Although initially, the hearings were inadvertently scheduled for the earlier dates, it appears that there will be significant comment from the public relative to the requirements. Department staff will need the additional time to analyze the comments and to make any necessary revisions to the proposed regulations. Written comments will be accepted through April 24, 1992.

The following steps have been (or will be in the very near future) taken to make the public aware of the public hearings:

1. Approximately 800 copies of the proposed regulations and hearing notices have been mailed to appropriate stakeholders in local school divisions, certain private schools, colleges and universities, and professional organizations. Staff feels that we have successfully identified and reached the vast majority of stakeholders.
2. The Board of Education will issue a statewide press release to the media announcing the date and details of the hearings.
3. Information regarding the hearings will be posted on VaPEN, Virginia's Educational Computer Network. This will be available to all users nationwide who have access to the network. This will include teachers and administrators in most local school divisions and Virginia colleges and universities, as well as many of the same population nationwide.
4. Word-of-mouth announcements have been made from individuals who are members of professional organizations. These individuals include staff of the department who are members of the organizations and/or staff who have met with the organizations since the date was set back in November, 1991.

If there is sufficient opposition to any of the proposals or substantial revision to them, the Board of Education may hold a second public hearing prior to the formal adoption of the regulations.

Statutory Authority: §§ 22.1-16 and 22.1-298 of the Code of Virginia.

Written comments may be submitted until April 24, 1992.

Contact: Charles W. Finley, Associate, School Accreditation, Department of Education, P.O. Box 6-Q, Richmond, VA 23216-2060, telephone (804) 225-2747 or toll-free 1-800-292-3820.

† April 6, 1992 - 7 p.m. — Public Hearing
Lakeland High School, Suffolk, Virginia.

† April 9, 1992 - 7 p.m. — Public Hearing
W.C. Taylor Junior High School, Warrenton, Virginia.

† April 13, 1992 - 7 p.m. — Public Hearing
George Wythe High School, Wytheville, Virginia.

† May 23, 1992 — Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled VR 270-01-0012. **Regulations Establishing Standards for Accrediting Public Schools in Virginia.** These regulations establish the basis for accrediting public schools. Such accreditation is required by the Standards of Quality.

STATEMENT

Basis: § 22.1-253.13:3 of the Code of Virginia.

Purpose: The Code of Virginia establishes that the purpose of accrediting schools is to ensure that student progress is measured and that school boards and school personnel are accountable.

Substance: The regulations adopted by the Board of Education outline the requirements for accrediting public schools in Virginia. The requirements may include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs, administrative and instructional staffing levels and positions, pupil personnel services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals and objectives of public education in Virginia.

Issues: From time to time, the Board of Education finds it necessary or desirable to revise the standards for accrediting public schools. The proposed changes are intended to limit the Standards to regulatory intent, provide flexibility to school divisions by reducing mandates, eliminate duplicatory language with the Standards of Quality, and move the Standards more toward a system of accountability based on both outcomes as well as inputs.

Impact: The revisions will affect all public elementary and secondary schools and local school boards in Virginia.

Statutory Authority: § 22.1-253.13:3 B of the Code of Virginia.

Written comments may be submitted until May 23, 1992.

Calendar of Events

Contact: Lin Corbin-Howerton, Lead Specialist, Policy Analysis, Department of Education, P.O. Box 6-Q, Richmond, VA 23216-2060, telephone (804) 225-2543.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

April 14, 1992 - 10 a.m. - Open Meeting
Monroe Building, Council Conference Room, 9th Floor, Monroe Building, Richmond, Virginia. ☒

A general business meeting. For more information contact the Council.

Contact: Anne Pratt, Associate Director, 101 North Fourteenth Street, 9th Floor, Monroe Building, Richmond, VA 23219, telephone (804) 225-2629.

LOCAL EMERGENCY PLANNING COMMITTEE - ARLINGTON COUNTY/CITY OF FALLS CHURCH

March 25, 1992 - 5 p.m. - Open Meeting
Fire Station #1, 500 South Glebe Road, Arlington, Virginia. ☒ (Interpreter for deaf provided if requested)

An open meeting to discuss the Superfund Amendments and Reauthorization Act (SARA) requirements for hazardous materials.

Contact: Thomas M. Hawkins, Jr., Chairman, 2100 Clarendon Boulevard, Suite 400, Fire Department Administration, Arlington, VA 22201, telephone (703) 358-3365 or (703) 558-2096/TDD ☎

LOCAL EMERGENCY PLANNING COMMITTEE - CHESTERFIELD COUNTY

April 2, 1992 - 5:30 p.m. - Open Meeting
May 7, 1992 - 5:30 p.m. - Open Meeting
† June 4, 1992 - 5:30 p.m. - Open Meeting
Chesterfield County Administration Building, 10001 Ironbridge Road, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Linda G. Furr, Assistant Emergency Services, Chesterfield Fire Department, P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236.

LOCAL EMERGENCY PLANNING COMMITTEE - GLOUCESTER

April 22, 1992 - 6:30 p.m. - Open Meeting
Gloucester Administration Building, Conference Room, Gloucester, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to include a briefing on the DES, Zeldia Hurricane Exercise, a report from the By-Laws Committee and approval of the final draft of LEPC Hazardous Materials Plan Update.

Contact: Georgette N. Hurley, Assistant County Administrator, P.O. Box 329, Gloucester, VA 23061, telephone (804) 693-4042.

COUNCIL ON THE ENVIRONMENT

Virginia Coastal Resources Management Program

† April 8, 1992 - 7 p.m. - Open Meeting
The Lecture Hall of the Rappahannock Community College Southern Campus, Glens, Virginia. ☒

A meeting to hear recommendations and comments regarding how well Virginia's Coastal Resources Management Program meets the objectives of the federal Coastal Zone Management Act.

Contact: Stephen Laughlin, Coastal Resources Planner, 202 N. Ninth Street, Suite 900, Richmond, VA 23219, telephone (804) 786-4500.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† April 6, 1992 - 7 p.m. - Open Meeting
† April 7, 1992 - 9 a.m. - Open Meeting
1601 Rolling Hills Drive, Surry Building, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regular board meeting. Public comment period will be during the first 30 minutes of the meeting.

† April 8, 1992 - 9 a.m. - Open Meeting
† May, 6 1992 - 9 a.m. - Open Meeting
1601 Rolling Hills Drive, Surry Building, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Informal hearings.

† April 14, 1992 - 9 a.m. - Open Meeting
Martinsville City Hall, General District Court Room, 55 West Church Street, Martinsville, Virginia. ☒ (Interpreter for deaf provided if requested)

A formal administrative hearing.

† May 5, 1992 - 10 a.m. - Open Meeting
1601 Rolling Hills Drive, Surry Building, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regular board meeting. Public comment period will be during the first 30 minutes of the meeting. State Licensure examinations at 9 a.m.

Contact: Meredyth P. Partridge, Executive Director, Board

of Funeral Directors and Embalmers, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9907 or (804) 662-7197/TDD ☎

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April 27, 1992 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to amend regulations entitled: **VR 320-01-2. Regulations of the Board of Funeral Directors and Embalmers.** The amendments are designed to delete the requirements for the funeral services trainee program that are now incorporated into VR 320-01-4.

Statutory Authority: §§ 54.1-2400, 54.1-2803 (10), and 54.1-2820 of the Code of Virginia.

Written comments may be submitted until April 27, 1992.

Contact: Meredyth P. Partridge, Executive Director, Board of Funeral Directors and Embalmers, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9907.

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April 27, 1992 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to amend regulations entitled: **VR 320-01-3. Regulations for Preneed Funeral Planning.** The amendments are designed to bring current regulations into compliance with 1991 legislation requiring insurance policies and annuity contracts which fund preneed contracts to offer a minimum rate of return.

Statutory Authority: §§ 54.1-2400, 54.1-2803 (10), and 54.1-2820 of the Code of Virginia.

Written comments may be submitted until April 27, 1992.

Contact: Meredyth P. Partridge, Executive Director, Board of Funeral Directors and Embalmers, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9907.

GOVERNOR'S ADVISORY COMMISSION ON THE DILLON RULE AND LOCAL GOVERNMENT

† **March 24, 1992 - 10 a.m.** – Public Hearing
Danville City Council Chambers, Municipal Building, Corner of Patton and Court Streets, Danville, Virginia.

† **April 14, 1992 - 10 a.m.** – Public Hearing
Martha Washington Inn, Grand Ballroom, Abingdon,

Virginia.

† **April 14, 1992 - 7 p.m.** – Public Hearing
Virginia Western Community College, Whitman Auditorium in the Business Science Building, Roanoke, Virginia.

† **May 5, 1992 - 2 p.m.** – Public Hearing
Tidewater Community College, Portsmouth Campus, in the "Theater," Portsmouth, Virginia.

† **May 6, 1992 - 9 a.m.** – Public Hearing
Eastern Shore Community College, Melfa Campus, in the Lecture Hall, Accomack, Virginia.

† **May 14, 1992 - 10 a.m.** – Public Hearing
Martha Washington College, Klein Theatre in dePont Hall, Fredericksburg, Virginia.

† **May 19, 1992 - 10 a.m.** – Public Hearing
Blue Ridge Community College, Auditorium, Weyers Cave Exit, I-81, Harrisonburg, Virginia.

† **May 20, 1992 - 10 a.m.** – Public Hearing
Loudoun County Courthouse, Board Room, Leesburg, Virginia.

† **May 26, 1992 - 10 a.m.** – Public Hearing
General Assembly Building, Senate Room A, Richmond, Virginia.

The Commission has been established to study the application of the Dillon Rule as it affects local government authority to operate in an efficient and effective manner.

Contact: Paul Grasewicz, Department of Housing and Community Development, 205 North Fourth Street, Richmond, VA 23219, telephone (804) 786-7893.

GOVERNOR'S COUNCIL ON ALCOHOL AND DRUG ABUSE

March 27, 1992 - 3 p.m. – Open Meeting
Virginia Beach Resort Hotel and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia.

A meeting to discuss proposed study of grain alcohol.

Contact: Amy M. Curtis, Staff Assistant, Governor's Drug Policy Office, P.O. Box 1475, Richmond, VA 23212, telephone (804) 786-2211 or (804) 371-8015/TDD ☎

Calendar of Events

DEPARTMENT OF HEALTH (STATE BOARD OF)

March 30, 1992 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **VR 355-28-300. Rules and Regulations of the Board of Health, Commonwealth of Virginia, for the Immunization of School Children.** The proposed amendments will make the regulations consistent with the current recommendations of the U.S. Public Health Service.

Statutory Authority: §§ 22.1-271.1, 22.1-272.1, 32.1-46 and 32.1-12 of the Code of Virginia.

NOTE: CHANGE IN WRITTEN COMMENT DATE

Written comments may be submitted until March 30, 1992, to A. Martin Cader, M.D., Virginia Department of Health, Division of Communicable Disease Control, P.O. Box 2448, Room 113, Richmond, VA 23218.

Contact: Marie Krauss, Executive Secretary, Virginia Department of Health, Division of Communicable Disease Control, P.O. Box 2448, Room 113, Richmond, VA 23218, telephone (804) 786-6261.

† April 12, 1992 - 7 p.m. - Open Meeting

† April 13, 1992 - 9 a.m. - Open Meeting

Airlie Conference Center, Airlie, Virginia. ☒ (Interpreter for deaf provided if requested)

A retreat to plan for board activities over next biennium.

† April 14, 1992 - 9:30 a.m. - Open Meeting

Warrenton/Green Building, 10 Hotel Street, Warrenton, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to (i) receive department reports; (ii) consider regulatory matters; and (iii) conduct regular business for the board.

Contact: Susan R. Rowland, MPA, Assistant to the Commissioner, Virginia Department of Health, P.O. Box 2448, Suite 214, Richmond, VA 23219, telephone (804) 786-3561.

Radiation Advisory Board

March 24, 1992 - 9 a.m. - Open Meeting

State Capitol, House Room 1, Richmond, Virginia.

An annual meeting to discuss radiological health issues.

Contact: Leslie P. Foldesi, Director, 1500 East Main Street, Room 104A, Richmond, VA 23219, telephone (804) 786-5932.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

March 23, 1992 - 7 p.m. - Open Meeting

Washington Dulles Airport Marriott, 333 West Service Road, Chantilly, Virginia. ☒

† April 28, 1992 - 9:30 a.m. - Open Meeting

Blue Cross/Blue Shield of Virginia, 2015 Staples Mill Road, Richmond, Virginia.

The council will conduct its monthly meeting.

Contact: Kim Schulte Barnes, Information Officer, 805 East Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371/TDD ☒

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† May 22, 1992 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Health Services Cost Review Council intends to amend regulations entitled: **VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.** Section 6.3 of the regulation is being amended to specify when amendments or modifications to currently filed charge schedules would have more than a minimal impact on revenues and would therefore have to be filed at least 60 days in advance of their effective date.

STATEMENT

Substance: The proposed regulation would indicate that any change in a health care institution's charges or cumulative changes in charges that will increase or decrease Council-approved budgeted gross patient services revenues by less than one percent of annual revenue for the remaining portion of the budgeted fiscal year would be considered minimal and need not be reported. All other changes would have to be reported.

Issues: At its November 1991 meeting, the Council discussed interim rate changes that had been implemented by one health care institution. They were notified that, in the 1980s, a verbal policy was adopted, indicating that interim rate changes of less than one percent of Council approved budgeted Council gross patient services revenue need not be reported. However, no action had ever been adopted to formally promulgate this regulation.

Basis and Purpose: Section 9-169 (D) of the Code of Virginia provides that the Council shall obtain a current charge schedule from each health care institution on an annual basis and that any subsequent amendment or modifications to that schedule must be filed with the Council at least 60 days in advance of their effective date. The Code then provides that the Council may exempt from this requirement charge changes which have a "minimal

impact on revenues.”

Section 9-164 (2) of the Code of Virginia also provides that the Council shall “from time to time make such rules and regulations as may be necessary to carry out its responsibilities.”

Estimated Impact: The proposed change will ensure that the staff of the Council have accurate and updated information regarding charge masters for each health care institution. It will also ensure that the Council will have the authority to review any proposed rate changes which have more than a minimal effect on an institution's overall charges.

The will be no new forms needed to implement this regulatory change.

Representatives from the hospital and nursing home industries who serve on the Council were among those who proposed these changes back in November and who supported the draft regulatory changes at the February 1992 meeting. Staff of the Council will work closely with the Virginia Hospital Association as well as the Virginia Health Care Association and the Virginia Non-Profit Homes for the Aging during the public comment period. Each of these organizations was notified of this proposed change prior to the February 1992 Council meeting.

Statutory Authority: §§ 9-161(D) and 9-164(2) of the Code of Virginia.

Written comments may be submitted until May 22, 1992.

Contact: G. Edward Dalton, Deputy Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

April 7, 1992 - 9 a.m. – Open Meeting

May 5, 1992 - 9 a.m. – Open Meeting

Hopewell Community Center, Second & City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided if requested)

Local Emergency Preparedness Committee meeting on Emergency Preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 North Main Street, Hopewell, VA 23860, telephone (804) 541-2298.

COUNCIL ON INFORMATION MANAGEMENT

† April 9, 1992 - 10 a.m. – Open Meeting

1100 Bank Street, 9th Floor Conference Room, Richmond, Virginia. ☒

A regular quarterly meeting.

Contact: Chuck Tyger, Chief Engineer, Systems and Software Management, Council on Information Management, 1100 Bank Street, Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (804) 225-3624/TDD ☎

VIRGINIA INTERAGENCY COORDINATING COUNCIL ON EARLY INTERVENTION

† May 13, 1992 - 9 a.m. – Open Meeting

Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The Virginia Interagency Coordinating Council according to PL 102-119, Part H, early intervention program for disabled infants and toddlers and their families, is meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Services as lead agency to develop and implement a statewide interagency early intervention program.

Contact: Michael Fehl, Director, MR 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.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

† March 30, 1992 - 10 a.m. – Open Meeting

General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

A meeting to discuss and act on (i) proposed revision to the Deregistration Procedure; (ii) report of Task Force on Part Time Apprenticeship; (iii) report on Juan Steward's Apprenticeship; (iv) report on Project Achieve; (v) Community College Student Apprenticeship Program; and (vi) Apprenticeship Honors Certificates.

Contact: Robert S. Baumgardner, Director, Apprenticeship Division, Department of Labor and Industry, 13 South 13th St., Richmond, VA 23219, telephone (804) 786-2381.

STATE COUNCIL ON LOCAL DEBT

April 15, 1992 - 11 a.m. – Open Meeting

101 North 14th Street, James Monroe Building, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regular meeting subject to cancellation unless there are action items requiring the Council's consideration. Persons interested in attending should call one week

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prior to meeting date to ascertain whether or not the meeting is to be held as scheduled.

Contact: Art Bowen, Senior Debt Analyst, Department of the Treasury, P.O. Box 6-H, Richmond, VA 23215, telephone (804) 225-4929.

COMMISSION ON LOCAL GOVERNMENT

March 24, 1992 - 10:30 a.m. - Open Meeting

NOTE: CHANGE IN LOCATION

Farmville Area Business Building (Old Farmville Firehouse Building), South Street, Second Floor Meeting Room, Farmville, Virginia.

Oral presentations regarding petition filed by the Town of Farmville requesting approval of a voluntary settlement with the County of Prince Edward.

Persons desiring to participate in the Commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's offices by Friday, March 20, 1992.

March 24, 1992 - 7:30 p.m. - Public Hearing
Courthouse Building, North Main Street, Farmville, Virginia.

Public hearing regarding petition filed by the Town of Farmville requesting approval of a voluntary settlement with the County of Prince Edward.

Persons desiring to participate in the Commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's offices by Friday, March 20, 1992.

March 25, 1992 - 9 a.m. - Open Meeting
Site to be determined.

A regular meeting to consider such matters as may be presented.

Persons desiring to participate in the Commission's oral presentations and requiring special accommodations or interpreter services should contact the Commission's offices by Friday, March 20, 1992.

Contact: Barbara W. Bingham, Administrative Assistant, 702 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

LONGWOOD COLLEGE

Board of Visitors

† **April 27, 1992 - 9:30 a.m. - Open Meeting**
Longwood College, Virginia Room, Ruffner Building, Farmville, Virginia. ☒

A meeting to conduct routine business of the board.

Contact: William F. Dorrill, President, President's Office, 201 High Street, Longwood College, Farmville, VA 23909-1899, telephone (804) 395-2001.

STATE LOTTERY BOARD

March 23, 1992 - 11 a.m. - Open Meeting
State Lottery Department Regional Office, 1506 South Main Street, Farmville, Virginia. ☒

A regular monthly meeting. 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, 2210 W. Broad Street, Richmond, VA 23901, telephone (804) 367-9433.

MARINE RESOURCES COMMISSION

March 24, 1992 - 9:30 a.m. - Open Meeting
April 28, 1992 - 9:30 a.m. - Open Meeting
2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☒ (Interpreter for deaf provided upon request)

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 and 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 or (804) 247-2292/TDD ☎

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

March 27, 1992 - 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 Specialized Care Services: VR 460-02-3.1300. Standards Established and Methods Used to Assure High Quality Care; VR 460-02-4.1940. Methods and Standards for Establishing Payment Rates - Long-Term Care; and VR 460-03-4.1944. Class Resource Cost Assignment, Computation of Service Intensity Index and Ceiling and Rate Adjustments to the Prospective Direct Patient Care Operating Cost Rate - Allowance for Inflation Methodology Base "Current" Operating Rate (Appendix IV to Nursing Home Payment System).** This proposal establishes existing agency policies for providing services to eligible recipients who require intensive nursing and other medical services.

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

Written comments may be submitted until 4:30 p.m., March 27, 1992, to Mary Chiles, Manager, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23229, telephone (804) 786-7933.

April 10, 1992 – 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 Inpatient Hospital Settlement Agreement: VR 460-02-4.1910. Methods and Standards for Establishing Payment Rates—Inpatient Hospital Care.** This regulation proposes to incorporate into the plan the provisions of the lawsuit final settlement agreement between the Commonwealth and the Virginia Hospital Association.

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

Written comments may be submitted until 4:30 p.m., April 10, 1992, to Wm. R. Blakely, Director, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23229, telephone (804) 786-7933.

April 10, 1992 – 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 Provider Disputes and Date of Acquisition. VR 460-03-4.1912. Dispute Resolution for State-Operated Providers; VR 460-02-4.1920. Methods and Standards for Establishing Payment Rates—Other Types of Care; VR 460-03-4.1940:1. Nursing Home Payment System (PIRS).** These amendments establish an appeal mechanism for state-owned facilities which are Medicaid providers and also define a nursing facility's date of acquisition when it is sold.

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

Written comments may be submitted until 4:30 p.m., April 10, 1992, to Wm. R. Blakely, Director, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23229, telephone (804) 786-7933.

May 8, 1992 – 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 Inpatient Outlier Adjustments: VR 460-02-4.1910. Methods and Standards for Establishing Payment Rates—Inpatient Hospital Care.** These regulations propose the same outlier policy for hospital reimbursement as was contained in an earlier emergency regulation.

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

Written comments may be submitted until 4:30 p.m., May 8, 1992, to Wm. R. Blakely, Director, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23229, telephone (804) 786-7933.

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May 8, 1992 – 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 Reimbursement Adjustment for Nonemergency ER Care. VR 460-02-4.1920. Methods and Standards Used for Establishing Payment Rates—Other Types of Care.** These amendments promulgate permanent regulations to supersede emergency regulations which provide for the same policy.

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

Written comments may be submitted until 4:30 p.m., May 8, 1992, to Mike Jurgenson, Policy and Planning Supervisor, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23229, telephone (804) 786-7933.

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May 8, 1992 – 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 Community Mental Health/Mental Retardation Services: VR 460-03-3.1100, Narrative for the Amount, Duration and Scope of Services; VR 460-03-3.1102, Case Management Services; VR 460-03-3.1300, Standards Established and Methods Used to Assure High Quality Care; VR 460-02-4.1920, Methods and Standards for Establishing Payment Rates—Other Types of Care; and VR 460-04-8.1500, Community Mental Health and Mental Retardation Services: Amount, Duration and Scope of Services.** This proposed regulation provides for local community mental health/mental retardation services delivered through the Community Services Boards.

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

Written comments may be submitted until 4:30 p.m., May 8, 1992, to Ann Cook, Consultant, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad

Street, Suite 1300, Richmond, VA 23229, telephone (804) 786-7933.

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May 8, 1992 – 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 460-03-4.1921. Pediatric and Obstetric Services Maximum Payments.** This proposed regulation conforms the plan to federal requirements of OBRA '89 § 6402 and to the American Medical Association's new coding convention for procedure codes.

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

Written comments may be submitted until 4:30 p.m., May 8, 1992, to C. Mack Brankley, Director, Division of Client Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23229, telephone (804) 786-7933.

Drug Utilization Review Board

† **April 9, 1992 - 3 p.m.** – Open Meeting
600 East Broad Street, Suite 1300, Richmond, Virginia.

A regular meeting to conduct routine business.

Contact: Carol B. Pugh, Pharm. D., DUR Program Consultant, Quality Care Assurance Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23229, telephone (804) 786-3820.

BOARD OF MEDICINE

March 31, 1992 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **VR 465-09-01. Certification for Optometrists to Prescribe for and Treat Certain Diseases or Abnormal Conditions of the Human Eye and its Adnexa with Certain Therapeutic Pharmaceutical Agents.** The proposed amendments (i) delete the CPR requirements; (ii) redefine the examination format; (iii) redefine the diseases and conditions of the human eye and its adnexa; (iv) add new therapeutic agents; and (v) add a method to treat emergencies.

Statutory Authority: §§ 54.1-2400, 54.1-2957.1, 54.1-2957.2 and 54.1-2957.3 of the Code of Virginia.

Written comments may be submitted until March 31, 1992, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Drive, Richmond, VA 23229.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9925.

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April 13, 1992 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **VR 465-05-01. Regulations Governing the Practice of Physician's Assistants.** The proposed amendment (i) establishes procedures for maintaining records of approved invasive procedures performed by the assistant; (ii) provides reports to the board upon request of the number of procedures performed and complications resulting from such procedures; (iii) establishes unprofessional conduct for failure to maintain such records; (iv) establishes that the scope of practice shall be the specialty of the supervising physician; and (v) establishes that any acute or significant finding or change of a patient's clinical status by an assistant must be reported to the supervising physician within one hour of findings.

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

Written comments may be submitted until April 13, 1992, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Drive, Richmond, VA 23229.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9925.

Advisory Committee on Acupuncture

March 31, 1992 - 10 a.m. - Open Meeting
Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to review public comments and prepare regulations VR 465-11-01 for the practice of licensed acupuncturists, pursuant to § 54.1-2400 of the Code of Virginia. Public comments will not be entertained by the Advisory Committee.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9925.

Credentials Committee

April 11, 1992 - 8 a.m. - Open Meeting
Department of Health Professions, Board Room 3, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) conduct general business; (ii) interview and review medical credentials of applicants applying for licensure in Virginia, in open and executive session; and (iii) discuss any other items which may come before the committee. Public comments will not be received.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9925.

Executive Committee

April 10, 1992 - 9 a.m. - Open Meeting
Department of Health Professions, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) review closed cases; (ii) review cases/files requiring administrative action; (iii) adopt for final promulgation Regulations VR 465-03-01 Physical Therapy, VR 465-09-01 Optometry; (iv) review and approve for promulgation Regulations VR 465-11-01 Acupuncturists; and (v) consider any other items which may come before the committee. Public comments will not be received.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9925.

Informal Conference Committee

† March 26, 1992 - 9:30 a.m. - Open Meeting
Department of Health Professions, Conference Room 3, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

† March 27, 1992 - 9:30 a.m. - Open Meeting
Sheraton Inn-Fredericksburg Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☒

† March 27, 1992 - 10 a.m. - Open Meeting
† April 20, 1992 - 10 a.m. - Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, N.W., Roanoke, Virginia. ☒

† April 24, 1992 - 9 a.m. - Open Meeting
Fort Magruder Inn, I-64 to Route 199 to Route 60, Williamsburg, Virginia. ☒

The Informal Conference Committee composed of three members of the board 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

Calendar of Events

pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia. Public comment will not be received.

Contact: Karen W. Perrine, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9908 or (804) 662-9943/TDD ☎

Advisory Board on Occupational Therapy

April 16, 1992 - 9 a.m. - Open Meeting
Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☎

A meeting to (i) review the AOTA's possible change in the accreditation of OT educational programs; (ii) review the content outlines for the AOTCB certification examination; (iii) review the reference guide for the OT Code of Ethics; (iv) review the utilization of specific modalities relating to practice; and (v) discuss other items which may come before the advisory board. Public comments will be received at the pleasure of the chairperson.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9925.

Advisory Committee on Optometry

April 10, 1992 - 8:30 a.m. - Open Meeting
Department of Health Professions, Board Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☎

A meeting to (i) review public comments to proposed amendments to regulations VR 465-09-01; (ii) make recommendations to the Board of Medicine; and (iii) discuss other items which may come before the committee. The Advisory Committee will not entertain public comments.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9925.

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

March 25, 1992 - 10 a.m. - Open Meeting
Rappahannock-Rapidan Community Services Board, Culpeper, Virginia. ☎

A regular monthly meeting. The agenda will be published on March 18, and may be obtained by calling Jane V. Helfrich.

Tuesday: Informal Session - 8 p.m.

Wednesday: Committee Meetings - 9 a.m.

Wednesday: Regular Session - 10 a.m.

See agenda for location.

Contact: Jane V. Helfrich, Board Administrator, State Mental Health, Mental Retardation and Substance Abuse Services Board, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921.

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April 10, 1992 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to adopt regulations entitled: **VR 470-05-01. Certification of Case Management.** These regulations establish requirements which facilities must meet in order to receive reimbursement from Medicaid for Case Management Services. The regulations require that case managers meet knowledge, skills and abilities set forth in the regulations and that facilities meet the standards established by the regulations.

Statutory Authority: §§ 37.1-10 and 37.1-179 et seq. of the Code of Virginia, and § I-92, Item 466.F.5 of the 1990-92 Appropriation Act.

Written comments may be submitted until April 10, 1992, to Ben Saunders, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23229.

Contact: Rubyjean Gould, Director of Administrative Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3915.

April 14, 1992 - 4 p.m. - Public Hearing
Department of Social Services, 8007 Discovery Drive, Blair Building, 2nd Floor, Conference Room C, Richmond, Virginia. ☎ (Interpreter for deaf provided upon request)

April 14, 1992 - 4 p.m. - Public Hearing
Vinton Branch Library, 800 East Washington Avenue, Vinton, Virginia. ☎ (Interpreter for deaf provided upon request)

A public hearing to obtain comments on Virginia's Extended Fourth Year Grant Application for Part H of the Individuals with Disabilities Education Act (IDEA), that provides early intervention services for infants and toddlers with disabilities and their families, ages birth through 2. Written testimony will be accepted by the department until May 1, 1992.

Contact: Michael Fehl, Ed. D., Director of Children/Youth Services, Department of Mental Health, Mental Retardation

and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710.

MIGRANT AND SEASONAL FARMWORKERS BOARD

† April 8, 1992 - 10 a.m. - Open Meeting
State Capitol Building, House Room 2, Richmond, Virginia. ☒

A regular meeting.

Contact: Marilyn Mandel, Director, Office of Planning and Policy Analysis, Department of Labor and Industry, Powers-Taylor Building, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-2385.

DEPARTMENT OF MOTOR VEHICLES

Medical Advisory Board

† April 8, 1992 - 1 p.m. - Open Meeting
DMV, 2300 West Broad Street, Richmond, Virginia. ☒

A regular business meeting.

Contact: Karen Ruby, Manager, 2300 West Broad Street, Richmond, VA 23220, telephone (804) 367-0481.

BOARD OF NURSING

March 23, 1992 - 9 a.m. - Open Meeting
Department of Health Professions, Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒
(Interpreter for deaf provided upon request)

A regular meeting to consider matters related to nursing education programs, discipline of licensees, licensure by examination and endorsement and other matters under the jurisdiction of the board.

Public comment will be received during an open forum session beginning at 11 a.m.

March 24, 1992 - 9 a.m. - Open Meeting
March 25, 1992 - 9 a.m. - Open Meeting
Department of Health Professions, Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒
(Interpreter for deaf provided upon request)

A regular meeting to consider matters related to nursing education programs, discipline of licensees, licensure by examination and endorsement and other matters under the jurisdiction of the board.

March 26, 1992 - 9 a.m. - Open Meeting
Department of Health Professions, Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia. ☒
(Interpreter for deaf provided upon request)

Formal hearings will be conducted by a quorum of the members of the board.

Contact: Corrinne F. Dorsey, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9909 or (804) 6762-7197/TDD ☒

DEPARTMENT OF STATE POLICE

May 8, 1992 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of State Police intends to amend regulations entitled: VR 545-01-07. **Motor Vehicle Safety Inspection Rules and Regulations.** The proposed amendment permits colored or tinted vent visors to be installed on motor vehicles, provided they do not extend more than two inches from the forward door post into the driver's viewing area.

Statutory Authority: §§ 46.2-1002, 46.2-1163 and 46.2-1165 of the Code of Virginia.

Written comments may be submitted until May 8, 1992.

Contact: Captain J. P. Henries, Safety Officer, P.O. Box C-32008, Richmond, VA 23261, telephone (804) 674-2017.

BOARD OF PROFESSIONAL COUNSELORS

Task Force on Substance Abuse

March 24, 1992 - Noon - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia.

A meeting to conduct regulatory review and discuss general business regarding substance abuse counselor certification. No public comments.

Contact: Evelyn B. Brown, Executive Director or Joyce D. Williams, Administrative Assistant, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9912.

REAL ESTATE APPRAISER BOARD

April 23, 1992 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Demetra Y. Kontos, Assistant Director, Real Estate Appraiser Board, Department of Commerce, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-2175.

Calendar of Events

BOARD OF REHABILITATIVE SERVICES

† **March 26, 1992 - 10 a.m.** – Open Meeting

4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to (i) receive department reports; (ii) consider regulatory matters; and (iii) conduct the regular business of the board.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Avenue, Richmond, VA 23230, telephone (804) 367-0318, toll-free 1-800-552-5059/TDD and Voice ☎ or (804) 367-0280/TDD ☎

Finance Committee

† **March 26, 1992 - 9 a.m.** – Open Meeting

4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will review monthly financial reports and budgetary projections.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Avenue, Richmond, VA 23230, telephone (804) 367-0318, toll-free 1-800-552-5059/TDD and Voice ☎ or (804) 367-0280/TDD ☎

Legislation Committee

† **March 26, 1992 - 9 a.m.** – Open Meeting

4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

General Assembly legislative update.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Avenue, Richmond, VA 23230, telephone (804) 367-0318, toll-free 1-800-552-5059/TDD and Voice ☎ or (804) 367-0280/TDD ☎

Program and Evaluation Committee

† **March 26, 1992 - 9 a.m.** – Open Meeting

4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to discuss appropriate program information relative to General Assembly issues.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Avenue, Richmond, VA 23230, telephone (804) 367-0318, toll-free 1-800-552-5059/TDD and Voice ☎ or (804) 367-0280/TDD ☎

INTERDEPARTMENTAL REGULATION OF RESIDENTIAL FACILITIES FOR CHILDREN

Coordinating Committee

† **April 17, 1992 - 8:30 a.m.** – Open Meeting

† **May 15, 1992 - 8:30 a.m.** – Open Meeting

† **June 19, 1992 - 8:30 a.m.** – Open Meeting

Office of the Coordinator, Interdepartmental Regulation, 1603 Santa Rosa Road, Tyler Building, Suite 208, Richmond, Virginia. ☒

A regular meeting to consider such administrative and policy issues as may be presented to the committee. A period for public comment is provided at each meeting.

Contact: John J. Allen, Coordinator, Interdepartmental Regulation, Office of the Coordinator, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-7124.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

April 10, 1992 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to amend regulations entitled: **VR 615-70-17. Child Support Enforcement Program.** The proposed amendments address four areas: (i) administrative deviation from the child support guideline/multiple family situations; (ii) default obligations; (iii) release of information to the public; and (iv) technical items.

Statutory Authority: §§ 63.1-25 and 63.1-249 through 63.1-274.10 of the Code of Virginia.

Written comments may be submitted until April 10, 1992, to Penelope Boyd Pellow, Division of Child Support Enforcement, 8007 Discovery Drive, Richmond, VA 23229-8699.

Contact: Margaret J. Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

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† **May 22, 1992** – 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 repeal regulations entitled: **VR 615-32-01. Administrative Procedures for Child Development Associate Scholarship Program.** This regulation addresses eligibility requirements and

procedures to be used in applying for scholarships awarded through the federal Child Development Associate Scholarship Program, and is being repealed to allow for promulgation of new regulations which will address the availability of additional federal and state funding streams and different eligibility requirements for scholarship recipients. This current regulation is outdated.

STATEMENT

Substance: This regulation is being repealed as outdated, as it addresses only one funding stream and one set of eligibility requirements. The program has expanded markedly since these regulations were promulgated.

Issues: Only licensed Virginia child care providers were eligible for scholarship funding under the old eligibility requirements. New eligibility requirements with new funding streams make tuition scholarships available to all Virginia child care providers.

Purpose: These regulations are being repealed to allow for promulgation of new regulations which address the availability of additional federal and state funding streams and different eligibility requirements for scholarship recipients.

Basis: The initial federal scholarship grant was awarded under the Human Services Reauthorization Act of 1985, Title VI, Grants for Child Development Associate Scholarship Assistance (P.L. 99-425) as amended. The Department of Social Services, Division of Licensing Programs, was appointed administering agency by the Governor.

Estimated Impact:

A. Projected cost to regulated entities for participation in the scholarship program:

There is no cost to be borne by regulated entities.

B. Projected cost to the agency for repeal:

No cost to agency.

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

Written comments may be submitted until May 22, 1992.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

BOARD OF PROFESSIONAL SOIL SCIENTISTS

March 23, 1992 - 10 a.m. - CANCELLED

† April 6, 1992 - 10 a.m. - Open Meeting

Department of Commerce, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☒

A general board meeting.

Contact: Nelle P. Hotchkiss, Assistant Director, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8595.

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

† April 9, 1992 - 10 a.m. - Open Meeting
Radisson Hotel, 555 East Canal Street, Richmond, Virginia.

A quarterly board meeting to (i) review budget reductions for 1991-1992; (ii) approve contracts and grant allocations for 1992-1993 master plan policies/procedures status report; and (iii) review other items of interest.

Contact: Gina Schraudt, Administrative Assistant to the VPTB, 110 South Seventh Street, 1st Floor, Richmond, VA 23219, telephone (804) 344-5522.

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

March 23, 1992 - 10 a.m. - Public Hearing
Suffolk District Office, 1700 North Main Street (Route 460), Suffolk, Virginia. ☒ (Interpreter for deaf provided upon request)

March 24, 1992 - 10 a.m. - Public Hearing
Salem District Office, Harrison Avenue North of Main Street and East of VA 311, Salem, Virginia. ☒ (Interpreter for deaf provided upon request)

March 27, 1992 - 10 a.m. - Public Hearing
Virginia Highlands Community College, Route 372, Abingdon, Virginia. ☒ (Interpreter for deaf provided upon request)

March 30, 1992 - 10 a.m. - Public Hearing
Staunton District Office, Commerce Road (Route 11 Bypass), Staunton, Virginia. ☒ (Interpreter for deaf provided upon request)

March 31, 1992 - 10 a.m. - Public Hearing
Culpeper District Office, Route 15, Culpeper, Virginia. ☒ (Interpreter for deaf provided upon request)

April 1, 1992 - 10 a.m. - Public Hearing
Fairfax City Hall, Fairfax, Virginia. ☒ (Interpreter for deaf provided upon request)

NOTE: CHANGE IN DATE

April 7, 1992 - 10 a.m. - Public Hearing
Lynchburg District Office, Route 501, Lynchburg, Virginia. ☒ (Interpreter for deaf provided upon request)

Calendar of Events

NOTE: CHANGE IN DATE

April 8, 1992 - 10 a.m. – Public Hearing
Richmond District Office, Pine Forest Drive off Route 1, Colonial Heights, Virginia. ☒ (Interpreter for deaf provided upon request)

A public hearing to receive comments on highway allocations for the coming year and on updating the Six-Year Improvement Program for the Interstate, Primary, and Urban Systems.

Contact: Mr. Albert W. Coates, Jr., Assistant Commissioner, Virginia Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-9950.

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April 13, 1992 - 9:30 a.m. – Public Hearing
Front Auditorium, Old Highway Building, 1221 East Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commonwealth Transportation Board intends to amend regulations entitled: **VR 385-01-09. Public Participation Guidelines.** The Administrative Process Act (§ 9-6.14:1 et seq.) of the Code of Virginia requires the Department of Transportation to establish guidelines under which input from the public can be gathered during the adoption of regulations subject to the Act. The amendments to the Public Participation Guidelines update references in the text which are no longer correct.

The amendments also change the requirement that a 60-day time period must elapse between notice of the public hearing and a public hearing. As proposed, the 60-day period would extend from the date of public notice to the last date given in the notice for submission of any written comment, which is the requirement of the Act itself. This change was made to reduce the amount of time before a regulation becomes effective, thereby streamlining the process.

Statutory Authority: §§ 33.1-12 and 9.6-14:1 et seq. of the Code of Virginia.

Written comments may be submitted until April 20, 1992, to Larry D. Jones, Management Services Division, Room 712, Highway Annex, Virginia Department of Transportation, 1401 E. Broad Street, Richmond, VA 23219.

Contact: David L. Roberts, Management Lead Analyst, Management Services Division, Room 712, Highway Annex, Virginia Department of Transportation, 1401 E. Broad Street, Richmond, VA 23219, telephone (804) 786-3620.

† **April 15, 1992 - 2 p.m. – Open Meeting**
Virginia Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

Work session of the Commonwealth Transportation Board and the Department of Transportation staff.

† **April 16, 1992 - 10 a.m. – Open Meeting**
Virginia Department of Transportation, Board Room, 1401 East 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, 1491 East Broad Street, Richmond, VA 23219, telephone (804) 786-6670.

DEPARTMENT OF THE TREASURY (STATE TREASURER AND TREASURY BOARD)

April 15, 1992 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, 3rd floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regular meeting.

Contact: Belinda Blanchard, Assistant Investment Officer, Department of the Treasury, P.O. Box 6-H, Richmond, VA 23215, telephone (804) 225-2142.

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May 8, 1992 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Treasurer intends to adopt regulations entitled: **VR 640-04-1. Regulations Governing Escheats.** The proposed regulations address the annual reporting requirements for local government treasurers and escheators and outline the escheator's responsibilities for the disclosures to be made at escheat auctions, the collection and remittance of sale proceeds, and the notifications to be made to defaulting purchasers. In addition, the regulations stipulate the required bonding for escheators, specify the commission basis for escheators and auctioneers as well as the reimbursable expenses of auctioneers, and outline department charges for requests for information under the Freedom of Information Act.

Statutory Authority: § 55-200.1 of the Code of Virginia.

Written comments may be submitted until May 8, 1992.

Contact: Robert S. Young, Director of Financial Policy, Department of the Treasury, P.O. Box 6-H, Richmond, VA 23215, telephone (804) 225-3131.

BOARD OF VETERANS AFFAIRS

† April 10, 1992 - 2 p.m. - Open Meeting
DAV Post Home, 2381 Roanoke Boulevard, Salem, Virginia.

☒

Topics of discussion will include the state veterans home and other items of interest to Virginia's veterans.

The public is invited to speak on items of interest to veteran community; however, presentations should be limited to fifteen minutes. Speakers are requested to register with the aide present at the meeting and should leave a copy of their remarks for the record. Service organizations should select one person to speak on behalf of the entire organization in order to give ample time to accommodate all who may wish to speak.

Contact: Beth Tonn, Secretary for the Board, Department of Veteran's Affairs, P.O. Box 809, Roanoke, VA 24004, telephone (703) 857-7104 or (703) 857-7102/TDD ☎

VIRGINIA RESOURCES AUTHORITY

April 14, 1992 - 9 a.m. - Open Meeting
May 12, 1992 - 9 a.m. - Open Meeting
The Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia.

The board will meet to (i) approve minutes of its previous meeting; (ii) review the Authority's operations for the prior months; and (iii) consider other matters and take other actions as it may deem appropriate. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

Public comments will be received at the beginning of the meeting.

Contact: Mr. Shockley D. Gardner, Jr., 909 East Main Street, Suite 707, Mutual Building, Richmond, VA 23219, telephone (804) 644-3100 or FAX number (804) 644-3109.

DEPARTMENT FOR THE VISUALLY HANDICAPPED (BOARD OF)

† April 4, 1992 - 11 a.m. - Open Meeting

397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A regular meeting to receive reports from department staff and other information that may be presented to the board. A portion of this meeting will be held in conjunction with the department's Advisory Committee on Services.

Contact: Joseph A. Bowman, Executive Assistant, 397 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3140/TDD ☎ or toll-free 1-800-622-2155.

Advisory Committee on Services

April 4, 1992 - 10:30 a.m. - Open Meeting
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☒ (interpreter for deaf provided upon request)

A quarterly meeting to advise the Board for the Visually Handicapped on matters related to services for blind and visually impaired citizens of the Commonwealth.

Contact: Barbara G. Tyson, Executive Secretary, 397 Azalea Avenue, Richmond, VA 23227, telephone (804) 371-3140/TDD ☎ or toll-free 1-800-622-2155.

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

March 25, 1992 - 1 p.m. - Open Meeting
Sheraton Airport Inn, 4700 South Laburnum Avenue, Richmond, Virginia.

General session - Sheraton Airport Inn. Meeting with the Virginia Board of Education - James Monroe Building.

March 26, 1992 - 8 a.m. - Open Meeting
Sheraton Airport Inn, 4700 South Laburnum Avenue, Richmond, Virginia.

Committee meetings. Business session.

Contact: George S. Orr, Jr., Virginia Council on Vocational Education, 7420-A Whitepine Road, Richmond, VA 23237, telephone (804) 275-6218.

VIRGINIA VOLUNTARY FORMULARY BOARD

May 7, 1992 - 10:30 a.m. - Open Meeting
1100 Bank Street, Washington Building, 2nd Floor Board Room, Richmond, Virginia.

A meeting to consider public hearing comments and review new product data for products pertaining to the Virginia Voluntary Formulary.

Calendar of Events

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, 109 Governor Street, Room B1-9, Richmond, VA 23219, telephone (804) 786-4236.

DEPARTMENT OF WASTE MANAGEMENT

† **April 9, 1992 - 10 a.m.** – Open Meeting
State Water Control Board, 4900 Cox Road, Glen Allen, Virginia. ☒

A general business meeting. Staff will seek final adoption of the Solid Waste Management Facility Permit Application Fees Regulation and final adoption of the Hazardous Materials Transportation Regulations. The department will give a status report on the amendments to the Hazardous Waste Management Regulations and the amendments to the Solid Waste Management Regulations.

† **April 10, 1992 - 9 a.m.** – Open Meeting
The Airfield Conference Center, Wakefield, Virginia. ☒

This will be a working session only. No formal action will be taken during this session. The public is welcome to attend. The agenda items are: Coal Ash Management, Ex Parte Communication, Status of State Agency Recycling, Review of 1992 Legislation/Budget, Status of Solid Waste Management Plans, and a report on the State Hazardous Waste Capacity Assurance Plan.

Contact: Loraine Williams, Secretary, 101 N. 14th Street, Richmond, Virginia 23219, telephone (804) 225-2667 or (804) 371-8737/TDD ☎

† **April 22, 1992 - 7 p.m.** – Public Hearing
Pepper's Ferry Conference Room, Route 1200 off Route 114, Radford, Virginia.

Pursuant to the requirements of Part VII of the Virginia Solid Waste Management Regulations (Permitting of Solid Waste Management Facilities), the Department of Waste Management will hold a public hearing on the draft permit proposed by New River Resource Authority concerning the New River Resource Authority Yard Waste Composting Facility.

The public comment period will extend until May 4, 1992. A copy of the proposed draft permit amendments may be obtained from Russell McAvoy Jr., Department of Waste Management, Sixth Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219.

Contact: Brian McReynolds, Environmental Engineer Senior, Virginia Department of Waste Management, 11th Floor, Monroe Building, 101 N. 14th Street, Richmond, Virginia 23219, telephone (804) 371-0515 or (804) 371-8737/TDD ☎

† **April 27, 1992 - 7 p.m.** – Public Hearing
Ivor Town Hall, Bell Avenue, Ivor, Virginia.

Pursuant to the requirements of Part VII, Permitting of Solid Waste Management Facilities, of the Virginia Solid Waste Management Regulations, the Department of Waste Management will hold a public hearing on the draft permit proposed by Southeastern Public Service Authority for a Transfer Station which shall be located in Southampton County.

The draft permit public comment period will extend until May 7, 1992. A copy of the proposed draft permit may be obtained from Debra Miller, Department of Waste Management, 11th Floor, Monroe Building, 101 North 14th Street, Richmond, VA 23219.

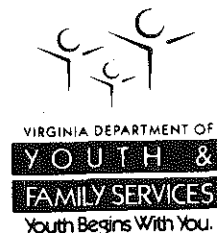
Contact: Debra A. Miller, Environmental Engineer Senior, Virginia Department of Waste Management, 11th Floor, Monroe Building, 101 N. 14th Street, Richmond, Virginia 23219, telephone (804) 371-6983 or (804) 371-8737/TDD ☎

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

† **March 23, 1992 - 8 a.m.** – Open Meeting
† **April 17, 1992 - 8 a.m.** – Open Meeting
Virginia Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A general board meeting.

Contact: Nelle P. Hotchkiss, Assistant Director, Virginia Department of Commerce, 3600 W. Broad Street, Richmond, Virginia 23234, telephone (804) 367-8595.



BOARD OF YOUTH AND FAMILY SERVICES

† **April 8, 1992 - 4 p.m.** – Public Hearing
Department of Youth and Family Services, 7th and Franklin Streets, 700 Centre, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Youth and Family Services intends to adopt regulations entitled: **VR 690-15-001. Regulations for State Reimbursement of Local Juvenile Residential Facility Construction.** The proposed regulation establishes Board of Youth and Family Services Standards for reimbursement of local juvenile residential facility construction costs.

STATEMENT

Basis: Sections 66-10, 16.1-313, and 16.1-322.5 through 16.1-322.7 of the Code of Virginia authorize the Board of Youth and Family Services to prescribe regulations for the reimbursement of construction costs of juvenile facilities incurred by localities.

Purpose: This is a new regulation issued by the Board of Youth and Family Services to provide guidance to localities in requesting reimbursement for construction costs.

Substance: This regulation (i) serves as a guideline in evaluating requests for reimbursement of local facility costs; (ii) includes criteria to assess need and establish priorities; (iii) ensures the fair and equitable distribution of state funds provided for reimbursing local facility construction costs; and (iv) provides criteria for private construction of detention or other residential facilities.

Issues: This regulation was promulgated by the Board of Youth and Family Services to carry out the provisions of the Code of Virginia listed above. This is a new regulation promulgated by the Board which commenced operation on July 1, 1990. The regulation governs the process for applying for and receiving reimbursement for local facility construction costs.

Impact: All localities seeking reimbursement for construction costs of juvenile facilities will be subject to this regulation.

Statutory Authority: §§ 16.1-313, 16.1-322.5 through 16.1-322.7 and 66-10 of the Code of Virginia.

Written comments may be submitted until May 22, 1992.

Contact: Paul Steiner, Policy Coordinator, Department of Youth and Family Services, P.O. Box 3AG, Richmond, Virginia 23208, telephone (804) 371-0700.

April 9, 1992 - 10 a.m. - Open Meeting
 May 14, 1992 - 10 a.m. - Open Meeting
 Site to be announced. Richmond, Virginia.

A general business meeting.

Contact: Paul Steiner, Policy Coordinator, Department of Youth and Family Services, P.O. Box 3AG, Richmond, Virginia 23208-1108, telephone (804) 371-0692.

CHRONOLOGICAL LIST

OPEN MEETINGS

March 23
 Chesapeake Bay Local Assistance Board
 - Central Area Review Committee
 Health Services Cost Review Council, Virginia

Lottery Board, State
 Nursing, Board of
 † Waste Management Facility Operators, Board for

March 24

† Alcohol Safety Action Program, Commission on the Virginia
 Health, Department of
 - Radiation Advisory Board
 Local Government, Commission on
 Marine Resources Commission
 Nursing, Board of
 Professional Counselors, Board of

March 25

† Agriculture and Consumer Services, Department of
 - Virginia Sweet Potato Board
 Chesapeake Bay Local Assistance Board
 - Northern Area Review Committee
 Community Colleges, State Board for
 † Education, Board of
 Emergency Planning Committee, Local - Arlington
 County/City of Falls Church
 Local Government, Commission on
 Mental Health, Mental Retardation and Substance
 Abuse Services Board, State
 Nursing, Board of
 Vocational Education, Virginia Council on

March 26

Aging, Department for the
 - Long-Term Care Ombudsman Program Advisory
 Council
 Architects, Professional Engineers, Land Surveyors and
 Landscape Architects, Board for
 - Board for Contractors
 † ASAP Policy Board - Tidewater
 Community Colleges, State Board for
 Compensation Board
 Criminal Justice Services, Board of
 - Committee on Criminal Justice Information Systems
 † Education, Board of
 † Medicine, Board of
 - Informal Conference Committee
 Nursing, Board of
 † Rehabilitative Services, Board of
 - Finance Committee
 - Legislation Committee
 - Program and Evaluation Committee
 Vocational Education, Virginia Council on

March 27

† Air Pollution Control Board, State
 Architects, Professional Engineers, Land Surveyors and
 Landscape Architects, Board for
 - Board for Interior Designers
 Building Code Technical Review Board, State
 Governor's Council in Alcohol and Drug Abuse
 † Medicine, Board of
 - Informal Conference Committee

Calendar of Events

March 30

- Alcoholic Beverage Control Board
- † Labor and Industry, Department of
- Virginia Apprenticeship Council

March 31

- Medicine, Board of
- Advisory Committee on Acupuncture

April 1

- † Chesapeake Bay Local Assistance Board
- Southern Area Review Committee
- † Criminal Justice Services Board
- Committee on Training

April 2

- † Conservation and Recreation, Department of
- Emergency Planning Committee, Local - Chesterfield County

April 4

- Visually Handicapped, Department for the
- Advisory Committee on Services

April 5

- † Dentistry, Board of

April 6

- Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
- † Dentistry, Board of
- † Funeral Directors and Embalmers, Board of
- † Soil Scientists, Board for Professional

April 7

- † Dentistry, Board of
- † Funeral Directors and Embalmers, Board of
- Hopewell Industrial Safety Council

April 8

- † Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- † Environment, Council on the
- Virginia Coastal Resources Management Program
- † Funeral Directors and Embalmers, Board of
- † Migrant and Seasonal Farmworkers Board
- † Motor Vehicles, Department of
- Medical Advisory Board

April 9

- † Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
- Board for Architects
- † Information Management, Council on
- † Medical Assistance Services, Department of
- Drug Utilization Review (DUR) Board
- † Telecommunications Board, Virginia Public
- † Waste Management Board, Virginia
- Youth and Family Services, Board of

April 10

Medicine, Board of

- Executive Committee
- Advisory Committee on Optometry
- † Veterans Affairs, Board of
- † Waste Management Board, Virginia

April 12

- † Dentistry, Board of
- Medicine, Board of
- Credentials Committee

April 11

- † Health, State Board of

April 13

- † Health, State Board of

April 14

- † Funeral Directors and Embalmers, Board of
- † Health, State Board of
- Higher Education for Virginia, State Council of
- Virginia Resources Authority

April 15

- † Chesapeake Bay Local Assistance Board
- Southern Area Review Committee
- † Corrections, Board of
- † Dentistry, Board of
- Local Debt, State Council on
- † Transportation Board, Commonwealth
- Treasury Board

April 16

- Agriculture and Consumer Services, Department of
- Pesticide Control Board
- † Branch Pilots, Board for
- Medicine, Board of
- Advisory Board of Occupational Therapy
- † Transportation Board, Commonwealth

April 17

- Agriculture and Consumer Services, Department of
- Pesticide Control Board
- † Children, Interdepartmental Regulation of Residential Facilities for
- Coordinating Committee
- † Waste Management Facility Operators, Board for

April 20

- † Medicine, Board of
- Informal Conference Committee

April 21

- † Dentistry, Board of
- † Education, Board of

April 22

- † Education, Board of
- Emergency Planning Committee, Local - Gloucester

April 23

Calendar of Events

† Education, Board of
Real Estate Appraiser Board

April 24

† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Interior Designers
† Medicine, Board of
- Informal Conference Committee

April 25

† Dentistry, Board of

April 27

† Chesapeake Bay Local Assistance Board
- Central Area Review Committee
† Longwood College
- Board of Visitors

April 28

† Health Services Cost Review Council, Virginia
Marine Resources Commission

May 4

† Commerce, Board of

May 5

† Funeral Directors and Embalmers, Board of
Hopewell Industrial Safety Council

May 6

† Chesapeake Bay Local Assistance Board
- Southern Area Review Committee
† Dentistry, Board of
† Funeral Directors and Embalmers, Board of

May 7

Emergency Planning Committee, Local - Chesterfield
County
Voluntary Formulary Board, Virginia

May 9

† Dentistry, Board of

May 11

† Chesapeake Bay Local Assistance Board
- Central Area Review Committee

May 12

Virginia Resources Authority

May 13

† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
† Corrections, Board of
† Interagency Coordinating Council on Early
Intervention, Virginia

May 14

† Corrections, Board of
- Liaison Committee

Youth and Family Services, Board of

May 15

† Interdepartmental Regulation of Residential Facilities
for Children
- Coordinating Committee

May 27

† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee

June 3

† Chesapeake Bay Local Assistance Board
- Southern Area Review Committee

June 4

† Emergency Planning Committee, Local - Chesterfield
County

June 8

† Chesapeake Bay Local Assistance Board
- Central Area Review Committee

June 10

† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee

June 19

† Interdepartmental Regulation of Residential Facilities
for Children
- Coordinating Committee

June 20

† Dentistry, Board of

June 22

† Chesapeake Bay Local Assistance Board
- Central Area Review Committee

June 24

† Chesapeake Bay Local Assistance Board
- Northern Area Review Committee

PUBLIC HEARINGS

March 23

Transportation, Department of

March 24

Child Day Care and Early Childhood Programs,
Council on
Local Government, Commission on
Transportation, Department of

March 27

Transportation, Department of

March 30

Calendar of Events

Transportation, Department of

March 31

Transportation, Department of

April 1

Criminal Justice Services, Department of
Transportation, Department of

April 2

† Commerce, Board of

April 6

† Education, Board of
Transportation, Department of

April 7

Transportation, Department of

April 8

† Youth and Family Services, Board of

April 9

† Education, Board of

April 13

Transportation, Department of

April 14

† Education, Board of
Mental Health, Mental Retardation and Substance
Abuse Services, Department of

April 22

† Waste Management, Department of

April 27

† Waste Management, Department of