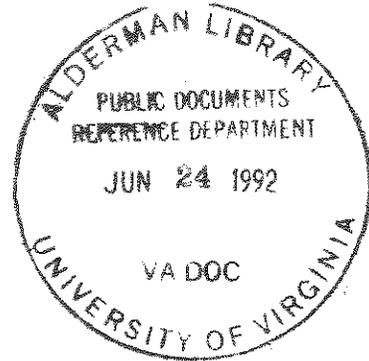
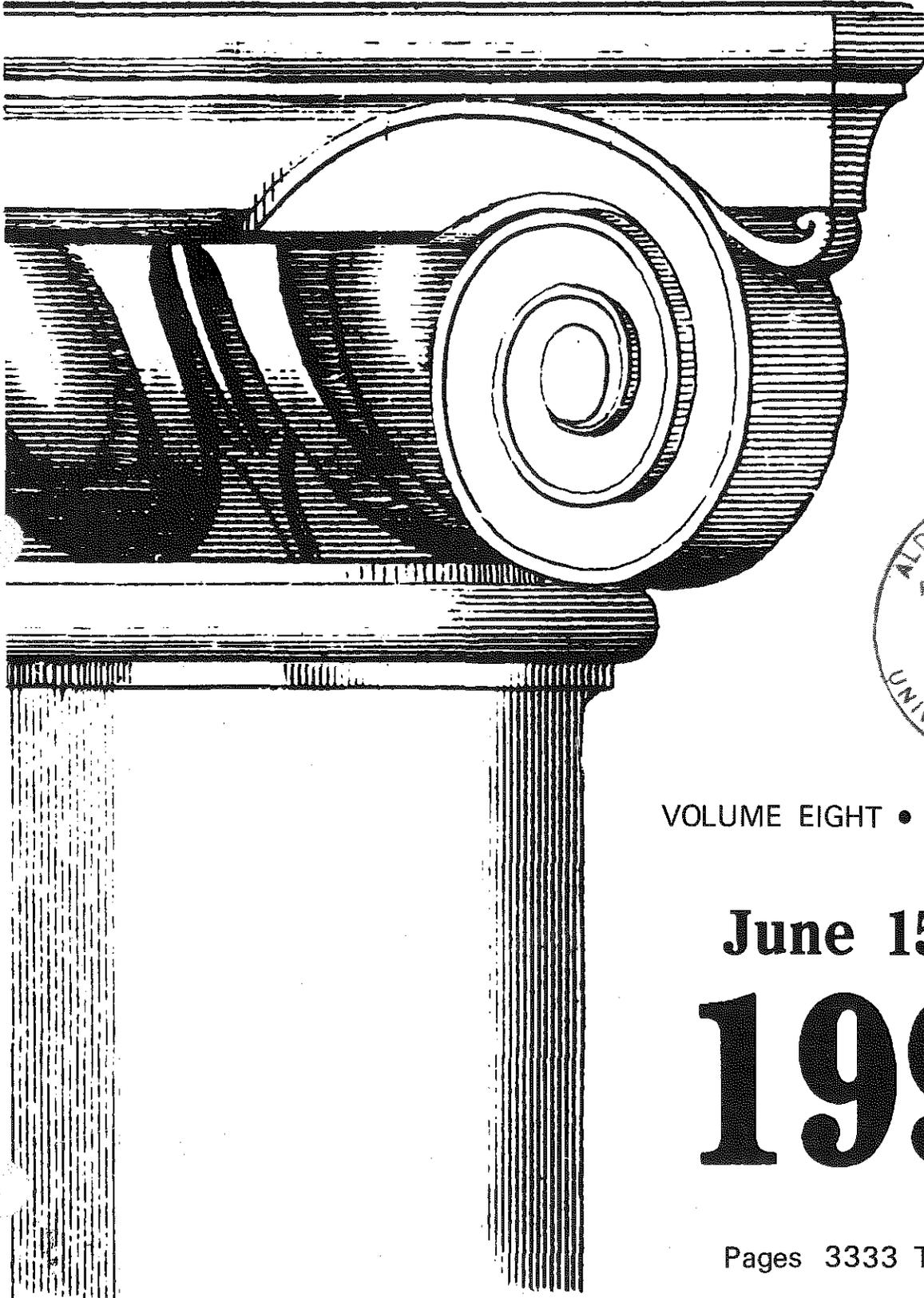


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THE VIRGINIA REGISTER

OF REGULATIONS

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June 15, 1992

1992

Pages 3333 Through 3462

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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VIRGINIA REGISTER OF REGULATIONS

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March 1992 through June 1993

MATERIAL SUBMITTED BY PUBLICATION DATE
Noon Wednesday

Volume 8 - 1992

Mar. 18	Apr. 6
Apr. 1	Apr. 20
Apr. 15	May 4
Apr. 29	May 18
May 13	June 1
May 27	June 15
June 10	June 29
Index 3 - Volume 8	

June 24	July 13
July 8	July 27
July 22	Aug. 10
Aug. 5	Aug. 24
Aug. 19	Sept. 7
Sept. 2	Sept. 21
Final Index - Volume 8	

Volume 9 - 1992-93

Sept. 16	Oct. 5
Sept. 30	Oct. 19
Oct. 14	Nov. 2
Oct. 28	Nov. 16
Nov. 11	Nov. 30
Nov. 25	Dec. 14
Dec. 9	Dec. 28
Index 1 - Volume 9	

Dec. 23	Jan. 11, 1993
Jan. 6	Jan. 25
Jan. 20	Feb. 8
Feb. 3	Feb. 22
Feb. 17	Mar. 1
Mar. 3	Mar. 15
Mar. 17	Mar. 29
Index 2 - Volume 9	

Mar. 31	Apr. 12
Apr. 14	Apr. 26
Apr. 28	May 10
May 12	May 24
May 26	June 7
June 9	June 21
June 16	June 28
Index 3 - Volume 9	

TABLE OF CONTENTS

NOTICES OF INTENDED REGULATORY ACTION

Notices of Intent 3335

PROPOSED REGULATIONS

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Standards for Approval of Teacher Preparation Programs in Virginia. (REPEALED) (VR 270-01-0052) 3342

Regulations Governing Approved Programs for Virginia Institutions of Higher Education. (VR 270-01-0052:1) 3342

BOARD OF PSYCHOLOGY

Regulations Governing the Practice of Psychology. (VR 565-01-2) 3360

FINAL REGULATIONS

DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

Definitions and Miscellaneous: In General. (VR 325-01-1) 3386

Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals. (VR 325-01-2) 3387

Game: Bear. (VR 325-02-2) 3389

Game: Deer. (VR 325-02-6) 3389

Game: Raccoon. (VR 325-02-19) 3389

Game: Permits. (VR 325-02-27) 3389

Fish: Fishing Generally. (VR 325-03-1) 3390

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

State Plan for Medical Assistance Relating to Reimbursement Adjustment for Nonemergency Emergency Room Care.

Methods and Standards Used for Establishing Payment Rates-Other Types of Care. (VR 460-02-4.1920) 3390

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Child Support Enforcement Program. (VR 615-70-17) 3396

DEPARTMENT OF YOUTH AND FAMILY SERVICES (BOARD OF)

Learning Center Standards. (VR 690-50-001) 3412

EMERGENCY REGULATIONS

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Rules and Regulations of the Virginia Health Services Cost Review Council. (VR 370-01-001) 3414

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Child Day Care Services. (VR 615-53-01) 3421

STATE CORPORATION COMMISSION

ADMINISTRATIVE LETTERS

Withdrawal of Administrative Letter 1992-7. (1992-11) 3428

Refund of Unearned Interest. (1992-7) 3428

GOVERNOR

EXECUTIVE ORDERS

Creating the Governor's Anti-Crime Partnership Program. (1992-47) 3429

GOVERNOR'S COMMENTS

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Licensure Regulations for School Personnel. (VR 270-01-0000:1) 3430

Regulations Establishing Standards for Accrediting Public Schools in Virginia. (VR 270-01-0012) 3430

Regulations Governing Approved Programs for Virginia Institutions of Higher Education. (VR 270-01-0052:1) 3430

Table of Contents

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Regulations of the Board of Funeral Directors and Embalmers. (VR 320-01-2) 3430

Preneed Funeral Planning Regulations. (VR 320-01-3) 3430

DEPARTMENT OF HEALTH

Regulations for the Immunization of School Children. (VR 355-28-300) 3431

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Rules and Regulations of the Virginia Health Services Cost Review Council. (VR 370-01-001) 3431

Rules and Regulations of the Virginia Health Services Cost Review Council. (VR 370-01-001) 3431

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Specialized Care Services Reimbursement. (VR 460-02-3.1300, VR 460-02-4.1940 and VR 460-02-4.1940:1) 3431

State Plan for Medical Assistance Relating to Reimbursement Adjustment for Nonemergency Emergency Room Care.

Methods and Standards Used for Establishing Payment Rates-Other Types of Care. (VR 460-02-4.1920) 3431

DEPARTMENT OF SOCIAL SERVICES

Virginia Energy Assistance Program. (VR 615-08-1) . 3431

Child Support Enforcement Program. (VR 615-70-17) 3431

GENERAL NOTICES/ERRATA

GENERAL NOTICES

ALCOHOLIC BEVERAGE CONTROL BOARD

Notice to the Public Regarding Public Hearing on the Adoption or Amendment of Regulations. 3432

DEPARTMENT OF GENERAL SERVICES

Regulations for the Approval of Field Tests for Detection of Drugs. (VR 330-05-01) 3432

NOTICE TO STATE AGENCIES

Notice of change of address. 3436

Forms for filing material on dates for publication. .. 3436

ERRATA

DEPARTMENT OF AIR POLLUTION CONTROL

Regulations for the Control and Abatement of Air Pollution. (VR 120-01) 3436

BOARD FOR CONTRACTORS

Rules and Regulations of the Board for Contractors. (VR 220-01-2) 3436

STATE LOTTERY BOARD

Administration Regulations. (VR 447-01-2) 3437

Instant Game Regulations. (VR 447-02-1) 3437

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings 3438

LEGISLATIVE

Open Meetings and Public Hearings 3458

CHRONOLOGICAL LIST

Open Meetings 3459

Public Hearings 3461

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key †

† Indicates entries since last publication of the Virginia Register

BOARD FOR ACCOUNTANCY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Accountancy intends to consider amending regulations entitled: **VR 105-01-02. Board for Accountancy Regulations.** The purpose of the proposed action is to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, and clarity in accordance with the board's Public Participation Guidelines.

Statutory Authority: §§ 54.1-201(5) and 54.1-2000 of the Code of Virginia.

Written comments may be submitted until July 15, 1992.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, Board for Accountancy, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8590.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-02-04. Rules and Regulations Governing the Operation of Livestock Markets.** The purpose of the proposed action is to review the regulation for effectiveness and continued need.

Statutory Authority: §§ 3.1-724, 3.1-730 and 3.1-757 of the Code of Virginia.

Written comments may be submitted until July 16, 1992.

Contact: Dr. W.M. Sims, Jr., State Veterinarian, P.O. Box 1163, 1100 Bank Street, Room 600, Richmond, VA 23219, telephone (804) 367-2481.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Agriculture and Consumer Services intends to consider

amending regulations entitled: **VR 115-05-01. Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products.** The purpose of the proposed action is to evaluate the regulation for effectiveness and continued need.

Statutory Authority: §§ 3.1-530.1 through 3.1-530.9 of the Code of Virginia.

Written comments may be submitted until July 17, 1992.

Contact: Mr. John A. Beers, Program Manager, P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-1453.

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 regulation is to limit or prohibit open burning in some instances and to establish requirements to allow the agency to monitor and issue permits for open burning in order to restrict particulate (smoke) emissions from open burning to the levels necessary for the protection of public health and welfare.

A public meeting will be held by the department in House Room 1, State Capitol Building, Richmond, Virginia, at 9 a.m. on June 24, 1992, to discuss the intended action. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to regulation development.

Ad hoc advisory group: The department will form an ad hoc advisory group to assist in the development of the regulation. Persons desiring to be in the group should notify the agency contact in writing by close of business on May 21, 1992, providing the name, address, phone number, and the organization to be represented (if any). Notification of the composition of the ad hoc advisory group will be sent to all applicants by June 4, 1992. Person selected to be on the group are encouraged to attend the public meeting mentioned above and any subsequent meetings that may be needed to develop the draft regulation.

Notices of Intended Regulatory Action

Location of documents: The legal and technical basis for the intended regulatory action and any supporting documents may be examined by the public on the Eighth Floor, Ninth Street Office Building, 200-202 North Ninth Street, Richmond, Virginia, between 8:30 a.m. and 4:30 p.m. of each business day until the day of the meeting.

Need and issues involved: The basic elements of Rule 4-40 are as follows. Section 120-04-4003 generally prohibits the burning of refuse (except as allowed by § 120-04-4004). Section 120-04-4003 also specifies conditions under which open burning is never allowed, such as the burning of rubber, asphaltic or oily materials, or toxic materials. Section 120-04-4004 contains the list of circumstances under which burning is allowed. In two of these circumstances, the burning of land clearing refuse and burning at local landfills, a permit is required in order to burn. Section 120-04-4005 covers the permitting of special open pit incinerators often used as an alternative to open burning. Essentially, Rule 4-40 does not prevent open burning but does impose restrictions designed to minimize the adverse effects of this activity.

Open burning produces a form of air pollution that is readily visible to the public and is therefore a very sensitive issue. Also, open burning presents an immediate and real health hazard to the public, especially to those with asthma, bronchitis, or other respiratory diseases. Moreover, control of open burning can sometimes involve a conflict between two public policy issues: the enjoyment of life and property and the promotion of economic development. For instance, a large open burn in a heavily populated area may cause a nuisance and hinder the enjoyment of private property, but at the same time it may reduce the expense of disposal.

On the other hand, emissions from open burning represent less than 1.0% of the total emissions statewide, but the time spent in dealing with the problem may range as high as 25% for some of the department's enforcement staff. This allocation of resources seems disproportionate in light of the department's responsibility to control other types of emissions which contribute far more to the degradation of air quality, like those from industry and motor vehicles. Therefore, the regulation of open burning on a statewide basis may not be cost effective.

Alternatives: The department is requesting comments on the costs and benefits of the following alternatives as well as on any others which address the need. The department's assessment of the following alternatives is presented below.

1. Take no action. This alternative would be inappropriate from the point of view of both public and department. Scarce resources prevent the department from devoting the necessary time and staff to the enforcement of the current rule. Local governments and the public, however, assume the existence of adequate enforcement efforts on the part of the state because of the language of the current

rule.

2. Remove all state air quality restrictions on open burning except for those governing the burning of hazardous materials. This alternative would probably be unacceptable to the public. Since open burning is one of the most visible forms of air pollution, citizens file complaints about this activity with great readiness. Furthermore, the department's abolition of the open burning restrictions might be perceived by the public as irrational and inconsistent in light of the fact that the department has worked to obtain several convictions for violation of the current open burning rule over the past years.

3. Prohibit all open burning. This alternative would be impossible to enforce. Department staff have already significantly reduced the amount of time spent investigating open burning complaints and issuing open burning permits because more important legal mandates demand that they spend their time enforcing rules that have a greater environmental and health impact than does the open burning rule. Open burning has no measurable effect on ambient air quality; therefore, statewide regulation contributes very little to Virginia's legal health and welfare goals. A more stringent rule (like one involving a prohibition of all open burning) would further widen the discrepancy between law and practice since sufficient resources could not possibly be allocated to enforce it.

4. Prohibit all open burning except where there is a valid local ordinance meeting criteria specified by the state. Since local waste collection and disposal policies significantly affect the practice of open burning, it is appropriate for the local governing bodies responsible for those policies to assume the authority for dealing with open burning within their jurisdictions. Such assumption of authority is realistic since little technical expertise is needed to enforce a local open burning ordinance. Furthermore, a local government could more consistently and efficiently enforce an open burning ordinance through its fire and police departments than the state could through nonlocal staff. The major caveat with this alternative is that local governments vary considerably in their capability and willingness to assume responsibility for open burning. Any attempt to force local control could result in strained relations with both the localities and the public.

Regulatory constraints: Section 10.1-1308 of the Virginia Air Pollution Control Law prohibits the board from regulating "the burning of leaves from trees by persons on property where they reside if the local governing body of the county, city or town has enacted an otherwise valid ordinance regulating such burning."

Applicable statutory provisions: The legal basis for the regulation is § 10.1-1308 of the Virginia Air Pollution Control Law (Chapter 13 of Title 10.1 of the Code of

Notices of Intended Regulatory Action

Virginia).

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until 4 p.m., June 24, 1992, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240.

Contact: Kathleen Sands, Policy Analyst, Division of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 225-2722.

ALCOHOLIC BEVERAGE CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **VR 125-01-1 through VR 125-01-7. Regulations of the Virginia Alcoholic Beverage Control Board.** The purpose of the proposed action is to receive information from industry, the general public and licensees of the board concerning adopting, amending or repealing the board's regulations.

A public hearing will be held on October 28, 1992, at 10 a.m. in the First Floor Hearing Room, 2901 Hermitage Road, Richmond, Virginia, to receive comments from the public. (See notice in General Notices Section.)

Statutory Authority: §§ 4-7(1), 4-11, 4.36, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103(b) and 9-6.14:1 et seq. of the Code of Virginia.

Written comments may be submitted until June 29, 1992.

Contact: Robert N. Swinson, Secretary to the Board, P.O. Box 27491, Richmond, VA 23291, telephone (804) 367-0616.

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 230-01-003. Rules and Regulations Governing the Certification Process.** The purpose of the proposed action is to update the rules and regulations used in the evaluation and certification of state and local correctional facilities.

Statutory Authority: §§ 53.1-5, 53.1-69, 53.1-144 and 53.1-178 of the Code of Virginia.

Written comments may be submitted until June 15, 1992.

Contact: James S. Jones, Jr., Manager, 6900 Atmore Drive, Richmond, VA 23225, telephone (804) 674-3262.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Corrections intends to consider amending regulations entitled: **VR 230-30-007. Supervision Fee Rules, Regulations and Procedures.** The purpose of the proposed action is to bring the rules and regulations into compliance with changes to § 53.1-150 of the Code of Virginia, enacted during the 1992 session.

Statutory Authority: §§ 53.1-5 and 53.1-150 of the Code of Virginia.

Written comments may be submitted until June 22, 1992.

Contact: Walter M. Pulliam, Regional Administrator, 302 Turner Road, Richmond, VA 23225-6432, telephone (804) 674-3732.

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 amend regulations to reflect 1992 amendments of § 9-160 D pertaining to the Council's Commercial Diversification Survey and the new requirements for the Council to collect Form 990s from nonprofit health care institutions.

Statutory Authority: §§ 9-160 and 9-164 of the Code of Virginia, as amended by the 1992 Session of the Virginia General Assembly.

Written comments may be submitted until June 22, 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.

DEPARTMENT OF HISTORIC RESOURCES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Historic Resources intends to consider promulgating regulations entitled: **VR 390-01-01:2. Public Participation Guidelines.** The purpose of the proposed action is to adopt Public Participation Guidelines for the department which establish, in regulation, various provisions to ensure

Notices of Intended Regulatory Action

interested parties have the necessary information to comment on regulatory actions in a meaningful fashion in all phases of the regulatory process and establish regulations which are consistent with those of the other agencies within the Natural Resources Secretariat. Specifically, the department is considering adoption of Public Participation Guidelines which would require an expanded notice of intended regulatory action (NOIRA) to include a statement as to the need for the regulatory action; a description, if possible, of alternatives available to meet the need; and a request for comments on the intended regulatory action, comments on the costs and benefits of the alternatives, and suggestions. In addition, the department would be required to perform certain analyses and state in the notice of public comment period that the analyses had been performed and are available to the public upon request.

Section 9-6.14:7.1 of the Code of Virginia requires each agency to develop, adopt and utilize public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations. Sections 10.1-2202 authorizes the director of the Department of Historic Resources to promulgate regulations necessary to carry out all responsibilities incumbent upon the State Historic Preservation Officer, including at a minimum criteria and procedures for submitting nominations of properties to the National Park Service for inclusion in the National Register of Historic Places or for designation as National Historic Landmarks.

No financial impact on regulated entities or the public is expected from the intended regulatory action since the guidelines only impose requirements on the department. Regulated entities and the public should benefit from the intended regulatory action in that the guidelines used by the different environmental agencies will be consistent and the amount and types of information made available to regulated entities and the public for their use in participating in the regulatory process will increase and be required by regulations.

The department will hold a public meeting at 2 p.m., Thursday, June 18, 1992, in the board room, Department of Historic Resources, 221 Governor Street, Richmond, Virginia, to receive views and comments and to answer questions of the public.

Statutory Authority: §§ 9-6.14:7.1 and 10.1-2202 of the Code of Virginia.

Written comments may be submitted until 4 p.m., June 22, 1992.

Contact: H. Bryan Mitchell, Deputy Director, 221 Governor Street, Richmond, VA 23219, telephone (804) 786-3143.

DEPARTMENT OF LABOR AND INDUSTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Labor and Industry intends to consider amending regulations entitled: **VR 425-01-80. Virginia Hours of Work for Minors.** The purpose of the proposed amendment is to extend the requirement regarding hours of work, including the number of hours per week, the number of hours per day, and the hours of day applicable to minors working in nonagricultural employment to minors working on farms, in gardens and in orchards or to otherwise extend hours of work restrictions on such minors.

Statutory Authority: §§ 40.1-6 and 40.1-80.1 of the Code of Virginia.

Written comments may be submitted until June 22, 1992.

Contact: Dennis Merrill, Labor Law Director, Department of Labor and Industry, Powers-Taylor Building, 13 S. Thirteenth Street, Richmond, VA 23219, telephone (804) 786-3224.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Labor and Industry intends to consider amending regulations entitled: **VR 425-01-81. Regulation Governing the Employment of Minors on Farms, in Gardens and in Orchards.** The purpose of the proposed action is to address the need for additional safeguards on the occupational use of agricultural chemicals and toxic substances by minors on farms, in gardens and in orchards. Public comments received by the department as part of the promulgation of this regulation indicated the need to further explore this issue.

Given the technical nature of the issue raised, insufficient time existed during the regulatory promulgation period to adequately explore this issue and retain the scheduled July 1, 1992, effective date. Current emergency regulations expire on June 30, 1992. This issue is therefore being addressed in a separate rulemaking.

Statutory Authority: §§ 40.1-6, 40.1-100 A and 40.1-114 of the Code of Virginia.

Written comments may be submitted until June 20, 1992.

Contact: Dennis Merrill, Labor Law Director, Department of Labor and Industry, Powers-Taylor Building, 13 S. Thirteenth Street, Richmond, VA 23219, telephone (804) 786-3224.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

Notices of Intended Regulatory Action

public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **VR 460-03-3.1105. Drugs or Drug Categories Which are Not Covered (Attachment 3.1 A & B, Supplement 5)**. The purpose of the proposed action is to promulgate regulations for the exclusion from Medicaid payment drugs which are used for cosmetic purposes and drugs which are used for fertility and infertility services.

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

Written comments may be submitted until June 15, 1992, to Rebecca Miller, Pharmacy Consultant, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

Contact: Victoria Simmons, Regulatory Coordinator, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219, telephone (804) 786-7933.

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-02-1. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture**. The purpose of the proposed action is to amend § 1.7 to further define misleading or deceptive advertising; to amend § 3.1 to further define the components required to be eligible to sit for the United States Medical Licensing Examination; and to amend § 4.1 by defining additional examinations acceptable for licensure examinations and establishing a period of time for passing the required examinations.

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

Written comments may be submitted until July 2, 1992, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9923.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-05-1. Regulations Governing the Practice of Physician's Assistants**. The purpose of the proposed action is to respond to Senate Bill 192 to allow prescriptive authority for physician's assistants.

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

Written comments may be submitted until June 19, 1992, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9923.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-08-01. Regulations for Certification of Occupational Therapists**. The purpose of the proposed action is to amend §§ 2.2 and 2.3, Certification by Examination, to further define the educational requirements.

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

Written comments may be submitted until July 2, 1992, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9923.

DEPARTMENT OF STATE POLICE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of State Police intends to consider amending regulations entitled: **VR 545-01-07. Motor Vehicle Safety Inspection Rules and Regulations**. The purpose of the proposed action is to (i) clarify the active life of Class IV offenses and identify combinations of lesser offenses committed during the active life of any Class IV offense that constitute grounds for suspension from the inspection program; (ii) prohibit vehicle modifications that raise a vehicle's body more than three inches above the manufacturer's attachment points or frame rail, excluding the original manufacturer's spacers, washers or bushings; (iii) adopt the standards and specifications of the Society of Automotive Engineers, Inc., and the Federal Motor Vehicle Safety Standard No. 209 for motor vehicle seat belt anchorages and attachment hardware; (iv) permit the use of a stop signal arm consisting of an octagonal sign on school buses which meets Federal Motor Vehicle Safety Standards - the sign will be reflectorized or equipped with 2 red warning lights of an approved type; (v) revise the steering lash/travel standard for trucks to parallel federal standards governing steering wheel movements; (vi) delete that portion of the table setting forth the minimum criteria for brake adjustment that specifies push rod limits for air disc brakes; and (vii) revise the Approved Equipment Section to include the definitions for safety glass and safety glazing materials as abstracted from the Z26.1-1990 glazing

Notices of Intended Regulatory Action

standard adopted by the American National Standards, Inst. and Federal Motor Vehicle Safety Standard #205.

Statutory Authority: §§ 46.2-1002, 46.2-1056, 46.2-1058, 46.2-1063, 46.2-1065, 46.2-1070, 46.2-1093, 46.2-1163 and 46.2-1165 of the Code of Virginia.

Written comments may be submitted until June 20, 1992.

Contact: Captain J. P. Henries, Safety Officer, Department of State Police, Safety Division, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 674-2017.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of State Police intends to consider amending regulations entitled: **Standards and Specification for the Stickers or Decals Used by Counties, Cities and Towns in Lieu of License Plates.** The purpose of the proposed action is to make these standards and specifications consistent with existing state law and Motor Vehicle Safety Inspection Rules and Regulations with regards to sticker or decal placement.

Statutory Authority: § 46.2-1052 of the Code of Virginia.

Written comments may be submitted until June 20, 1992.

Contact: Captain J. P. Henries, Safety Officer, Department of State Police, Safety Division, P.O. Box 85607, Richmond, VA 23285-5607, telephone (804) 674-2017.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **VR 615-32-01:1. Child Day Care Scholarship Programs.** The purpose of the proposed action is to provide guidelines for federal Child Care Provider Scholarship Program.

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

Written comments may be submitted until June 18, 1992.

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

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **Aid to Dependent Children Program - Disqualification for Intentional Program Violation.** The

purpose of the proposed action is to implement § 63.1-124.2 of the Code of Virginia and federal regulations at 445 CFR 235.112-113, to implement disqualification for intentional program violations and establish administrative disqualification hearings in the Aid to Dependent Children program.

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

Written comments may be submitted until July 15, 1992, to George Sheer, Bureau Chief, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699.

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

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **VR 615-37-01. Regulation for Criminal Records Check for Homes for Adults and Adult Day Care Centers.** The purpose of the proposed action is to set forth requirements for criminal record reports for compensated employees of Homes for Adults and Adult Day Care Centers.

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

Written comments may be submitted until July 29, 1992, to Cheryl Worrell, Program Development Supervisor, Department of Social Services, 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 SOCIAL SERVICES (BOARD OF) AND THE CHILD DAY CARE COUNCIL

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services and the Child Day Care Council intend to consider repealing regulations entitled: **VR 175-04-01 and VR 615-32-02. Criminal Records Checks.** This regulation will be superseded by the proposed regulation entitled "Regulations for Criminal Record Checks for Child Welfare Agencies" which incorporated changes made by the 1992 General Assembly.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until July 29, 1992, to Cheryl Worrell, Program Development Supervisor, Department of Social Services, 8007 Discovery Drive,

Notices of Intended Regulatory Action

Richmond, VA 23229.

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

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services and the Child Day Care Council intend to consider promulgating regulations entitled: **VR 175-10-01 and VR 615-36-01. Regulations for Criminal Records Checks for Child Welfare Agencies.** The purpose of the proposed action is to supersede regulation entitled Criminal Record Checks VR 615-32-02 and VR 175-04-01. The proposed regulation will establish criminal record check procedures for child welfare programs and will incorporate the requirements of Senate Bill 226.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until July 29, 1992, to Cheryl Worrell, Program Development Supervisor, Department of Social Services, 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 promulgating regulations entitled: **VR 672-20-12. Fossil Fuel Combustion Residual Management Standards.** The purpose of the proposed action is to adopt separate regulations and standards for the management of fossil fuel combustion residuals when recycling involves use or reuse in a manner constituting disposal.

Statutory Authority: §§ 10.1-1402(11) and 10.1-1408.1 of the Code of Virginia.

Written comments may be submitted until 5 p.m., July 1, 1992.

Contact: Harry Gregori, Director, Policy and Planning, Department of Waste Management, 101 N. 14th Street, 11th Floor, Monroe Building, Richmond, VA 23219, telephone (804) 225-2997.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

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

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: VR 270-01-0052. Standards for Approval of Teacher Preparation Programs in Virginia. REPEALED.

Title of Regulation: VR 270-01-0052:1. Regulations Governing Approved Programs for Virginia Institutions of Higher Education.

Statutory Authority: §§ 22.1-16 and 22.1-298 of the Code of Virginia.

Public Hearing Date: July 29, 1992 - 6:30 p.m.
(See Calendar of Events section for additional information)

Summary:

The proposed Regulations Governing Approved Programs for Virginia Institutions of Higher Education state the criteria for the approval of programs training teachers, administrators, and other school personnel in the colleges and universities in Virginia. The regulations are established to require a level of quality in the professional education sequence for prospective teachers, to encourage institutions to meet rigorous academic standards of excellence in education, and to facilitate reciprocity in the licensing of teachers and administrators across states.

The Advisory Board on Teacher Education and Certification has been reviewing and refining the regulations during the past year and a half. The Advisory Board completed its work in January 1992 and made its recommendations to the State Board of Education.

The requirements include the approved program approach to teacher education and licensure, approved program requirements in Virginia colleges and universities, preconditions for state approved program review, and standards for the approval of professional education units.

Current regulations, VR 270-01-0052, Standards for Approval of Teacher Preparation Programs in Virginia, are being repealed.

VR 270-01-0052:1. Regulations Governing Approved Programs for Virginia Institutions of Higher Education.

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

"Academic major" means the sequence of courses and experience in an arts or sciences discipline. Examples of academic majors include chemistry, mathematics, English, foreign languages, and similar courses. Exceptions to this policy will include all the areas of vocational education, health, and physical education.

"Advanced program" means a post-baccalaureate degree program for the advanced preparation of teachers and other professional school personnel. Graduate credit is commonly awarded. Master's, specialist, and doctoral degrees are included, as well as nondegree programs offered at the graduate level.

"Basic program" means a college or university program for the initial preparation of teachers. The courses commonly lead to a baccalaureate degree; exceptions may include the MAT or other extended programs designed to prepare teachers for initial licensure.

"Campus-based experiences" means those that are provided on the campus of the higher education institution and include, but are not limited to, simulation activities, learning laboratories, microteaching clinics, demonstration centers, laboratory schools, and experiences with instructional technology.

"Campus-based supervisor" means the college or university faculty member(s) assigned to supervise clinical and field-based experiences for basic or advanced programs is a supervisor of clinical and field-based experiences.

"Clinical experiences" means those that are characterized by careful planning, stipulated goals, required activities, projected performance levels and evaluation of growth. Included are microteaching clinics, participation experiences, skill clinics, developing case studies of individual students, curriculum development clinics, and use of instructional technology or computers. These are conducted both as school based and campus based experiences. Activities not meeting the criteria for clinical experiences might include general observations, voluntary community service, orientation visits, teacher aiding, and periodic visitations to educational settings.

"Criteria for compliance" means specific elements that

clarify a state standard. Institutions should present evidence for addressing all criteria for compliance to enable the visiting team to make informed and accurate judgments about whether a standard is met.

"Cultural diversity" means the cultural backgrounds of all students and school personnel with particular emphasis on their ethnicity, race, religion, socioeconomic status, and gender.

"Dean, director, or chair of education" means the individual designated to represent the professional education unit. The person should be delegated the authority and responsibility for the overall administration and operation of the professional education unit.

"Education students" means individuals who have elected to pursue programs for the preparation of teachers or other professional school personnel. They include those students who seek initial licensure or are in advanced professional education programs, or both.

"Exceptional populations" means students who possess physical, mental, or emotional exceptionalities which may necessitate special attention by school personnel.

"External program review" means the evaluation of the operation, scope, and quality of professional education programs by an individual, team, or agency not connected directly to the college/university. Examples of external program reviews would be evaluations from experts in a program area, a state program approval visit, and follow-up studies of graduates and their employees.

"Faculty development" means the provision of opportunities for faculty to develop new knowledge and skills through in-service education, sabbatical leave, travel support, summer leave, intra- and inter-institutional visitations, fellowships, work in NK-12 schools, and similar opportunities.

"Faculty in the professional education unit" means those persons who teach one or more courses in professional education, provide professional services to education students (e.g., advising or student teaching supervision), or administer some portion of the professional education unit.

"Field-based experiences" means those that are conducted at a school site, a school administration center, a school clinic, or community agency. These experiences might include classroom observations, tutoring, assisting school administrators or teachers, participating in school and community-wide activities, student teaching, and internships. Planning is shared by the professional education unit and the appropriate agency.

"Full-time faculty" means the professional personnel employed by an institution of higher education with full-time assignments within the unit as instructors, professors at different ranks, administrators, or other professional support personnel (e.g., student teaching

supervisor or advisor).

"Global perspective" means the recognition of the interdependence of nations and peoples and the interlinking political, economic, and social problems of a transnational and global character.

"Governance" means responsibility for basic policy development, program initiation, on-going evaluation, leadership and coordination with other campus units, the maintenance and support of all professional programs, selection and evaluation of faculty, and fiscal matters. Governance establishes ultimate accountability for the quality of programs in professional education and the quality of students who are graduated from professional programs.

"Inquiry" means the active involvement in one's academic major. This involvement could range from knowledge generation to exploration and questioning of the field. It includes, but is not limited to, research, publishing, in-service training, speeches, study, attendance at conferences, and participation in professional associations.

"Institutional report" means a written report prepared by the institution seeking accreditation. It is a qualitative self-study of the professional education unit, including its curricula, students, faculty, and governance. A primary purpose of the institutional report is to describe how the professional education unit meets state standards.

"Internal program review" means the evaluation of the operation, scope, and quality of professional education programs by an individual or committee within the college/university. It includes self-studies by faculty in the program area and evaluations of a program that is conducted by an interdepartmental or interschool committee.

"Knowledge base" means the assumptions, theories, and research findings which provide the foundations that support the model(s) on which the program is founded, articulated, implemented, and evaluated.

"Licensure" means the official recognition by a state governmental agency that an individual has met state mandated requirements and is, therefore, approved to practice as a duly certified/licensed educator in the Commonwealth. Licensure is used synonymously with certification by many states.

"Model" means a coordinated and articulated system or design for the preparation of professional school personnel that has a knowledge base to support it. A professional education unit might adopt one or more models to undergird its programs. Models might be based on direct instruction, cognitive development, individual differences, cultural diversity, reflective teaching, effective schools, or behaviorism, or similar programs.

Proposed Regulations

"Multicultural perspective" means a recognition of (i) the social, political, and economic realities that individuals experience in culturally diverse and complex human encounters and (ii) the importance of culture, race, and gender, ethnicity, religion, socioeconomic status, and exceptionalities in the education process.

"Part-time faculty" means individuals who are employed by an institution of higher education for less than a full load assignment in the professional education unit. Some part-time faculty are full-time employees of the college or university with a portion of their assignment in the professional education unit. Other part-time faculty are not full-time employees of the institution and are commonly considered temporary employees and not eligible for tenure consideration.

"Practicum" means an intensive experience in which education students practice professional skills and knowledge. Student teaching and internships are examples of a practicum.

"Practitioner" means a professional educator who is currently employed as a certified teacher, supervisor, administrator, counselor, school psychologist or other professional school personnel in the NK-12 school setting.

"Professional education faculty" means those persons who teach one or more courses in professional education, provide professional services to education students, or administer some portion of the professional education unit.

"Professional education unit" means the college, school, department, or other administrative body within the institution that is primarily responsible for the preparation of teachers and other professional education personnel. Not all of the programs for the preparation of school personnel need to be administratively located within the unit. However, the state standard on governance requires that all professional education programs are organized, unified, and coordinated by the unit.

"Professional educators" means individuals who are engaged in some aspect of the teaching/learning enterprise. Included are teachers, supervisors, administrators, and other professional education personnel who hold valid licenses to practice in one or more of those roles. Also included are professors and administrators in colleges and universities.

"Professional studies" or "professional education" means that portion of the total preparation program that prepares education students to work effectively in their professional education roles. Sometimes referred to as professional education, it includes pedagogical, theoretical, and practicum studies.

"Program" means the sequence of courses and experiences in general, academic major, and professional studies required by a college/university for the preparation of professional education candidates to teach a specific

subject or academic area, to provide professional education services (e.g., school psychology or counseling), or to administer schools. A program area will be a major in an academic area with professional education requirements for licensure. In many cases, the program sequence leads to licensure to practice in a specific state. Programs offered in professional education are usually described in the college/university catalog. The Commonwealth considers endorsement areas as programs. Exceptions to this policy will include all areas in vocational education, health, and physical education.

"Program approval" means the process by which a professional education program is recognized by a state as meeting state standards for the content and operation of such programs.

"Scholarly performance" means the active involvement in one's academic or specialty area. It is demonstrated by faculty through such activities as research, articles published in referred journals, program evaluation studies, documentation of on-going activities, grant-seeking, or presentations at professional meetings.

"School-based educators" means a certified professional practitioner who teaches, administers or otherwise serves students enrolled in preschool, elementary, junior high/middle, or secondary schools as a school-based educator.

"School-based supervisor" means a licensed practitioner who provides on-site supervision and direction for education students during field-based assignments. Frequently called cooperating teacher, cooperating supervisor, clinical faculty, or mentor teacher they must be certified and experienced in the area in which supervision is provided.

"State approval" means governmental activity requiring all professional education programs within a state to meet standards of quality so that their graduates will be eligible for state licensure. It is synonymous with program approval.

"Student teaching" means an in-depth, direct teaching experience conducted in a school setting. It is considered a culminating field-based experience for the basic teacher preparation program. State criteria stipulate that the full-time assignment must be for at least 150 hours of direct teaching and that the experience shall be supervised by both a college-based and a school-based supervisor.

"Teacher educators" means professional educators who serve as the training arm of the teaching profession. In addition to areas of specialization, these faculty demonstrate knowledge of and commitment to general teacher preparation. Included are faculty in professional education units and school-based practitioners who serve as supervisors of practicum students during early experiences and student teaching.

"Terminal degree" means the highest level of educational attainment expected for full participation in a given endeavor. For the field of professional education, the Ed.D. and the Ph.D. are terminal degrees.

"Unit approval" means a process that guarantees that critical aspects of the professional education unit are viewed and evaluated as a basis for determining state approval. The total professional education unit is evaluated for state approval. A composite assessment of the unit guides state approval actions.

PART II. APPROVED PROGRAM APPROACH TO TEACHER EDUCATION AND LICENSURE.

§ 2.1. Approved Teacher Preparation Program.

The Virginia "Approved Teacher Preparation Program" shall require the following:

1. Programs shall be developed and approved in accordance with the established standards for the Board of Education, the Council of Higher Education, and the Southern Association of Colleges and Schools;
2. Programs shall be reviewed and evaluated in terms of the established standards and criteria for compliance and in terms of procedures as set forth in the approved program document;
3. Candidates for initial licensure as principals shall be required to complete a state approved program;
4. Candidates for initial licensure as teachers shall be required to complete a state approved program; exceptions to this regulation are listed § 2.2.

§ 2.2. Exceptions.

Exceptions to initial licensure by the approved program approach will be restricted to the following:

1. Individuals eligible through reciprocity who have taken a competency examination prescribed by the Board of Education;
2. Individuals seeking the Vocational Education License; and
3. Individuals seeking the Alternative Route to Licensure.

PART III. APPROVED PROGRAM REQUIREMENTS AT VIRGINIA COLLEGES AND UNIVERSITIES.

§ 3.1. Purpose.

Teacher education and the approved program process are the cooperative responsibility of institutions of higher

education, local school divisions, and the Department of Education. The purposes of the approved program process are to assist prospective teachers in developing the background necessary for quality classroom instruction in the public schools, to require a level of quality in the professional education sequence for prospective teachers that fosters competent practice of graduates, to encourage institutions to meet rigorous academic standards of excellence in professional education, and to facilitate reciprocity in the teacher licensure/certification process across states.

§ 3.2. Approval of teacher preparation programs.

An institution seeking approval of its teacher preparation programs shall submit required documentation prior to the three-day on-site review and meet established state standards during 10 years with a subsequent interim five-year on-site mini-review. The interim on-site five-year mini-review for continuing approval will require institutions to respond to weaknesses identified in the previous on-site review, changes in the program since the last review, and any new standards developed and approved by the Commonwealth.

§ 3.3. Standards and criteria categories.

State standards address five basic categories: (i) the knowledge base for professional education, (ii) relationship to the world of practice, (iii) students, (iv) faculty, and (v) governance and resources. There are a total of 18 standards and 97 criteria for compliance within these five categories. Incorporated into the standards and criteria are the nine guidelines for restructuring teacher education as approved by the Board of Education. All standards and criteria for compliance shall be addressed by the institution applying for state approval. Institutions of higher education seeking state approval shall prepare an institutional report that responds to the standards. In preparing for continuing approval review every five years, institutions shall respond to weaknesses identified in the previous on-site review, changes in the program since the last review, and any new state standards.

PART IV. PRECONDITIONS FOR STATE APPROVED PROGRAM REVIEW.

§ 4.1. Precondition 1.

A. There is a written description of the professional education unit that is primarily responsible for the preparation of teachers and other professional education personnel.

B. Required documentation.

1. Verification by an appropriate central administration officer of the unit(s) with primary responsibility for professional education and the unit's authority;

Proposed Regulations

2. Chart depicting all programs for the preparation of school personnel in the institution and their relationship to the unit;

3. Program summary that includes the number of graduates by program and level including post-graduate;

4. Unit statement of mission, purpose, or goals; and

5. Summary of meetings and actions of the professional education unit for the preceding year.

§ 4.2. Precondition 2.

A. A dean, director, or chair is officially designated to represent the unit and assigned the authority and responsibility for its overall administration and operation.

B. Required documentation.

1. Job description for dean, director, or chair; and

2. Chart depicting administrative and organizational structure of the unit.

§ 4.3. Precondition 3.

A. There are written policies and procedures upon which the operations of the unit rest.

B. Required documentation.

Official policies and procedures of the unit, such as a policy manual or constitution and by-laws.

§ 4.4. Precondition 4.

A. The unit regularly monitors and evaluates, both internally and externally, its operation, scope, quality of its offerings and effectiveness of its graduates.

B. Required documentation.

1. Policies for conducting on-going evaluation review;

2. Summary of evaluation report(s) completed within last five years documenting internal program review;

3. Summary of evaluation report(s) completed in last three years documenting external program review (for example, follow-up study of graduates and employers); and

4. Summary of recent program modifications based on evaluation results.

§ 4.5. Precondition 5.

A. The unit has criteria for admission to basic teacher education programs that include an assessment of basic

skills using standardized tests or other appropriate measures prior to admission to the program.

B. Required documentation.

1. List of basic skills that are assessed and standardized instrument(s) and other measures used;

2. Published criteria for admission to professional education programs; and

3. Summary report of test results or other measures for students admitted for at least the past three years.

§ 4.6. Precondition 6.

A. The unit assesses the academic and professional competencies of education students at exit from all programs at all levels through multiple evaluation methods.

B. Required documentation.

1. List of assessment measures used to evaluate academic and professional education graduates; and

2. Summary report(s) of competency assessment outcomes for at least three years.

§ 4.7. Precondition 7.

A. The unit's approved program is being implemented.

B. Required documentation.

1. Copies of the most recent approval letter(s) from the state agency attesting that state standards have been met and the unit is fully approved.

2. Plan for recruitment of minority students in teacher education.

3. Plan for collaboration with members of the institution and local school division personnel.

4. Plan for attracting academically talented students in teacher education.

§ 4.8. Precondition 8.

A. The institution is fully accredited by the appropriate regional accrediting agency.

B. Required documentation.

A copy of the latest accreditation letter from the regional accrediting association showing that there is reasonable assurance of the overall quality of the institution in the general areas of finance, administration, facilities, student personnel, faculty, and instruction.

§ 4.9. Precondition 9.

A. The institution is an equal opportunity employer and does not discriminate on the basis of race, sex, color, religion, age, or handicap, consistent with § 702 of Title VII of the 1964 Civil Rights Act, which deals with exemptions for religious corporations, with respect to employment of individuals with specific convictions.

B. Required documentation.

A copy of the institution's official action pledging compliance with nondiscriminatory laws and practices.

§ 4.10. Precondition 10.

A. The institution submits descriptions for each approved endorsement. The institution submits descriptions for new endorsements.

B. Required documentation.

1. Endorsements previously reviewed and approved.

2. Proposed program changes submitted, including:

a. Requests for changes in major or degree requirements;

b. Requests for waivers of the limit on professional studies;

c. Proposed changes in existing general studies, professional studies, or endorsement requirements; and

d. Requests for new programs or endorsements.

PART V. STANDARDS FOR THE APPROVAL OF PROFESSIONAL EDUCATIONAL UNITS.

§ 5.1. Category I: Knowledge bases for professional education.

A. Design of curriculum.

The unit ensures that its professional education programs are based on essential knowledge, established and current research findings, and sound professional practice. Each program in the unit reflects a systematic design with an explicitly stated philosophy and objectives. Coherence exists between: (i) courses and experiences and (ii) purposes and outcomes.

Criteria for compliance.

1. The unit ensures that its professional education programs have adopted a model(s) that explicates the purposes, processes, outcomes, and evaluation of the program. The rationales for the model(s) and the knowledge bases that undergird them are clearly stated along with goals, philosophy, and objectives. The

unit makes available to students, faculty, and general public printed statements which effectively communicate the orientation and intent of each program and specify the professional roles for which graduates are qualified.

2. The knowledge bases used in professional education are broad and include the traditional forms of scholarly inquiry as well as theory development related to professional practice.

3. The unit ensures that course work in general education, specialty studies, and professional studies complement one another.

4. The knowledge bases of the professional studies component(s) are reflected in (i) curricular design and planning; (ii) course syllabi; (iii) instructional design, practice, and evaluation; (iv) students' work; (v) use of major journals in the field by faculty and students; and (vi) faculty and students', especially graduate students, participation in research and synthesis.

5. The faculty responsible for professional education collaborate in the design, delivery, and evaluation of curriculum for the unit's programs.

B. Delivery of the curriculum.

The unit ensures that knowledge bases and best practice in professional education are reflected in the instruction offered. The instructional practices and evaluation are congruent with the current state of knowledge about curriculum design, instruction, and evaluation.

1. Instruction by faculty in the unit is congruent in content and process with best practice and current and established research.

2. Faculty instruction in the unit provides students with systematically varied models of instruction.

3. The institution as a whole regards the unit as one where instructional practice is consistently superior.

4. The unit maintains a rigorous, professional instructional quality control mechanism.

C. Content of the curriculum - general education.

The unit ensures that education students receive appropriate depth and breadth in an integrated course of study that is offered by faculty in the liberal arts and other general studies. At the advanced level, education students should have a solid grounding in general education that will allow for concentration on professional and specialty studies.

Criteria for compliance.

Proposed Regulations

1. The general education component is a well-planned sequence of courses and experiences that includes theoretical and practical knowledge gained from studies in communications, mathematics, science, history, philosophy, literature, and the arts. (NOTE: This criterion applies to the basic level only.)

2. Education students are guided in the selection of general education courses that will provide an intellectual foundation in liberal arts and general studies and that are appropriate to the background of individual students. (NOTE: This criterion applies to the basic level only.)

3. Faculty in the unit and faculty who teach in the general education component collaborate on program planning and evaluation of general education. (NOTE: This criterion applies to the basic level only.)

D. Content of the curriculum—academic major.

The unit ensures that education students attain a high level of academic competence and understanding in the areas in which they plan to teach or work.

Criteria for compliance.

1. The academic major is a well-planned sequence of courses and experiences that includes content, methodological, and clinical knowledge necessary for professional competence in teaching or other professional education assignments.

2. The guidelines and standards of professional learned societies are consulted where applicable in the development of an appropriate sequence of courses for each academic major.

3. The academic major provides education students with a mastery of the structure, skills, concepts, ideas, values, facts and methods of inquiry that constitute their fields of specialization.

4. Faculty in the professional education unit and faculty who teach in the major fields from other academic units collaborate in program planning and evaluation.

E. Content of the curriculum—professional studies.

The unit ensures that the professional studies component(s) prepares education students to work effectively in their specific education roles.

1. The professional studies component(s) is a well-planned sequence of courses and experiences that includes knowledge about professional education and relates it to the realities of practice in schools and classrooms.

2. The unit ensures that each course and experience

of the professional studies component(s) is built upon and reflects defensible knowledge bases.

3. The professional studies component(s) includes knowledge about the (i) social, historical, and philosophical foundations of education; (ii) theories of human development and learning; (iii) research- and experience-based principles of effective practice; (iv) impact of technology and societal changes on schools; (v) evaluation, inquiry, and research; (vi) and educational policy.

4. Courses and experiences support the development of independent thinking, effective communications, the making of relevant judgments, professional collaboration, effective participation in the educational system, the discrimination of values in the educational arena, and professional ethics.

5. The professional studies component(s) for the preparation of teachers provides knowledge about and appropriate skills in learning theory, educational goals and objectives, cultural influences on learning, curriculum planning and design, instructional techniques, planning and management of instruction, design and use of evaluation and measurement methods, classroom and behavior management, instructional strategies for exceptionalities, classrooms and schools as social systems, school law, instructional technology, and collaborative and consultative skills. Courses and experiences ensure the development of classroom and time management, effective communication, knowledge of different learning styles, teaching strategies, and assessment techniques. (NOTE: This criterion applies to the basic level only.)

6. The unit provides for study and experiences that help education students understand and apply appropriate strategies for individual learning needs, especially for culturally diverse and exceptional populations.

7. The curriculum for professional studies component(s) incorporates multicultural and global perspectives.

F. Required degree in arts and sciences or appropriate discipline.

The unit ensures that education students meet institutional requirements for degrees in the arts and sciences (or disciplines appropriate to the initial endorsement being sought for vocational programs). (NOTE: This criterion applies to the basic level only.)

Criteria for compliance.

1. Baccalaureate students must meet institutional requirements for degrees in the arts and sciences or disciplines appropriate to the initial endorsement being sought.

2. Post-baccalaureate students seeking initial endorsement must meet the equivalent of an academic major in the arts and sciences or an appropriate discipline. The unit specifies criteria and procedures for determining such equivalency.

G. Limitation on professional studies.

The unit ensures that professional studies course work, not including field experiences, is limited to 18 hours for the bachelor's degree unless a waiver has been granted by the Board of Education. (NOTE: This criterion applies to the basic level only.)

Criterion for compliance.

Board of Education has approved all restructured programs, including subsequent amendments or waivers of the 18-hour limit, or both.

§ 5.2. Category II: Relationship to the world of practice.

A. Clinical and field-based experiences.

The unit makes certain that clinical and field-based experiences in the professional education curriculum are designed to prepare students to work effectively in specific education roles.

Criteria for compliance.

1. Field-based and clinical experiences are systematically selected to provide opportunities for education students to observe, plan, and practice in a variety of settings appropriate to the professional roles for which they are being prepared.

2. Clinical and field-based experiences provide education students with the skills that allow them to diagnose and solve problems that involve the application of the principles and theories from the knowledge bases of the particular professional program.

3. Field-based and clinical experiences are accompanied by professional supervision and feedback that include attention to instructional plans, characteristics of learners and instructional settings, structured observation of the experiences, and detailed debriefing relative to program goals.

4. Education students participate in field-based or clinical experiences with culturally diverse and exceptional populations.

5. Field-based and clinical experiences are sequenced to enable education students to develop the skills that will enable them to assume full responsibility for classroom instruction or other professional roles in schools.

6. The student teaching experience is direct, substantial, and full-day for at least 10 weeks. Standards require the prospective teacher to be in classrooms full-time for a minimum of 200 clock hours. At least 150 hours shall be in direct teaching activities, providing direct instruction, at the level of endorsement. If a NK-12 or K-12 endorsement is sought, teaching activities should be at both the elementary and secondary levels. (NOTE: This criterion applies to the basic unit only.)

7. Three-member teams of the college-based supervisor, field-based supervisor, and education student have a well-defined charge to support a successful experience as the education student assumes full-time responsibility in the school setting.

8. Sites are carefully selected for all field experiences, including cooperating schools and other professional internship locations, so that students are provided experiences consistent with the goals of the unit's programs.

9. The roles and responsibilities of education students, college-based supervisors and field-based supervisors who participate in field-based and clinical experiences are delineated in negotiated written agreements.

B. Relationships with graduates.

The unit maintains relationships with graduates from its professional education programs that include follow-up studies and assistance to beginning professionals.

Criteria for compliance.

1. The unit keeps abreast of emerging evaluation techniques and engages in regular and systematic evaluations, including follow-up studies, to determine the success and quality of graduates in the professional education roles for which they were prepared. The unit provides evidence of follow-up studies, to determine the success and quality of graduates in the professional education roles for which they were prepared. The unit provides evidence of follow-up procedures used to assess the effectiveness of the teacher preparation program.

2. The results of evaluation efforts, including, NTE and follow-up studies of graduates, are used by the unit to modify and improve programs.

3. The unit has developed arrangements with school districts in the area to provide assistance to its graduates who are first-year teachers or who are beginning other professional education roles as an extension of their professional education program. (NOTE: Encouraged but not mandatory.)

C. Relationships with schools.

Proposed Regulations

The professional education unit maintains positive working relationships with schools to advance the goals of the profession and to promote the effective preparation of professional educators.

Criteria for compliance.

1. Positive working relationships with local schools are developed and maintained to improve the delivery of quality education in NK-12 schools.

2. The unit and local schools cooperatively develop research questions and inquiry strategies to encourage the involvement of practicing professionals with professional education faculty to further develop and refine the professional knowledge bases.

3. Professional education faculty are regularly involved with the professional world of practice in preschool, elementary, or secondary schools.

§ 5.3. Category III: Students.

A. Admission.

The unit's admission procedures encourage the recruitment of quality candidates and those quality candidates represent a culturally diverse population.

Criteria for compliance.

1. Incentives and affirmative procedures are used to attract candidates with potential for professional success in schools.

2. Applicants from diverse economic, racial, and cultural backgrounds are recruited.

3. A comprehensive system, which includes more than one measure, is used to assess the personal characteristics, communications, and basic skills proficiency of candidates preparing to teach. This system includes, but is not limited to, (i) basic skills proficiency tests, (ii) faculty recommendations, (iii) biographical information, and (iv) successful completion of college/university course work with at least a 2.5 grade point average (GPA) on a 4-point scale. (NOTE: This paragraph of the criterion applies to the basic level only.)

A comprehensive system exists to assess the personal characteristics and academic proficiency of candidates seeking admission to an advanced program. This system includes, but is not limited to, (i) an evaluation of academic proficiency (e.g., the MAT or GRE), (ii) faculty recommendation, (iii) record of competence and effectiveness in professional work, and (iv) graduation from a regionally accredited college or university. (NOTE: This paragraph of the criterion applies to the advanced level only.)

4. Admission decisions are monitored to ensure that the published set of criteria delineating acceptable levels of performance for admission are applied.

5. Policies allow for alternatives to the established admission procedure to encourage the participation of individuals from under-represented groups and other students as determined by the unit.

B. Monitoring progress.

The unit has systematic procedures for monitoring the progress of education students from admission through completion of their professional education programs.

Criteria for compliance.

1. Systematic procedures and timelines for assessing student progress must include, but need not be limited to, the following data sources: (i) GPA, (ii) observations, (iii) faculty recommendations, (iv) demonstrated competence in academic and professional work (e.g., research or term paper), and (v) recommendations from the appropriate professionals in schools. If the National Teacher Examinations are used as part of these criteria, the information should be considered in monitoring student progress.

2. Consistent procedures and relevant criteria are used to determine eligibility for student teaching and other professional internships.

3. Systematic approaches are used to assist education students who are making unsatisfactory progress in their programs.

C. Advisory services.

The unit ensures that systematic academic and professional advising is available to all education students.

Criteria for compliance.

1. The unit's advisory system provides education students access to academic and professional assistance, including information about requirements (including institutional and state policies regarding NTE) needed to complete their professional education programs and be awarded licensure.

2. Education students have access to publications that describe all program requirements including general education, specialty studies, professional studies, and institutional policies, including clear statements of due process. Statements of specific program requirements in general education, the specialization area, and professional studies are made available to students and faculty and utilized in developing individual programs of study. All exceptions or waivers to requirements are recorded, justified, and approved by a designated

representative of the unit.

3. Education students are made aware of the availability of social and psychological counseling services within the institution.

D. Completion of program.

The unit ensures that the academic and professional competence of education students is assessed prior to granting recommendations for licensure or graduation.

Criteria for compliance.

1. Prior to being recommended for licensure or graduation, education students must be proficient in communication skills and their teaching or specialty fields. Students also must be able to demonstrate skills for effective professional practice.

2. Evaluation systems that assess the academic and professional competence of students include multiple sources of data such as performance of graduates as provided by the Commonwealth, standardized tests, course grades, and performance in classroom or school settings.

3. The application of a published set of criteria that specify acceptable levels of performance for exit from all professional education programs is monitored.

§ 5.4. Category IV: Faculty.

A. Qualifications and assignments.

The unit ensures that faculty involved in teacher preparation are qualified to perform their assignments and also reflect cultural diversity.

Criteria for compliance.

1. The composition of the faculty represents cultural diversity.

2. Faculty have earned the terminal degree or have exceptional expertise in their fields to qualify them for their assignments in professional education programs. They have formal advanced study or demonstrated competence through independent scholarly activities in each field of specialization that they teach.

3. The faculty participate in activities designed to promote continuous professional development including curriculum improvement, advanced study, research, membership and involvement in professional and learned societies, and experiences with public schools.

4. Professional education faculty, faculty in subject matter fields, and school district personnel with responsibility for supervision of school based

experiences, have preparation and experience for their respective roles and responsibilities in teacher education programs.

5. Part-time faculty meet the requirements for appointment to the full-time faculty.

6. Graduate students who are assigned to instructional roles are qualified in terms of formal study, experience, and training.

7. Cooperating teachers and other field-based supervisors have a minimum of three years of experience in the areas they are supervising and are licensed in the areas in which they are teaching or working.

B. Faculty load.

The unit ensures that policies allow for faculty opportunities in teaching, scholarship, and service.

Criteria for compliance.

1. Work load assignments accommodate faculty involvement in teaching, scholarship, and services, including curriculum development, institutional committee work, and other internal service responsibilities.

2. The teaching load of undergraduate faculty is no more than the equivalent of 12 semester hours; the teaching load of graduate faculty is no more than the equivalent of nine semester hours.

3. Faculty keep abreast of developing work and debates about research on teaching and professional education as well as recent scholarly work in the areas that they teach.

C. Faculty development.

A systematic, comprehensive plan for faculty development is used by the professional education unit to provide for faculty development.

1. Systematic and regular faculty development activities are provided for faculty, cooperating teachers, and others who may contribute to professional education programs.

2. Faculty are actively involved in professional associations, and provide education-related services, at the local, state, national, or international levels in their areas of expertise and assignment.

D. Faculty evaluation.

The unit implements a faculty evaluation system to improve faculty teaching, scholarly and creative activities, and services.

Proposed Regulations

Criteria for compliance.

- 1. Faculty are regularly evaluated in terms of their contributions to the areas of teaching, scholarship, and service. These evaluation data are used in determining salary, promotion, and tenure.*
- 2. Competence in teaching is evaluated through direct measures of teaching effectiveness such as student evaluations.*
- 3. Evaluations of faculty are systematically used to improve teaching, scholarly and creative activities, and service within the unit.*

§ 5.5. Category V: Governance and resources.

A. Governance.

The governance system for the professional education unit ensures that all professional education programs are organized, unified, and coordinated to allow the fulfillment of its mission.

Criteria for compliance.

- 1. The goals of the professional education unit are congruent with the institution's mission.*
- 2. The unit effectively carries out its responsibility and discharges its authority in establishing and implementing appropriate policies for governance, programs, admission and retention of education students, and faculty selection and development in professional education.*
- 3. The unit effectively carries out its responsibility and discharges its authority in making decisions affecting professional education programs.*
- 4. The unit effectively carries out its responsibility and discharges its authority for identifying, developing, and using appropriate resources for professional education.*
- 5. The unit effectively carries out its responsibility and discharges its authority in developing and maintaining appropriate linkages with other units, operations, groups, and offices within the institution and with schools, organizations, companies, and agencies outside the institution.*
- 6. The unit has, and regularly monitors, a long-range plan.*
- 7. An officially designated professional educator administers the professional education unit.*
- 8. A systematic plan ensures the involvement of teachers, education students and other education professionals in the unit's policy-making or advisory bodies for the purpose of recommending requirements*

and objectives for professional education programs.

- 9. Policies in the unit guarantee due process to faculty and students.*

B. Resources.

Resources are available in the areas of personnel, funding, physical facilities, library, equipment, materials, and supplies that allow the professional education unit to fulfill its mission and offer quality programs.

1. Personnel resources.

a. There are sufficient numbers of faculty, including cooperating teachers and other field-based supervisors, to support programs offered by the unit. Each advanced degree program leading to the doctorate has at least three full-time faculty who have earned the doctorate in the field of specialization for which the degree is offered.

b. There are sufficient administrative, clerical, and technical staff to support programs offered.

c. Instructional resources for supervision of full-time clinical students do not exceed a ratio of 12 full-time equivalent students to one full-time faculty member:

(1) Faculty loads are altered to reflect the provision of supervision in pre-student teaching practicum experiences.

(2) Institutions with clinical faculty programs have faculty load policies which insure adequate institutional involvement in the supervision of student teachers.

d. Support for faculty development is at least at the level of other units in the institution.

e. The use of part-time faculty, clinical faculty, and graduate students who teach in professional education programs is limited to prevent the fragmentation of instruction and the erosion of quality, and they are supervised by full-time faculty to ensure program integrity, quality, and continuity.

2. Funding resources.

a. The budget trends for the unit over the past five years and future planning indicate continued support for professional education programs.

b. The unit allocates its available resources to programs in a manner that allows each of them to meet its missions and needs.

c. Financial support provided during the last five years has been adequate for books in education,

periodicals listed in *Education Index*, films and filmstrips, computer hardware and software, and other similar sources.

3. Physical facilities.

a. Facilities are accessible to individuals with disabilities.

b. For each professional education program offered, faculty have office space, instructional space, and other space necessary to carry out the unit's mission.

c. The facilities are well-maintained and functional.

d. Facilities accommodate technological needs in professional education.

e. An institutional long-range plan for renovation/updating of physical facilities (i.e., additions and replacements) has been developed.

4. Library, equipment, materials, and supplies.

a. Library holdings provide adequate scope, breadth, and currency to support the professional education programs.

b. Systematic reviews of library and media materials are conducted periodically and are used to make acquisition decisions.

c. An identifiable and relevant media and materials collection is accessible to education students and faculty.

d. Modern equipment is available to support administration, research, service, and instructional needs of the unit.

e. Necessary supplies are provided to support faculty, students, staff, and administration in the operation and implementation of programs, policies, and procedures.

TEMPLATE FOR STATE SITE VISIT
VIRGINIA BOARD OF EXAMINERS (VBOE)

A six to eight-member Board which will include a chair and assistant chair will visit institutions with bachelor's and master's programs; a seven to nine member Board will visit institutions with post-master's programs. The Board will be trained by the state and will be broadly representative of the education community with at least half of the members representing teacher preparation programs in higher education institutions.

The Virginia Board of Examiners (VBOE) chairs retain the option to modify the template based on their judgments.

Sunday Evening

1) Orientation Session
3:00 - 5:30 p.m.

The chair will coordinate the following:

- a. Review of Standards - the five categories, all standards, and all compliance criteria.
- b. Review "Basic Principles and Assumptions Guiding the Training of Board of Examiners" and re-emphasize the role of judgement in the state review process.
- c. Elaboration of sources of data for compliance criteria:
 - (1) Which criteria may be determined from documents - suggest sources?
 - (2) Which criteria are most likely to be determined through interview - with whom? what types of questions are appropriate?
 - (3) which criteria are most likely to be determined through observation?
- d. Outline of plans for systematic collection and recording of data - discuss writing style and content. Discuss assignments for writing sections of the report.
- e. Scan of the Preconditions Report - familiarize Board with the Preconditions findings and actions by Board of Education. Scan the Annual Data Report.
- f. Record on transparencies team member's ratings of the 97 compliance criteria which has been completed prior to the visit.

g. Review of Institutional Report, including determination of incomplete, missing, or inaccurate data.

h. Assignments for the following day. (If previously assigned, be assured that all know their assignments and responsibilities.) Where possible, assign Board members in pairs for data collection.

Attending should include the Board, the campus dean or unit head(s), and other key institutional representatives selected by the unit head(s). (The dinner should be held in a private dining room.)

During the dinner, the following activities should occur:

- a. Introductions
 - b. Overview of the visit - What should the institution expect? What events have been planned?
 - c. Additional scheduling or information planning needed.
 - d. Explanation of the purpose of the exit interview by the VBOE chair.
 - e. Description by the VBOE chair of the expected time schedule for an accreditation decision: team report due to state in 30 days and forwarded immediately to unit head(s) at the institution; unit head(s) must acknowledge receipt of the report and be given an opportunity to comment on it.
- Comments must be received by state within one month; the Advisory Board on Teacher Education and Certification will take action within six months of visit.

Each examiner should review his plan for carrying out assignments. The session assures opportunities to:

- a. Discuss the planned activities and strategies for the following day and how these activities/strategies contribute to the purpose of the visit.

2) Dinner on Campus or at a Hotel
6:00 - 8:00 p.m.

3) Board Work Session
8:30 - 10:00 p.m.

Monday Morning

8:00 - 9:00 a.m.

Board members will review the documents available in the team's workroom.

8:30 - 12:00 noon

The chair and one team member will interview the president, vice president/provost for academic affairs, deans of academic support areas (e.g., English, biology). During these interviews the Board will:

- a. Review the Board's purpose for being on campus.
- b. Solicit information about the status of teacher education on campus.
- c. Collect information on governance.
- d. Collect comparative data on facilities and resources.

The assistant chair will be available in the team workroom for consultation with team members.

Relevant Compliance Criteria: All Category V Criteria.

Remaining Board members will collect data on Category I, the Knowledge Bases for Professional Education. The investigation will include general education, specialty studies, and professional studies. Included among their activities will be:

- a. Examination of course syllabi to determine use of established research, content/essential knowledge, adequacy of objectives, logical and coherent organization.
- b. Examination of catalog and other printed documents describing general education, specialty studies, and professional studies to validate and confirm practices described through interviews.
- c. Interviews with selected faculty and students to collect data that will help determine whether knowledge bases standards are met.

Relevant Compliance Criteria: All Category I Criteria.

Monday Afternoon

1:00 - 5:00 p.m.

Board Team A (3-4 members) will examine Category II, Relationship to the World of Practice standards. Activities will include the following:

- a. Interviews with the director of clinical/laboratory experiences to review and confirm policy and practice relevant to admission to student teaching, pre-teaching laboratory/clinical experiences, selection of cooperating schools and teachers, evaluation of student teachers and other relevant policy.
- b. Visits to field-based sites.
- c. Interviews with school-based supervisors and administrators.
- d. Interviews with student teachers.

Relevant Compliance Criteria: All Category II Criteria.

Board Team B (3-4 members—the chair may accompany either Team A or B, depending on perceived need) will examine data on Category III, Students. Activities will include:

- a. Interviews with the person(s) in charge of admission to the unit(s).
- b. Examination of documents relevant to institutional and teacher education admission policies and criteria, including tests, GPA, and other criteria.
- c. Examination of documents relevant to advising and monitoring processes.
- d. Interviews with counselors and advisors.
- e. Interviews with students to confirm findings.
- f. Random checks of student advisee folders, student transcripts, transcripts of recent graduates, and other appropriate student records.

Proposed Regulations

Appendixes Page 6

- Relevant Compliance Criteria:** All Category III Criteria
- Monday Evening**
5:00 - 6:00 p.m.
- 7:00 - 10:00 p.m.
- Tuesday Morning**
8:00 - 12:00 noon
- Relevant Compliance Criteria:** All Category V Criteria
- Tuesday Afternoon**
1:00 - 5:00 p.m.
- c. Examination of fiscal records (budgets) if the unit(s) and of comparable units determine equitability between comparable units in the institution.
 - d. Tour facilities, examine equipment, library, media centers, and other resources. Check the adequacy and condition of all resources.

Board members will interview appropriate groups as needed to collect additional information. Interviews should be determined by the chair and scheduled for no more than one hour's duration. Depending upon the group interviewed and specialization of the Board, no fewer than two or more than three Board members should be present at each interview.

Groups that might be interviewed

- 1) The major university policy committee (e.g., academic council or academic senate)

Relevant Compliance Criteria: Selected I Criteria

- 2) Graduate council or committee

Relevant Compliance Criteria: Selected I, III and IV Criteria

- 3) Deans and department heads of units providing services to teacher education (e.g., dean of arts and sciences), academic department heads (e.g., departments of English, history, biology)

Relevant Compliance Criteria: All IV Criteria

- 4) Governing and/or advisory committee(s) for the unit(s)

Relevant Compliance Criteria: All I, II, and III Criteria

- 5) Cooperating teachers and administrators from nearby schools.

Appendixes Page 5

- Relevant Compliance Criteria:** All Category III Criteria
- Monday Evening**
5:00 - 6:00 p.m.
- 7:00 - 10:00 p.m.
- Tuesday Morning**
8:00 - 12:00 noon
- Relevant Compliance Criteria:** All Category IV Criteria
- Monday Evening**
5:00 - 6:00 p.m.
- 7:00 - 10:00 p.m.
- Tuesday Morning**
8:00 - 12:00 noon

Board members individually update ratings of the compliance criteria found on the "Compliance Criteria: Planning Instrument and Rating Form"

Dinner and team meeting at the hotel. The chair and the Board will review the day's activities. Revised ratings are updated on transparencies used during Monday's session. Discrepancies will be discussed. The team will determine what data needs to be collected on Wednesday to assist in making judgements about whether the standards are met.

The Board will be divided into two teams of 3-6 members each. The chair may join either team or may work independently to conduct additional investigations or to clarify data.

Note: In addition to assignments described below, Board members should plan to visit classrooms to sample instruction provided by the unit(s).

Board Team C will examine data for Category IV, Faculty. Activities will include:

- a. Examination of records in an effort to document faculty qualification, work conditions, and appropriateness of assignments.
- b. Interviews with faculty and administrators.

Relevant Compliance Criteria: All Category IV Criteria

Board Team D will examine data for Category V, Governance and Resources. Activities will include:

- a. Examination of documents that describe governance and operation of the unit(s).
- b. Examination of minutes of governing groups (e.g., teacher education committee, academic council or senate, graduate council, graduate faculty).

Appendix Page 7

Relevant Compliance Criteria: All II Criteria

- 6) Current student teachers

Relevant Compliance Criteria: All II and III Criteria

- 7) Recent graduates who work in the geographic area

Relevant Compliance Criteria: All I, II, III, and IV Criteria

- 8) Undergraduate students from major program areas

Relevant Compliance Criteria: All III and IV Criteria

- 9) Others identified by the team

Tuesday Evening

6:00 - 10:00 p.m.

The Board will reach consensus on the degree of compliance with each standards. The process will include the following activities:

- a. Each member of the Board will use the "Instrument for Assessing the Adequacy of Standards" for each standard at the basic and advanced levels. This portion of the exercise will be completed privately and independently.
- b. The scale value for each standard will be shared with the total group via the blackboard, newsprint, or overhead projector. Differences will be discussed.
- c. Board members will vote on whether each standard has been met.
- d. Board members will begin writing the rationale for the decision of each standard as outlined on the "BOE Worksheet."

Through these procedures, team members will identify areas in which additional data are needed to make a decision about a standard and formulate plans for collecting this information on Thursday morning.

Appendix Page 8

Wednesday Morning

The Board will complete decisions on standards not voted on Wednesday evening. Any strengths of the unit will be determined by the group and included in the appropriate section of the VBOE report. Each Board member will complete a written report on all assigned state standards and submit reports to the chair.

A brief exit report will be presented by the chair and assistant chair to the unit head prior to the departure of the team. The purpose is to give an indication of compliance with standards.

Board Departs Campus

Six Months Prior to Visit:

- State team members and chair selected and institution notified
- State sends preconditions report back to college, including any comments or endorsements

Two Months Prior to Visit:

- Institution submits Institutional Report to Department of Education and individual team members

During the Visit:

- Team reviews the institution's compliance with approved program standards
- Team members verify preconditions report of endorsement areas, considering any comments previously attached

Within One Month Following Visit:

- Team chair prepares report and sends to team members
- Team members approve report
- Department receives team report from chair
- Department sends report to institution

Within One Month Following Receipt of Report:

- Institution submits institutional Response/Rejoinder to the Department of Education

Within Six Months Following Visit:

- Advisory Board on Teacher Education and Certification reviews the findings of the visiting team and develops its own recommendation -- Approval, Approval With Provisions, Denied* -- regarding program approval.
- Advisory Board on Teacher Education and Certification notifies the institution of its intended recommendation to Board of Education
- Institutions wishing to appeal must do so within 30 days
- Board of Education reviews and takes action on Advisory Board on Teacher Education and Certification recommendations
- Department notifies institution of final Board action

- Refer to 'Levels of Program Approval Recommendations' on the next page.

Twenty Months Prior to Visit:

- Department notifies institution of upcoming visit and negotiates a date for proposed visit
- Department provides materials to prepare for scheduled visit.

Fifteen Months Prior to Visit:

- Institution submits Precondition instruments and documentation, including descriptions of endorsement areas already approved, areas of new endorsement and revisions, to Department of Education
- The Department of Education sends guidelines for preparing Institutional Report to institutions

Fourteen - Eight Months Prior to Visit:

- Department reviews approved endorsements and requests for changes in major or degree requirements
- Department forwards approved endorsements and requests for program revisions and/or new endorsements to appropriate department staff and/or in-state experts in curriculum are for comment
- Department formulates and submits its recommendations on majors, degrees, waivers, program revisions and/or added endorsements to the Advisory Board on Teacher Education and Certification
- Advisory Board on Teacher Education and Certification reviews Department of Education recommendation(s) and renders a decision with respect to scheduling the on-site visit
- Department notifies institution of Advisory Board on Teacher Education and Certification decision

The notification will include specific areas to be addressed during the visit, including comments, weaknesses, and issues
 If the decision is to postpone the visit, specific reasons for postponement will be given and procedures for institution response detailed

Appendix Page 11

Levels of Program Approval Recommendations:

Approval - Indicates that the institution's unit or program is considered satisfactory, and that graduates will be qualified for licensure in Virginia. Graduates of approved teacher education programs may qualify for licensure in selected states under an interstate reciprocity system.

Approval With Provisions - Indicates that the institution's unit or program can be at an acceptable level, the time to be negotiated between the institution and the Department of Education but not to exceed three years. This qualifies graduates for licensure in Virginia. Graduates of these programs may qualify for licensure in selected states under an interstate reciprocity system.

Denied - Indicates that the institution's unit or program has not met state approved program status and graduates will not qualify for licensure in Virginia through the approved program process.

Proposed Regulations

BOARD OF PSYCHOLOGY

Title of Regulation: VR 565-01-2. Regulations Governing the Practice of Psychology.

Statutory Authority: §§ 54.1-2400 and 54.1-3600 of the Code of Virginia.

Public Hearing Date: July 22, 1992 - 9 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed regulations establish requirements governing the practice of psychology in the Commonwealth. Proposed changes relate to categories of licensure. Specifically, the categories of Psychologist (clinical) and Psychologist (nonclinical) are deleted leaving three categories of licensure - clinical psychologist, psychologist, and school psychologist.

The proposed amendments set fee increases for the national examinations and delete the requirement for oral examinations in accordance with the 1992 General Assembly requirement that oral examinations be eliminated by July 1, 1993

The proposed amendments establish a minimum number of credit hours for clinical psychologists, psychologists, and school psychologists and require that all psychologists document two years experience through internship and residency.

The proposed amendments also clarify standards of practice.

VR 565-01-2. Regulations Governing the Practice of Psychology.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

"Applicant" means a person who submits a complete application for licensure with the appropriate fees.

"Board" means the Virginia Board of Psychology.

"Candidate for licensure" means a person who has satisfactorily completed the appropriate educational and experience requirements for licensure and has been deemed eligible by the board to sit for the required examinations.

"Clinical psychologist" means a psychologist who is

competent in the diagnosis, prevention, treatment, and amelioration of psychological problems, behavioral or emotional disorders or conditions or mental conditions, by the application of psychological principles, psychological methods, or psychological procedures including but not limited to psychological assessment and evaluation and psychotherapy, which does not amount to the practice of medicine. The definition shall not be construed to limit or restrict any person licensed by a health regulatory board as defined in § 54.1-2500 from rendering services which they are licensed to provide.

"Practice of clinical psychology" means the offering by an individual of services to the public as a clinical psychologist.

"Clinical services" means the rendering of direct psychological services to individuals, families or groups involving the application of principles, methods or procedures of the science and profession of psychology and which includes but is not limited to:

A. "Measuring and testing," which consists of the psychological assessment and evaluation of abilities, attitudes, aptitudes, achievements, adjustments, motives, personality dynamics or other psychological attributes of individuals, or groups of individuals by means of standardized measurements or other methods, techniques or procedures recognized by the science and profession of psychology.

B. "Counseling and psychotherapy," which consists of the application of principles of learning and motivation in an interpersonal situation and with the objectives of modification of perception and adjustment; consisting of highly developed skills, techniques, and methods of altering through learning processes, attitudes, feelings, values, self-concept, personal goals and adaptive patterns.

"Demonstrable areas of competence" means those therapeutic and assessment methods and techniques, and populations served, for which one can document adequate graduate training, workshops, or appropriate supervised experience.

"Internship" means supervised and planned practical experience obtained in an integrated training program in a clinical setting included as an integral and required part of the applicant's program of study.

"Nonclinical services" means such psychological services as consultation and evaluation to agencies, industry and other professionals, and shall not mean the assessment, diagnosis, or treatment of behavioral, emotional or nervous disorders.

"Professional psychology program" means an integrated program of doctoral study designed to train professional psychologists to deliver clinical health services in psychology.

"Psychologist" means a person trained in the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personality evaluation, group relations, and behavior adjustment.

"Practice of psychology" means the rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, methods, or procedures of the science and profession of psychology, and which includes, but is not limited to:

1. "Measuring and testing," which consists of the psychological assessment and evaluation of abilities, attitudes, aptitudes, achievements, adjustments, motives, personality dynamics or other psychological attributes of individuals, or groups of individuals, by means of standardized measurements or other methods, techniques or procedures recognized by the science and profession of psychology.

2. "Counseling and psychotherapy," which consists of the application of principles of learning and motivation in an interpersonal situation with the objectives of modification of perception and adjustment, consisting of highly developed skills, techniques, and methods of altering through learning processes, attitudes, feelings, values, self-concept, personal goals and adaptive patterns.

3. "Psychological consulting," which consists of interpreting or reporting upon scientific fact or theory in psychology, rendering expert psychological opinion, psychological evaluation, or engaging in applied psychological research.

"Regional accrediting agency" means one of the six regional accrediting agencies recognized by the United States Secretary of Education established to accredit senior institutions of higher education.

"School psychologist" means a person who specializes in problems manifested in and associated with educational systems and who utilizes psychological concepts and methods in programs or actions which attempt to improve learning conditions for students or who is employed in this capacity by a public or nonprofit educational institution or who offers to render such services to the public whether or not employed by such an institution.

"Practice of school psychology" means the rendering or offering to render to individuals, groups, organizations, government agencies or the public any of the following services:

1. "Testing and measuring" which consists of psychological assessment, evaluation, and diagnosis relative to the assessment of intellectual ability, aptitudes, achievement, adjustment, motivation, personality, or any other psychological attribute of

persons as individuals or in groups that directly relates to learning or behavioral problems in an educational setting.

2. "Counseling" which consists of professional advisement and interpretive services with children or adults for amelioration or prevention of educationally related problems.

Counseling services relative to the practice of school psychology include, but are not limited to, the procedures of verbal interaction, interviewing, behavior modification, environmental manipulation, and group processes.

Counseling services relative to the practice of school psychology are short term and are situation oriented.

3. "Consultation" which consists of educational or vocational consultation or direct educational services to schools, agencies, organizations, or individuals.

Consultation as herein defined is directly related to learning problems and related adjustments.

4. Development of programs such as designing more efficient and psychologically sound classroom situations and acting as a catalyst for teacher involvement in adaptations and innovations

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual consultation, guidance and instruction with respect to the clinical skills and competencies of the person supervised.

"Supervisor" means an individual who assumes full responsibility for the clinical education and training activities of a person in training and the supervision and provides required by such a person.

§ 1.2. Classification of licensees.

In compliance with § 54-936 Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia, the board classifies licensees as psychologists, clinical psychologists or school psychologists school psychologists, or clinical psychologists .

A. Psychologist.

The psychologist This license covers the practice of psychology, as defined in § 54-936 Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia ; which is divided into two designated specialties requiring different sets of skills and knowledge: (i) for providers of clinical services and (ii) for providers of nonclinical services. The psychologist license is designated accordingly as either psychologist (clinical) or psychologist (nonclinical). The licensee's scope of practice is delimited first by the designation of the license and further by the licensee's

Proposed Regulations

demonstrable areas of competence .

B. Clinical psychologist.

This license pertains only to the practice of clinical psychology as defined in ~~Chapter 12, § 54-273 and Chapter 28, § 54-936~~ Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia. The candidate for this license, after further investigation and examination by the board, is recommended to the Virginia State Board of Medicine for licensure and subsequent regulation .

C. School psychologist.

This license pertains only to the practice of school psychology as defined in § 54-936 b Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia.

§ 1.3. Fees required by the board.

A. The board has established fees for the following:

1. Registration of residency (*per residency request*) \$100
2. Application processing for:
 - (a) Graduates of American institutions for licensure as:
 - (1) Psychologist (~~clinical or nonclinical~~) \$150
 - (2) School psychologist \$150
 - (3) Clinical psychologist \$350
 - (b) Graduates of foreign institutions (in addition to application processing fee) \$150
3. ~~Examinations~~ ~~\$325~~
4. ~~Reexamination~~ 3. *Examinations* :
 - (a) Nationally normed standardized examination \$ ~~135~~ 160
Effective July 1, 1993 \$275
 - (b) State written examination \$ ~~100~~ 150
 - (c) State oral examination \$100
5. 4. Initial license pro-rated portion
..... of \$150
..... biennial
..... renewal fee
6. 5. Biennial renewal of license \$150
7. 6. Late renewal \$10
8. Name change \$10

9. 7. Endorsement to another jurisdiction \$10
10. 8. Additional or replacement wall certificate .. \$15
11. 9. Returned check \$15
10. Rereview fee \$25

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

PART II. REQUIREMENTS FOR LICENSURE.

§ 2.1. Requirements, general.

A. No person shall practice psychology or school psychology in the Commonwealth of Virginia except as provided in the Code of Virginia and these regulations.

B. No person shall practice clinical psychology in the Commonwealth of Virginia except when licensed by the Virginia State Board of Medicine upon recommendation by the Board of Psychology.

C. Licensure of all applicants under subsections A and B of this section shall be by examination by this board.

D. Every applicant for examination by the board shall:

1. Meet the education and experience requirements prescribed in § 2.2 or § 2.3 of these regulations, whichever is applicable for the particular license sought; and
2. Submit to the executive director of the board, not less than 60 days prior to the date of the written examination:
 - a. A completed application, on forms provided by the board;
 - b. Documentation of having fulfilled the experience requirements of § 2.2 or § 2.3 where applicable; and
 - c. Endorsement letters from three persons familiar with the applicant's professional work, attesting to the applicant's professional competence and integrity; and
 - d. c. The application processing fee prescribed by the board; and
3. Have the institution that awarded the graduate degree(s) required in § 2.2 or § 2.3 submit directly to the executive director of the board, at least 60 days prior to the date of the written examination, official transcripts documenting:
 - a. The graduate work completed; and

b. The award of the degree(s) awarded.

§ 2.2. Education and experience requirements: Graduates of American institutions.

A graduate of an American higher education institution who applies for examination for licensure as a *psychologist, clinical psychologist, or school psychologist* shall meet the requirements of subsection A, B, or C, or D of this section, whichever is applicable :

A. Psychologists: *Psychologist.*

This is a generic license for all doctoral level specialties except clinical psychologist and school psychologist (as defined by statute and these regulations). Individuals licensed in this category shall practice only within their own area of education and training as acquired via a doctoral psychology program.

1. Psychologist (nonclinical).

a. 1. Program of study. The *psychologist* applicant shall hold a doctorate degree in psychology from an institution of higher education accredited by a one of the six regional accrediting agency bodies recognized by the Council on Postsecondary Accreditation . Further, the applicant's program shall conform to the following criteria for doctoral programs in psychology . The doctoral training program shall meet these criteria :

(1) a. The program, wherever it may be administratively housed, It shall be clearly identified and labeled as a psychology program : Such a program and shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(2) b. The psychology program It shall stand as a recognizable distinct , coherent organizational entity within the institution.

(3) c. There shall be a faculty of doctoral level psychologists with clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines of psychology training .

(4) d. The program There shall be an integrated, organized sequence of study which ensures broad exposure to the discipline of psychology and culminates in a doctoral degree in psychology .

(5) e. There shall be an identifiable psychology faculty and a psychologist one or more psychologists administratively responsible for the program.

(6) f. The program shall have There shall be an identifiable body of matriculated students who are matriculated in that program for a degree .

g. Programs shall include supervised practica, internship, or field placement experiences which are coherently integrated with course work in a logically sequential manner.

b. Education: The applicant's program shall have included at least one three semester-credit hour course in each of the following areas of study:

(1) Statistics and research design;

(2) Physiological psychology or sensation and perception;

(3) Learning/cognition;

(4) Social psychology;

(5) Study of the individual;

(6) History and systems; and

(7) Scientific and professional ethics and standards.

2. Education. The approved program shall have included a minimum of 54 hours that meets the requirements below. The program shall include the following substantive content areas:

a. Instruction in scientific and professional ethics and standards, research design and methodology, statistics, psychological measurement, and history and systems of psychology;

b. Biological bases of behavior (e.g.; physiological psychology, comparative psychology, neuropsychology, sensation, and psychopharmacology);

c. Cognitive-affective bases of behavior (e.g., learning, memory, perception, cognition, thinking, motivation, and emotion);

d. Social bases of behavior (e.g., social psychology; cultural, ethic, and group processes; sex roles; organizational and systems theory); and

e. Individual behavior (e.g., personality theory, human development, individual differences, and abnormal psychology).

e. 3. Experience. No supervised experience is required for licensure as a Psychologist (Nonclinical): The applicant shall have completed two years of post-doctoral experiences which are acceptable to the board as related to the practice of psychology; up to one year of predoctoral internship may substitute for one of the two years of the post-doctoral experience required for the psychologist license.

Post-doctoral experience acceptable to the board shall

Proposed Regulations

consist of supervised experience provided by a licensed psychologist, a licensed school psychologist, or a licensed clinical psychologist and shall be a minimum of two hours individual supervision per week.

Applicants possessing two years of two hours per week of supervised post-doctoral experience may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent (in duration, content, and type of internship, and residency) of the supervised experience required.)

4. Residency requirements. The applicant under this provision shall show documentation of a previous residency or request approval to begin a current residency with the following conditions:

a. Applicants shall apply for licensure and residency concurrently.

b. Prior to initiating the proposed residency training, the applicant shall:

(1) Register with the board;

(2) Pay the registration fee;

(3) Submit an agreement signed by the applicant and proposed Virginia licensed supervisor(s) stating the nature of the services to be rendered, the number of hours of supervision, and the nature of the supervision; and

(4) Receive approval from the board to begin the residency training. (Applicants who do not apply before beginning residency training, cannot be guaranteed the residency will be approved.)

c. Supervision shall be provided by a licensed psychologist, clinical psychologist, or school psychologist.

d. The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education and training.

e. There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per week.

f. Residents may not call themselves psychologists, clinical psychologists, or school psychologists; solicit

clients; bill for services; or in any way represent themselves as professional psychologists. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in Psychology."

g. At the end of the residency training period, the supervisor(s) shall submit to the board, a written evaluation of the applicant's performance.

h. The applicant shall not continue in residency status for more than three years.

2. Psychologist (clinical):

a. The applicant shall hold a doctorate from a professional psychology program in a regionally accredited university, which:

(1) Was accredited by the American Psychological Association (APA) prior to the applicant's graduation from the program; or

(2) Was accredited by the APA within four years after the applicant graduated from the program; or

(3) If not APA accredited, was a program from which the applicant received the doctorate before January 1, 1993, and which met the criteria outlined in § 2.2.A.1.a. Further, the program shall have required successful completion by the applicant of all the following:

(a) At least a one three semester-credit hour course in each of the areas of study prescribed in A.1 b of this section for a psychologist (nonclinical);

(b) At least a one three semester-credit hour course in each of the following additional areas of study:

(i) Personality theory;

(ii) Diagnostic interviewing and behavioral assessment;

(iii) Psychometric, psychodiagnostic, and projective testing;

(iv) Psychopathology;

(v) Psychotherapy, both individual and group; and

(vi) Practicum: Supervision in assessment/diagnosis and psychotherapy; and

(c) A one year, full time internship approved by the American Psychological Association (APA) or consistent with the requirements for APA approval and approved by the applicant's doctoral program.

b. Experience Applicants shall possess post doctoral

Proposed Regulations

experience as defined in this subparagraph and shall inform the board, when they apply, how they propose to meet this experience requirement. This requirement may be met in one of two ways:

(1) By waiver based on lengthy experience. Applicants possessing many years of relevant postdoctoral experience may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent of the supervised experience required in § A.2.b(2) described below; or

(2) By residency. The applicant under this provision shall have successfully completed a one year, full time, post doctoral residency, or its equivalent in part time experience, for a period not to exceed three years, consisting of supervised experience in the delivery of clinical services and fulfilling the following conditions:

(a) Applicants shall apply for licensure before the board can approve the beginning of their residency training.

(b) Prior to initiating the proposed residency training, the applicant shall: (i) Register with the board; (ii) Pay the registration fee; and (iii) Submit an agreement signed by the applicant and proposed supervisor(s) stating the nature of the services to be rendered and the nature of the supervision.

(c) Supervision shall be provided by a licensed psychologist or licensed clinical psychologist. However, in order for the applicant to obtain specialized training, up to one half of the required supervision may be provided by a senior licensed mental health professional.

(d) The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education.

(e) There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the applicant receive less than one hour of individual supervision per week.

(f) Residents may not call themselves psychologists, solicit clients, bill for services, or in any way represent themselves as professional psychologists. During the residency period they shall use their names, the initials of their degree, and the title "Resident in Psychology."

(g) At the end of the residency training period, the

supervisor(s) shall submit to the board a written evaluation of the applicant's performance.

(h) The applicant shall not continue in full time residency status for more than three years.

B. Clinical psychologist. The applicant for examination for licensure as a clinical psychologist shall possess the same educational qualifications and shall have met the same experience requirements as those prescribed for a Psychologist (Clinical) in A.2.a. and A.2.b. respectively of this section.

This is a specialty license for doctoral level psychologists who have successfully completed a graduate program which provides training in clinical psychology activities.

1. Program of study. The applicant shall hold a doctorate degree in psychology from an institution of higher education accredited by one of the six regional accrediting bodies recognized by the Council of Postsecondary Accreditation.

a. It shall be clearly identified and labeled as a psychology program and shall specify in institutional catalogues and brochures its intent to educate and train professional psychologists in clinical psychology activities.

b. It shall stand as a distinct, coherent organizational entity within the institution.

c. There shall be a faculty of doctoral level psychologists with clear authority and primary responsibility for the core and specialty areas of psychology training.

d. There shall be an integrated, organized sequence of study which ensures broad exposure to the discipline of psychology and culminates in a doctoral degree in psychology.

e. There shall be one or more psychologists administratively responsible for the program.

f. There shall be an identifiable body of matriculated students.

2. Education. The approved program shall have included a minimum of 54 hours that meets the requirements below. The program shall include the following substantive content areas:

a. Instruction in scientific and professional ethics and standards, research design and methodology, statistics, psychological measurement, and history and systems of psychology;

b. Biological bases of behavior (e.g., physiological psychology, comparative psychology,

Proposed Regulations

neuropsychology, sensation, psychopharmacology);

c. Cognitive-affective bases of behavior (e.g., learning, memory, perception, cognition, thinking, motivation, emotion);

d. Social bases of behavior (e.g., social psychology; cultural, ethnic, and group processes; sex roles; organizational and systems theory);

e. Individual behavior (e.g., personality theory, human development, individual differences, abnormal psychology); and

f. Clinical psychology services (e.g., diagnostic interviewing or behavioral assessment, psychological testing, psychopathology, individual psychotherapy, group psychotherapy, and family psychotherapy).

g. Programs shall include successful completion of a doctoral level internship in psychology which meets the following requirements:

(1) A full-time experience either for one calendar year, or two years of half-time experience and may or may not be in a single agency.

(2) There should be at least two interns in the setting.

(3) The internship program setting should develop and distribute descriptive materials in which the goals and content of the training program are accurately and explicitly formulated.

(4) The internship program should provide supervised experience in an organized sequence of clinical psychology activities and exposure to a variety of problems.

(5) Interns should learn and apply ethical standards in their practice of psychology.

(6) Two hours per week of individual supervision must be provided.

(7) Regular evaluations including observations of the interns' professional functioning are given to the intern.

3. Experience. The applicant shall have completed two years of post-doctoral experiences which are acceptable to the board as related to the practice of psychology; up to one year of predoctoral internship may substitute for one of the two years of the post-doctoral experience required for the clinical psychologist license.

Post-doctoral experience acceptable to the board shall consist of supervised experience provided by a licensed clinical psychologist and shall be a minimum

of two hours individual supervision per week.

Applicants possessing two years of two hours per week of supervised post-doctoral experience may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent (in duration, content, and type of internship, and residency) of the supervised experience required in clinical psychology activities.

4. Residency requirements. The applicant under this provision shall show documentation of a previous residency or request approval to begin a current residency with the following conditions:

a. Applicants shall apply for licensure and residency concurrently.

b. Prior to initiating the proposed residency training, the applicant shall:

(1) Register with the board;

(2) Pay the registration fee;

(3) Submit an agreement signed by the applicant and proposed Virginia licensed supervisor(s) stating the nature of the services to be rendered, the number of hours of supervision, and the nature of the supervision; and

(4) Receive approval from the board to begin the residency training. (Applicants who do not apply before beginning residency training, cannot be guaranteed the residency will be approved.)

c. Supervision shall be provided by a Virginia licensed clinical psychologist.

d. The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education and training.

e. There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per week.

f. Residents may not call themselves psychologists, clinical psychologists, or school psychologists; solicit clients; bill for services; or in any way represent themselves as professional psychologists. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in Clinical Psychology."

Proposed Regulations

g. At the end of the residency training period, the supervisor(s) shall submit to the board a written evaluation of the applicant's performance.

h. The applicant shall not continue in residency status for more than three years.

C. School psychologist.

This is a specialty license for master's level psychologists and above who have successfully completed a program which provides training in school psychology activities.

1. Program of study. The applicant shall hold at least a master's degree in school psychology from an institution of higher education accredited by one of the six regional accrediting bodies recognized by the Council of Postsecondary Accreditation.

2. Education. The applicant shall hold at least a master's degree in school psychology, with a degree that is based on a minimum of at least 60 semester credit hours; from a college or university accredited by a regional accrediting agency. The program requirements shall and includes the following:

a. Reflect a planned, integrated, and supervised program of graduate study as outlined for programs approved by the American Psychological Association (APA) or by the National Council for the Accreditation of Teacher Education (NCATE); and

b. Include an internship approved by the applicant's training program:

a. It shall be clearly identified and labeled as a school psychology program and shall specify in institutional catalogues and brochures its intent to educate and train professional psychologists.

b. It shall stand as a distinct, coherent organizational entity within the institution.

c. There shall be a faculty of psychologists with clear authority and primary responsibility for the core and specialty areas of school psychology training.

d. There shall be an integrated, organized sequence of study which ensures broad exposure to the discipline of school psychology and culminates in a school degree in psychology.

e. There shall be one or more psychologists administratively responsible for the program.

f. There shall be an identifiable body of matriculated students.

g. Programs shall include successful completion of a

master's level internship in school psychology.

h. The approved program shall have included a minimum of 60 hours that meet the requirements below. The program shall include the following substantive content areas:

(1) Psychological Foundations

(2) Educational Foundations

(3) Assessment and Intervention

(4) Statistics and Research Design

(5) Professional School Psychology

3. Experience. Applicants shall possess post-master's degree experience as defined in this section and shall inform the board, when they apply as to how they propose to meet this experience requirement. This requirement may be met in one of two ways: The applicant shall have completed two years of post-master experiences which are acceptable to the board as related to the practice of psychology; up to one school year of premaster internship may substitute for one of the two years of the post-master graduate experience required for the school psychologist license.

Post-master experience acceptable to the board shall consist of supervised experience provided by a licensed school psychologist, licensed psychologist, or licensed clinical psychologist and shall be a minimum of two hours individual supervision per week.

Applicants possessing two years of two hours per week of post-masters experience may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent (in duration, content, and type of internship, and residency) of the supervised experience required.

a. By waiver based on lengthy experience. Applicants possessing many years of relevant post-master's degree experience may obtain a waiver of residency requirements by demonstrating to the board that they have received the substantial equivalent of the supervised experience required in C-2.b described below; or

b. By residency. Subsequent to completing the graduate degree program, the applicant shall have completed a full-time residency of at least one school year, or the equivalent in part-time experience during a period not to exceed three years, consisting of supervised experience in the delivery of school psychological services and fulfilling the following conditions:

4. Residency requirements. The applicant under this provision shall show documentation of a previous

Proposed Regulations

residency or request approval to begin a current residency with the following conditions:

~~(1)~~ a. Applicants ~~must~~ shall apply for licensure before the board can approve the beginning of their residency training and residency concurrently .

~~(2)~~ b. Prior to the proposed residency training, the applicant shall:

~~(a)~~ (1) Register with the board;

~~(b)~~ (2) Pay the registration fee; and

~~(c)~~ (3) Submit an agreement signed by the applicant and proposed Virginia licensed supervisor(s) stating the nature of the services to be rendered , the number of hours of supervision, and the nature of the supervision- ; and

(4) Receive approval from the board to begin the residency training. (Applicants who do not apply before beginning residency training, cannot be guaranteed the residency will be approved).

~~(3)~~ c. The supervisor shall be a Supervision shall be provided by a licensed school psychologist, licensed psychologist, or licensed clinical psychologist.

~~(4)~~ d. The supervisor shall not provide supervision for activities beyond the supervisor's demonstrable areas of competence, nor for activities for which the applicant has not had appropriate education and training .

~~(5)~~ e. There shall be a minimum of two hours of individual supervision per week. Group supervision of up to five residents may be substituted for one of the two hours per week on the basis that two hours of group supervision equals one hour of individual supervision, but in no case shall the resident receive less than one hour of individual supervision per week.

~~(6)~~ f. Residents may not call themselves school psychologists, psychologists, clinical psychologists, or school psychologists; solicit clients; bill for their services; or in any way represent themselves as professional school psychologists. During the residency period they shall use their names, the initials of their degree, and the title, "Resident in School Psychology."

~~(7)~~ g. At the end of the residency training period, the supervisor(s) shall submit to the board a written evaluation of the applicant's performance.

~~(8)~~ h. The applicant shall not continue in full-time residency status for more than three years.

D. Applicants for additional licenses:

To obtain additional licenses, all requirements shall be met as prescribed by the board. Applicants shall complete a new application and submit new application fees. A complete new application process may be initiated at the board's discretion.

§ 2.3. Graduates of foreign institutions.

A graduate of a foreign higher education institution who applies for examination for licensure as a psychologist or clinical psychologist shall:

1. Hold a doctorate in psychology;

2. Present documentation that the degree is from a planned, integrated, and supervised program of graduate study that meets requirements judged by the board to be consistent equivalent with the requirements for approval by the American Psychological Association (APA) or consistent with those requirements prescribed by the board and met by approved specified in § 2.2 for domestic institutions;

3. Meet the course and practicum requirements outlined in § 2.2; and

4. 3. Pay the application processing fee prescribed in § 1.3 for graduates of foreign institutions.

§ 2.4. Out-of-state applicants with lengthy experience.

An applicant who is licensed in another state may practice in Virginia in accordance with the provisions of this section:

A. Until such time as the applicant receives a Virginia license, the applicant may practice only under the supervision of a Virginia licensee.

B. The supervised practice of the applicant shall be performed in accordance with all of the provisions prescribed in these regulations for a residency After a Virginia license is granted, the applicant may terminate residency status and begin independent practice.

C. The applicant shall take the examination(s) deemed appropriate by the board within one year of board approval of application.

D. The applicant may not practice independently until the Virginia license is granted.

PART III. EXAMINATIONS.

§ 3.1. General examination requirements.

A. In order to be licensed, each candidate shall take and pass the examination(s) determined by the board to be required according to the candidate's individual

qualifications under the general provisions of this section. The complete examination process consists of three two components.

1. A nationally normed standardized examination in the practice of psychology;
2. The Board of Psychology written examination; examination(s).
3. The Board of Psychology oral examination.

B. An applicant enrolled in an approved residency training program required in § 2.2 who has met all requirements for licensure shall be eligible to take both the national and state written examinations.

C. Waivers; modifications.

1. Diplomate applicant. The board may waive the written examination(s) , *except for the state jurisprudence examination*, for an applicant who has been awarded a diploma by the American Board of Professional Psychology in *either clinical, counseling or school psychology any specialty categories but only in the licensed categories specified in § 2.2 A .*
2. Endorsement. The board may waive *only the national written examinations examination* for an applicant licensed or certified in another jurisdiction by standards and procedures equivalent to those of the board *and meeting the educational requirements set forth in these regulations. The state written examination(s) cannot be waived .*

D. Examination schedules.

1. The written examinations shall be administered at least twice a year.
2. The oral examination shall be scheduled after the results of the written examinations are known.

E. D. Notice.

1. At least 30 days prior to the date of examinations, the executive director will notify all candidates in writing of the time and place of examinations.
2. The candidate shall then submit the applicable fees.
3. If the candidate fails to appear for the examination without providing written notice at least two week before the examination, the examination fee shall be forfeited.

F. E. Deferrals by candidate: time limit.

A candidate licensed in another jurisdiction shall follow the requirements in § 2.2.

A candidate approved by the board to sit for an examination and who has never been licensed in any jurisdiction shall take that examination within two years of the date of the initial board approval. If the candidate has not taken the examination by the end of the two-year period here prescribed:

1. The initial board approval to sit for the examination shall then become invalid; and
2. In order to be considered for the examination later, the applicant shall file a complete new application with the board and pay the applicable fee.

§ 3.2. Written examinations.

A. The nationally normed standardized examination in the practice of psychology.

1. This examination shall consist of multiple-choice questions that sample a broad range of psychology content areas.
2. A passing grade shall be a score that is no lower than one-half standard deviation below the national mean for all doctoral-level examinees.

B. The Board of Psychology written examination.

1. This examination consists of essay or multiple-choice questions related to:
 - a. The practice area for which licensure is sought of psychology ; and
 - b. Virginia laws and board regulations governing the practice of psychology.
2. A passing score shall be 65% of the total possible points in each of the two areas of the examination determined by the board .

§ 3.3. Oral examination.

A. Except as provided in § 3.1.D, admission to the oral examination shall be contingent upon:

1. The candidate's having passed the written examinations;
2. Successful completion of any required residency training program in addition to all other requirements of § 2.2.

B. Candidates who pass the written examinations will be notified by the board of the time and place of the oral examination.

C. The oral examination will consist of a structured, experimental assessment of the candidates' abilities to apply their knowledge. The examination will be conducted

Proposed Regulations

by the board or its designees.

~~D. Candidates will be graded on their responses to the items of the oral examination and a passing grade shall be 65% of correct or appropriate answers.~~

§ 3.4. Reexamination.

Reexamination of candidates will be required only on the examinations failed.

A. After paying the reexamination fee, a candidate may be reexamined once within a 12-month period after the failed examinations without filing a formal reapplication and without presenting evidence of additional education or experience.

B. A candidate who fails any examination twice shall wait at least one year between the second failure and the next ~~examination scheduled~~ reexamination. Such candidate shall submit to the board:

1. An updated application;
2. Documentation of additional education or experience gained since the last failure; and
3. New application and examination fees *fee(s)* as prescribed by the board.

PART IV. LICENSURE.

§ 4.1. Licensure.

A. Upon payment of the prorated portion of the biennial licensure fee prescribed by the board, the board will issue to each successful candidate a license to practice as a psychologist or school psychologist.

B. The board will recommend to the Board of Medicine each successful candidate the Board of Psychology examines for licensure as a clinical psychologist.

~~C. A psychologist, clinical psychologist or school psychologist who desires to practice in other areas of psychology shall obtain a license from this board for the additional area in which the licensee seeks to practice.~~

PART V. LICENSURE RENEWAL; REINSTATEMENT ; NAME CHANGE .

§ 5.1. Biennial renewal of licensure.

Every license issued by the board shall expire on June 30 of each odd-numbered year.

A. Every licensee who intends to continue to practice shall, by June 30 of each odd-numbered year, submit to the board:

1. A license renewal application on forms supplied by the board; and

2. The renewal fees prescribed in § 1.3.

B. Failure of a licensee to receive a renewal notice and application form(s) from the board shall not excuse the licensee from the renewal requirement.

§ 5.2. Late renewal; reinstatement.

A. A person whose license has expired may renew it within four years after its expiration date by paying the penalty fee prescribed in § 1.3 and the license renewal fee for each year the license was not renewed.

B. A person whose license has not been renewed for four years or more and who wishes to resume practice shall:

1. Present evidence satisfactory to the board regarding continued competency to perform the duties regulated by the board; and

2. Upon approval for reinstatement, pay the penalty fee and the license fee for each renewal period the license was not renewed, as prescribed by the board and pay a rereview fee as prescribed in § 1.3..

§ 5.3. Legal change of name.

~~A. An individual practicing under a license issued by the board shall ensure that the current license bears the current legal name of that individual.~~

~~B. A licensee whose name is changed by marriage or court order shall promptly:~~

~~1. Notify the board of such change and provide a copy of the legal paper documenting the change;~~

~~2. Pay the "name change" fee prescribed in § 1.3;~~

~~3. Request and obtain from the board a new license bearing the individual's new legal name; and~~

~~4. Practice only under such new legal name.~~

PART VI. ADVISORY COMMITTEES.

§ 6.1. Advisory and examining committees.

A. The board may establish examining and advisory committees to assist it in evaluating the professional qualifications of applicants and candidates for licensure and in other matters.

B. The board may establish an advisory committee to evaluate the mental or emotional competence of any licensee or candidate for licensure when such competence

is at issue before the board.

C. The chair of all advisory and examining committees shall be a member of the Board of Psychology or board designee who will moderate the proceedings and report the results to the full board.

PART VII.
STANDARDS OF PRACTICE; UNPROFESSIONAL
CONDUCT; DISCIPLINARY ACTIONS;
REINSTATEMENT.

§ 7.1. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

B. Persons licensed by the board shall:

1. Provide only services and use only techniques for which they are qualified by training and experience.
2. When advertising services to the public, ensure that such advertising is neither fraudulent nor misleading.
3. Represent accurately their competency, education, training and experience.
4. Neither accept nor give commissions, rebates or other forms of remuneration for referral of clients for professional services.
5. Make advance financial arrangements that safeguard the best interests of and are clearly understood by their clients.
6. Refrain from undertaking any activity in which their personal problems are likely to lead to inadequate or harmful services.
7. Avoid dual relationships with clients that could impair professional judgment or compromise the client's well being (to include *but not limited to* treatment of close friends, relatives, employees and sexual intimacies with clients ; *bartering services; romantic or sexualized relationships with any current or former supervisee*).
8. Avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by the action.
9. Keep confidential their professional relationships with clients, including their records and reports, except when a client is a danger to self or others, or when the licensee is under a court order to disclose such information.

10. Terminate a ~~clinical or consulting~~ professional psychological relationship when it is clear that services are not benefiting the client.

11. Ensure that the welfare of clients is not compromised in any experimentation or research involving those clients.

12. Report to the board known violations of the laws and regulations governing the practice of psychology.

13. Represent oneself as a licensed psychologist only when licensed by the board as a psychologist.

14. Represent oneself as a licensed school psychologist only when licensed by the board as a school psychologist.

15. Represent oneself as a licensed clinical psychologist or otherwise use variations of the description clinical psychology to describe one's practice only when licensed by the Board of Medicine as a clinical psychologist.

16. Not represent oneself as "board certified" without specifying the complete name of the specialty board.

17. Keep pertinent, confidential records for at least seven years with adults and organization and 10 years with minors after termination of services to any consumer.

18. Recognize the potential adverse interpretation and consequences from physically touching clients who have certain traumatic histories or diagnoses and shall not touch a client when doing so may result in adverse interpretations and consequences.

§ 7.2. Grounds for revocation, suspension, or denial of renewal of license.

A. In accordance with ~~§ 54-920(e)~~ § 54.1-2400 of the Code of Virginia, the board may, after a hearing, revoke, suspend or decline to renew a license for just cause.

B. Action by the board to revoke, suspend or decline to renew a license shall be taken in accord with the following conduct:

1. Conviction of a felony or misdemeanor involving moral turpitude.
2. Procuring of a license by fraud or misrepresentation.
3. Misuse of drugs or alcohol to the extent that it interferes with professional functioning.
4. Negligence in professional conduct or violation of practice standards.

Proposed Regulations

5. Performing functions outside areas of competency.

6. Mental, emotional, or physical incompetence to practice the profession.

7. Violating or aiding and abetting another to violate any provision of Chapter 28 36 of Title 54 54.1 of the Code of Virginia; any other statute applicable to the practice of the profession regulated; or any provision of these regulations.

C. Appeal of decision. An appeal may be made to the board for reinstatement upon good cause or as a result of substantial new evidence being obtained that would alter the determination reached in subsection B of this section.

§ 7.3. Reinstatement following disciplinary action.

A. Any person whose license has been suspended, revoked, or not renewed by the board under the provisions of § 7.2 may, two years subsequent to such board action, submit a new application to the board for licensure.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.

C. The applicant for such reinstatement, if approved, shall be licensed upon payment of the appropriate fees applicable at the time of reinstatement, as prescribed by the board.



REGISTRY OF REGULATIONS
SERIAL 07 11/11

COMMONWEALTH of VIRGINIA

Department of Health Professions

Board of Psychology

Bernard L. Henderson, Jr.
Director

Evelyn B. Brown
Executive Director

1601 Rolling Hills Drive, Suite 200
Richmond, Virginia 23229-5005
(804) 662-9913
FAX (804) 662-9943
TDD (804) 662-7197

Page 2

Dear Applicant:

Application materials for licensure in Virginia are enclosed.

PLEASE REVIEW THE REGULATIONS AND STATUTES CAREFULLY.

Before referral to the Board, your file must contain the following to be considered complete:

1. Appropriate application fee.
2. Completed and notarized application form.
3. Confirmation of diplomate status, if applicable, must be submitted directly from the American Board of Professional Psychology (ABPP).
4. Verification from each jurisdiction in which you are now, or have been, licensed.
5. If you seek waiver of the national examination, please submit a report directly from the Interstate Reporting Service giving your score on the Examination for Professional Practice in Psychology (EPPP).
6. Documentation of your internship must be submitted directly from the named institution if you are applying for licensure as a Psychologist (Clinical), School Psychologist and/or Clinical Psychologist.
7. Official graduate transcript (one bearing either the signature of the Registrar or the Seal of the Institution) sent directly from the institution, and Verification of Education Forms from the applicant for applicants of non-APA or non-NCATE approved programs.
8. Three endorsement letters from individuals who know your professional work.
9. Employment verification from every individual listed in Section F on the application form.

10. Applicants who have completed the requirements for a post-doctoral residency must have their supervisors submit verification of completion.
11. If you have not met the requirements for the post graduate degree residency, submit a Registration form for residency plus the \$100 residency fee.

Once you receive written notification that your file is complete, you may begin your residency supervision. However, this supervision is pending final approval by the Board.

Residency supervision is required for all candidates who will be in working in non-exempt settings in Virginia that require licensure (see statutes).

Applicants are responsible for submitting materials to the Board office by the required deadlines. A Board calendar of events is enclosed for your review.

If you require additional information or assistance, please contact the Board office at (804) 662-9913.

CHECK LIST FOR PSYCHOLOGY APPLICANTS

RECEIVED BY REGULATIONS
22 MAY 27 11

- ___ Application form completed, signed, notarized
- ___ Application fee(s)
- ___ Verification of other license(s), if applicable
- ___ Score report from Interstate Reporting Service, if applicable
- ___ Internship, if applicable
- ___ Transcript
- ___ If non-APA, non-NCATE approved, graduate courses form
- ___ Employer verifications
- ___ Three endorsement letters
- ___ Verification of residency, if applicable
- ___ Residency application, if applicable
- ___ Residency application fee, if applicable

VIRGINIA BOARD OF PSYCHOLOGY
1992 CALENDAR

RECEIVED BY REGULATIONS
22 MAY 27 11

- January 22 Oral Examinations
- January 23 Oral Examinations
- January 24 Oral Examinations and Board Meeting
- Feb. 7 Application deadline for National and State Written Examinations
- March 8 Examination Fee(s) due for April Written Examinations
- March 19 Board Meeting
- April 8 National and State Written Examinations
- May 21 Board Meeting
- July 22 Oral Examinations
- July 23 Oral Examinations
- July 24 Oral Examinations and Board Meeting
- August 20 Application deadline for National and State Written Examinations
- September 14 Examination Fee(s) due for October Written Examinations
- September 17 Board Meeting
- October 21 National and State Written Examinations
- November 19 Board Meeting

NOTE: These dates are for use by the Board of Psychology and are subject to change. The dates of all Board meetings are published in the Virginia Register.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF PSYCHOLOGY
1601 Rolling Hills Drive, Suite 200
Richmond, Virginia 23229-5005
(804) 662-9913

LICENSURE VERIFICATION

APPLICANTS FOR PSYCHOLOGIST LICENSURE IN THE COMMONWEALTH OF VIRGINIA ARE REQUIRED TO SEND A LICENSURE VERIFICATION FORM TO EVERY JURISDICTION IN WHICH THEY CURRENTLY HOLD, OR HAVE HELD, A LICENSE TO PRACTICE AS A PSYCHOLOGIST OR OTHER HEALTH PRACTITIONER FOR THE PURPOSE OF LICENSURE VERIFICATION.

TO: _____ Board of Psychology

FROM: _____

RE: Verification of Licensure in Another Jurisdiction

I am applying for licensure as a psychologist in Virginia. Please furnish the information requested below and return the form to the Board of Psychology, Commonwealth of Virginia, at the address given below:

Board of Psychology
Department of Health Professions
1601 Rolling Hills Drive, Suite 200
Richmond, VA 23229-5005

License Number Held _____

Date of Initial Licensure _____

Is the applicant currently licensed and in good standing? _____

If the applicant's license has expired, is the applicant eligible to renew his or her license? Yes No.

If no, please explain. _____

Has there ever been any disciplinary action taken against the applicant's license? Yes No.

If yes, please explain. _____

I certify that the information given is correct.

SEAL

Address Licensure Licensure

DATE

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF PSYCHOLOGY
1601 Rolling Hills Drive, Suite 200
Richmond, Virginia 23229-5005
(804) 662-9913

APPLICATION FOR EXAMINATION OR LICENSURE

Application for Licensure as:
Clinical Psychologist
Psychologist (Clinical)
Psychologist Non-Clinical
School Psychologist
Application Fee:
\$350
\$150
\$150
\$150
MAKE ALL CHECKS AND MONEY ORDERS PAYABLE TO THE TREASURER OF VIRGINIA

SECTION A - PERSONAL

1. Name in full _____ Social Security No. _____

2. Residence address _____ Area _____

3. Business name and address _____

4. Birth date _____ Birth place _____

SECTION B - GENERAL INFORMATION

- 1. Do you hold a diploma from the American Board of Professional Psychology? YES NO
TYPE: Clinical Counseling School
2. Are you licensed or certified in any state as a Psychologist?
Name or State _____ Date _____ License or Certificate No. _____
3. What do you consider your specialty in psychology? _____
4. Have you ever been denied the privilege of taking an occupational licensure or certification examination?
If yes, state what type of occupational examination and where. _____
5. Have you ever failed an examination for occupational licensure or certification? If so, how many times? _____
Where? _____
6. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? If yes, attach an explanation in detail. State where such action was taken. _____
7. Have you ever been convicted of, pled guilty to or pled nolo contendere to the violation of any federal or state statute, or other regulation or ordinance or entered into any plea bargain relating to a felony or misdemeanor (excluding traffic violations, except for driving under the influence)? If yes, attach an explanation in detail. _____

SECTION D — EDUCATION

List in chronological order the name and location of each academic institution beyond high school that you have attended.

INSTITUTION	DATES OF ATTENDANCE		MAJOR OR CONCENTRATION	DEGREE RECEIVED	DATE DEGREE CONFERRED	APA APPROVED	
	From	Date				YES	NO

YES NO

3. Have you ever been censured, warned, requested to withdraw, or your employment terminated from any health care facility, agency, or practice? If yes, attach an explanation in detail. Yes No
3. Have you ever been physically or emotionally dependent upon the use of alcohol/drugs or been treated by, consulted with, or under the care of a professional for substance abuse? If yes, please provide a letter from the treating professional stating the diagnosis, treatment, and prognosis. Yes No

SECTION C — INTERNSHIP POST-GRADUATE DEGREE SUPERVISED EXPERIENCE

1. INTERNSHIP - To be answered by Clinical Psychologist, Psychologist (Clinical) and School Psychologist applicants only.

Have you completed a one-year, full-time internship? Yes No. If no, please explain. _____

If yes, please state where the internship was completed. _____
 Was the internship approved by the American Psychological Association? Yes No.

FOR CLINICAL PSYCHOLOGIST AND PSYCHOLOGIST (CLINICAL) applicants, was the internship approved by your doctoral program? Yes No.
 If yes, please provide a letter from the chairperson of your doctoral program attesting to the approval of your internship.

FOR SCHOOL PSYCHOLOGIST applicants, was your internship approved by your training program? Yes No.
 If yes, please provide a letter from the chairperson of your master's degree program attesting to the approval of your internship.

2. POST-DOCTORAL EXPERIENCE - To be answered by Clinical Psychologist and Psychologist (Clinical) applicants.

Have you completed one-year of post-doctoral clinical experience under the supervision of a licensed Psychologist, Clinical Psychologist or other licensed mental health professional? Yes No.

If yes, state where the supervised experience took place _____
 Dates: From _____ To _____

Hours per week of individual supervision _____ Name of Supervisor _____
 State where licensed _____

Hours per week of group supervision _____

3. POST-MASTER'S DEGREE EXPERIENCE - To be answered by School Psychologist applicants.

Have you completed one year of post-master's degree experience in the delivery of school psychological services under the supervision of a licensed School Psychologist or licensed Clinical Psychologist? Yes No.

If yes, state where the supervised experience took place. _____
 Dates: From _____ To _____

Hours per week of individual supervision _____ Name of Supervisor _____
 Hours per week of group supervision _____

SECTION E — PROFESSIONAL EMPLOYMENT EXPERIENCE

List in chronological order the entire professional employment experience you have had. (Use additional sheets if necessary).

DATES OF EMPLOYMENT	EMPLOYER	ADDRESS	HOURS PER WEEK	SUPERVISOR	DUTIES

Proposed Regulations

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF HEALTH PROFESSIONS
 BOARD OF PSYCHOLOGY
 1601 Rolling Hills Drive, Suite 200
 Richmond, Virginia 23229-5005
 (804) 662-9913

To be completed by applicants of Non-APA or Non-NCATE-Approved Programs for licensure by the Board of Psychology, Commonwealth of Virginia, as a psychologist (clinical), psychologist (non-clinical), clinical psychologist, and school psychologist.

Applicant's Name _____ Social Security Number _____

1-12) are the areas of graduate study that applicants must complete to be considered academically eligible for licensure as a clinical psychologist and psychologist (clinical). The first seven areas of graduate study are required for licensure as a psychologist (non-clinical). The last five areas of graduate study (13-17) must be completed in order for applicants to be considered academically eligible for licensure as a school psychologist. In the spaces provided below, please indicate how your graduate coursework met the course requirements described below. Indicate the course title, course number and number of credit hours received as shown on your official graduate transcript. If more space is needed, please attach additional sheets.

For each area or study where you cannot specify that coursework was completed or where it may be unclear from the title of a course that the course content was covered, indicate this information on the form.

Clinical Psychologist and Psychologist (Clinical) applicants complete numbers 1-12.
 Psychologist (Non-Clinical) applicants complete numbers 1-7.
 School Psychologist applicants complete numbers 13-17.

Course Title and No. of Graduate Hours Credit: _____ Name of Institution: _____

1. Statistics and Research Design: _____
2. Physiological Psychology or Sensation and Perception: _____
3. Learning/Cognition: _____
4. Social Psychology: _____
5. Study of the Individual: _____
6. History and Systems: _____

5. Duties performed by applicant under your supervision _____

7. In your opinion is applicant competent to practice under the license for which the applicant has applied? _____

8. Additional comments _____

DATE _____ SUPERVISOR'S SIGNATURE _____

INTERNSHIP SUPERVISORS ARE TO SEND THIS FORM DIRECTLY TO THE:

Department of Health Professions
 Board of Psychology
 1601 Rolling Hills Drive, Suite 200
 Richmond, VA 23229-5005

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF PSYCHOLOGY
1601 Rolling Hills Drive, Suite 200
Richmond, Virginia 23229-5005
(804) 662-9913

REGISTRATION FORM
for
POST-DOCTORATE DEGREE or POST-MASTER'S DEGREE RESIDENCY TRAINING EXPERIENCE
for the
BOARD OF PSYCHOLOGY

Registration Fee: \$100
Please Make All
Checks and Money Orders
Payable to The Treasurer of Virginia

Name of Resident: _____

Degree Held: _____ Major: _____

Nature of Services to be Rendered: _____

Number of Hours per Week of Supervision to be Rendered: _____

Date: _____

Signature of supervisor _____

Signature of resident _____

7. In your opinion is applicant competent to practice under the license for which the applicant has applied? _____

3. Additional comments _____

SUPERVISOR

This completed form must be mailed directly to:

Department of Health Professions
Board of Psychology
1601 Rolling Hills Drive, Suite 200
Richmond, VA 23229-5005

Please refer to the Regulations of the Board of Psychology for qualifications for licensure and supervisory responsibilities:
Part II, Section 2.2 A (2) for Clinical Psychologists and Psychologists (Clinical) and Section 2.2 A (3) for Clinical Psychologists and Psychologists (Clinical) and Section 2.2 A (4) for Clinical Psychologists and Psychologists (Clinical).

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF PSYCHOLOGY
1601 Rolling Hills Drive, Suite 200
Richmond, Virginia 23229-5005
(804) 662-9913

REGISTRATION FORM
for
POST-DOCTORATE DEGREE or POST-MASTER'S DEGREE RESIDENCY TRAINING EXPERIENCE
for the
BOARD OF PSYCHOLOGY

Registration Fee: \$100
Please Make All
Checks and Money Orders
Payable to The Treasurer of Virginia

Name of Resident: _____

Degree held: _____ Major: _____

Nature of Services to be Rendered: _____

Number of Hours per Week of Supervision to be Rendered: _____

Date: _____

Signature of supervisor: _____ Supervisor's Name: _____
Supervisor's Address: _____

Signature of resident: _____ Resident's Address: _____
Resident's Address: _____

Please refer to the Regulations of the Board of Psychology for qualifications for licensure and supervisory responsibilities:
Part II, Section 2.2 A for the Clinical Employment and Supervisory (Clinical) component, and Part II, Section 2.2 B for the

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF PSYCHOLOGY
1601 Rolling Hills Drive, Suite 200
Richmond, Virginia 23229-5005
(804) 662-9913

REGISTRATION FORM
for
POST-DOCTORATE DEGREE or POST-MASTER'S DEGREE RESIDENCY TRAINING EXPERIENCE
for the
BOARD OF PSYCHOLOGY

Registration Fee: \$100
Please Make All
Checks and Money Orders
Payable to The Treasurer of Virginia

Name of Resident: _____

Degree held: _____ Major: _____

Nature of Services to be Rendered: _____

Number of Hours per Week of Supervision to be Rendered: _____

Date: _____

Signature of supervisor: _____ Supervisor's Name: _____
Supervisor's Address: _____

Signature of resident: _____ Resident's Address: _____
Resident's Address: _____

Please refer to the Regulations of the Board of Psychology for qualifications for licensure and supervisory responsibilities:
Part II, Section 2.2 A for the Clinical Employment and Supervisory (Clinical) component, and Part II, Section 2.2 B for the

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

NOTE: The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations.

Title of Regulation:

VR 325-01. Definitions and Miscellaneous.

VR 325-01-1. In General.

VR 325-01-2. Importation, Possession, Sale, Etc., of Animals.

VR 325-02. Game.

VR 325-02-2. Bear.

VR 325-02-6. Deer.

VR 325-02-19. Raccoon.

VR 325-02-27. Permits.

VR 325-03. Fish.

VR 325-03-1. Fishing Generally.

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: July 15, 1992.

Summary:

Summaries are not provided since, in most instances the summary would be as long or longer than the full text.

VR 325-01. DEFINITIONS AND MISCELLANEOUS.

VR 325-01-1. In General.

§ [4. 5.] Same—"Wild animal," "native animal," "naturalized animal," "nonnative (exotic) animal" and "domestic animal."

In accordance with § 29.1-100 of the Code of Virginia, the following terms shall have the meanings ascribed to them by this section when used in regulations of the board:

"Wild animal" means any member of the animal kingdom, except domestic animals, including without limitation any native, naturalized, or nonnative (exotic) mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any hybrid thereof, except as otherwise specified in regulations of the board, or part, product, egg, or offspring thereof, or the dead body or parts thereof.

"Native animal" means those species and subspecies of animals naturally occurring in Virginia, as included in the department's 1991 official listing of "Native and Naturalized Fauna of Virginia," with copies available in the Richmond and regional offices of the department.

"Naturalized animal" means those species and subspecies of animals not originally native to Virginia which have established wild, self-sustaining populations, as included in the department's 1991 official listing of "Native and Naturalized Fauna of Virginia," with copies available in the Richmond and regional offices of the department.

"Nonnative (exotic) animal" means those species and subspecies of animals not naturally occurring in Virginia, excluding domestic and naturalized species.

The following animals are defined as domestic animals.

Domestic dog (*Canis familiaris*) including hybrids with wolves (*Canis lupus*).

Domestic cat (*Felis catus*), including hybrids with wild felines.

Domestic horse (*Equus caballus*), including hybrids with *Equus asinus*.

Domestic ass, burro, and donkey (*Equus asinus*).

Domestic cattle (*Bos taurus* and *Bos indicus*).

Domestic sheep (*Ovis aries*) including hybrids with wild sheep.

Domestic goat (*Capra hircus*).

Domestic swine (*Sus scrofa domestica*), including pot-bellied pig.

Llama (*Lama glama*).

Alpaca (*Lama pacos*).

Camels (*Camelus bactrianus* and *Camelus dromedarius*).

Domesticated races of hamsters (*Mesocricetus* spp.).

Domesticated races of mink (*Mustela vison*) where adults are heavier than 1.15 kg or their coat color can be distinguished from wild mink.

Domesticated races of red fox (*Vulpes*) where their

- coat color can be distinguished from wild red fox.
- Domesticated races of guinea pigs (*Cavia porcellus*).
- Domesticated races of gerbils (*Meriones unguiculatus*).
- Domesticated races of chinchillas (*Chinchilla laniger*).
- Domesticated races of rats (*Rattus norvegicus* and *Rattus rattus*).
- Domesticated races of mice (*Mus musculus*).
- Domesticated races of European rabbit (*Oryctolagus cuniculus*).
- Domesticated races of chickens (*Gallus*).
- Domesticated races of turkeys (*Meleagris gallopavo*).
- Domesticated races of ducks and geese distinguishable morphologically from wild birds.
- Feral pigeons (*Columba domestica* and *Columba livia*) and domesticated races of pigeons.
- Domesticated races of guinea fowl (*Numida meleagris*).
- Domesticated races of peafowl (*Pavo cristatus*).

§ 18. Taking of invertebrates.

A. Earthworms.

Earthworms may be taken at any time for private or commercial use.

B. Other invertebrates.

Except as otherwise provided for in §§ 3.1-1020 through 3.1-1030 and 29.1-418 of the Code of Virginia and in VR 325-01-1, § 13, VR 325-01-2 and VR 325-03-5, § 1 invertebrates, other than those listed in endangered or threatened, may be taken for private use.

VR 325-01-2. Importation, Possession, Sale, Etc., of Animals.

§ 1. Possession, importation, sale, etc., of wild animals.

Under the authority of §§ 29.1-103 and 29.1-521 of the Code of Virginia it shall be unlawful to take, possess, import, cause to be imported, export, cause to be exported, buy, sell, offer for sale or liberate within the Commonwealth any wild animal unless otherwise specifically permitted by law or regulation. Unless otherwise stated, for the purposes of identifying species regulated by the board, when both the scientific and common names are listed, the scientific reference to genus and species will take precedence over common names.

§ 2. Permit required to import, liberate or possess predatory or undesirable animals or birds.

Under the authority of § 29.1-542 of the Code of Virginia, live wolves or coyotes, or birds or animals otherwise classed as predatory or undesirable, may not be imported into the Commonwealth or liberated therein, or possessed therein, except under a special permit of the board. Before such permit is issued, the importer shall make application to the department, giving the place of origin, the name and address of the exporter and a certificate from a licensed and accredited practicing veterinarian, or certified fish pathologist, certifying that the animal to be imported is not manifesting any signs of infectious, contagious, or communicable disease.

§ 3. Exclusions.

This regulation does not cover albino reptiles and albino amphibians or those domestic animals as defined in VR 325-01-1, § [4 5] .

§ 4. Importation requirements, possession and sale of nonnative (exotic) animals.

A. Permit required.

A special permit is required and may be issued by the department, if consistent with the department's fish and wildlife management program, to import, possess, or sell [wolves, wolf hybrids or] those nonnative (exotic) animals listed below that the board finds and declares to be predatory or undesirable within the meaning and intent of § 29.1-542 of the Code of Virginia, in that their introduction into the Commonwealth will be detrimental to the native fish and wildlife resources of Virginia:

AMPHIBIANS:

Order	Family	Genus/Species	Common Name
Anura	Bufo	<i>Bufo marinus</i>	Giant or marine toad*
	Pipidae	<i>Xenopus</i> spp.	Tongueless or African clawed frog
Caudata	Ambystomatidae	<i>Ambystoma tigrinum mavortium</i>	Barred tiger salamander
		<i>A. t. diaboli</i>	Gray tiger salamander
		<i>A. t. melanostictum</i>	Blotched tiger salamander

BIRDS:

Order	Family	Genus/Species	Common Name
Psittaciformes	Psittacidae	<i>Myiopsitta monachus</i>	Monk parakeet*

FISH:

Order	Family	Genus/Species	Common Name
Cypriniformes	Catostomidae	<i>Ictiobus bubalus</i>	Smallmouth* buffalo
		<i>I. cyprinellus</i>	Bigmouth* buffalo
		<i>I. niger</i>	Black

Final Regulations

			buffalo*
	Characidae	Pygopristis spp.	Piranhas
		Pygocentrus spp.	
		Rooseveltiella spp.	
		Serrasalmo spp.	
		Serrasalmus spp.	
		Taddeya spp.	
	Cyprinidae	Aristichthys nobilis	Bighead carp*
		Ctenopharyngodon idella	Grass carp or white amur
		Hypophthalmichthys molitrix	Silver Carp*
		Mylopharyngodon piceus	Black carp
		Scardinius erythrophthalmus	Rudd
		Tinca tinca	Tench*
Perciformes	Cichlidae	Tilapia spp.	Tilapia
		Gymnocephalus cernuum	Ruffe*
Siluriformes	Clariidae	All species	Air-breathing catfish

MAMMALS:

Order	Family	Genus/Species	Common Name
Artiodactyla	Suidae	All Species	Pigs or Hogs*
	Cervidae	All Species	Deer*
Carnivora	Canidae	All Species	Wild Dogs*, Wolves, Coyotes or hybrids thereof, Jackals and Foxes
	Ursidae	All Species	Bears*
	Procyonidae	All Species	Raccoons and* Relatives
	Mustelidae	All Species	Weasels, Badgers,* Skunks and Otters
EXCEPT:			
		Mustela	Ferret
		Putorius furo	
	Viverridae	All Species	Civets, Genets,* Lingsangs, Mongooses, and Fossas
	Herpestidae	All Species	Mongooses*
	Hyaenidae	All Species	Hyenas*
	Proteidae	Proteles cristatus	Aardwolf*
	Felidae	All Species	Cats*
Chiroptera		All Species	Bats*
Lagomorpha	Lepidae	Lepus europeaeus	European hare
		Oryctolagus cuniculus	European rabbit

MOLLUSKS:

Order	Family	Genus/Species	Common Name
Veneroida	Dreissenidae	Dreissena polymorpha	Zebra mussel

REPTILES:

Order	Family	Genus/Species	Common Name
Squamata	Alligatoridae	All Species	Alligators, caimans*
	Colubridae	Boiga illegrularis	Brown tree snake*
	Crocodylidae	All Species	Crocodyles*
	Gavialidae	All Species	Gavials*

B. Temporary possession permit for certain animals.

Notwithstanding the permitting requirements of subsection A, a person, company or corporation possessing any nonnative (exotic) animal, designated with an asterisk (*) in subsection A, prior to July 1, 1992, must declare such possession in writing to the department by January 1, 1993. This written declaration shall serve as a permit for possession only, is not transferable, and must be renewed every five years. This written declaration must include species name, common name, number of individuals, date(s) acquired, sex (if possible), estimated age, height or length, and other characteristics such as bands and band numbers, tatoos, registration numbers, coloration, and specific markings. Possession transfer will require a new permit according to the requirements of this subsection.

C. Exception for certain monk parakeets.

A permit is not required for monk parakeets (quakers) that have been captive bred and are closed-banded.

D. Exception for parts or products.

A permit is not required for parts or products of those nonnative (exotic) animals [listed in subsection A] that may be used in the manufacture of products or used in scientific research, provided that such parts or products be packaged outside the Commonwealth by any person, company, or corporation duly licensed by the state in which the parts originate. Such packages may be transported into the Commonwealth, consistent with other state laws and regulations, so long as the original package remains unbroken, unopened and intact until its point of destination is reached. Documentation concerning the type and cost of the animal parts ordered, the purpose and date of the order, point and date of shipping, and date of receiving shall be kept by the person, business or institution ordering such nonnative (exotic) animal parts. Such documentation shall be open to inspection by a representative of the Department of Game and Inland Fisheries.

E. Exception for certain mammals.

[A permit is not required for nonnative (exotic) mammals that are imported or possessed by dealers, exhibitors, transporters and researchers that are licensed or registered by the United States Department of Agriculture under the Animal Welfare Act, provided, that such animals shall not be liberated within the Commonwealth. Nonnative (exotic mammals listed in subsection A that are imported or possessed by dealers, exhibitors, transporters, and researchers who are licensed or registered by the United States Department of Agriculture under the Animal Control Act (7 U.S.C. §§ 2131 Et. SEO.) will be deemed to be permitted pursuant to this section, provided that those individuals wanting to import such animals notify the department 24 hours prior to importation with a list of animals to be imported, a schedule of dates and locations where those animals will be housed while in the Commonwealth, and a copy of the

current license(s) or registration(s) from the U.S. Department of Agriculture, and further provided that such animals shall not be liberated within the Commonwealth.

F. Exemptions for hybrids between dogs (*Canus familiaris*) and wolves (*Canus lupus*).

A permit will not be required to import, possess or sell hybrids between domestic dogs (*Canus familiaris*) and wolves (*Canus lupus*) until July 1, 1993.]

[F. G.] All other nonnative (exotic) animals.

All other nonnative (exotic) animals, not listed in subsection A may be possessed and sold; provided, that such animals shall be subject to all applicable local, state, and federal laws and regulations, including those that apply to threatened/endangered species, and further provided, that such animals shall not be liberated within the Commonwealth.

VR 325-02. GAME.

VR 325-02-2. Bear.

§ 12. Bear hound training season.

Except as otherwise specifically provided in the sections appearing in this regulation, it shall be lawful to chase black bear with dogs, without capturing or taking, in all counties in which bear hunting is permitted (except in the counties of Bland, Pulaski, Russell, Smyth, Tazewell, Washington and Wythe) from the first Saturday in September through the first Saturday in October, both dates inclusive. It shall be unlawful to have in immediate possession a firearm, bow or any weapon or device capable of taking a black bear.

VR 325-02-6. Deer.

§ 2. Open season; counties west of Blue Ridge Mountains and certain counties or parts thereof east of Blue Ridge Mountains.

It shall be lawful to hunt deer on the third Monday in November and for 11 consecutive hunting days following in the counties west of the Blue Ridge Mountains (except on the Radford Army Ammunition Plant in Pulaski County), and in the counties of Amherst (west of U. S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad *except in the City of Lynchburg*), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad), and on the Chester F. Phelps and G. Richard Thompson Wildlife Management areas.

§ 10. Bag limit; same; either sex, full season.

The general firearms bag limit for deer shall be two a day, three a license year, one of which must be an antlerless deer, either sex full season, in the counties of

Bedford, [*(Campbell, only in the City of Lynchburg)*,] Fairfax, Loudoun, Pittsylvania (west of Norfolk Southern Railroad), [*and in the City of Lynchburg*,] and on Back Bay National Wildlife Refuge, Caledon Natural Area, Camp Peary, Cheatham Annex, Chincoteague National Wildlife Refuge, Dahlgren Surface Warfare Center, Dam Neck Amphibious Training Base, Dismal Swamp National Wildlife Refuge, Eastern Shore of Virginia National Wildlife Refuge, False Cape State Park, Fentress Naval Auxiliary Landing Field, Fisherman's Island National Wildlife Refuge, Fort Belvoir, Fort Eustis, Fort Lee, Fort Pickett, Harry Diamond Laboratory, Langley Air Force Base, Naval Air Station Oceana, Northwest Naval Security Group, Presqu Coast National Wildlife Refuge, Quantico Marine Corps Reservation, Radford Army Ammunition Plant, Sky Meadows State Park, York River State Park and Yorktown Naval Weapons Station.

§ 18. Hunting with dogs prohibited in certain counties and areas.

A. Generally.

It shall be unlawful to hunt deer with dogs in the counties of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad, *and in the City of Lynchburg*), Fairfax, Franklin, Henry, Loudoun, Nelson (west of Route 151), Northampton, Patrick and Pittsylvania (west of Norfolk Southern Railroad); and on the Amelia, Chester F. Phelps, G. Richard Thompson and Pettigrew Wildlife Management Areas.

B. Special provision for Greene and Madison counties.

It shall be unlawful to hunt deer with dogs during the first 12 hunting days in the counties of Greene and Madison.

VR 325-02-19. Raccoon.

Part I. Chasing.

§ 1.2 Same; Counties west of Blue Ridge Mountains; possession of certain devices unlawful.

It shall be lawful to chase raccoon with dogs, without capturing or taking, on private lands in all counties west of the Blue Ridge Mountains from August 1 through the last day of January May 31, both dates inclusive. It shall be unlawful to have in immediate possession a firearm, bow, axe, saw, or any tree climbing device while hunting during this chase season.

VR 325-02-27. Permits.

§ 12. Importation of certain animals.

It shall be unlawful to import or cause to be imported or to liberate within the Commonwealth of Virginia any gray fox (*Urocyon cinereoargenteus*), red fox (*Vulpes*

Final Regulations

fulva); raccoon (*Procyon lotor*) or any other wild animal or wild bird unless a permit therefor is first obtained from the department. Before such permit is issued, the importer shall make application to said department giving the place of origin, the name and address of the exporter and a certificate from a licensed practicing veterinarian setting forth that the animal, or animals, to be imported is free of rabies or any other infection or contagious disease.

§ 13. Importation of European hare and European or San Juan rabbit.

In accordance with authority conferred by § 20.1-103 of the Code of Virginia, the department finds and declares the following species to be predatory or undesirable within the meaning and intent of those terms as used in § 20.1-542 of the Code, in that their introduction into the commonwealth will be detrimental to the native wildlife resources of Virginia: European hare (*Lepus europaeus*) and European or San Juan rabbit (*Oryctolagus cuniculus*).

It shall be unlawful, pursuant to § 20.1-542 of the code, to import, cause to be imported, buy, sell or offer for sale or liberate within the commonwealth any of the above-named species unless a permit therefor is first obtained from the department.

Before such permit is issued, the importer shall make application to said department giving the place of origin, the name and address of the exporter and a certificate from a licensed practicing veterinarian setting forth that the animal, or animals, to be imported is free of rabies or any other infection or contagious disease.

VR 325-03. FISH.

VR 325-03-1. Fishing Generally.

§ 5. Permit required for importation, etc., of certain species.

In accordance with authority conferred by § 20.1-103 of the Code of Virginia, the board finds and declares the following species to be predatory or undesirable within the meaning and intent of those terms as used in § 20.1-542 of the Code, in that their introduction into the commonwealth will be detrimental to the native fish resources of Virginia: Rudd (genus *Scardinius*), tilapia (any of the genera *Tilapia*, *Sarotherodon* or *Oreochromis*), piranha (any of the genera *Serrasalminus*, *Rooseveltiella*, or *Pygocentrus*), walking catfish (any of the genus *Clarias*), cichlid (Texas) perch (*Chichlasoma cyanoguttatum*), grass carp (any genus *Ctenopharyngodon*), African clawed frog (*Xenopus laevis*) or zebra mussel (*Dreissena polymorpha*).

It shall be unlawful, pursuant to § 20.1-542 of the Code, to import, cause to be imported, possess, buy, sell or offer for sale or liberate within the commonwealth any live specimens, live hybrids or viable eggs of the above-named species unless a permit therefor is first obtained from the department, except that the African clawed frog may be

imported and/or sold but not liberated, without such permit, when such action can be shown to be an essential part of a specific research or educational project designed to advance scientific knowledge by achieving precisely formulated objectives.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: State Plan for Medical Assistance Relating to Reimbursement Adjustment for Nonemergency Emergency Room Care.

VR 460-02-4.1920. Methods and Standards Used for Establishing Payment Rates—Other Types of Care.

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

Effective Date: July 15, 1992.

Summary:

The purpose of this plan amendment is to promulgate permanent regulations to supersede the identical emergency regulation.

The section of the State Plan affected by this proposed regulation is Attachment 4.19 B Methods and Standards for Establishing Payment Rates—Other Types of Care. The amendments adjust the reimbursement for nonemergency services when rendered by emergency rooms (ER) and ER physicians.

Inappropriate use of the emergency room for nonemergency primary care has been a problem for hospitals, physicians, and third-party payers. Such inappropriate use results in higher medical costs, decreased efficiency of care and service delivery compared to care delivered by the patient's primary care physician, and the overcrowding of emergency room facilities.

Effective July 1, 1991, the Department of Medical Assistance Services (DMAS) began implementing a reimbursement reduction for nonemergency services provided in the emergency room setting. The reimbursement reduction is applied to both the facility fee and the physician fee. The intent of the program is to ensure nonemergency services provided in the emergency room are reimbursed at a rate approximating the reimbursement for that service had it been provided in a more appropriate setting, for example, the physician's office. The reimbursement rate may be conditional upon the review of emergency-related diagnosis or trauma diagnosis codes and the necessary documentation supporting the need for emergency services. The appropriate reimbursement rate is assigned by the Medicaid claims processing system, in conjunction with a manual review of selected claims, based upon the International Classification of Diseases, 9th Revision,

Clinical Modification coding methodology (ICD-9-CM). Two categories are used: (i) pay the claim at the existing emergency rate for emergency services; (ii) pay the claim at the nonemergency rate for nonemergency services.

The reimbursement categories are based upon the ICD-9-CM diagnosis code. These codes are determined by the physician's diagnosis and assigned by the facility prior to the submission of the claim. For this program, DMAS assigned ICD-9-CM codes to two lists, one representing diagnosis codes that are true emergencies and the other, diagnosis codes that may be true emergencies if they meet certain criteria. Diagnosis codes that appear on the second list are reviewed to determine the emergency or nonemergency nature of the visit. Diagnosis codes that were not assigned to either list represent diagnoses for which the emergency room is not the most appropriate setting for care.

The review of the diagnosis codes to determine the list to which they were assigned was accomplished by a DMAS work group comprised of experienced physicians and nurse utilization review analysts. Information was obtained from other Medicaid agencies with similar programs in place. In addition, consultation and advice was sought from representatives of hospitals and emergency room physicians through the Virginia Hospital Association (VHA) and the American College of Emergency Room Physicians (ACEP).

VR 460-02-4.1920. Methods and Standards used for Establishing Payment Rates—Other Types of Care.

The policy and the method to be used in establishing payment rates for each type of care or service (other than inpatient hospitalization, skilled nursing and intermediate care facilities) listed in § 1905(a) of the Social Security Act and included in this State Plan for Medical Assistance are described in the following paragraphs:

a. Reimbursement and payment criteria will be established which are designed to enlist participation of a sufficient number of providers of services in the program so that eligible persons can receive the medical care and services included in the Plan at least to the extent these are available to the general population.

b. Participation in the program will be limited to providers of services who accept, as payment in full, the state's payment plus any copayment required under the State Plan.

c. Payment for care or service will not exceed the amounts indicated to be reimbursed in accord with the policy and methods described in this Plan and payments will not be made in excess of the upper limits described in 42 CFR 447.304(a). The state agency has continuing

access to data identifying the maximum charges allowed: such data will be made available to the Secretary, HHS, upon request.

d. Payments for services listed below shall be on the basis of reasonable cost following the standards and principles applicable to the Title XVIII Program. The upper limit for reimbursement shall be no higher than payments for Medicare patients on a facility by facility basis in accordance with 42 CFR 447.321 and 42 CFR 447.325. In no instance, however, shall charges for beneficiaries of the program be in excess of charges for private patients receiving services from the provider. The professional component for emergency room physicians shall continue to be uncovered as a component of the payment to the facility.

Reasonable costs will be determined from the filing of a uniform cost report by participating providers. The cost reports are due not later than 90 days after the provider's fiscal year end. If a complete cost report is not received within 90 days after the end of the provider's fiscal year, the Program shall take action in accordance with its policies to assure that an overpayment is not being made. The cost report will be judged complete when DMAS has all of the following:

1. Completed cost reporting form(s) provided by DMAS, with signed certification(s);
2. The provider's trial balance showing adjusting journal entries;
3. The provider's financial statements including, but not limited to, a balance sheet, a statement of income and expenses, a statement of retained earnings (or fund balance), and a statement of changes in financial position;
4. Schedules which reconcile financial statements and trial balance to expenses claimed in the cost report;
5. Depreciation schedule or summary;
6. Home office cost report, if applicable; and
7. Such other analytical information or supporting documents requested by DMAS when the cost reporting forms are sent to the provider.

Item 398 D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers.

The services that are cost reimbursed are:

- (1) Inpatient hospital services to persons over 65 years of age in tuberculosis and mental disease hospitals
- (2) Home health care services

Final Regulations

~~(2)~~ 2. Outpatient hospital services excluding laboratory

a. *Definitions.* The following words and terms, when used in this regulation, shall have the following meanings when applied to emergency services unless the context clearly indicates otherwise:

"All-inclusive" means all emergency room and ancillary service charges claimed in association with the emergency room visit, with the exception of laboratory services.

"DMAS" means the Department of Medical Assistance Services consistent with Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia.

"Emergency hospital services" means services that are necessary to prevent the death or serious impairment of the health of the recipient. The threat to the life or health of the recipient necessitates the use of the most accessible hospital available that is equipped to furnish the services.

"Recent injury" means an injury which has occurred less than 72 hours prior to the emergency room visit.

b. *Scope.* DMAS shall differentiate, as determined by the attending physician's diagnosis, the kinds of care routinely rendered in emergency rooms and reimburse for nonemergency care rendered in emergency rooms at a reduced rate.

(1) With the exception of laboratory services, DMAS shall reimburse at a reduced and all-inclusive reimbursement rate for all services [, including those obstetric and pediatric procedures contained in Supplement 1 to Attachment 4.19 B,] rendered in emergency rooms which DMAS determines were nonemergency care.

(2) Services determined by the attending physician to be emergencies shall be reimbursed under the existing methodologies and at the existing rates.

(3) Services [~~determined~~ performed] by the attending physician which may be emergencies shall be manually reviewed. If such services meet certain criteria, they shall be paid under the methodology for (2) above. Services not meeting certain criteria shall be paid under the methodology of (1) above. Such criteria shall include, but not be limited to:

(a) The initial treatment following a recent obvious injury.

(b) Treatment related to an injury sustained more than 72 hours prior to the visit with the deterioration of the symptoms to the point of requiring medical treatment for stabilization.

(c) The initial treatment for medical emergencies including indications of severe chest pain, dyspnea, gastrointestinal hemorrhage, spontaneous abortion, loss of consciousness, status epilepticus, or other conditions considered life threatening.

(d) A visit in which the recipient's condition requires immediate hospital admission or the transfer to another facility for further treatment or a visit in which the recipient dies.

(e) Services provided for acute vital sign changes as specified in the provider manual.

(f) Services provided for severe pain when combined with one or more of the other guidelines.

(4) Payment shall be determined based on ICD-9-CM diagnosis codes and necessary supporting documentation.

(5) DMAS shall review on an ongoing basis the effectiveness of this program in achieving its objectives and for its effect on recipients, physicians, and hospitals. Program components may be revised subject to achieving program intent, the accuracy and effectiveness of the ICD-9-CM code designations, and the impact on recipients and providers.

~~(4)~~ 3. Rural health clinic services provided by rural health clinics or other federally qualified health centers defined as eligible to receive grants under the Public Health Services Act §§ 329, 330, and 340.

~~(5)~~ 4. Rehabilitation agencies

~~(6)~~ 5. Comprehensive outpatient rehabilitation facilities

~~(7)~~ 6. Rehabilitation hospital outpatient services.

e. *Fee-for-service providers.* (1) Payment for the following services shall be the lowest of: State agency fee schedule, actual charge (charge to the general public), or Medicare (Title XVIII) allowances:

(a) Physicians' services (Supplement 1 has obstetric/pediatric fees.)

The following limitations shall apply to emergency physician services.

Definitions. The following words and terms, when used in this regulation, shall have the following meanings when applied to emergency services unless the context clearly indicates otherwise:

"All-inclusive" means all emergency service and ancillary service charges claimed in association with the emergency room visit, with the exception of laboratory services.

"DMAS" means the Department of Medical Assistance Services consistent with Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia.

"Emergency physician services" means services that are necessary to prevent the death or serious impairment of the health of the recipient. The threat to the life or health of the recipient necessitates the use of the most accessible hospital available that is equipped to furnish the services.

"Recent injury" means an injury which has occurred less than 72 hours prior to the emergency room visit.

Scope. DMAS shall differentiate, as determined by the attending physician's diagnosis, the kinds of care routinely rendered in emergency rooms and reimburse physicians for nonemergency care rendered in emergency rooms at a reduced rate.

(i) DMAS shall reimburse at a reduced and all-inclusive reimbursement rate for all physician services [, including those obstetric and pediatric procedures contained in Supplement 1 to Attachment 4.19 B,] rendered in emergency rooms which DMAS determines are nonemergency care.

(ii) Services determined by the attending physician to be emergencies shall be reimbursed under the existing methodologies and at the existing rates.

(iii) Services determined by the attending physician which may be emergencies shall be manually reviewed. If such services meet certain criteria, they shall be paid under the methodology for (ii) above. Services not meeting certain criteria shall be paid under the methodology of (i) above. Such criteria shall include, but not be limited to:

a. The initial treatment following a recent obvious injury.

b. Treatment related to an injury sustained more than 72 hours prior to the visit with the deterioration of the symptoms to the point of requiring medical treatment for stabilization.

c. The initial treatment for medical emergencies including indications of severe chest pain, dyspnea, gastrointestinal hemorrhage, spontaneous abortion, loss of consciousness, status epilepticus, or other conditions considered life threatening.

d. A visit in which the recipient's condition requires immediate hospital admission or the transfer to another facility for further treatment or a visit in which the recipient dies.

e. Services provided for acute vital sign changes as

specified in the provider manual.

f. Services provided for severe pain when combined with one or more of the other guidelines.

(iv) Payment shall be determined based on ICD-9-CM diagnosis codes and necessary supporting documentation.

(v) DMAS shall review on an ongoing basis the effectiveness of this program in achieving its objectives and for its effect on recipients, physicians, and hospitals. Program components may be revised subject to achieving program intent objectives, the accuracy and effectiveness of the ICD-9-CM code designations, and the impact on recipients and providers.

(b) Dentists' services

(c) Mental health services including:

Community mental health services

Services of a licensed clinical psychologist

Mental health services provided by a physician

(d) Podiatry

(e) Nurse-midwife services

(f) Durable medical equipment

(g) Local health services

(h) Laboratory services (Other than inpatient hospital)

(i) Payments to physicians who handle laboratory specimens, but do not perform laboratory analysis (limited to payment for handling)

(j) X-Ray services

(k) Optometry services

(l) Medical supplies and equipment.

(2) Hospice services payments must be no lower than the amounts using the same methodology used under part A of Title XVIII, and adjusted to disregard offsets attributable to Medicare coinsurance amounts.

f. Payment for pharmacy services shall be the lowest of items (1) through (5) (except that items (1) and (2) will not apply when prescriptions are certified as brand necessary by the prescribing physician in accordance with the procedures set forth in 42 CFR 447.331 (c) if the brand cost is greater than the HCFA upper limit of VMAC cost) subject to the conditions, where applicable, set forth in items (6) and (7) below:

Final Regulations

(1) The upper limit established by the Health Care Financing Administration (HCFA) for multiple source drugs pursuant to 42 CFR §§ 447.331 and 447.332, as determined by the HCFA Upper Limit List plus a dispensing fee. If the agency provides payment for any drugs on the HCFA Upper Limit List, the payment shall be subject to the aggregate upper limit payment test.

(2) The Virginia Maximum Allowable Cost (VMAC) established by the agency plus a dispensing fee, if a legend drug, for multiple source drugs listed on the VVF.

(3) The Estimated Acquisition Cost (EAC) which shall be based on the published Average Wholesale Price (AWP) minus a percent discount established by the methodology set out in (a) through (c) below. (Pursuant to OBRA 90 § 4401, from January 1, 1991, through December 31, 1994, no changes in reimbursement limits or dispensing fees shall be made which reduce such limits or fees for covered outpatient drugs).

(a) Percent discount shall be determined by a statewide survey of providers' acquisition cost.

(b) The survey shall reflect statistical analysis of actual provider purchase invoices.

(c) The agency will conduct surveys at intervals deemed necessary by DMAS, but no less frequently than triennially.

(4) A mark-up allowance (150%) of the Estimated Acquisition Cost (EAC) for covered nonlegend drugs and oral contraceptives.

(5) The provider's usual and customary charge to the public, as identified by the claim charge.

(6) Payment for pharmacy services will be as described above; however, payments for legend drugs (except oral contraceptives) will include the allowed cost of the drug plus only one dispensing fee per month for each specific drug. Payments will be reduced by the amount of the established copayment per prescription by noninstitutionalized clients with exceptions as provided in federal law and regulation.

(7) The Program recognizes the unit dose delivery system of dispensing drugs only for patients residing in nursing facilities. Reimbursements are based on the allowed payments described above plus the unit dose add on fee and an allowance for the cost of unit dose packaging established by the state agency. The maximum allowed drug cost for specific multiple source drugs will be the lesser of: either the VMAC based on the 60th percentile cost level identified by the state agency or HCFA's upper limits. All other drugs will be reimbursed at drug costs not to exceed

the estimated acquisition cost determined by the state agency.

(8) Historical determination of EAC. Determination of EAC was the result of an analysis of FY'89 paid claims data of ingredient cost used to develop a matrix of cost using 0 to 10% reductions from AWP as well as discussions with pharmacy providers. As a result of this analysis, AWP minus 9.0% was determined to represent prices currently paid by providers effective October 1, 1990.

The same methodology used to determine AWP minus 9.0% was utilized to determine a dispensing fee of \$4.40 per prescription as of October 1, 1990. A periodic review of dispensing fee using Employment Cost Index - wages and salaries, professional and technical workers will be done with changes made in dispensing fee when appropriate. As of October 1, 1990, the Estimated Acquisition Cost will be AWP minus 9.0% and dispensing fee will be \$4.40.

g. All reasonable measures will be taken to ascertain the legal liability of third parties to pay for authorized care and services provided to eligible recipients including those measures specified under 42 USC 1396(a)(25).

h. The single state agency will take whatever measures are necessary to assure appropriate audit of records whenever reimbursement is based on costs of providing care and services, or on a fee-for-service plus cost of materials.

i. Payment for transportation services shall be according to the following table:

TYPE OF SERVICE	PAYMENT METHODOLOGY
Taxi services	Rate set by the single state agency
Wheelchair van	Rate set by the single state agency
Nonemergency ambulance	Rate set by the single state agency
Emergency ambulance	Rate set by the single state agency
Volunteer drivers	Rate set by the single state agency
Air ambulance	Rate set by the single state agency
Mass transit	Rate charged to the public
Transportation agreements	Rate set by the single state agency
Special Emergency transportation	Rate set by the single state agency

j. Payments for Medicare coinsurance and deductibles for noninstitutional services shall not exceed the allowed charges determined by Medicare in accordance with 42 CFR 447.304(b) less the portion paid by Medicare, other third party payors, and recipient copayment requirements of this Plan. See Supplement 2 of this methodology.

k. Payment for eyeglasses shall be the actual cost of the frames and lenses not to exceed limits set by the single state agency, plus a dispensing fee not to exceed limits set by the single state agency.

l. Expanded prenatal care services to include patient education, homemaker, and nutritional services shall be reimbursed at the lowest of: state agency fee schedule, actual charge, or Medicare (Title XVIII) allowances.

m. Targeted case management for high-risk pregnant women and infants up to age 1 shall be reimbursed at the lowest of: state agency fee schedule, actual charge, or Medicare (Title XVIII) allowances.

n. Reimbursement for all other nonenrolled institutional and noninstitutional providers.

(1) All other nonenrolled providers shall be reimbursed the lesser of the charges submitted, the DMAS cost to charge ratio, or the Medicare limits for the services provided.

(2) Outpatient hospitals that are not enrolled as providers with the Department of Medical Assistance Services (DMAS) which submit claims shall be paid based on the DMAS average reimbursable outpatient cost-to-charge ratio, updated annually, for enrolled outpatient hospitals less five percent. The five percent is for the cost of the additional manual processing of the claims. Outpatient hospitals that are nonenrolled shall submit claims on DMAS invoices.

(3) Nonenrolled providers of noninstitutional services shall be paid on the same basis as enrolled in-state providers of noninstitutional services. Nonenrolled providers of physician, dental, podiatry, optometry, and clinical psychology services, etc., shall be reimbursed the lesser of the charges submitted, or the DMAS rates for the services.

(4) All nonenrolled noninstitutional providers shall be reviewed every two years for the number of Medicaid recipients they have served. Those providers who have had no claims submitted in the past twelve months shall be declared inactive.

(5) Nothing in this regulation is intended to preclude DMAS from reimbursing for special services, such as rehabilitation, ventilator, and transplantation, on an exception basis and reimbursing for these services on an individually, negotiated rate basis.

o. Refund of overpayments.

(1) Providers reimbursed on the basis of a fee plus cost of materials.

(a) When DMAS determines an overpayment has been made to a provider, DMAS shall promptly send the first demand letter requesting a lump sum refund. Recovery shall be undertaken even though the provider disputes in whole or in part DMAS's determination of the overpayment.

(b) If the provider cannot refund the total amount of the overpayment within 30 days after receiving the DMAS demand letter, the provider shall promptly request an extended repayment schedule.

DMAS may establish a repayment schedule of up to 12 months to recover all or part of an overpayment or, if a provider demonstrates that repayment within a 12-month period would create severe financial hardship, the Director of the Department of Medical Assistance Services (the "director") may approve a repayment schedule of up to 36 months.

A provider shall have no more than one extended repayment schedule in place at one time. If an audit later uncovers an additional overpayment, the full amount shall be repaid within 30 days unless the provider submits further documentation supporting a modification to the existing extended repayment schedule to include the additional amount.

If, during the time an extended repayment schedule is in effect, the provider withdraws from the Program, the outstanding balance shall become immediately due and payable.

When a repayment schedule is used to recover only part of an overpayment, the remaining amount shall be recovered by the reduction of interim payments to the provider or by lump sum payments.

(c) In the request for an extended repayment schedule, the provider shall document the need for an extended (beyond 30 days) repayment and submit a written proposal scheduling the dates and amounts of repayments. If DMAS approves the schedule, DMAS shall send the provider written notification of the approved repayment schedule, which shall be effective retroactive to the date the provider submitted the proposal.

(d) Once an initial determination of overpayment has been made, DMAS shall undertake full recovery of such overpayment whether the provider disputes, in whole or in part, the initial determination of overpayment. If an appeal follows, interest shall be waived during the period of administrative appeal of an initial determination of overpayment.

Final Regulations

Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313 of the Code of Virginia from the date the director's determination becomes final.

The director's determination shall be deemed to be final on (i) the issue date of any notice of overpayment, issued by DMAS, if the provider does not file an appeal, or (ii) the issue date factfinding conference, if the provider does not file an appeal, or (iii) the issue date of any administrative decision signed by the director, regardless of whether a judicial appeal follows. In any event, interest shall be waived if the overpayment is completely liquidated within 30 days of the date of the final determination. In cases in which a determination of overpayment has been judicially reversed, the provider shall be reimbursed that portion of the payment to which it is entitled, plus any applicable interest which the provider paid to DMAS.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

REGISTRAR'S NOTICE: The amendments relating to summons, subpoena, long arm debt discharge, out-of-state applications, and genetic blood testing are excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. See the summary printed below for more information. The Department of Social Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 615-70-17. Child Support Enforcement Program.

Statutory Authority: §§ 63.1-25, 63.1-249 and 63.1-274.10 of the Code of Virginia.

Effective Date: July 15, 1992.

Summary:

The final amendments to the regulation allow the department to administratively deviate from Virginia's child support guideline by considering other child support obligations when calculating an initial obligation. The amendments also allow the department to use data on the cost of raising a child in the urban south published by the United States Department of Agriculture to establish an obligation when the absent parent does not provide financial information. It amends the release of information requirements to allow the department to release financial information to each parent. It also clarifies terminology used in the regulation.

The final regulation differs from the proposed regulation in two ways:

1. It revises the proposed regulation by (i) refining the default administrative obligation requirements, (ii) clarifying that consideration of other dependent children is actually a rebuttable presumption that application of the guideline is inappropriate in a particular case, (iii) clarifying the conditions under which case information will be released to private agencies, and (iv) clarifying the definition of terms related to "past due support" and "medical support services."

2. It adds final amendments which were not previously published. These final amendments are excluded from the public participation requirements as they include revisions that were necessary to conform to Virginia statutory law and federal regulation and to make nonsubstantive corrections. These amendments (i) give the department the authority to summons individuals and subpoena

APPROVED OMB NO. 0230-0279

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10. PATIENT'S ADDRESS		11. CITY		12. STATE	
13. PATIENT'S DATE OF BIRTH		14. SEX		15. RACE	
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records for the purposes of establishing or enforcing child support, (ii) extend its administrative authority across state lines, (iii) discharge as uncollectible certain debts, and (iv) accept applications from out-of-state persons.

In addition, this final regulation incorporates an emergency regulation published June 1, 1992. The emergency is identical to the part of the proposed regulation which amended default obligations requirements. The emergency and the final differ as the final regulation includes revisions made in response to public comment on the proposed regulation.

VR 615-70-17. Child Support Enforcement Program.

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

"Absent parent" means a responsible parent as defined in [§ 63.1-249 of] the Code of Virginia who is required under law to support a dependent child or the dependent child and the child's caretaker.

"ADC" means Aid to Dependent Children which is established under Title IV-A of the Social Security Act. This is a category of financial assistance paid on behalf of children who are deprived of one or both of their parents by reason of death, disability, or continued absence (including desertion) from the home, established under Title IV-E of the Social Security Act. This is a category of financial assistance paid on behalf of children who otherwise meet the eligibility criteria for ADC and who are in the custody of the local social service agencies.

"ADC/FC" means Aid to Dependent Children/Foster Care which is established under Title IV-E of the Social Security Act. This is a category of financial assistance paid on behalf of children who otherwise meet the eligibility criteria for ADC and who are in the custody of local social services agencies.

"Administrative" means noncourt ordered, legally enforceable actions the department may take to establish or enforce a child support obligation.

"Appeal" means a request for a review of an action taken by the division.

"Application" means a written document requesting child support enforcement services which the department provides to the individual or agency applying for services and which is signed by the custodial parent or agency representative.

[*"Arrears"* means the total unpaid support obligation established by court order or administrative order which is owed by an absent parent to a custodial parent.]

"Assignment" means any assignment of rights to support or any assignment of rights to medical support and to payments for medical care from any third party.

"Bad check" means a check not honored by the bank on which it is drawn.

"Custodial parent" means (i) the natural or adoptive parent with whom the child resides, (ii) a step-parent or other person who has legal physical custody of the child and with whom the child resides, or (iii) a social service agency which has legal custody of a child in foster care.

"Debt" means the total unpaid support obligation established by court order, administrative order, or payment [~~amount~~ total unpaid support obligation established by court order, administrative order, or payment] of public assistance [~~payments~~] which is [~~are~~ is] owed by an absent responsible parent to either the custodial parent or to [either the custodial parent or to] the Commonwealth [or his or her dependents].

"Default obligation" means an obligation based on factors other than the absent parent's ability to pay because of the absent parent's failure to provide financial information.

[~~"Delinquent"~~ *"Delinquency"*] means an unpaid child support obligation.

"Department" means the Virginia Department of Social Services.

"Disregard payment" means a payment made to an ADC recipient in an amount up to \$50. The payment is made from the current child support collected on the individual's behalf.

"District office" means a local office of the Division of Child Support Enforcement responsible for the operation of the Child Support Enforcement Program.

"Division" means the Division of Child Support Enforcement of the Virginia Department of Social Services.

"Enforcement" means ensuring the payment of child support through the use of administrative or judicial means.

"Erroneous payment" means a payment sent to the custodial parent for which no funds were received by the department to be paid to that client.

"Financial statement" means a sworn document financial information from the custodial parent and absent responsible parent showing their financial situation.

Final Regulations

"Foreclosure" means a judicial procedure to enforce debts involving forced judicial sale of the real property of a debtor.

[*"Genetic blood testing" means scientifically reliable genetic tests, including blood tests, as described in §§ 20-49.1, 20-49.3, 20-49.4, and 20-49.8 of the Code of Virginia.*]

"Health care insurance coverage" means any plan providing hospital, medical, or surgical care coverage for dependent children provided such coverage is available and can be obtained by an absent [*responsible*] parent at a reasonable cost.

"Hearings officer" means a disinterested person designated by the department to hold appeal hearings and render appeal decisions.

"IV-D agency" means a governmental entity administering the child support program under Title IV-D of the Social Security Act. In Virginia the IV-D agency is the Division of Child Support Enforcement.

"Judicial" means an action initiated through a court.

"Location only services" means that certain entities such as courts and other state child support enforcement agencies can receive only locate services from the department.

"Local social service agency" means one of Virginia's locally administered social service or welfare departments which operate the ADC and ADC/FC programs and other programs offered by the department.

"Location" means obtaining information which is sufficient and necessary to take action on a child support case including information concerning (i) the physical whereabouts of the absent parent or his employer, or (ii) other sources of income or assets, as appropriate.

"Medicaid only" means a category of public assistance whereby a family receives Medicaid but is not eligible for or receiving ADC.

"Medical support services" means the establishment of a medical support order and the enforcement of health insurance coverage or, if court ordered, medical expenses.

"Mistake of fact" means an error in the identity of the absent *responsible* parent or in the amount of child support owed.

"Obligation" means the amount and frequency of payments which the absent *responsible* parent is legally bound to pay.

[*"Past due support" means support payments determined under a court or administrative order which have not been paid.*]

"Pendency of an appeal" means the period of time after an administrative appeal has been made and before the final disposition.

"Public assistance" means payments for ADC, or ADC/FC, or Medicaid-only.

"Putative father" means an alleged father; a person named as the father of a child born out-of-wedlock but whose paternity has not been established.

"Reasonable cost" means, as it pertains to health [*care insurance*] coverage, available through employers, unions, or other groups without regard to service delivery mechanism.

"Recipient" means a person receiving public assistance.

"Responsible parent" means a person required under law to support a dependent child or the child's caretaker.

[*"Subpoena" means a document commanding a person to produce certain designated information.*]

"Service" or *"service of process"* means the delivery to or leaving of, in a manner prescribed by state statute, an administrative or court order giving the absent *responsible* parent reasonable notice of the action being taken against him and affording the person an opportunity to be heard regarding the matter.

"Summary of facts" means a written statement of facts outlining the actions taken by the department on a case which has been appealed.

[*"Summons" means a document notifying an absent or custodial parent that he or she must appear at a time and place named in the document to provide information needed to pursue child support actions.*]

"Supplemental Security Income" means a program administered by the federal government which guarantees a minimum income to persons who meet the requirement of aged, blind, or disabled.

PART II. GENERAL INFORMATION.

Article 1. Services.

§ 2.1. Services provided.

A. Child support enforcement services shall be provided as a group to ADC, ADC/FC, and non-ADC clients. Courts and other state IV-D agencies may apply for location-only services. Medicaid only clients shall be provided services to establish or enforce medical support and may, at their request, receive full services.

B. Child support enforcement services shall include the

following services which may involve administrative or court action:

1. Location of absent ~~responsible~~ parents, their employers, or their sources of income;
2. Establishment of paternity;
3. Establishment or modification of child support obligations, including the responsibility to provide health care *insurance* coverage;
4. Enforcement of child support *and medical support* obligations, both administratively and judicially determined; and
5. Collection and disbursement of child support payments, regardless of whether the obligation is legally established.

§ 2.2. Eligibility for services.

A. Individuals residing in Virginia who receive ADC, ADC/FC, or Medicaid only assistance are automatically eligible for child support services.

1. ADC and ADC/FC applicants and recipients must accept child support services as a condition of eligibility for public assistance unless the local social service agency determines that good cause exists for not accepting these services.

2. Medicaid only applicants and recipients must accept medical support and paternity establishment services as a condition of eligibility for Medicaid unless the local social services agency determines that good cause exists for not accepting these services.

3. The department shall [~~suspend action on~~ *close*] a child support case in which the local social service agency has determined that good cause exists for not cooperating with the department in its pursuit of child support.

4. The department shall continue to provide child support services to a custodial parent when the ADC, ADC/FC, or Medicaid only case closes.

a. The department shall provide these services without requiring a formal application.

b. The department shall continue to provide these services until the custodial parent states in writing that the services are no longer wanted unless the closure of the child support case is contrary to state or federal law.

B. Individuals residing in Virginia or having a legal residence in Virginia who do not receive ADC, ADC/FC, or Medicaid only assistance must make an application for child support services as a condition of eligibility for those

services with the exception that an application is not required for cases transferred from the courts to the department on or after October 1, 1985. For such cases the payee shall be deemed as having executed an authorization to seek or enforce a support obligation with the department unless the payee specifically indicates that the department's services are not desired.

1. The child for whom child support is being requested must be under 18 years of age, unless:

a. There is a court order specifying that support continue until a later age, or

b. The child is handicapped, or

c. The services being requested are for a child support obligation which existed prior to the child's 18th birthday.

2. If the child for whom support is being sought is under 18 years of age, the applicant must be the parent or legal *physical* guardian of the child and the child must reside with the applicant.

C. Individuals residing outside of Virginia shall be eligible for child support services [:]

[1.] Upon a request for services from the IV-D agency in the state in which they reside.

[2. *Upon receipt of an application and accompanying documentation.*]

D. Courts and other state IV-D agencies are eligible for location only services.

Article 2. Department as Payee.

§ 2.3. Assignment of rights.

A. Assignment of child support rights to the Commonwealth is automatic by operation of law with receipt of ADC and ADC/FC assistance and continues after the public assistance case closes unless the client requests in writing that the services be terminated.

B. Assignment of medical support rights to the Commonwealth is automatic by operation of law with receipt of Medicaid only assistance and continues after the public assistance case closes unless the client requests in writing that the service be terminated.

§ 2.4. Authorization to seek or enforce a child support obligation.

Persons receiving child support services shall give the department written authorization to seek or enforce support on behalf of the child or spouse and child.

Final Regulations

§ 2.5. Special conditions regarding receipt of ADC or ADC/FC.

A. Receipt of ADC or ADC/FC assistance creates a debt to the Commonwealth.

B. If a debt is owed to the Commonwealth due to the receipt of ADC or ADC/FC assistance, the department shall apply amounts collected for past due ~~child~~ support toward this debt unless the court order stipulates otherwise.

C. Money received from tax intercept shall be applied, in total, toward the ADC or ADC/FC debt.

Article 3.

Application [~~and Case Assessment and Prioritization~~].

§ 2.6. Application fees.

The application fee for child support services is \$1.00 for nonpublic assistance clients. The department shall pay this fee on behalf of such applicants for child support enforcement services.

§ 2.7. Application process.

A. The department shall make applications accessible to the public and shall include with each application information describing child support enforcement services, the custodial parent's rights and responsibilities, the absent ~~responsible~~ parent's rights, and payment distribution policies.

1. The department shall provide an application on the day an individual requests the application when the request is made in person.

2. The department shall send applications within five working days of the date a written or telephone request for an application is received.

B. The department shall provide ADC, ADC/FC, and Medicaid-only recipients with the above information, the rights and responsibilities of custodial parents, the absent ~~responsible~~ parent's rights and general distribution policies within five working days of receiving the referral from a local social service agency.

C. The department shall, within two calendar days of the date of application from a nonpublic assistance recipient or the date a referral of a public assistance recipient is received, establish a case record, and within 20 calendar days, obtain the information needed to locate the absent ~~responsible~~ parent, initiate verification of information, if appropriate, and gather all relevant facts and documents.

[Article 4.

Case Assessment and Prioritization.]

§ 2.8. Case assessment [~~and prioritization~~].

[~~A. Case assessment.~~]

The department shall (i) assess the case information to determine if sufficient information to establish or enforce a child support obligation is available and verified and (ii) attempt to obtain additional case information if the information is not sufficient and (iii) verify case information which is not verified.

[~~B. § 2.9.~~] Case prioritization.

[~~1. A.~~] The department shall give priority to cases which contain any of the following on the absent ~~responsible~~ parent or putative father:

[~~a. 1.~~] Verified, current, residential address; or

[~~b. 2.~~] Current employer; or

[~~c. 3.~~] Last known residential address or last known employer if the information is less than three years old; or

[~~d. 4.~~] Social security number and date of birth.

[~~2. B.~~] The department shall give low priority but shall review periodically cases in which:

[~~a. 1.~~] There is not adequate identifying or other information to meet requirements for submittal for location, or

[~~b. 2.~~] The absent ~~responsible~~ parent receives supplemental security income or public assistance.

[Article 5.

Service of Process.]

§ [~~2.9.~~ 2.10.] Service of process.

Service is necessary when child support obligations are established either administratively or through court action and, in some instances, when actions to enforce the obligation are taken.

A. The methods of service of process required by law vary with the action being taken and include individual personal service, substituted service, posted service, certified mail, and regular mail.

B. The department shall use diligent efforts to serve process. Diligent efforts to serve process shall include:

1. When the method of service of process used to notify an absent parent of an administrative action is not successful and the address of the absent ~~responsible~~ parent is known and verified, the department shall exhaust every method of service allowed by law.

2. When the method of service of process used to notify an absent parent of court action is not successful and the address of the absent parent is known and verified, the department shall provide the sheriff or process server with additional information about the absent parent's address.

3. When the method of service of process is not successful after the department has exhausted all methods of service allowed or has provided the sheriff or process server with an additional information, the department shall repeat its attempts to serve process at least quarterly.

[Article 6.
Administrative Summons.

§ 2.11. Summons of absent parents and custodial parents.

The department may summons absent parents and custodial parents to appear in the division's office to provide essential information necessary for the collection of child support.]

[Article 7.
Program Costs.]

§ [~~2.10.~~ 2.12.] Costs associated with the provision of child support services.

A. The department may not require custodial parents to pay the costs associated with the provision of child support services.

B. [~~The putative father shall pay the costs associated with the determination of paternity if he is ordered by a court to pay these costs. The department shall assess and recover fees from the absent parent according to the rules set out in Part XII.]~~

PART III.
LOCATION.

§ 3.1. The department shall provide location services (i) whenever the location of absent ~~responsible~~ parents or their employers is needed in order to establish or enforce a child support obligation and (ii) when there is sufficient identifying information available to the department to access location sources.

§ 3.2. Location sources.

Whenever location services are provided, the department shall access all necessary locate sources. Locate sources include but are not limited to:

1. Local public and private sources.
2. State Parent Locator Services.
3. Electronic Parent Locator Network.

4. Central Interstate Registry.

5. Federal Parent Locator Service.

6. Parents, friends, and other personal sources.

§ 3.3. Location time requirements.

A. The department shall access all appropriate location sources within 75 calendar days of receipt of the application for child support services or the referral of a public assistance recipient if the department determines that such services are needed and quarterly thereafter if the location attempts are unsuccessful.

B. The department shall review at least quarterly those cases in which previous attempts to locate absent ~~responsible~~ parents or sources of income or assets have failed, but adequate identifying and other information exists to meet requirements for submittal for location.

C. The department shall provide location services immediately if new information is received which may aid in location.

D. [~~When the custodial parent resides in Virginia,]~~ The department shall utilize the Federal Parent Locator Service at least annually when other location attempts have failed [*with the exception of cases referred through the central registry*].

E. When another state requests location services from the department, the department shall follow the time requirements described in the Code of Federal Regulations, Title 45, part 303, § 303.7.

PART IV.
ESTABLISHING CHILD SUPPORT OBLIGATIONS.

Article 1.
Paternity Establishment.

§ 4.1. Establishing paternity.

In order for the department to establish a child support obligation and to enforce and collect child support payments from a putative father, the father must be determined to be legally responsible for the support of the child. In situations in which a putative father has not been legally determined to be the father of the child, paternity must be established before a child support obligation can be administratively ordered or court ordered.

1. The department shall obtain a sworn statement(s) from the custodial parent acknowledging the paternity of the child or children for whom child support is sought.

2. Based on this sworn statement, the department shall attempt to locate the putative father, if necessary, according to the locate time requirements described in

Final Regulations

Part III above.

3. Once the putative father is located, the department shall contact him to determine if he is willing to sign a sworn statement voluntarily acknowledging paternity or to voluntarily submit to [*genetic*] blood testing to determine paternity.

a. The department shall advise the putative father verbally and in writing of his rights and responsibilities regarding child support prior to obtaining a sworn statement of paternity.

b. A putative father who signs a sworn statement of paternity along with an acknowledgement from the mother or who, through genetic blood testing, is affirmed by at least a 98% probability to be the father of the child is responsible for the financial support of the child or children.

4. When the putative father does not sign a sworn statement of paternity or does not voluntarily submit to [*genetic*] blood testing or the blood test shows less than a 98% probability of paternity, the department shall petition the court for a paternity determination when there is sufficient evidence to do so.

5. Within 90 calendar days of locating the putative father, the department shall:

a. Obtain a sworn acknowledgement of paternity or arrange for voluntary [*genetic*] blood testing, or

b. File a petition with the court for paternity establishment.

6. In any case where more than one putative father has been identified, the department shall pursue paternity for all putative fathers.

7. The department shall track all cases in which paternity must be established to assure that, in all cases where the putative father is located, paternity is established or the putative father excluded within one year of the child reaching six months of age or within one year of petitioning the court for paternity, whichever occurs later.

§ 4.2. Establishing paternity in interstate cases.

The department shall establish, if possible, the paternity of children who do not reside in Virginia when the putative father resides in Virginia and a request for such services is received from another state IV-D agency.

Article 2. Administrative Support Orders.

§ 4.3. Administrative establishment of a child support obligation.

The department has statutory authority to establish child support obligations through noncourt ordered legally enforceable administrative means. These administrative obligations have the same force and effect as a support obligation established by the court.

A. The amount of child support that is owed and the frequency with which it is paid must be established before the payment of child support can be enforced.

B. The administrative order shall be called the Administrative Support Order.

C. The department shall use administrative rather than judicial means to establish the child support obligation whenever possible.

D. The department shall use administrative means to establish a temporary child support obligation when judicial determinations of support are pending due to custody and visitation issues.

E. Within 90 calendar days of locating the absent responsible parent, or of establishing paternity the department shall attempt to either ensure that a child support obligation is established or shall diligently attempt to complete the service of process necessary for an obligation to be ordered.

F. When a court dismisses a petition for a support order without prejudice or an administrative hearings officer overrules an administrative support action, the department shall examine the reasons for the dismissal or overruling and determine when or if it would be appropriate to seek an order in the future.

G. The child support obligation is established when an Administrative Support Order has been served and the 10-day appeal period for the administrative order has elapsed.

~~H. The department shall modify the obligation when new information is received necessitating a change.~~

~~I. The department shall modify the amount of the obligation for future child support payments only.~~

§ 4.4. Determining the amount of the child support obligation.

A. The obligation shall include:

1. Frequency with which the current amount owed is to be paid,

2. Current amount owed,

3. [~~Public assistance debt Assessment of past public assistance debt owed to the Commonwealth~~], if any [~~; and .~~]

[4. Unpaid past due child support, if any.]

B. Financial statements.

1. The department shall use financial statements obtained from the absent responsible parent and the custodial parent to determine the amount of the child support obligation. [*When financial statements are not provided, the department may use financial information obtained from other sources such as, but not limited to, the Virginia Employment Commission.*]

2. The absent responsible parent and custodial parent shall complete financial statements upon demand by the department and annually thereafter. Such responsible parties shall certify under penalty of perjury the correctness of the statement.

3. If the custodial parent is a recipient of public assistance, the department shall use the information obtained through the ADC or ADC/FC eligibility process to meet the financial statement requirement.

4. The department shall define the type of financial information which shall be required based on § 63.1-274.5 of the Code of Virginia which is incorporated by reference.

5. [*A custodial parent who is not a responsible parent of the child for whom child support is being sought. When both parents are absent, the person with whom the child resides*] shall not be required to complete a financial statement.

6. The department shall obtain financial statements from both absent responsible parents when the custodial parent is not a responsible parent for the support of the child.

C. When an absent parent is responsible for the support of children receiving ADC or ADC/FC assistance, the department shall initially base the amount of the obligation on the amount of ADC or ADC/FC paid on behalf of the responsible parent's dependents:

1. The department shall change the proposed obligation amount and base it on the child support scale if the absent responsible parent provides financial information during the pendency of an administrative appeal.

2. If the department receives financial information after the obligation is established, the department shall modify the Administrative Support Order prospectively and shall base the future obligation amount on the child support scale.

C. Default obligation.

D. When the absent parent is responsible for the support of children not receiving ADC or ADC/FC and provides

does not provide a financial statement [*and financial information cannot be obtained from other sources*]; the department shall base the amount of the obligation on the child support scale.

1. If the responsible parent does not provide a financial statement and there is no court order and no previously issued administrative order, the department shall issue a default Administrative Support Order [*if the absent parent does not respond to a summons to appear in one of the division's district offices*].

1. The default administrative order shall be based on the USDA estimated annual family expenditures on raising a child in the urban south [*in combination with the .*] Virginia adjusted gross [*median*] income [*and shall be revised yearly shall be used to determine the income level that will be used*].

2. The In situations where an obligation is not being established to assess a current obligation, but is assessing past public assistance debt only, the default administrative order shall be based on the amount of public assistance that would be paid on behalf of the absent responsible parent's dependents if they were eligible for ADC assistance.

[*3. Within 30 days of establishing a default administrative obligation, the department shall petition the court for a modification of the obligation based on the absent parent's ability to pay.*]

E. D. The department shall determine the amount to be paid monthly toward [*a child past due*] support [*debt or arrearage*] when the obligation is administratively ordered and when a court ordered obligation for support does not specify the amount to be paid toward the [*debt or arrearage past due support*]. The monthly payment for [*a child support debt or arrears past due support*] will be \$65 or 25% of the current obligation, whichever is greater, and shall not exceed the amount allowed under the Consumer Credit Protection Act.

§ 4.5. Service of the administrative support order.

The department must legally serve the Administrative Support Order on the absent responsible parent or receive a waiver of service from the responsible absent parent in order to have an established obligation.

§ 4.6. Health care coverage. Medical support.

A. The department shall have the authority to issue orders [*requiring containing*] provisions [*of for*] health care coverage medical support services for the dependent children of absent responsible parents if the coverage is available at reasonable cost as defined in § 63.1-250.1 of the Code of Virginia.

B. The absent responsible parent shall provide information regarding health care coverage medical

Final Regulations

support services for his or her dependent children, and his spouse or former spouse if applicable, upon request from the department.

C. The absent responsible parent shall provide health [~~care insurance~~] coverage for the child or children if [~~medical health~~] insurance is available through his [or her] employment. The department may enter an administrative order or seek a judicial order requiring the absent responsible parent's employer to enroll the dependent children in a group health insurance plan or other similar plan providing health ~~care services or~~ insurance coverage offered by the employer as provided in § 20-79.3 of the Code of Virginia.

§ 4.7. Child support [~~scale guideline~~].

A. The department is required to use the Schedule of Monthly Basic Child Support Obligations and procedures in § 20-108.2 of the Code of Virginia in calculating the amount of administrative child support obligations. This section of the Code is incorporated by reference.

B. The department shall call this schedule the child support scale.

C. The department shall use the scale in establishing Administrative Support Orders except in the two situations identified when a default obligation is established as defined in § 4.4 C and D .

D. The total child support obligation will be divided between both parents in the same proportion as their individual gross incomes bear to their combined gross income.

E. The department shall consider the following factors in calculating the [~~combined gross income amount of the obligation~~]:

1. The absent responsible parent and custodial parent's gross monthly income from all sources with the exception noted in subsection F of this section,

2. The number of children for whom the absent responsible parent and custodial parent share joint legal responsibility,

[~~3. Other current child support obligations which are being paid by the absent or custodial parent,]~~

[~~4. Other dependent children residing with the custodial or absent parent for whom the parents are financially responsible, but who are not included in a child support order,]~~

3. [~~5. 3.~~] Extraordinary medical and dental expenses which are defined in § 20-108.2 of the Code of Virginia, and

4. [~~6. 4.~~] The custodial parent's work related child

care expenses , , and

[~~7. 5.~~] Any costs for health insurance coverage as defined in § 63.1-250 of the Code of Virginia when actually paid by a parent [~~for the child or children subject to that order~~] .

F. The department may not include benefits from public assistance programs as defined in § 63.1-87, Supplemental Security Income, or child support received in calculating the combined gross income.

[~~§ 4.8. Administrative deviation from the child support guideline.~~

There shall be a rebuttable presumption that the amount of child support which results from the application of the guidelines is the correct amount of child support if there is evidence that one of the following two conditions exists.

1. *There are other dependent children residing with the custodial or absent parent for whom the custodial or absent parent is legally and financially responsible and who are not included in a child support order.*

2. *There are other current child support orders for which the absent or custodial parent is responsible.]*

§ [~~4.8.~~ 4.9.] Periodic reviews of the child support obligation.

The amount of the child support obligation is based on the financial situation of both parents. The department or the courts, depending on who issued the order, may modify the amount of the obligation if the parents' either parent's situation changes. ~~Either~~ The department , another state's child support agency or either parent may initiate a review of the amount of the child support obligation.

A. The department shall initiate a review of each child support obligation as required by federal regulations.

B. Either parent may ~~initiate request~~ request a review of the child support obligation by providing documentation of a change in circumstances potentially affecting the child support obligation.

C. The department shall modify an administrative obligation when the results of the review indicate a change in the gross income of either parent which is a difference of at least 10% in either parent's gross monthly income or a change in the monthly obligation of at least \$25.

D. The department shall modify the obligation for future child support payments only.

~~D.~~ E. The department shall petition to modify a court ordered obligation based on the criteria above or on

criteria established by the a court.

PART V. ENFORCING CHILD SUPPORT OBLIGATIONS.

Article 1. General.

§ 5.1. Enforcement rules.

A. The department shall, whenever possible, administratively enforce compliance with established child support orders including both administrative and court orders.

B. The department shall enforce child support obligations at the time the Administrative Support Order is initially entered through the use of one of the following methods of wage withholdings:

1. Immediate withholding of earnings
2. Voluntary assignment of earnings

C. The department shall enforce child support obligations when the obligation becomes delinquent through the use of one or more of the following administrative enforcement remedies:

1. Mandatory withholding of earnings
2. Liens
3. Orders to withhold and deliver
4. Foreclosure
5. Distrain, seizure, and sale
6. Unemployment compensation benefits intercept
7. Bonds, securities, and guarantees
8. Tax intercept
9. Internal Revenue Service full collection service
10. Credit bureau reporting
11. Enforcement remedies for federal employees.

D. The department shall attempt to enforce current and delinquent child support payments through administrative means before petitioning the court for enforcement action unless it determines that court action is more appropriate.

E. The department shall take any appropriate enforcement action, unless service of process is necessary, within no more than 30 calendar days of identifying a delinquency or of locating that absent responsible parent, whichever occurs later, except income withholding and

federal and state income tax refund offset.

F. The department shall take appropriate enforcement action if service of process is necessary within 60 calendar days of identifying a delinquency or of locating the absent responsible parent, whichever occurs later.

G. The department shall take appropriate enforcement action within the above timeframes to enforce health care insurance coverage.

H. When an enforcement action is unsuccessful, the department shall examine the reason(s) and determine when it would be appropriate to take an enforcement action in the future. The department shall take further enforcement action at a time and in a manner determined appropriate by department staff.

§ 5.2. Withholding of earnings rules.

A. The department may issue a withholding of earnings order against all earnings except those exempted from garnishment under federal and state law.

B. The amount of money withheld from earnings may not be more than the amount allowed under the Consumer Credit Protection Act. (§ 34-29 of the Code of Virginia)

C. The department must legally serve the wage withholding order on the absent responsible parent or receive a waiver of service from the individual.

D. The department shall modify the withholding of earnings order only if there is a change in the amount of the current support or [; or] past due [debt of arrears support].

E. The department shall release the withholding of earnings order only if one of the following occurs:

1. The current support obligation terminates [,] and any past due [debt] is [of arrears are support is] paid in full;
2. Only [a] past due [debt] is [of arrears are support is] owed and it is paid in full;
3. The whereabouts of the child or child and caretaker become unknown;
4. Bankruptcy laws require release; or
5. A nonpublic assistance client no longer wants the services of the department.

Article 2.

Immediate and Voluntary Withholding of Earnings.

§ 5.3. General.

The Administrative Support Order shall include a

Final Regulations

requirement for immediate withholding of the child support obligation from the absent ~~responsible~~ parent's earnings. The custodial parent and absent ~~responsible~~ parent may choose a voluntary assignment of earnings as an alternate arrangement for payment of child support.

§ 5.4. Immediate withholding of earnings.

The Administrative Support Order shall include a requirement for immediate withholding of the child support obligation from the absent ~~responsible~~ parent's earnings unless the absent ~~responsible~~ parent and the department, on behalf of the custodial parent, agree to an alternative arrangement, or good cause is shown.

§ 5.5. Voluntary withholding of earnings.

A. Voluntary withholding of earnings is also called voluntary assignment of earnings.

B. The custodial parent and absent ~~responsible~~ parent may choose a voluntary assignment of earnings at the time the obligation is established as an alternate to immediate withholding of earnings for payment of child support.

C. The department may initiate a voluntary assignment of earnings when it is the most expeditious means of enforcing a wage withholding.

D. The absent ~~responsible~~ parent may not choose a voluntary assignment of earnings as an alternative to mandatory withholding of earnings after enforcement action has been initiated.

Article 3. Other Enforcement Remedies.

The department shall have the authority to administratively collect delinquent child support payments from absent ~~responsible~~ parents. These are called enforcement remedies.

§ 5.6. Mandatory withholding of earnings.

The department shall send a Mandatory Withholding of Earnings order to an employer requiring the deduction of the child support obligation from the absent ~~responsible~~ parent's earnings under the following circumstances:

1. When a payment is delinquent in an amount equal to or exceeding one month's child support obligation, or
2. When the custodial parent requests that withholding begin regardless of whether [~~a debt past due support~~] is owed or support payments are in arrears.

§ 5.7. Liens.

A. The department may file a lien on the real or

personal property of the absent ~~responsible~~ parent when there is [~~a past due~~] support [~~debt or arrears owed~~].

B. Upon receipt of a support order from a jurisdiction outside of Virginia, the department may immediately file a lien.

C. The lien of the department shall have the priority of a secured creditor.

D. The lien of the department shall be subordinate to the lien of any prior mortgagee.

E. The lien shall be released when the [~~child support debt or arrears past due support~~] has been paid in full.

§ 5.8. Orders to withhold and deliver.

A. The department may use orders to withhold and deliver to collect assets such as bank accounts, trust funds, stocks, bonds, and other types of financial holdings when [~~there is a past due~~] support [~~debt or arrears is owed~~].

B. The department shall release the order to withhold when the order cannot be served on the absent ~~responsible~~ parent.

C. The department shall release the order to deliver when:

1. The [~~debt or arrearage on the order past due support~~] is paid, or
2. The absent ~~responsible~~ parent makes satisfactory alternate arrangements for paying the full amount of the [~~debt or arrears past due support~~].

§ 5.9. Distrain, seizure, and sale.

A. The department may use distraint, seizure, and sale against the real or personal property of an absent ~~responsible~~ parent when there is [~~a past due~~] support [~~debt or arrearage~~].

B. The director of the division shall give final approval for the use of distraint, seizure, and sale.

§ 5.10. Unemployment compensation benefits intercept.

A. The department may intercept unemployment compensation benefits when there is [~~a past due~~] support [~~debt or arrears~~].

B. The department may, with the consent of the absent ~~responsible~~ parent, intercept unemployment compensation benefits when there is not [~~a past due~~] support [~~debt owed~~].

C. The department may intercept unemployment compensation benefits paid by the Commonwealth to an absent ~~responsible~~ parent who lives out of state.

D. The department shall intercept the amount of benefits allowed by the [~~Virginia Employment Commission~~ *Consumer Credit Protection Act*].

§ 5.11. Bonds, securities, and guarantees.

The department shall use administrative bonds, securities, and guarantees as an enforcement action only if the amount of the delinquency exceeds \$1,000 and

1. After all other enforcement actions fail, or
2. When no other enforcement actions are feasible.

§ 5.12. Tax intercept.

A. The department shall intercept state and federal income tax refunds and shall apply these moneys, in whole or in part, first to any debt to the Commonwealth and second to [~~delinquent child support obligations pay any amount owed to the custodial parent~~].

B. The Virginia Department of Taxation prescribes rules for interception of state tax refunds and notification to the person whose tax refund is being intercepted.

1. The department may retain moneys up to the amount owed on the due date of the finalization notice from the department to the Virginia Department of Taxation.
2. The department may intercept state tax refunds when the delinquent amount equals at least \$25.
3. The department may not disburse the intercepted taxes if the absent ~~responsible~~ parent has appealed the intercept action and the appeal is pending.
4. The department shall issue a refund to the absent ~~responsible~~ parent when one of the following occurs:
 - a. The intercept was made in error.
 - b. The absent ~~responsible~~ parent pays the delinquent amount in full after the Department of Taxation has been notified of the delinquency and before the tax refund is intercepted.
 - c. Either or both federal and state tax refunds are intercepted, the total amount intercepted is more than the amount of the delinquency at the time that notification of the tax intercept was sent to the Department of Taxation, and the absent ~~responsible~~ parent does not agree to allow the department to apply the excess funds to any delinquency that accrued after certification for tax intercept.

C. The Internal Revenue Service has prescribed rules regarding the interception of federal tax refunds. Part 45, §§ 302.60 and 303.72 of the Code of Federal Regulations are incorporated by reference in this regulation.

Article 4. Federal Enforcement Remedies.

In addition to state administrative enforcement remedies, the department shall use federal enforcement remedies to enforce child support obligations.

§ 5.13. Internal Revenue Service full collection service.

A. The department may ask the Internal Revenue Service to collect delinquent child support payments when all reasonable efforts to collect past due child support payments have been made but have not been successful.

B. The department shall make this request through the federal Office of Child Support Enforcement.

§ 5.14. Enforcement remedies to be used against federal employees.

A. The department may apply its enforcement remedies against United States military and civilian active and retired personnel.

B. When enforcement under Virginia law is not possible, the department may use (i) Mandatory Military Allotments and (ii) Involuntary Child Support Allotments for Public Health Services Employees to enforce child support obligations of active military personnel and public health services employees.

1. For the purposes of these two enforcement actions, delinquency shall be defined as failure of the absent ~~responsible~~ parent to make child support payments equal to the amount due for two months.

2. The amount of money withheld from these wages shall be up to the amount allowed under the Consumer Credit Protection Act.

PART VI. ADMINISTRATIVE APPEALS.

Actions to establish and enforce child support obligations administratively may be appealed according to the following rules.

§ 6.1. Validity of the appeal.

A. The department shall determine the validity of an appeal.

1. The appeal must be in writing.
2. The appeal must be received within 10 working days of service when personally delivered.
3. If mailed, the postmark must be no later than 10 working days from the date of service of the notice of proposed action.

Final Regulations

B. The only exception to this shall be appeals of federal and state tax intercepts. The absent ~~responsible~~ parent shall have 30 days to appeal a tax intercept notice to the department.

§ 6.2. General rules.

A. The appeal shall be heard by a hearings officer.

1. The hearings officer shall hold the hearing in the district office where the custodial parent [*or his or her case*] resides unless another location is requested by the absent ~~responsible~~ parent and it complies with § 63.1-267.1 of the Code of Virginia.

2. The absent ~~responsible~~ parent and the custodial parent may be represented at the hearing by legal counsel.

3. The absent ~~responsible~~ parent may withdraw the appeal at any time.

4. The hearings officer shall accept a request for a continuance from the absent ~~responsible~~ parent or the custodial parent if:

a. The request is made in writing at least five working days prior to the hearing, and

b. The request is for not more than a 10-day continuance.

B. The hearings officer shall notify the absent ~~responsible~~ parent and custodial parent of the date and time of the hearing and of the disposition of the hearing in accordance with § 63.1-267.1 of the Code of Virginia.

C. Prior to the hearing, the hearings officer shall send the absent ~~responsible~~ parent and the custodial parent a copy of the Summary of Facts prepared by the district office.

D. The hearings officer shall provide the absent ~~responsible~~ parent and the custodial parent with a copy of the hearing decision either at the time of the hearing or no later than 45 days from the date the appeal request was first received by the department.

E. The hearings officer shall notify the absent ~~responsible~~ parent and the custodial parent in writing by certified mail if the appeal is determined to be abandoned because the absent ~~responsible~~ parent did not appear at the hearing.

F. The absent ~~responsible~~ parent or the custodial parent may appeal the hearings officer's decision to the juvenile and domestic relations district court within 10 calendar days of receipt of the hearings officer's decision. An appeal of a tax intercept must be made to the circuit court within 30 days of the date of the hearings officer's decision.

§ 6.3. Appeal of enforcement actions.

A. The absent ~~responsible~~ parent may appeal the actions of the department to enforce a support obligation only under the following conditions:

1. For withholding of earnings; liens; distraint, seizure, and sale; and unemployment compensation benefits intercept the appeal shall be based only on a mistake of fact.

2. For orders to withhold and deliver the appeal shall be based only on (i) a mistake of fact or (ii) whether the funds to be withheld are exempt by law from garnishment.

3. Federal and state tax intercepts may be appealed based only on (i) a mistake of fact or (ii) the validity of the claim.

B. A mistake of fact is based on:

1. An error in the identity of the absent ~~responsible~~ parent, or

2. An error in the amount of current support or past due support.

§ 6.4. Appeal of federal enforcement remedies.

Actions to enforce child support payments through federal enforcement remedies may not be appealed through the Department of Social Services. Absent ~~responsible~~ parents shall appeal these actions to the federal agency which took the action.

PART VII. INTERSTATE RESPONSIBILITIES.

[*When the absent*] ~~responsible~~ [*parent and the custodial parent reside in different states, cooperation between these states is necessary.*]

[*§ 7.1. Long-arm authority.*

The department shall extend its authority whenever possible to establish and enforce child support obligations on out-of-state absent parents as provided in § 63.1-250.1 of the Code of Virginia.]

§ [~~7.1.~~ 7.2.] Cooperation with other state IV-D agencies.

[*When the absent parent and the custodial parent reside in different states, cooperation between these state agencies may be necessary.*]

A. The department shall provide the same services to other state IV-D cases that it provides to its own cases with the following conditions:

1. The request for services must be in writing.

2. The request for services must list the specific services needed.

B. The department shall request in writing the services of other state IV-D agencies when the custodial parent resides in Virginia, but the absent ~~responsible~~ parent resides in another state.

C. Other department responsibilities in providing services to other state IV-D cases and obtaining services from other state IV-D agencies are defined in Part 45, § 303.7 of the Code of Federal Regulations and §§ 63.1-274.6 and 20-88.22 of the Code of Virginia. These regulations are incorporated by reference here.

§ [~~7.2~~ 7.3.] Central registry.

A. The department shall manage the flow of interstate correspondence through a Central Registry located in the division's central office. Correspondence will be handled according to the rules established by the state and federal regulations cited by reference above.

B. The Central Registry shall act as the Uniform Reciprocal Enforcement of Support Act State Information Agent required by § 20-88.22 of the Code of Virginia.

PART VIII. CONFIDENTIALITY AND EXCHANGE OF INFORMATION.

Article 1. Information Collected by the Department.

§ 8.1. Information collected from state, county, and city offices.

A. State, county, and city offices and agencies shall provide the department with information about absent ~~responsible~~ parents.

B. The department shall use this information to locate and collect child support payments from absent ~~responsible~~ parents.

§ 8.2. Subpoena of financial information.

The department may subpoena financial records from a person, firm, corporation, association, political subdivision, or state agency to [~~corroborate the existence of assets of the absent~~] ~~responsible~~ [~~parent or the custodial parent identified by the Internal Revenue Service establish or enforce the collection of child support~~].

Article 2. Information Released by the Department.

§ 8.3. Agencies to whom the department releases information.

A. The department may release information on absent

~~responsible~~ or ~~custodial~~ parents to courts and other state child support agencies *for the purpose of establishing or enforcing a child support order*.

B. The department shall release information concerning the absent ~~responsible~~ parent to consumer credit agencies upon their request.

~~C. The department may release information concerning custodial parents to courts and other state IV-D agencies as necessary to collect child support on their behalf.~~

~~D. C. The department shall obtain permission from the absent responsible parent or the custodial parent prior to providing provide information on that person the absent or custodial parent to an entity other than the ones listed above with the written permission of that parent [with exception that the department shall not release information regarding the absent parent's debt to private collection agencies].~~

~~E. D. The department shall release information concerning custodial parents' and absent responsible parents' medical support payments and medical support orders to the Department of Medical Assistance Services.~~

§ 8.4. Release of information to and from the Internal Revenue Service.

A. The department may not release information provided by the Internal Revenue Service to anyone outside of the department with the following exceptions:

1. The department may release the information to local social service agencies and the courts, but the source of the information may not be released.

2. The department may release information provided by the Internal Revenue Service if that information is verified by a source independent of the IRS.

B. The division director, or a designee, may release information on absent ~~responsible~~ parents to the Internal Revenue Service.

§ 8.5. Request for information from the general public.

The department shall answer requests for information from the general public within five working days of receipt of the request or less as federal and state law may require.

§ 8.6. Requests for information from absent ~~responsible~~ parents and the custodial parents.

A. The department shall release, upon request from the absent ~~responsible~~ parent or custodial parent, copies of court orders, administrative orders, enforcement actions, ~~and~~ fiscal records, *and financial information used to calculate the obligation. If both parents are absent, financial information will not be released to the other*

Final Regulations

parent .

B. The department shall release to the absent ~~responsible~~ parent and to the custodial parent personal information contained in the case record which pertains to the individual requesting the information with one exception. The department may not release medical or psychological information for which the physician providing the information has stated the individual should not have access.

C. The absent ~~responsible~~ parent and the custodial parent may correct, challenge, or explain the personal information which pertains to that individual *and may challenge the financial information of the other parent* .

D. The department shall charge a fee for copying case record information. The department shall base the fee on the cost of copying the material.

§ 8.7. Release of health [~~care~~ *insurance*] information.

The department shall provide specific third party liability information to the Department of Medical Assistance Services in order for that agency to pursue the absent ~~responsible~~ parent's [~~medical health insurance~~] provider for any Medicaid funds expended for his [*or her*] dependents who are receiving ADC or ADC/FC or who are Medicaid-only clients.

A. The department shall release health ~~care~~ *insurance* coverage information on ADC, ADC/FC, and Medicaid only cases to the Department of Medical Assistance Services as prescribed in the cooperative agreement between the department and that agency.

B. The department shall release health ~~care~~ *insurance* coverage information on ADC, ADC/FC, and Medicaid only cases to other state child support agencies upon their request.

C. The department shall release information on health ~~care~~ *insurance* coverage for nonpublic assistance cases only with the consent of the custodial parent.

PART IX. RIGHTS AND RESPONSIBILITIES OF THE CUSTODIAL PARENT AND OF THE DEPARTMENT.

Article 1. Custodial Parent's Rights and Responsibilities.

Throughout this regulation rights and responsibilities of the custodial parents are mentioned in general terms. This section of the regulation does not abridge those rights and responsibilities; it adds to them.

§ 9.1. Custodial parents rights.

A. The department shall give the custodial parent prior

notice of major decisions about the child support case.

B. The department shall periodically inform the custodial parent of the progress of the case.

C. The department shall provide the custodial parent with copies of appropriate notices as identified in this regulation.

D. The department shall advise custodial parents who receive ADC of the following rights:

1. The \$50 disregard payments, and

2. Eligibility for continued Medicaid coverage when ADC is no longer received.

E. The department shall advise parents who receive ADC, ADC/FC, and Medicaid only of their eligibility for continued child support services when public assistance is no longer received.

F. The department shall inform all non-ADC or ADC/FC clients at the time of application for services of the effect of past receipt of ADC or ADC/FC on the collection of child support payments.

§ 9.2. Custodial parent's responsibilities.

A. Custodial parents must give full and complete information, if known, regarding the absent [~~responsible~~] parent's name, address, social security number, current employment, and employment history and provide new information when learned.

B. Custodial parents must inform the department of any public assistance which was received in the past on behalf of the parent and children.

C. Custodial parents must promptly (i) inform the department of any divorce actions or court actions to establish a child support order, (ii) send to the department copies of any legal documents pertaining to divorce, support, or custody, and (iii) inform the department of any changes in custody or plans for reconciliation with the absent [~~responsible~~] parent.

D. Custodial parents must notify the department if an attorney is hired to handle a child support matter.

E. Custodial parents must notify the department immediately of any change in their financial circumstances.

F. Custodial parents must notify the department in writing regarding any change of their address or name. When possible, the custodial parent shall give this notification 30 days in advance.

Article 2. Department's Rights and Responsibilities.

§ 9.3. Department's rights.

A. The department shall decide, in a manner consistent with state and federal requirements, the best way to handle a child support case.

B. The department shall decide when to close a case based on federal requirements and the criteria in Part XI.

§ 9.4. Department's responsibilities.

A. The department shall act in a manner consistent with the best interests of the child.

B. The department shall establish a priority system for providing services which will ensure that services are provided in a timely manner.

C. The department shall keep custodial parents advised about the progress of the child support cases and shall include custodial parents in major decisions made about the handling of the child support case.

PART X. PROCESSING SUPPORT PAYMENTS.

Article 1. Child Support and Medical Support Payments.

§ 10.1. Disbursement of payments.

A. An absent ~~responsible~~ parent may have multiple child support obligations.

1. Each case shall receive full payment of the current obligation when possible.

2. If the absent ~~responsible~~ parent's disposable earnings do not cover the full payment for each current support order, the department shall prorate the amount withheld among all orders.

B. Current support obligations shall be satisfied before satisfying [a] past due [~~debt of arrears support~~].

C. The method by which child support and medical support payments are disbursed is governed by Part 45, §§ 302.51 and 302.52 of the Code of Federal Regulations which are incorporated by reference.

Article 2. Payment Recovery.

§ 10.2. Bad checks.

A. When a payment made by an employer or absent ~~responsible~~ parent is not honored upon presentation to the bank on which it was drawn, the department shall first demand payment from the employer or absent ~~responsible~~ parent.

B. If the employer or absent ~~responsible~~ parent does not comply with the demand and the custodial parent is not an ADC or ADC/FC recipient, the department shall recover the payment from the custodial parent according to the methods described in § 10.4.

C. The department shall concurrently take enforcement action against the absent parent or legal action against the employer.

D. If a check received from a custodial parent is not honored upon presentation to the bank upon which it was drawn, the department shall demand payment from the custodial parent.

§ 10.3. Erroneous/duplicate disbursements.

A. When the department sends the custodial parent a payment in error or a duplicate payment, the department shall first demand payment from the custodial parent.

B. If the custodial parent is not an ADC or ADC/FC recipient and does not comply with the demand, the department shall recover the amount of the payment according to the methods described in § 10.4.

§ 10.4. Methods of payment recovery from the custodial parent.

A. If the custodial parent is not an ADC or ADC/FC recipient, the department shall:

1. Intercept and retain payments for [a] past due [~~debt or arrearage support~~].

2. Retain 10% of the current support payment.

3. Retain the lesser of the balance due or 100% of any intercepted funds.

4. Retain the lesser of the balance due or funds seized from bank accounts.

B. If the custodial parent is an ADC or ADC/FC recipient, the division shall notify the Division of Benefit Programs when an erroneous or duplicate payment has been retained by the client.

[Article 3. Uncollectible Debts.

§ 10.5. Debt discharge.

The department may identify uncollectible support debts and discharge them from its record.]

PART XI. CASE CLOSURE.

§ 11.1. General rules.

Final Regulations

A. The department shall terminate child support enforcement services when one of the criteria defined in the Code of Federal Regulations, Title 45, § 303.11 is met.

B. Sixty calendar days prior to closing a case, the department shall notify the custodial parent of its intent to close the case and shall give the reason for the case closure with the exceptions noted in the Code of Federal Regulations, Title 45, § 303.11. The department shall not close the case if the custodial parent supplies additional case information.

C. The department shall continue to provide collection and disbursement services until alternate arrangement for these services has been made.

D. The department shall reopen a closed case if the custodial parent requests the case be reopened because there is a change in circumstance which could lead to the establishment or enforcement of a child support obligation.

E. The department shall purge all closed case records three years after the case is closed pursuant to the Code of Federal Regulations, Title 45, part 74, subpart D.

PART XII. COST RECOVERY.

Article 1. General.

§ 12.1. Recovery of fees.

[A.] The department shall assess and recover from the absent responsible parent [using any mechanism provided in Chapter 13 of Title 63.1]:

1. Attorney's fees,
2. Genetic blood testing fees, and
3. Intercept programs' costs.

[B. The department shall use any mechanism provided in Title 63.1 to enforce these fees and costs.]

§ 12.2. Attorney's fees [for enforcement].

A. Attorney fees shall not exceed the amount allowed court-appointed counsel in the district courts pursuant to subdivision 1 of § 19.2-163.

B. The department shall not recover attorneys' fees or costs in any case in which the absent responsible parent prevails.

§ 12.3. Genetic blood testing.

The department shall set the costs of the genetic blood testing at the rate charged the department by the provider of genetic blood testing services.

§ 12.4. Intercept programs.

The department shall charge the absent responsible parent the rate actually charged the department.



DEPARTMENT OF YOUTH AND FAMILY SERVICES (BOARD OF)

REGISTRAR'S NOTICE: The final regulation entitled "Learning Center Standards (VR 690-50-001)," filed by the Department of Youth and Family Services pursuant to § 9-6.18 of the Virginia Register Act, is exempt from the provisions of the Administrative Process Act pursuant to § 9-6.14:4.1 B 10 of the Code of Virginia, which exempts agency action relating to the custody of persons in, or sought to be placed in, mental, penal or other state institutions as well as the treatment, supervision, or discharge of such persons. The regulation was adopted by the Board of Youth and Family Services on May 14, 1992.

Due to its length, this regulation is not being published. However, a summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the Office of the Registrar of Regulations, Virginia Code Commission, General Assembly Building, 2nd Floor, Richmond, Virginia, and at the Department of Youth and Family Services, 700 Centre, 7th and Franklin Streets, Richmond, Virginia.

Title of Regulation: VR 690-50-001. Learning Center Standards.

Statutory Authority: § 66-10 of the Code of Virginia.

Effective Date: July 15, 1992.

Summary:

The Learning Center Standards are promulgated by the Board of Youth and Family Services to provide standards specifying physical plant requirements and operational policies and procedures for learning centers operated by the Department of Youth and Family Services.

These standards are issued as a new regulation and supersede previous learning center standards promulgated by the Board of Corrections.

These standards are designed with the intent of meeting or exceeding the Standards for Juvenile Training Schools, Third Edition, issued by the

American Correctional Association. Thus, the Learning Center Standards reflect the national professional consensus on the standards for the custody and treatment of juvenile delinquents committed to state institutions.

The Learning Center Standards provide specific requirements for policies, procedures, and practices in all aspects of learning center operations, including administration, personnel, programs and services, and safety and emergency plans. The standards also address physical plant requirements, especially with regard to residential areas of the facilities, the provision of services, fire safety, sanitation, and security and control.

EMERGENCY REGULATIONS

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: § 9-160(3) and (5) of the Code of Virginia.

Effective Dates: July 1, 1992 through June 30, 1993.

Recommendation:EU

Senate Bills 518 and 519 require, among other things, significant changes in the type of information the VHSCRC collects from hospitals and nursing homes. It is recommended that approval be given for emergency regulations so that new requirements for the Council's Commercial Diversification Survey (CDS) can be implemented. Senate Bill 518 amended § 9-160(3) of the Code of Virginia and provides for the following relevant changes for the 1992 CDS:

- A. All health care institutions or any corporation that controls health care institutions will now be required to complete the survey. Previously, only hospitals participated in the survey.
- B. Each for-profit and not-for-profit institutions will complete all parts of the survey.
- C. Information regarding related party transaction will be required.
- D. Audited consolidated financial statements and consolidating financial schedules will be required.
- E. The survey will include information for all affiliates in which the health care institution or corporation controlling the health care institution has a 25 percent or greater ownership interest.

Because the CDS is required to be published by December 1 of each year and because the survey forms are issued in early July of each year, it is necessary to promulgate emergency regulations.

Senate Bill 519, adopted by the 1992 Session of the Virginia General Assembly, requires non-for-profit health care institutions, controlling corporations, or affiliates to file Form 990s with the Council. 501 (C) (3) corporations must make the Form 990s publicly available under federal law and the forms must accurately disclose and list the compensation received by the corporation's five highest paid employees. The Form 990s will be collected at the same time that the Commercial Diversification Survey is issued.

The VHSCRC adopted these emergency regulations at its April 28, 1992 meeting. They would be effective July 1, 1992.

Request:

Made by John A. Rupp, Executive Director of the Virginia Health Services Cost Review Council.

/s/ John A. Rupp
Executive Director
Date: April 31, 1992

Concurrences:

/s/ Howard M Cullum
Secretary of Health and Human Resources
Date: May 4, 1992

Authorization:

/s/ L. Douglas Wilder
Governor
Date: May 14, 1992

Background:

The Commission on Health Care for All Virginians proposed that legislation be introduced in the 1992 Session of the Virginia General Assembly effectuating a number of significant changes regarding the operations of the Virginia Health Services Cost Review Council. Many of those changes contained in Senate Bill 518 deal with the Council's Commercial Diversification Survey. Because the survey is issued in July of each year, it is necessary to promulgate these emergency regulations. Notice of the upcoming changes will be sent to each of the health care providers required to provide this information in early May.

Senate Bill 519 was introduced on behalf the Governor and requires the submission of Form 990s by each not-for-profit-health care institution that reports to the Council, a controlling corporation, and each affiliate of the health care institution or controlling corporation. Form 990s are already required by the Internal Revenue Services to be available as a public record and contain, among other things, the salary information of the corporation's five highest paid employees. These forms will be solicited from all hospitals and nursing homes that submit filings with the Council and will be collected at the same time that the CDS forms are returned to the Council. Therefore, it is necessary to promulgate these emergency regulations as well.

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 meanings:

"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.

Emergency Regulations

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., 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 non-profit 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.

Emergency Regulations

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.

§ 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~~ *health care institution* or any corporation that controls a ~~hospital~~ *health care institution* shall respond to a survey conducted by the council to determine the extent of commercial diversification by such ~~hospitals~~ *health care institutions* 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 subdivisions a through j below for each affiliate of such hospital~~ *health care institution* 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 ; ~~and~~
- j. *Information regarding related party transactions .*

§ 6.3:3. The information specified in § 6.3:2 shall relate to

Emergency Regulations

any legal controls that exist as of the 1st of July of each calendar year in which the survey is required to be submitted. The response to the survey shall include the required information for all affiliates in which the health care institutions or any corporation which controls a health care institution has a twenty-five percent or greater interest. Information regarding affiliates or organizations that do not have corporate headquarters in Virginia and that do no business in Virginia need not be provided.

§ 6.3.4. For fiscal years ending on or before June 30, 1992, each ~~hospital~~ health care institution or any corporation that controls a ~~hospital~~ health care institution 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 1992 .

§ 6.3.5. For fiscal years ending on or before June 30, 1992, 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.

For fiscal years ending on or before June 30, 1992, each nursing home that reports to the Council or any corporation which controls a nursing home that reports to the Council shall submit either a certified audited financial statement or 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.

The filings required by this section shall be submitted to the Council by the 31st day of August of 1992 or 120 days after the health care institution's fiscal year end, whichever is later.

§ 6.3.6. For fiscal years beginning on or after July 1, 1992, each health care institution that reports to the Council or any corporation which controls a health care institution that reports to the Council shall submit audited consolidated financial statements and consolidating financial schedules to the Council which include its total assets, liabilities, revenues, expenses, and net worth.

§ 6.3.7. For fiscal years beginning on or after July 1, 1992, the information required in §§ 6.3:2, 6.3:3, and 6.3:6 shall be due 120 days after the end of the health care institution's fiscal year end.

§ 6.3.8. Each health care institution that reports to the Council, any corporation controlling any such health care institution, and each affiliate of the health care institution or corporation shall submit the health care institution, corporation, or affiliate as an organization exempt from

taxes pursuant to § 501(C)(3) of the Internal Revenue Code, a copy of the most recent federal information return (Form 990) which was filed on behalf of the institution, corporation, or affiliate together with all accompanying schedules that are required to be made available to the public by the Internal Revenue Service. Information regarding not-for-profit and for-profit affiliates which do no business in Virginia need not be submitted.

§ 6.3.9. For fiscal years beginning on or after July 1, 1992, the information required in § 6.3:8 shall be due 120 days after the completion of the health care institutions fiscal year end.

§ 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.

Emergency Regulations

§ 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.

Emergency Regulations

§ 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.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-53-01. Child Day Care Services.

Statutory Authority: §§ 63.1-55, 63.1-248.6, 63.1-133.17 and 63.1-133.24 of the Code of Virginia.

Effective Dates: May 19, 1992 through May 18, 1993

Preamble:

Child day care policy must be changed on an emergency basis due to cost containment issues and interpretations from the federal government which clarify the entitlement programs (sum sufficient) and nonentitlement programs (to the extent of available funding). This distinction is critical due to the high level of service delivery needs in the Child Day Care Programs. New policy provides programmatic restructuring and guidance to help localities administer their programs within their allocations from the state.

VR 615-53-01. Child Day Care Services.

PART I. PREAMBLE.

§ 1.0. Preamble.

The Department of Social Services and the State Board of Social Services set policy and supervise a child day care delivery system through local departments of social services. The goal of the child care programs governed by this policy is to provide developmentally appropriate care for children in low income families. To the maximum extent possible programs are developed with compatible eligibility requirements, payment rates, fees, child care providers, health and safety standards, and opportunities for parental choice and responsibilities.

The child care services are purchased by local departments on behalf of eligible families with a combination of federal, state and local funds and in accordance with different federal laws and their corresponding rules and regulations. This combination of statutes and regulations has resulted in differential federal requirements that prevent the child care delivery system from having congruence across all the programs involved. However, despite the different federal funding streams involved, the following child care policy strives to promote

a locally based and comprehensive system that provides families with comparable choices available to other users of child care.

DEFINITIONS.

§ 1.1. Definitions.

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

"Aid to Families with Dependent Children" means a program established by Title IV-A of the Social Security Act and authorized in Virginia by Chapter 6 (§ 63.1-86 et seq.) of Title 63.1 of the Code of Virginia. This program provides benefits to needy children who are deprived of parental support or care.

"AFDC" means Aid to Families with Dependent Children program.

"Aid to Families with Dependent Children-Unemployed Parent" means the program authorized in Section 407 of the Social Security Act which provides aid to dependent children who are deprived of parental support or care by reason of the unemployment of the parent who is the principal wage earner.

"AFDC-UP" means Aid to Families with Dependent Children-Unemployed Parent program.

"Agency" means a local department of social services/welfare.

"At-Risk Child Care" funding means the federal allocation to states from Title IV-A that provides for subsidized child care to eligible low-income working parents.

"Child Day Care and Development Block Grant" funding means the federal block grant for day care that was authorized under the Development Block Grant Act of 1990, section 5082 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508. The purpose of this block grant is to increase the availability, affordability, and quality of child care.

"Child day care services" means those activities that assist eligible families in the arrangement and/or purchase of day care for children.

"Day care center" means a facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents during a part of the day.

"Department" means the Virginia Department of Social Services.

"Education leading to employment" means the pursuit of

Emergency Regulations

basic remedial instruction to achieve a basic literacy level, instruction in English as a second language, preparation for G.E.D. or Adult Education, the completion of high school, associate degree or certificate, work at the college level or bachelor degree from a college or university if the course of instruction is limited to a curriculum directly related to the fulfillment of an individual's educational goal to obtain useful employment in a recognized profession or occupation.

"Employment Services Program" means a program operated by the Department of Social Services which helps AFDC, AFDC-UP and GR recipients in securing employment or the training or education needed to secure employment as required by Chapter 6.2 (§ 63.1-133.12:1) of Title 63.1 of the Code of Virginia.

"ESP" means the Employment Services Program. This term may be used interchangeably with JOBS.

"Family day care provider" means a person who is responsible for the supervision and care of children in the provider's home.

"Federal Title IV-A Funding" means funding provided to states from the federal government through the Social Security Act to fund the AFDC program, child day care for AFDC recipients, the Transitional child day care program, and the At-Risk child care program.

"Fee System" means the program that provides child day care subsidy to low-income parents from the At-Risk Child Care funding and from the Child Care and Development Block Grant funding.

"FSET" means Virginia's Food Stamp Employment and Training Program, a program to provide non-AFDC able-bodied recipients of Food Stamps with employment and training services.

"Full-time employment" means regularly scheduled activities that engage a participant in employment for 30 or more hours per week.

"Good cause" means a valid reason why an unemployed parent in a two parent household cannot provide the needed child day care. The rationale for the agency's decision must be documented in the case record.

"Income eligible" means that eligibility is based on income and determined by measuring the family income and size against the state median income chart.

"In-home day care provider" means a person who is responsible for the supervision and care of children in the child's own home.

"IV-A earned income disregard" means the method by which the cost of child day care is handled in determining eligibility for, and the amount of, the benefit for working applicants and recipients of AFDC.

"JOBS" means the Job Opportunities and Basic Skills Training Program for AFDC, General Relief, and AFDC-UP recipients effective October 1, 1990. This term may be used interchangeably with ESP.

"Job Search" means the activity whereby participants are required to make a certain number of employer contacts a week for a specific length of time.

"Market rate" means the 75th percentile of the range of costs in a community for a particular type of child day care.

"Parent" means primary adult caretaker or guardian of a child.

"Parental access" means that parents may visit the day care setting at any time their child is in care.

"Part-time employment" means any regularly scheduled activity that engages a participant in employment for a minimum of eight hours but less than 30 hours per week.

"Postsecondary education" means any course of instruction beyond that of high school offered by an institution of higher education as determined by the Secretary of Education to meet the Higher Education Act of 1965.

"Purchase of Service Order" means a form sent to a vendor to authorize the delivery of services to a client.

"Regulation" means a process by which a child day care provider becomes federally approved, state licensed, city approved, county approved, local agency approved, or has met the requirements of Small Family Child Care Home Voluntary Registration. Providers who meet these requirements shall be referred to as regulated providers.

"Relative provider" means a child day care provider related to the parent or child by blood or marriage.

"Resource and referral services" means the provision of support, education and assistance for parents in choosing child care. These services are sponsored by a variety of agencies, and often include assessment of the need for child care in the community; collection and maintenance of information about child care needs and issues; efforts to improve the quality of child care in the community through provision of training and support for providers; and efforts to increase the supply of child care in the community through recruitment and technical assistance to potential providers.

"Satisfactory progress" means that the participant in any educational or training activity is meeting, on a periodically measured basis of less than one year such as a term or quarter, a consistent standard of progress based on written policy developed by the educational institution or training agency and approved by the IV-A agency.

"Service plan" means the written, mutually agreed upon course of action determined by the parent and service worker.

"State median income" (SMI) means the level of income by family size which represents the mid point of income levels in Virginia.

"Training leading to employment" means the development of specific work attitudes, behaviors, or skills leading to job readiness as well as the development of specific technical or vocational skills that lead to employment in a recognized occupation and results in other than a baccalaureate or advanced degree.

"Transitional child day care services" means the day care services (up to 12 months) for which certain former recipients of AFDC are eligible.

"Unregulated provider" means any child day care provider who is not federally approved, state licensed, city approved, county approved, local agency approved, or registered under the Voluntary Small Family Child Care Home Registration program, and is not required to be regulated.

"USDA Child and Adult Care Food Program" means the United States Department of Agriculture program to reimburse child care providers for nutritious meals and snacks served to children in care while parents work.

"Vendor" means a provider who can sell services.

"Voluntary Small Family Child Care Home Registration" means the procedures by which a small family day care home becomes state registered on a voluntary basis using approved standards.

PART II. POLICY.

Article 1. Child Day Care Programs.

§ 2.1. Children To Be Served.

Child day care services shall be provided for eligible families with children who need day care and who are under age 13, or children up to 18 years of age if they are physically or mentally incapable of caring for themselves or subject to court supervision. Day care shall not be purchased for children who are eligible to attend kindergarten or for older children during that portion of a day when appropriate public education is available unless there are reasons the children must be out of school.

§ 2.2. Entitlement and Mandated Services.

Children shall be served under entitlement or mandated programs. An entitlement program means that the customer is entitled to the day care service regardless of

funding constraints (the program is sum sufficient). A mandated program means that the agency must offer the program to the extent that funding is available.

§ 2.3. Program Categories.

A. Recipients of Aid to Families with Dependent Children (AFDC)

If there is a need for day care and all eligibility requirements are met, recipients of AFDC are eligible for child day care services if both the child receiving day care and the parent/caretaker are on the AFDC grant, or if the child would have been in the public assistance unit were it not for the receipt of SSI or foster care payments.

1. AFDC/Working

Children in an AFDC public assistance unit are entitled to necessary child day care services to enable an AFDC eligible family member to work.

2. AFDC Education/Training

To the extent of funding, children in an AFDC public assistance unit are eligible for necessary child day care services to enable an AFDC eligible family member to participate in education/training.

B. Income Eligible Recipients

Child day care subsidy for income eligible parents shall be made available on a sliding fee scale basis. All income eligible parents will contribute towards the cost of care.

1. Transitional Child Day Care Services

Parents are entitled for up to 12 consecutive months of child day care if they have received AFDC and meet the following criteria:

a. The family ceased being eligible for AFDC as a result of increased income from earnings.

b. The family must have received AFDC at least three of the six months immediately preceding the first month of ineligibility for AFDC benefits.

c. The family requests transitional child day care benefits.

2. Fee System Child Day Care Services

a. Fee System/At-Risk

To the extent of funding, the Fee System/At-Risk Program shall be used to provide child care subsidies to income eligible clients who are employed and who would otherwise be at risk of becoming eligible for AFDC.

Emergency Regulations

b. Fee System/Block Grant

To the extent of funding, the Child Care and Development Block Grant shall be used to provide child care subsidies to income eligible clients who are employed or in education/training programs.

c. Food Stamp Recipients

To the extent of funding, child day care shall be made available for children of recipients of Food Stamps who are participating in Virginia's Food Stamp Employment and Training Program, at a cost of up to the federally allowed maximum.

day care programs can be regulated or unregulated. Providers funded through the Fee System/Block Grant Program must be regulated, except grandparents, aunts and uncles and religiously exempt centers.

The service worker shall obtain and maintain the following basic information for all unregulated providers used: full name, address, rates charged the general public for the type of child day care service provided, and the fact that they are unregulated.

Article 3.

Determination of Services To Be Provided.

§ 3.2. Case Management Process.

A. Assessment

The family need for child day care shall be assessed at the time of application. Parents shall be informed of the full range of services offered by the agency. If it is clear that the only need is for child day care services, a simple assessment will suffice. If the family identifies other needs, a full assessment shall be completed. A case shall be opened on all families that are to receive child day care services, and appropriate case management procedures found in department manuals shall be followed. Parents shall be required to sign a service application, with the exception of parents who are participating in ESP/JOBS or FSET. The ESP/JOBS Employability Plan can serve as the application for child day care.

B. Determination of Eligibility and Funding Source

1. The agency shall determine whether the family is eligible for child day care services, and determine the appropriate funding source.

2. Once eligibility is determined, parents will be informed as to whether their full costs of child day care will be paid or whether they will be required to pay a fee, and, if so, the amount of that fee. It is the parent's responsibility to pay all fees owed directly to the provider.

3. Parents shall be informed of their responsibility to report to the local agency changes in choice of providers, family size and income, or any other changes that could affect their eligibility for services. They shall also be informed that, if they have involvement with the Division of Child Support Enforcement, they shall be expected to cooperate with that Division or risk loss of child day care benefits. For programs where parent fees are required, failure to pay fees or make adequate arrangements for paying back fees owed will result in ineligibility for services. While local departments shall give full consideration to factors which both support maximum parental choice and promote efficient and effective service delivery, efforts shall include measures to prevent fraud and abuse, such as verification that care

§ 2.4. Good Cause/Two-parent Households.

In two-parent households where one parent is unemployed, there shall be good cause why that parent cannot provide the needed child care before payment for child day care will be made.

§ 2.5. Education And Training.

A. Satisfactory Progress

All child day care approved for education/training activities shall be limited to curriculum related to the fulfillment of an individual's education/training goal. Participants shall show that they are making satisfactory progress in order to continue receiving child day care services. Payment for child day care for the attainment of post baccalaureate education is not allowed, except with local only funding.

B. ESP/JOBS Coordination

Child day care for education/training for AFDC recipients shall be provided to the extent of available funding. The agency shall describe, in its ESP and Child Day Care plans, how coordination and communication between the ESP and the child day care workers will be assured.

C. Child Day Care Fee System

Funding for child day care services for education/training reasons is not available through the Fee System/At-Risk Program but is available, to the extent of funding, through the Fee System/Block Grant Program.

Article 2.

§ 3.1. Regulation of Providers.

All child care provided must meet applicable standards of state and local law and be operating legally in the Commonwealth.

Providers of services funded from the AFDC, the Transitional, the Fee System/At-Risk and the FSET child

provided is actually received by the child for whom services are funded.

C. Resource and Referral

The service worker shall assist the parent to receive child day care resource and referral services.

D. Selection and Monitoring of Provider

1. Agencies shall not establish policies that limit parental choice of providers. Parents can choose the type of child care they need. Unless there are extenuating circumstances, agencies shall purchase only the amount of child care required to support the approved activity.

2. In the selection of a provider, the service worker shall encourage the parent to consider the individual developmental needs of the child, the number of hours of care needed, ability of the provider to meet the needs of the family, proximity of the provider to the child's residence or school, proximity of the provider to parent's residence or employment site, travel time of the parent/child to the provider's location, and cost of care. Given all other factors being equal, use of the most economical care should be encouraged.

3. The service worker shall encourage the parent to choose regulated care, if available. Unless regulated child care is unavailable, parents choosing unregulated care shall be required to acknowledge in writing that regulated care was offered and declined.

4. Appropriate education and information shall be provided by the agency to parents to assist them in gaining needed information about child care services, availability of providers, and how to choose and monitor quality child day care.

5. Providers used shall afford parents unlimited access to their children.

6. Local agencies shall allow the utilization of a relative as a child day care provider, as long as the individual is not a part of the public assistance unit or legally responsible for the child(ren) needing care.

E. Service Plan

A written service plan shall be completed for every child day care case. If parents are active with the Employment Service Program, the ESP/JOBS Employability Plan can serve as the service plan.

F. Waiting List

In any of the non-entitlement child day care programs, it may become necessary to place a family on a local agency waiting list. Therefore, local agencies shall have a waiting list policy for these day care funding sources.

Service by date of request is an acceptable means of administering a waiting list. Any other proposed policy for a waiting list, such as by degree of need or at-risk status, shall be sent to the regional office of the department for approval prior to submission to the local board of social services. Waiting list policy must assure that decisions are made uniformly and fairly.

Article 4.

Payment for Care.

§ 4.1. Types of Payment.

For regulated care the client may choose whether the agency will make payment for child day care by means of direct payment to the provider or by reimbursement to the client.

For unregulated care the agency will only make payment by the reimbursement method. The parent will make all payments directly to the provider. Parents will receive reimbursement when they submit proper documentation and receipts to the agency.

Local agencies may use a modification of the department's Purchase of Service Order form to make direct payment to regulated providers. Such a modified form would have to receive prior department approval and meet all requirements found in department manuals to ensure that it contains all necessary elements to authorize the delivery of service to the family.

AFDC recipients who are working may choose to take the IV-A earned income disregard for child day care expenses, whether the provider selected is regulated or unregulated.

§ 4.2. Determining Payment Amount.

A. Market Rates of Pay

The department will establish local market rates for child day care for all localities in the state by type of care. Agencies shall pay the rates and fees that providers charge the general public or a negotiated rate. The payment shall not exceed the local market rate for a particular type of care. Agencies shall not establish their own maximum monthly rates of pay.

Parents who choose to place a child in a facility whose rate is above the local market rate shall pay the additional amount themselves, unless the agency elects to pay the additional amount out of local only funds. When agencies use local only funds to subsidize the cost of care above the local market rate, this policy shall be approved by the local board of social services and recorded in the minutes, including the maximum allowable subsidy. Subsidy decisions shall not be made on an individual case basis.

B. Unit Price

Emergency Regulations

The unit price of service shall be based on a week or less. Rates paid will be based on provider enrollment and attendance practices and department payment policies.

The total cost of care, including special programs, activities fees and transportation, shall not exceed the local market rate.

Transportation services shall be paid using day care funds only when the transportation services are provided by the day care provider.

When an annual or one-time-only registration fee is not included in the rate charged by the provider, it shall be paid by the agency separately.

Child day care may be purchased if child care arrangements would otherwise be lost for up to two weeks prior to the start of employment or training and for up to one month during a break in employment or training if a subsequent activity is scheduled to begin within that period. Child day care can also be purchased if the parent is ill or incapacitated, or if the child(ren) is absent from care for up to four weeks for justifiable reasons as set forth in the Service Plan.

C. Beginning Date of Service Payment

1. The beginning date of service payment authorization shall be:

a. The date the application/request for service was received in the agency if the client/family is determined eligible within 45 days.

b. If determination is made more than 45 days after the application/request is received, services can begin only on the date eligibility is determined.

c. The beginning date shall be no earlier than the effective date of the approval of the provider when using regulated care.

2. For transitional services, payment shall be made retroactive to the date of eligibility (the month following the loss of AFDC) if the parent has requested the service and has proper receipts for day care paid, and proof of employment.

D. Sliding Fee Scale

Child day care services shall be available to income eligible and transitional recipients on a sliding fee scale basis. Within available funds localities shall serve eligible families who earn 50% or less of the state median income (SMI). Localities can opt to serve families who earn up to 70% of the state median income with federal and state funds, and above 70% with local funds.

All parents receiving sliding fee scale subsidy must contribute towards the cost of their child day care.

The following sliding fee scale shall be used statewide for determining fees owed by parents under the Fee System Program or the Transitional Child Day Care Program, unless a locality seeks to use an alternative scale for the fee system. If an alternative scale is desired, the locality must obtain prior Department approval to use the alternative scale, and the approval must meet uniform criteria. Alternative scales shall not be approved for the Transitional Child Day Care Program.

The agency shall adjust the parent's fee if the income of the parent moves the fee payment to a higher or lower level on the SMI scale.

Agencies have the option of assisting parents with the payment of the day care fee as determined by the sliding fee scale using local only funds. Local policy for the subsidy of parent fees shall be approved by the local board of social services and recorded in the minutes. Local policy governing subsidy for parent fees shall be applied uniformly.

Article 5.

Local Agency Service Delivery Responsibilities.

§ 5.1. Local Child Day Care Plan.

Agencies will complete and have in place an annual local child day care plan. This plan is a management tool to enhance the delivery of child day care services and may be modified throughout the year.

A. Community Coordination

Local departments shall coordinate child day care services with existing child day care resource and referral agencies, early childhood education programs, schools, private for-profit and non-profit child day care providers, and other groups in the community involved in child day care. This will be done in order to ensure understanding of the department's program, to enhance parental choice, to increase the availability and quality of child day care services, and to maximize coordination of child day care services in the community.

B. Administrative Support Agreements

Local agencies may contract with other local governmental or non-profit agencies for the management of certain child day care services. However, federal regulations prohibit local social service agencies from contracting with other agencies for the administration of child day care services for families funded out of IV-A funds (AFDC, ESP/JOBS, and transitional services), except for the IV-A At-Risk Program. Administration is defined as activities such as processing applications, determining/redetermining eligibility, providing hearings, and imposing sanctions.

The department must give prior approval to any such contract, will review annually, and will monitor the local

agency's administration of said contract. The local agency shall assure that the contractor meets all department policy and reporting requirements.

§ 5.2. Local Recruitment/Approval/Training Of Providers.

It is the responsibility of the agency to work with other organizations in the community in efforts to encourage the development of regulated day care resources to meet unmet need. This can be done by encouraging the expansion of family day care homes, center care, in-home care, and other forms of regulated care such as for school-age children. Family day care home providers should be encouraged to become licensed, local agency approved, or voluntarily registered (Voluntary Small Family Child Care Home Registration). If a family day care home is not required to be licensed, the agency can approve the home using the Standards and Regulations for Agency Approved Providers, or encourage the family day care provider to become voluntarily registered.

It is also the responsibility of the agency to work cooperatively with other community resources in making adequate training opportunities available to all child day care providers.

§ 5.3. Service Delivery.

The service worker shall inform the parents and providers that he/she is available on an on-going basis to assist with problem solving. A direct contact shall be made at least quarterly with a member of the case household. The service worker shall evaluate, at least quarterly, whether the child day care services authorized are meeting the needs of the child and parent. In some cases, other services will be needed by the family and will be provided directly or arranged for by the service worker.

Agency termination of child day care services shall be planned jointly with the parent and provider, and arrangements made for other services if needed by the family.

Adequate documentation supporting the reasons for termination shall be filed in the case record. If the locality proposes to deny, discontinue, terminate or reduce child day care benefits, a written Notice of Action must be sent to the parent at least 10 days in advance of the date the action is to become effective. If the parent disputes this decision, they are entitled to a fair hearing.

Agencies shall assure that case records are maintained accurately in accordance with case management policy in department manuals.

Article 6. Complaints in the Day Care Setting.

§ 6.1. Child Abuse or Neglect.

All complaints regarding possible child abuse or neglect

occurring in a child day care setting must be referred to the child protective services unit at the local agency serving the area where the day care service is located. Information regarding the complaint shall be shared with the worker responsible for licensure or approval.

§ 6.2. Other Complaints.

All other complaints shall be referred to the unit which approved the resource.

/s/ Larry D. Jackson
Commissioner
Virginia Department of Social Services
Date: April 16, 1992

/s/ Lawrence Douglas Wilder
Governor
Date: May 15, 1992

/s/ Joan W. Smith
Registrar
Date: May 19, 1992

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

BUREAU OF INSURANCE

May 15, 1992

Administrative Letter 1992-11

2.1 of Regulation 6, the Bureau of Insurance takes the position that rates or the methods of calculating rates for all sums financed must be filed. It appears that some premium finance companies have filed only representative samples of rates being used. Henceforth, rate charts for all financed premiums must be filed. As an alternative, a statement of the methodology for calculating monthly payments and the range of sums financed may be filed or rates may be filed on diskette.

TO: All Premium Finance Companies Licensed in Virginia

RE: Withdrawal of Administrative Letter 1992-7

This letter is to inform all premium finance companies licensed in the Commonwealth that Administrative Letter 1992-7, dated March 30, 1992, is immediately withdrawn.

For your reference a copy of Administrative Letter 1992-7 is attached.

Questions regarding this letter may be directed to:

Jane J. Avery, Supervisor
State Corporation Commission
Bureau of Insurance
Box 1157
Richmond, Virginia 23209

Questions regarding this letter may be directed to:

Mary M. Bannister
Deputy Director
Property and Casualty Division
Bureau of Insurance
Box 1157
Richmond, VA 23209

/s/ Steven T. Foster
Commissioner of Insurance

/s/ Steven T. Foster
Commissioner of Insurance

March 30, 1992

Administrative Letter 1992-7

TO: All Premium Finance Companies Licensed in Virginia

RE: Refund of Unearned Interest

This letter is to inform all premium finance companies licensed in the Commonwealth that, pursuant to § 38.2-4705 of the Code of Virginia, interest may not be fully earned upon prepayment from any source (insurer or insured) for any reason, including default or cancellation. The Bureau of Insurance takes the position that in the event of prepayment, default, or cancellation, any unearned interest must be refunded to the insured either on a short-rate or a pro-rata basis.

The Bureau does not intend to propose any amendments to Regulation No. 6 (Rules Governing Insurance Premium Finance Companies) at the present time. However, the Bureau intends to enforce the provisions of § 38.2-4705 and random audits may be conducted to determine compliance with this section of the Code. Any premium finance company that is using a contract which permits interest to be fully earned should submit a revised contract to the Property and Casualty Market Regulation Section of the Bureau of Insurance for approval by June 1, 1992.

With regard to filing rate charts as specified in Section

GOVERNOR

EXECUTIVE ORDER NUMBER FORTY-SEVEN (92)

CREATING THE GOVERNOR'S ANTI-CRIME PARTNERSHIP PROGRAM

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and, including, but not limited to, Chapter 5 of Title 2.1 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Anti-Crime Partnership Program to focus the resources of the state and localities in a high-priority strategy to reduce violent crime, drug-related crime, and the fear of crime.

I hereby affirm and delegate the responsibilities, powers and duties to administer and coordinate the Anti-Crime Partnership Program as set out below:

1. The Secretary of Public Safety, in consultation with the Special Assistant to the Governor for Drug Policy, will provide overall direction to the program and recommend Anti-Crime Partnerships for my approval.
2. A State Anti-Crime Partnership Committee shall be established to advise me and the Secretary of Public Safety concerning the Anti-Crime Partnership Program and aid in ensuring maximum effective and efficient coordination among the various agencies involved in Anti-Crime Partnerships.
3. Application for participation in the Anti-Crime Partnership Program shall be open to all units of local government within the Commonwealth. Priority shall be given to those large urban jurisdictions with the highest rates of crime or which are experiencing extraordinary increases in the rate of violent crime or drug related crime. Joint applications from adjacent jurisdictions with crime problems that cross jurisdictional boundaries shall be encouraged.
4. The Secretary of Public Safety, with my approval, may enter into written Anti-Crime Partnership Agreements with political subdivisions of the Commonwealth effective July 1, 1992. Such agreements shall enumerate the responsibilities of the Commonwealth and the political subdivisions involved and shall include the creation of a Local Anti-Crime Partnership Committee to advise and direct each partnership. Each agreement shall be in effect for two years and may, with my approval, be extended up to one year.

STATE ANTI-CRIME PARTNERSHIP COMMITTEE

The Secretary of Public Safety shall establish and serve as Chair of the State Anti-Crime Partnership Committee and the Special Assistant to the Governor for Drug Policy shall serve as Vice-Chair. The Committee shall meet at the call of the Chair and make reports and recommendations to the Governor at any time it deems necessary.

The Committee shall consist of 11 members, to be named by the Governor, and shall include representatives of the Secretariats of Health and Human Resources, Economic Development, and Education; the Virginia State Police; the Department of Criminal Justice Services; and such other members as the Governor may decide. To assist the committee, the Secretary of Public Safety shall solicit the advice and recommendations of other government and private sector representatives.

A State Partnership Coordinator shall be recommended by the Secretary of Public Safety and appointed by the Governor. The Coordinator shall act as executive director of the Anti-Crime Partnership Program and provide staff support to the State Anti-Crime Partnership Committee.

LOCAL ANTI-CRIME PARTNERSHIP COMMITTEES

Each approved Anti-Crime Partnership shall include a Local Anti-Crime Partnership Committee that shall consist of the Chief Executive of the participating jurisdiction or jurisdictions, the State Partnership Coordinator, and representatives of appropriate local government agencies such as the police, education, and social services; independent local agencies such as the Commonwealth's Attorney, the Sheriff, and the Housing Authority; and representatives from state level agencies selected by the Secretary of Public Safety. Additional members, including the private sector representatives, may be added as deemed appropriate by the Secretary of Public Safety or Chief Executive of the participating jurisdiction or jurisdictions.

STATE AGENCY SUPPORT

The Department of Criminal Justice Services shall provide technical and financial assistance services and the Department of State Police shall assist partnership localities with operational and technical support. Upon the request of the Secretary of Public Safety in consultation with other Secretaries as appropriate, all other agencies of the Commonwealth not specifically named herein shall provide assistance in developing programs and ideas to be incorporated in a comprehensive anti-crime plan and will cooperate with and provide assistance to Anti-Crime Partnerships to the fullest extent allowed by law and to the extent that such cooperation does not conflict with the primary mission of the various agencies.

APPLICATIONS AND AGREEMENTS

Applications in response to a Request for Proposals shall follow guidelines approved by the Secretary of Public Safety. The application must contain a background statement and documentation that demonstrates:

- An unusually severe crime problem;
- That the applicant jurisdiction has developed a basic anti-crime plan;

Governor

- A demonstrated need for state level assistance;
- The extent to which the proposed program involves, in addition to law enforcement, efforts in the areas of housing, economic development, education, and social services;
- A commitment of local resources, including local leadership and certification that state support will not supplant local resources; and
- Such other information as the Secretary of Public Safety may request.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 1994, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of May, 1992.

Lawrence Douglas Wilder
Governor

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Title of Regulation: **VR 270-01-0000:1. Licensure Regulations for School Personnel.**

Governor's Comment:

In general, I approve of the substance of the proposed regulations governing the licensure of teachers, administrators and support personnel pending the Board of Education's consideration of public comment. However, the Board of Education should review its proposed policies and clarify its intent with regard to the requirements for licensure of school nurses, school psychologists, school social workers and guidance counselors. Furthermore, I recommend that the Board of Education examine the benefits of allowing individuals to submit directly to the Department of Education requests for additions or deletions of endorsements as compared with the fiscal impact on the Dept. of Education.

/s/ Lawrence Douglas Wilder
Governor
Date: May 15, 1992

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

Governor's Comment:

I concur with the form and the content of this proposal. My final approval will be contingent upon the advice of the Attorney General's Office that Part IV, § 4.1C is not consistent with § 22.1-253.13:3B; or, the addition of language to Part IV, § 4.1C to clarify that the proposed regulations are consistent with the Standards of Quality requirements of § 22.1-253.13:3B, Code of Virginia; and consideration of the public comments offered at the public hearings held on April 6, 9, and 14, 1992, and subsequent comments sent directly to the Department of Education.

/s/ Lawrence Douglas Wilder
Governor
Date: May 18, 1992

Title of Regulation: **VR 270-01-0052:1. Regulations Governing Approved Programs for Virginia Institutions of Higher Education.**

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 comments from the public.

/s/ Lawrence Douglas Wilder
Governor
Date: May 20, 1992

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Title of Regulation: **VR 320-01-2. Regulations of the Board of Funeral Directors and Embalmers.**

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: May 15, 1992

Title of Regulation: **VR 320-01-3. Preneed Funeral Planning Regulations.**

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: May 14, 1992

DEPARTMENT OF HEALTH

Title of Regulation: VR 355-28-300. Regulations for the Immunization of School Children.

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: May 14, 1992

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

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

Governor's Comment:

I have no objections to these amendments to the rules and regulations of the Virginia Health Services Cost Review Council.

/s/ Lawrence Douglas Wilder
Governor
Date: May 14, 1992

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

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: May 15, 1992

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: VR 460-02-3.1300, 460-02-4.1940 and 460-02-4.1940:1. Specialized Care Services Reimbursement.

Governor's Comment:

I have no objections to these amendments.

/s/ Lawrence Douglas Wilder

Governor
Date: May 15, 1992

Title of Regulation: State Plan for Medical Assistance Relating to Reimbursement Adjustment for Nonemergency Emergency Room Care. VR 460-02-4.1920. Methods and Standards Used for Establishing Payment Rates—Other Types of Care.

Governor's Comment:

I concur with the form and content of this regulatory action.

/s/ Lawrence Douglas Wilder
Governor
Date: May 27, 1992

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: VR 615-08-1. Virginia Energy Assistance Program.

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 comment.

/s/ Lawrence Douglas Wilder
Governor
Date: May 15, 1992

Title of Regulation: VR 615-70-17. Child Support Enforcement Program.

Governor's Comment:

I concur with the form and the content of these amendments.

/s/ Lawrence Douglas Wilder
Governor
Date: May 18, 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.

ALCOHOLIC BEVERAGE CONTROL BOARD

Notice to the Public

A. Pursuant to the Virginia Alcoholic Beverage Control Board's "Public Participation Guidelines for Adoption or Amendment of Regulations" (VR 125-01-1, § 5.1 of the Regulations of the Virginia Alcoholic Beverage Control Board), the board will conduct a public hearing on October 28, 1992 at 10 a.m. in its hearing room, first floor, A.B.C. Board, Main Offices, 2901 Hermitage Road, City of Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of board regulations. Any group or individual may file with the board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information, if available.

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. General description of proposal, with recommendations for adoption, amendment or repeal of specific regulation(s).
4. Why is change needed? What problem is it meant to address?
5. What is the anticipated effect of not making the change?
6. Estimated costs or savings to regulated entities, the public, or others incurred by this change as compared to current regulations.
7. Who is affected by recommended change? How affected?
8. Draft language; and
9. Supporting documents.

The board may also consider any other request for regulatory change at its discretion. All petitions or requests for regulatory change should be submitted to the board no later than June 29, 1992.

B. Petitions for regulatory change should be sent to Robert N. Swinson, Secretary to the Board, P.O. Box 27491, Richmond, Virginia 23261 or may be faxed (804) 367-1802 if the original paperwork is also mailed.

C. Applicable laws or regulations (authority to adopt regulations): Sections 4-7(1), 4-11, 4-36, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103(b) and 9-6.14:1 et seq., Virginia Code; VR 125-01-1, § 5.1, Board Regulations.

D. Entities affected: (1) all licensees (manufacturers, wholesalers, importers, retailers) and (2) the general public.

E. For further information contact the undersigned at the above address or by phone at (804) 367-0626.

/s/ Robert N. Swinson
Secretary
Virginia Alcoholic Beverage Control Board

DEPARTMENT OF GENERAL SERVICES

Division of Forensic Science

Public Notice

NOTICE: The following list of approved field tests for detection of drugs was published in 8:15 VA.R. 2494-2496 April 20, 1992, and in 8:16 VA.R. 2674-2676 May 4, 1992. The list is being reprinted to include information that was inadvertently omitted in the previous publications.

Title of Regulation: VR 330-05-01. Regulations for the Approval of Field Tests for Detection of Drugs.

Statutory Authority: §§ 2.1-424 and 19.2-188.1 of the Code of Virginia.

In accordance with § 2 of the Regulations for the Approval of Field Tests for Detection of Drugs and under the authority of § 19.2-188.1 of the Code of Virginia, the following Field Tests for Detection of Drugs are Approved Field Tests:

General Notices/Errata

Becton Dickinson Public Safety
147 Clinton Road
West Caldwell, N. J. 07006

<u>Drug or Drug Type</u>	<u>Manufacturer's Field Test</u>
Marijuana	Test E (Duquenois-Levine Test)
Hashish	Test E (Duquenois-Levine Test)
Hashish Oil	Test E (Duquenois-Levine Test)
Cocaine Hydrochloride	Test G (Modified Scott Reagent)
Cocaine Base	Test G (Modified Scott Reagent)
Heroin	Test X (Opiates Reagent)
Codeine	Test X (Opiates Reagent)
Morphine	Test X (Opiates Reagent)
Heroin	Test L (Brown Heroin Reagent)
Barbiturates	Test C (Dille-Koppanyi, Modified)
Amphetamine	Test A (Marquis Reagent)
Methamphetamine	Test A (Marquis Reagent)
Lysergic Acid Diethylamide	Test D (LSD Reagent System)

O D V Incorporated (NarcoPouch)
Post Office Box 305
South Paris, Maine 04281

<u>Drug or Drug Type</u>	<u>Manufacturer's Field Test</u>
Narcotic Alkaloids	901 - Mayer's Reagent
Heroin	901 - Mayer's Reagent
Morphine	901 - Mayer's Reagent
Cocaine Hydrochloride	901 - Mayer's Reagent
Opiates	902 - Marquis Reagent
Heroin	902 - Marquis Reagent
Morphine	902 - Marquis Reagent
Methamphetamine	902 - Marquis Reagent
Amphetamine	902 - Marquis Reagent
Heroin	903 - Nitric Acid
Morphine	903 - Nitric Acid
Cocaine Hydrochloride	904 - Scott (Modified) Reagent
Cocaine Base	904 - Scott (Modified) Reagent
Barbiturates	905 - Dille-Koppanyi Reagent
Amphetamine	906 - Mandelin Reagent
Methamphetamine	906 - Mandelin Reagent
Methadone	906 - Mandelin Reagent
Lysergic Acid Diethylamide (LSD)	907 - Ehrlich's (Modified) Reagent
Marijuana	908 - Duquenois-Levine Reagent
Hashish	908 - Duquenois-Levine Reagent
Hashish Oil	908 - Duquenois-Levine Reagent
Tetrahydrocannabinol (THC)	908 - Duquenois-Levine Reagent
Marijuana	909 - K N Reagent
Hashish	909 - K N Reagent
Hashish Oil	909 - K N Reagent
Tetrahydrocannabinol (THC)	909 - K N Reagent
Phencyclidine (PCP)	914 - PCP Methaqualone Reagent
Methaqualone	914 - PCP Methaqualone Reagent

General Notices/Errata

O D V Incorporated (NarcoPouch) continued

<u>Drug or Drug Type</u>	<u>Manufacturer's Field Test</u>
Heroin	924 - Mecke's Modified
Diazepam	925 - Vallium/Diazepam Reagent
Pentazocine	926 - Talwin/Pentazocine Reagent
Ephedrine	927 - Ephedrine Reagent

O D V Incorporated (Narcotest) Post Office Box 305 South Paris, Maine 04281

<u>Drug or Drug Type</u>	<u>Manufacturer's Field Test</u>
Narcotic Alkaloids	7601 - Mayer's Reagent
Heroin	7601 - Mayer's Reagent
Morphine	7601 - Mayer's Reagent
Cocaine Hydrochloride	7601 - Mayer's Reagent
Opiates	7602 - Marquis Reagent
Heroin	7602 - Marquis Reagent
Morphine	7602 - Marquis Reagent
Methamphetamine	7602 - Marquis Reagent
Heroin	7603 - Nitric Acid
Morphine	7603 - Nitric Acid
Cocaine Hydrochloride	7604 - Cobalt Thiocyanate Reagent
Dibucaine	7604 - Cobalt Thiocyanate Reagent
Tetracaine	7604 - Cobalt Thiocyanate Reagent
Procaine	7604 - Cobalt Thiocyanate Reagent
Barbiturates	7605 - Dille-Koppanyi Reagent
Amphetamine	7606 - Mandelin Reagent
Methadone	7606 - Mandelin Reagent
Lysergic Acid Diethylamide (LSD)	7607 - Modified Ehrlich's Reagent
Marijuana	7608 - Duquenois Reagent
Hashish Oil	7608 - Duquenois Reagent
Hashish	7608 - Duquenois Reagent
Tetrahydrocannabinol (THC)	7608 - Duquenois Reagent
Marijuana	7609 - K N Reagent
Hashish	7609 - K N Reagent
Hashish Oil	7609 - K N Reagent
Tetrahydrocannabinol (THC)	7609 - K N Reagent
Cocaine Base	7613 - Test #13 (Cocaine Free-Base Reagent)
Phencyclidine (PCP)	7614 - Test #14 (Methaqualone Reagent)
Methaqualone	7614 - Test #14 (Methaqualone Reagent)
Diazepam	7625 - Test #25 (Diazepam Reagent)
Pentazocine	7626 - Test #26 (Talwin Reagent)
Ephedrine	7627 - Test #27 (Ephedrine Reagent)

Sirchie Fingerprint Laboratories
5825 Triangle Drive
Umstead Industrial Park
Post Office Box 30576
Raleigh, N. C. 27622-0576

<u>Drug or Drug Type</u>	<u>Manufacturer's Field Test</u>
Narcotic Alkaloids	#1 - Mayers Reagent
Heroin	#1 - Mayers Reagent
Morphine	#1 - Mayers Reagent
Cocaine Hydrochloride	#1 - Mayers Reagent
Morphine	#1 - Mayers Reagent
Amphetamine	#1 - Mayers Reagent
Opium Alkaloids	#2 - Marquis Reagent
Heroin	#2 - Marquis Reagent
Amphetamine	#2 - Marquis Reagent
Meperidine (Demerol) (Pethidine)	#2 - Marquis Reagent
Heroin	#3 - Nitric Acid Reagent
Morphine	#3 - Nitric Acid Reagent
Cocaine Hydrochloride	#4 - Cobalt Thiocyanate Reagent
Procaine	#4 - Cobalt Thiocyanate Reagent
Tetracaine	#4 - Cobalt Thiocyanate Reagent
Methadone	#4 - Cobalt Thiocyanate Reagent
Barbiturates	#5 - Dille-Koppanyi Reagent
Amphetamine	#6 - Mandelin Reagent
Lysergic Acid Diethylamide (LSD)	#7 - Ehrlich's Reagent
Marijuana	#8 - Duquenois Reagent
Hashish	#8 - Duquenois Reagent
Tetrahydrocannabinol (THC)	#8 - Duquenois Reagent
Marijuana	#9 - NDB (Fast Blue B Salt) Reagent
Hashish	#9 - NDB (Fast Blue B Salt) Reagent
Tetrahydrocannabinol (THC)	#9 - NDB (Fast Blue B Salt) Reagent
Cocaine Base (Crack)	#13 - Cobalt Thiocyanate/Crack Test
Methamphetamine	#1 - Mayers Reagent
Methamphetamine	#1 - Marquis Reagent
Hashish Oil	#8 - Duquenois Reagent
Hashish Oil	#9 - NDB (Fast Blue B Salt) Reagent

General Notices/Errata

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) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

ERRATA

DEPARTMENT OF AIR POLLUTION CONTROL

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

Publication: 8:17 V.A.R. 2711-2976 May 18, 1992.

Correction to Proposed Regulation:

Page 2740, Subpart M, sentence beginning with "Note:," ninth line, insert "and" before "spraying."

BOARD FOR CONTRACTORS

Title of Regulation: VR 220-01-2. Rules and Regulations of

the Board for Contractors.

Publication: 8:17 V.A.R. 2759-2769 May 18, 1992.

Correction to Final Regulation:

Page 2759, column 2, paragraph 1, line 5, replace "maintenance of dismantling" with "maintenance or dismantling."

Page 2760, column 1, paragraph 6, line 1, replace "systems" with "service."

Page 2760, column 1, paragraph 6, line 6, after "service provides" insert "for."

Page 2760, column 1, paragraph 7, line 5, after "service provides" insert "for."

Page 2760, column 2, paragraph 7, line 3, after "of a land area" insert "not related to any other classification or service activity."

Page 2761, column 1, paragraph 2, line 6, after "service provides" insert "for."

Page 2761, column 1, paragraph 4, line 3, after "excluding" insert "paving and."

Page 2761, column 1, paragraph 4, line 4, after "construction of buildings" delete "and paving."

Page 2761, column 1, paragraph 4, lines 4 and 5, delete "Excluding paving, the" and insert "The."

Page 2762, column 2, § 2.2 B, lines 6 and 7, delete "as a licensed contracting business."

Page 2763, column 2, § 2.3 C, line 6, replace "a designated employee" with "that designated employee."

Page 2764, column 2, § 2.5 G, line 2, after "required to take" insert "only."

Page 2766, column 1, § 4.1 B 2, line 2, replace "shall report the" with "shall report those."

Page 2766, column 1, § 4.1 C, line 4, unstrike "licensed/registered."

Page 2766, column 1, § 4.1 C, line 5, replace "the firm's" with "its."

Page 2768, column 2, § 5.2 14, line 2, after "corporation," strike "general."

Page 2768, column 2, § 5.2 14, line 2, after "partners in the" insert "general."

Page 2769, column 1, § 5.2 19, line 2, after "excavation" insert ", as required by the Underground

Utility Damage Prevention Act (§ 56-265.14 et seq. of the Code of Virginia).”

STATE LOTTERY BOARD

Title of Regulation: VR 447-01-2. Administration Regulations.

Publication: 8:17 VA.R. 2884-2937 May 18, 1992.

Correction to Proposed Regulation:

Page 2884, § 1.1, first paragraph, should read: “The following words and terms, when used in these *any of the department’s* regulations, shall have the following meaning, unless the context clearly indicates otherwise.”

Page 2886, under the definition of “Sales,” at the end of the sentence, strike \$600” and insert “\$601.”

Title of Regulation: VR 447-02-1. Instant Game Regulations.

Publication: 8:17 VA.R. 2884-2937 May 18, 1992.

Correction to Proposed Regulation:

Page 2906, under the definition “Bearer Instrument,” last sentence, after the word “bearer,” the word “or” should be “of.”

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
☒ Location accessible to handicapped
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE



DEPARTMENT FOR THE AGING

Long-Term Care Ombudsman Advisory Council

June 30, 1992 - 9:30 a.m. – Open Meeting
Virginia Department for the Aging, 700 E. Franklin Street, Richmond, Virginia.

Business will include continued discussion of an initiative with a local citizen's advocacy support group.

Contact: Mark C. Miller, State Ombudsman, 700 E. Franklin Street, 10th Floor, Richmond, VA 23219, telephone (804) 225-3141, toll-free 1-800-552-3402 or (804) 225-2271/TDD ☎

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Board of Agriculture and Consumer Services

† **July 9, 1992 - 8 a.m. – Open Meeting**

Marriott Hotel, 900 Prices Fork Road, N.W., Blacksburg, Virginia. ☒

A meeting to discuss legislation, regulations and fiscal matters and to receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities. At the conclusion of other business, the board will review public comments for a period not to exceed 30 minutes.

Contact: Roy E. Seward, Secretary to the Board, Virginia Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Richmond, VA 23219, telephone (804) 786-3501 or (804) 371-6344/TDD ☎

Virginia Cattle Industry Board

July 9, 1992 - 10 a.m. – Open Meeting
Sheraton Red Lion Inn, Blacksburg, Virginia.

A meeting to review finances, hear research reports and updates on various ongoing projects. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes.

Contact: Reginald B. Reynolds, Executive Director, Virginia Cattle Industry Board, P.O. Box 176, Daleville, VA 24083, telephone (703) 992-1009.

Virginia Winegrowers Advisory Board

July 7, 1992 - 10 a.m. – Open Meeting
State Capitol Building, House Room 4, Richmond, Virginia.

A meeting to elect a new chairman and vice-chairman. In addition, the board will hear committee and project monitor reports.

Contact: Annette Ringwood, Secretary, Virginia Winegrowers Advisory Board, P.O. Box 1163, Richmond, VA 23209, telephone (804) 371-7685.

STATE AIR POLLUTION CONTROL BOARD

† **June 19, 1992 - 9 a.m. – Open Meeting**
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia.

A meeting to discuss public participation in the regulatory process.

Contact: Dr. Kathleen Sands, Policy Analyst, Department

of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 225-2722.

* * * * *

July 1, 1992 - 10 a.m. – Public Hearing
Board of Supervisors Meeting Room, 205 Academy Drive, N.W., Abingdon, Virginia.

July 1, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Valley of Virginia Regional Office, Executive Office Park, Suite D, 5338 Peters Creek Road, Roanoke, Virginia.

July 1, 1992 - 10 a.m. – Public Hearing
Auditorium of the Recreation Center, 301 Grove Street, Lynchburg, Virginia.

July 1, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Northeastern Virginia Regional Office, 300 Central Road, Suite B, Fredericksburg, Virginia.

July 1, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, State Capitol Regional Office, Arboretum V, Suite 250, 9210 Arboretum Parkway, Richmond, Virginia.

July 1, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Hampton Roads Regional Office, Old Greenbrier Village, Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia.

July 1, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Northern Virginia Regional Office, Springfield Corporate Center, Suite 310, 6225 Brandon Avenue, Springfield, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution - Documents Incorporated by Reference.** The proposed amendments to the regulations will provide the latest edition of referenced documents and incorporate recently promulgated federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), which are found in Rules 5-5 and 6-1, respectively. The proposed amendments will update as well the consolidated list of documents incorporated by reference found in Appendix M of the agency's regulations. The proposed amendments will incorporate the 1991-1992 edition of the American Conference of Governmental Industrial Hygienists' Handbook which forms the basis for the toxic pollutant rules, and three NSPS which were promulgated by EPA between July 1, 1990 and June 30, 1991.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until July 17, 1992, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia.

Contact: Karen Sabasteanski, Policy Analyst, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1624.

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July 8, 1992 - 10 a.m. – Public Hearing
Board of Supervisors Meeting Room, 205 Academy Drive, N.W., Abingdon, Virginia.

July 8, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Virginia Western Community College, Whitman Auditorium, Business Science Building, 3095 Colonial Avenue, Roanoke, Virginia.

July 8, 1992 - 10 a.m. – Public Hearing
Central Virginia Community College, Amherst Building Auditorium, Room 2123, 3506 Wards Road, Lynchburg, Virginia.

July 8, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Northeastern Virginia Regional Office, 300 Central Road, Suite B, Fredericksburg, Virginia.

July 8, 1992 - 10 a.m. – Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

July 8, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Hampton Roads Regional Office, Old Greenbrier Village, Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia.

July 8, 1992 - 10 a.m. – Public Hearing
Richard Byrd Library, Meeting Room, Fairfax County, 7250 Commerce Street, Springfield, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The regulation amendments concern provisions covering new and modified stationary source permits. The proposed amendments revise the permit regulations for nonattainment areas (i) by redefining the definitions of "major stationary source," "net emissions increase," "nonattainment pollutant," and "significant"; (ii) by adding provisions concerning offsets, including the new offset ratios required; (iii) by adding provisions regarding de minimis increases and modification alternatives; and (iv) by making sources of nitrogen oxides subject to the same requirements as sources of volatile organic compounds. The proposed amendments also revise the permit regulations by expanding the opportunity for public participation for major source

Calendar of Events

and major modification permit applications. Provisions have been added to the permit regulations concerning conformity with certain local ordinances, shutdown and reactivation of sources, transfer of permits, and revocation and enforcement of permits. The amendments also provide increases in some of the levels used to exempt certain sources.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until July 31, 1992, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia.

Contact: Nancy S. Saylor, Policy Analyst, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249.

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July 15, 1992 - 10 a.m. – Public Hearing
Board of Supervisors Meeting Room, 205 Academy Drive, N.W., Abingdon, Virginia.

July 15, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Valley of Virginia Regional Office, Executive Office Park, Suite D, 5338 Peters Creek Road, Roanoke, Virginia.

July 15, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Central Virginia Regional Office, 7701-03 Timberlake Road, Lynchburg, Virginia.

July 15, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Northeastern Virginia Regional Office, 300 Central Road, Suite B, Fredericksburg, Virginia.

July 15, 1992 - 10 a.m. – Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

July 15, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Hampton Roads Regional Office, Old Greenbrier Village, Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia.

July 15, 1992 - 10 a.m. – Public Hearing
Richard Byrd Library, Meeting Room, Fairfax County, 7250 Commerce Street, Springfield, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The regulation amendments require owners of gasoline dispensing facilities, pumping more than 10,000 gallons per month, in certain localities in the Richmond and Northern Virginia areas to install and operate Stage II

vapor recovery systems. An exemption has been allowed for facilities pumping 50,000 gallons per month or less that are owned by independent small business gasoline marketers. Stage II systems must be installed between January 1, 1993, and November 15, 1994, depending on date of facility construction and amount of gasoline pumped monthly.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until July 31, 1992, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia.

Contact: Ellen Snyder, Policy Analyst, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-0177.

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July 22, 1992 - 10 a.m. – Public Hearing
Board of Supervisors Meeting Room, 205 Academy Drive, N.W., Abingdon, Virginia.

July 22, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Valley of Virginia Regional Office, Executive Office Park, Suite D, 5338 Peters Creek Road, Roanoke, Virginia.

July 22, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Central Virginia Regional Office, 7701-03 Timberlake Road, Lynchburg, Virginia.

July 22, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Northeastern Virginia Regional Office, 300 Central Road, Suite B, Fredericksburg, Virginia.

July 22, 1992 - 10 a.m. – Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

July 22, 1992 - 10 a.m. – Public Hearing
Department of Air Pollution Control, Hampton Roads Regional Office, Old Greenbrier Village, Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia.

July 22, 1992 - 10 a.m. – Public Hearing
Richard Byrd Library, Meeting Room, Fairfax County, 7250 Commerce Street, Springfield, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The regulation amendments concern provisions covering emission standards for volatile organic compounds (VOC) and nitrogen oxides (NOX) from stationary sources located in certain localities in the Northern Virginia,

Richmond and Hampton Roads areas. The proposal (i) will require owners of stationary sources to report the levels of emissions from the sources in order to assess compliance with emission and air quality standards and (ii) will require owners of specified major stationary sources to limit VOC and NOX emissions to a level resultant from the use of reasonably available control technology (RACT) and necessary for the protection of public health and welfare.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until July 31, 1992, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia.

Contact: Robert A. Mann, Director, Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-5789.

ALCOHOLIC BEVERAGE CONTROL BOARD

June 22, 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.

ASAP POLICY BOARD - ROCKINGHAM/HARRISONBURG

† June 18, 1992 - 7 p.m. - Open Meeting
The ASAP Office, 44 East Market Street, Harrisonburg, Virginia. ☐ (Interpreter for deaf provided upon request)

Fourth quarterly meeting.

Contact: Pam Simmons, Director, 44 East Market Street, Harrisonburg, VA 22801, telephone (703) 434-0154.

ASAP POLICY BOARD - TIDEWATER

† June 23, 1992 - 5:30 p.m. - Open Meeting
5163 Cleveland Street, Virginia Beach, Virginia. ☐

A meeting to conduct business.

Contact: James M. Rogan, Executive Assistant, 5163 Cleveland Street, Virginia Beach, VA 23462, telephone (804) 552-1800.

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

† June 23, 1992 - 10 a.m. - Open Meeting
† June 24, 1992 - 10 a.m. - Open Meeting
† June 25, 1992 - 10 a.m. - Open Meeting
Omni Hotel, 4453 Bonney Road, Virginia Beach, Virginia.

A meeting to conduct a formal hearing. File number 90-01662, APELSLA Board vs. Milton Costello.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad Street, Fifth Floor, Richmond, VA 23230, telephone (804) 367-8524.

Board for Interior Designers

† June 19, 1992 - 1 p.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes from April 24, 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.

ATHLETIC BOARD

† June 30, 1992 - 10 a.m. - Open Meeting
3600 West Broad Street, Conference Room, Richmond, Virginia.

An annual board meeting.

Contact: Glenna H. Henley, Executive Secretary, 3600 West Broad Street, Room 515, Richmond, VA 23230, telephone (804) 367-8507.

AUCTIONEERS BOARD

† June 18, 1992 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to conduct regulatory review and other matters which require board action.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8534.

BOARD OF AUDIOLOGY AND SPEECH PATHOLOGY

† July 16, 1992 - 9:30 a.m. - Open Meeting

Calendar of Events

1601 Rolling Hills Drive, Richmond, Virginia. ☒

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-7390.

DEPARTMENT OF AVIATION (VIRGINIA AVIATION BOARD)

June 19, 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 Aviation Board intends to repeal existing regulations entitled: **VR 165-01-02. Rules and Regulations of the Virginia Aviation Board Governing the Licensing of Airmen, Aircraft and Airports, and the Operation of Aircraft and Airports in the State of Virginia**, and promulgate new regulations entitled: **VR 165-01-02:1. Regulations Governing the Licensing and Operation of Airports and Aircraft and Obstructions to Airspace in the Commonwealth of Virginia**. The proposed regulations address topical aviation areas in Virginia for the protection and enhancement of safe and efficient air transportation in the Commonwealth.

Statutory Authority: § 5.1-2 of the Code of Virginia.

Written comments may be submitted until June 19, 1992.

Contact: Keith F. McCrea, AICP, Aviation Planner, 4508 S. Laburnum Avenue, Richmond, VA 23235, telephone (804) 786-1365 or toll-free 1-800-292-1034.

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† June 19, 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

† 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 board will propose Public Participation Guidelines, which are intended to be consistent with those of all the Natural Resources agencies and will conduct general business including review of local Preservation Area programs. Public comment will be heard early in the meeting. A tentative agenda will be available from the Chesapeake Bay Local Assistance Department by June 15, 1992.

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 ☎

† July 30, 1992 - 10 a.m. – Public Hearing
State Water Control Board Room, 4900 Cox Road, Innsbrook, Glen Allen, Virginia. ☒ (Interpreter for deaf provided upon request)

The board will hold a public hearing on the proposed uniform Natural Resources Public Participation Guidelines and will conduct general business, including review of local Chesapeake Bay Preservation Area programs. Public comment will be heard early in the meeting. A tentative agenda will be available from the Chesapeake Bay Local Assistance Department by July 23, 1992.

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

NOTE: CANCELLATION OF MEETING

June 22, 1992 - 10 a.m. – CANCELLED

General Assembly Building, Senate Room B, 9th and Broad Streets, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The meeting to review Chesapeake Bay Preservation Area Programs for the Central Area 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 ☎

NOTE: CHANGE IN MEETING DATE

June 23, 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 ☎

Regulatory Review Committee and Program Study Group

June 17, 1992 - 10 a.m. - Open Meeting
Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

June 24, 1992 - 10 a.m. - Open Meeting
Monroe Building, 101 North 14th Street, Meeting Room B, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee and group will consider issues relating to Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01. Public comment will be heard at the end of the meeting.

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 ☎

COMPENSATION BOARD

June 25, 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)

Board of Conservation and Recreation

June 17, 1992 - 10 a.m. - Open Meeting
Twin Lakes State Park Conference Center, Green Bay, Virginia. ☒

A general business meeting.

Contact: Karen 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 ☎

Falls of the James Scenic River Advisory Board

June 19, 1992 - Noon - Open Meeting
Planning Commission Conference Room, Fifth Floor City Hall, Richmond, Virginia.

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or (804) 786-2121/TDD ☎

Virginia Soil and Water Conservation Board

June 18, 1992 - 9 a.m. - Open Meeting
Colonial Farm Credit Office Building, 6526 Mechanicsville Turnpike, Mechanicsville, Virginia.

A regular business meeting.

Contact: Linda J. Cox, Administrative Assistant, Virginia Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-2152.

BOARD FOR CONTRACTORS

Complaints Committee

June 24, 1992 - 9 a.m. - Open Meeting
3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

A meeting to review and consider complaints filed by consumers against licensed contractors and to review reports from informal fact-finding conferences.

Contact: A.R. Wade, Assistant Director, Investigation and Adjudication, 3600 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 367-0136.

Recovery Fund Committee

† **June 25, 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.

Calendar of Events

BOARD OF CORRECTIONS

June 17, 1992 - 10 a.m. - Open Meeting
† July 15, 1992 - 10 a.m. - Open Meeting
† August 19, 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

† July 16, 1992 - 9:30 a.m. - Open Meeting
6900 Atmore Drive, Board of Corrections Board Room,
Richmond, Virginia. ☒

The committee will continue 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.

BOARD FOR COSMETOLOGY

June 22, 1992 - 9 a.m. - Open Meeting
Department of Commerce, 3600 W. Broad Street,
Richmond, Virginia.

A general business meeting.

June 23, 1992 - 9 a.m. - Open Meeting
Department of Commerce, 3600 W. Broad Street,
Richmond, Virginia.

Cosmetology examination cut score study. Most of the
meeting will be held in executive session.

Contact: Demetra Y. Kontos, Assistant Director, Board for
Cosmetology, 3600 West Broad Street, Richmond, VA 23230,
telephone (804) 367-2175.

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June 20, 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
Cosmetology intends to adopt regulations entitled VR
235-01-03. **Nail Technician Regulations.** The purpose
of the proposed regulations is to protect the health
and safety of those citizens obtaining manicures,
pedicures or artificial nail services from disease or
unsanitary practices by requiring the licensure of nail
technicians, nail salons and those schools teaching

these techniques. In licensing this profession, its
practitioners are held to uniform standards for entry
and conduct which is subject to disciplinary action by
the Board for Cosmetology.

The regulations contain standards for entry into the
profession as a nail technician, nail salon and nail
school. In order to obtain a license as a nail
technician one must complete 150 hours of education
and pass a written and practical examination. Nail
salons shall provide a current address and other
information. Nail schools shall provide a copy of their
proposed curriculum for approval by the board before
licensure. The regulations also set forth standards for
renewal, and standards of sanitary practice and
discipline.

Statutory Authority: §§ 54.1-201, 54.1-202, 54.1-1200 and
54.1-1202 B of the Code of Virginia.

Written comments may be submitted until June 20, 1992.

Contact: Demetra Y. Kontos, Assistant Director, Board for
Cosmetology, 3600 West Broad Street, Richmond, VA 23230,
telephone (804) 367-2175.

BOARD OF DENTISTRY

June 20, 1992 - 8 a.m. - Open Meeting
Wytheville Community College, Wytheville, Virginia. ☒

Informal conferences. No public testimony will be
received.

† July 8, 1992 - 8 a.m. - Open Meeting
† August 14, 1992 - 8 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

Informal conferences.

† August 7, 1992 - 8 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

Formal hearings.

Contact: Nancy Taylor Feldman, Executive Director, 1601
Rolling Hills Drive, Richmond, VA, telephone (804)
662-9906.

DEPARTMENT OF EDUCATION (STATE BOARD OF)

June 24, 1992 - 8 a.m. - Open Meeting
July 30, 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)

Calendar of Events

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.

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† July 29, 1992 - 6 p.m. - Public Hearing
School of Education, Virginia Commonwealth University, Oliver Hall, Room 4084, 1015 West Main Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to repeal existing regulations entitled VR 270-01-0052, **Standards for Approval of Teacher Preparation Programs in Virginia**, and adopt new regulations entitled VR 270-01-0052:1, **Regulations Governing Approved Programs for Virginia Institutions of Higher Education**. The proposed regulations state the criteria for the approval of programs to train teachers, administrators, and other school personnel in Virginia colleges and universities. The current regulations, VR 270-01-0052, **Standards for Approval of Teacher Preparation Programs in Virginia**, are being repealed.

STATEMENT

Basis: Sections 22.1-16 and 22.1-298 of the Code of Virginia.

Purpose: The purposes of the approved program process are to assist prospective teachers in developing the background necessary for quality classroom instruction in the public schools, to require a level of quality in the professional education sequence for prospective teachers that foster competent practice of graduates, to encourage institutions to meet rigorous academic standards of excellence in professional education, and to facilitate reciprocity in the teacher licensure/certification process across states.

Substance: The regulations outline the requirements for institutions of higher education to receive state program approval. The requirements include the (i) approved program approach to teacher education and licensure; (ii) approved program requirements at Virginia colleges and universities; (iii) preconditions for state approved program review; and (iv) standards for the approval of professional education units.

Issues: Standards for approval of teacher preparation programs were initially adopted in 1968 and were last amended in 1986 after being incorporated into VR 270-01-0000 Certification Regulations for Teachers in 1982. The Board of Education is separating the two sets of

regulations; therefore, the regulations adopted in 1979 are being repealed and new regulations adopted. The changes were developed by the Advisory Board on Teacher Education and Certification.

Impact: These regulations will affect institutions of higher education and individuals enrolled in approved programs.

Statutory Authority: §§ 22.1-16 and 22.1-298 of the Code of Virginia.

Written comments may be submitted until August 29, 1992.

Contact: Dr. Thomas A. Elliott, Division Chief, Compliance Coordination, Department of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 371-2522 or toll-free 1-800-292-3820.

LOCAL EMERGENCY PLANNING COMMITTEE - FAIRFAX COUNTY, THE CITY OF FAIRFAX, AND THE TOWNS OF HERNDON AND VIENNA

† July 9, 1992 - 10 a.m. - Open Meeting
John C. Wood Municipal Center, 3730 Old Lee Highway, Fairfax, Virginia. ☒

A general meeting.

Contact: Marysusan Giguere, 4100 Chain Bridge Road, 4th Floor, Fairfax, VA 22030, telephone (703) 246-3967.

LOCAL EMERGENCY PLANNING COMMITTEE - PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY

June 15, 1992 - 1:30 p.m. - Open Meeting
1 County Complex Court, Potomac Conference Room, Prince William, Virginia. ☒

A multi-jurisdictional local emergency planning committee to discuss issues related to hazardous substances in the jurisdictions. SARA Title III provisions and responsibilities for hazardous material emergency response planning.

Contact: John E. Medici, Hazardous Materials Officer, 1 County Complex Court, Internal Zip MC470, Prince William, VA 22192, telephone (703) 792-6800.

LOCAL EMERGENCY PLANNING COMMITTEE - RICHMOND

† June 25, 1992 - 6 p.m. - Open Meeting
1305 Sherwood Avenue, 2nd Floor Conference Room, Richmond, Virginia.

A meeting to discuss Hazardous Materials Coordinators Report and release report. Guest speaker: Mr. Richard

Calendar of Events

Chadick, City Safety Officer.

Contact: Thomas E. Price, Hazardous Material Coordinator, 501 N. 9th Street, Room 134, Richmond, VA 23219, telephone (804) 780-6660.

VIRGINIA FIRE SERVICES BOARD

June 19, 1992 - 9 a.m. – Open Meeting
Ramada Inn, Duffield, Virginia.

A regular meeting to discuss fire training and fire policies. The meeting is open to the public for their comments and input.

Contact: Ann J. Bales, Executive Secretary Senior, 2807 Parham Road, Richmond, VA 23294, telephone (804) 527-4236.

Fire/EMS Training and Education Committee

June 18, 1992 - 1 p.m. – Open Meeting
Ramada Inn, Duffield, Virginia.

A meeting to discuss fire training and fire policies. The meeting is open to the public for their comments and input.

Contact: Ann J. Bales, Executive Secretary Senior, 2807 Parham Road, Richmond, VA 23294, telephone (804) 527-4236.

Fire Prevention and Control Committee

June 18, 1992 - 9 a.m. – Open Meeting
Ramada Inn, Duffield, Virginia.

A meeting to discuss fire training and fire policies. The meeting is open to the public for their comments and input.

Contact: Ann J. Bales, Executive Secretary Senior, 2807 Parham Road, Richmond, VA 23294, telephone (804) 527-4236.

Legislative/Liaison Committee

June 18, 1992 - 1 p.m. – Open Meeting
Ramada Inn, Duffield, Virginia.

A meeting to discuss fire training and fire policies. The meeting is open to the public for their comments and input.

Contact: Ann J. Bales, Executive Secretary Senior, 2807 Parham Road, Richmond, VA 23294, telephone (804) 527-4236.

BOARD OF GAME AND INLAND FISHERIES

† **June 18, 1992 - 9:30 a.m. – Open Meeting**
4010 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A work session is planned for the board to discuss funding alternatives for the Department of Game and Inland Fisheries. In addition, other general and administrative matters, as necessary, may be discussed and acted on.

Contact: Belle Harding, Secretary to Bud Bristow, 4010 W. Broad Street, P.O. Box 11104, Richmond, VA 23230, telephone (804) 367-1000.

DEPARTMENT OF GENERAL SERVICES

Division of Forensic Science

† **June 26, 1992 - 10 a.m. – Open Meeting**
Monroe Tower Building, Conference Room 3, 101 N. 14th Street, Richmond, Virginia.

A meeting to discuss issues, concerns and programs that impact the division and its user agencies.

Contact: Paul B. Ferrara, Director, 1 N. 14th Street, Richmond, VA 23219, telephone (804) 786-2281.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

June 23, 1992 - 9:30 a.m. – Open Meeting
Blue Cross/Blue Shield of Virginia, Virginia Room, 2015 Staples Mill Road, Richmond, Virginia. ☒

A regular 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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July 20, 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.** The proposed regulatory change to §§ 6.1 and 6.2 of the regulations would 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 and 9-164 of the Code of Virginia.

Written comments may be submitted until July 20, 1992, to G. Edward Dalton, Virginia Health Services Cost Review Council, 805 E. Broad St., Richmond, VA 23219.

Contact: John A. Rupp, Executive Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371. 1/3

DEPARTMENT OF HISTORIC RESOURCES (BOARD OF)

June 17, 1992 - 9 a.m. - Open Meeting
City Council Chambers, Roanoke City Hall, 215 Church Avenue, S.W., Roanoke, Virginia. ☒ (Interpreter for deaf provided if requested)

A joint meeting of the State Review Board and Historic Resources Board to consider the following properties for the Virginia Landmarks Register and the National Register of Historic Places:

1. Blandy Experimental Farm, Clarke County.
2. Virginia Episcopal School, Lynchburg.
3. Dublin Historic District, Pulaski County.
4. Tastee 29 Diner, City of Fairfax.

Contact: Margaret Peters, Information Director, Department of Historic Resources, 221 Governor Street, Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

June 18, 1992 - 2 p.m. - Open Meeting
Department of Historic Resources, Board Room, 221 Governor Street, Richmond, Virginia.

A meeting to receive views and comments and to answer questions of the public on the department's intent to consider adopting VR 390-01-01:2, Public Participation Guidelines.

Contact: H. Bryan Mitchell, Deputy Director, Department of Historic Resources, 221 Governor Street, Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

July 7, 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.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

June 16, 1992 - 11 a.m. - Open Meeting
601 S. Belvidere Street, Richmond, Virginia. ☒

A regular meeting of the Board of Commissioners to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; (iv) consider, and if appropriate, approve proposed amendments to the Rules and Regulations for Allocation of Elderly and Disabled Low-Income Housing Tax Credits; and (v) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

Statutory Authority: §§ 36-55.30:3 and 58.1-339 of the Code of Virginia.

Written comments may be submitted until June 12, 1992.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 782-1986.

COUNCIL ON INFORMATION MANAGEMENT

† **June 26, 1992 - 10 a.m. - Open Meeting**
Roslyn Conference Center, 8727 River Road, Richmond, Virginia. ☒

A regular business meeting.

Contact: Linda Hening, Administrative Staff Specialist, 1100 Bank Street, Suite 901, Richmond, VA 23219, telephone (804) 225-3622 or (804) 225-3624/TDD ☎

VIRGINIA INTERAGENCY COORDINATING COUNCIL ON EARLY INTERVENTION

† **July 8, 1992 - 9 a.m. - Open Meeting**
Department of Social Services, 8007 Discovery Drive, Blair Building, Conference Room A, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

Calendar of Events

The Virginia Interagency Coordinating Council, according to PL 101-476, Part H, early intervention program for disabled infants and toddlers and their families, is meeting to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency to develop and implement a statewide interagency early intervention program.

Contact: Michael FehI, 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

July 16, 1992 - 10 a.m. – Public Hearing
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Apprenticeship Council intends to amend regulations entitled: **VR 425-01-26. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia.** This amendment provides criteria and procedure for deregistration of apprenticeship programs.

Statutory Authority: § 40.1-118 of the Code of Virginia.

Written comments may be submitted until July 6, 1992.

Contact: Robert S. Baumgardner, Director, Apprenticeship Division, Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-2381.

July 16, 1992 - Immediately following public hearing beginning at 10 a.m. – Open Meeting
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

A regular quarterly meeting.

Contact: Robert S. Baumgardner, Director, Apprenticeship Division, Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-2381.

LIBRARY BOARD

June 23, 1992 - 9:30 a.m. – Open Meeting
Virginia State Library and Archives, 3rd Floor, Supreme Court Room, 11th Street at Capitol Square, Richmond, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

Contact: Jean H. Taylor, Secretary to State Librarian, Virginia State Library and Archives, 11th Street at Capitol Square, Richmond, VA 23219, telephone (804) 786-2332.

STATE COUNCIL ON LOCAL DEBT

June 17, 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 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

† **July 19, 1992 - 3 p.m. – Open Meeting**
Town Council Chambers, Town Municipal Building, 403 S. Main Street, Amherst, Virginia.

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, July 10, 1992.

Contact: Barbara W. Bingham, Administrative Assistant, 702 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

† **July 20, 1992 - 7:30 p.m. – Public Hearing**
Site to be determined.

Public hearing regarding Town of Amherst's proposed annexation of 6.4 square miles of territory in Amherst County.

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, July 10, 1992.

Contact: Barbara W. Bingham, Administrative Assistant, 702 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

† **July 20, 1992 - 11 a.m. – Open Meeting**
† **July 21, 1992 - 11 a.m. – Open Meeting**
Site to be determined.

Oral presentations regarding Town of Amherst's

proposed annexation of 6.4 square miles of territory in Amherst County.

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

Academic Affairs/Student Affairs Committee

† July 9, 1992 - 3 p.m. - Open Meeting Longwood College, Board Room, East Ruffner, Farmville, Virginia. ☒

A meeting to conduct routine business.

Contact: William F. Dorrill, President, President's Office, 201 High Street, Longwood College, Farmville, VA 23909-1899, telephone (804) 395-2001.

Board of Visitors

† July 27, 1992 - 9 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 DEPARTMENT (STATE LOTTERY BOARD)

† June 22, 1992 - 11 a.m. - Open Meeting Martha Washington Inn, Abingdon, Virginia. ☒

A regular monthly meeting of the board. Business will be conducted according to items listed on the agenda which has not yet been determined. Two periods for public comment are scheduled.

Contact: Barbara L. Robertson, Staff Officer, 2210 W. Broad Street, Richmond, VA 23220, telephone (804) 367-9433.

July 27, 1992 - 10 a.m. - Public Hearing 2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: VR 447-01-2. Administration Regulations. These proposed amendments will conform to legislative intent and make technical and housekeeping changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until July 27, 1992.

Contact: Barbara L. Robertson, Staff Officer, 2210 W. Broad Street, Richmond, VA 23220, telephone (804) 367-9433.

July 27, 1992 - 10 a.m. - Public Hearing 2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: VR 447-02-1. Instant Game Regulations. These amendments promulgate emergency regulations regarding prize payments, conform to legislative intent, and address housekeeping and technical changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until July 27, 1992.

Contact: Barbara L. Robertson, Staff Officer, 2210 W. Broad Street, Richmond, VA 23220, telephone (804) 367-9433.

July 27, 1992 - 10 a.m. - Public Hearing 2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: VR 447-02-2. On-Line Game Regulations. These amendments promulgate emergency subscription regulations, conform to legislative intent, and make housekeeping and technical changes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until July 27, 1992.

Contact: Barbara L. Robertson, Staff Officer, 2210 W. Broad Street, Richmond, VA 23220, telephone (804) 367-9433.

ADVISORY COMMISSION ON MAPPING, SURVEYING AND LAND INFORMATION SYSTEMS

June 18, 1992 - 10 a.m. - Open Meeting

Calendar of Events

1100 Bank Street, 9th Floor Conference Room, Richmond, Virginia. ☒

Final meeting of the Advisory Commission.

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 ☎

Written comments may be submitted July 17, 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.

MARINE RESOURCES COMMISSION

June 23, 1992 - 9:30 a.m. – Open Meeting

July 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: 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, toll-free 1-800-541-4646 or (804) 247-2292/TDD ☎

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

July 17, 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 460-02-3.1400. Methods of Providing Transportation.** The purpose of the proposed action is to discontinue the prior authorization requirement for nonemergency transportation for recipients to and from other medical appointments.

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

Drug Utilization Review Board

June 18, 1992 - 3 p.m. – Open Meeting

600 East Broad Street, Suite 300, Richmond, Virginia. ☒

A regular meeting to conduct routine business.

Contact: Carol B. Pugh, DUR Program Consultant, Division of Quality Care Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-3820.

BOARD OF MEDICINE

July 6, 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 465-04-01. Regulations Governing the Practice of Respiratory Therapy Practitioners.** The proposed amendment is to establish biennial certification renewal to occur in the therapists' birth month each odd-numbered year, and to make grammatical corrections to be consistent with the language of the Code of Virginia.

Statutory Authority: §§ 54.1-2400 and 54.1-2954 of the Code of Virginia.

Written comments may be submitted until July 6, 1992, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9923.

Credentials Committee

June 20, 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) 662-9923.

Informal Conference Committee

June 24, 1992 - 9 a.m. – Open Meeting

The Patrick Henry Hotel, 617 South Jefferson Street, Roanoke, Virginia. ☒

The committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 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 Physical Therapy

July 10, 1992 - 9 a.m. – Open Meeting

Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) review regulations, bylaws, and procedure manuals; (ii) receive reports; and (iii) 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 Physician's Assistants

June 26, 1992 - 10 a.m. – Open Meeting

Department of Health Professions, Board Room 2, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to review the public comments on proposed regulations and develop recommendations to the full board for adoption and to review and discuss Senate Bill 192, for the purpose of developing regulations for prescriptive authority for physician's assistants. Public comments may be entertained by the chairman on SB 192 only.

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)

June 24, 1992 - 10 a.m. – Open Meeting

Central Office, James Madison Building, 109 Governor Street, Richmond, Virginia. ☒

A regular monthly meeting. The agenda will be published on June 17 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.

† **July 22, 1992 - 10 a.m. – Open Meeting**

Southwestern Virginia Training Center, Hillsville, Virginia. ☒

A regular monthly meeting. The agenda will be published on July 15 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.

MIDDLE VIRGINIA BOARD OF DIRECTORS AND THE MIDDLE VIRGINIA COMMUNITY CORRECTIONS RESOURCES BOARD

† **June 29, 1992 - 7 p.m. – Open Meeting**

502 South Main Street #4, Culpeper, Virginia.

From 7 p.m. until 7:30 p.m. the Board of Directors will hold a business meeting to discuss DOC contract, budget, and other related business. Then the CCRB will meet to review cases for eligibility to participate with the program. It will review the previous month's operation (budget and program related business).

Contact: Lisa Ann Peacock, Program Director, 502 South Main Street #4, Culpeper, VA 22701, telephone (703) 825-4562.

Calendar of Events

DEPARTMENT OF MINORITY BUSINESS ENTERPRISE

June 19, 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 Minority Business Enterprise intends to adopt regulations entitled: **VR 486-01-02. Regulations to Govern the Certification of Minority Business Enterprises.** The proposed regulations will provide rules governing the certification of a business as a bonafide minority business enterprise.

Statutory Authority: § 2.1-64.35:8 of the Code of Virginia.

Written comments may be submitted until June 19, 1992.

Contact: Garland W. Curtis, Deputy Director, Department of Minority Business Enterprise, 200-202 N. 9th Street, 11th Floor, Richmond, VA 23219, telephone (804) 786-5560 or toll-free 1-800-223-0671.

BOARD OF NURSING

† July 27, 1992 - 9 a.m. – Open Meeting

† July 28, 1992 - 9 a.m. – Open Meeting

† July 29, 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 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. on Monday, July 27, 1992.

Contact: Corinne F. Dorsey, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

Special Conference Committee

† June 23, 1992 - 8:30 a.m. – Open Meeting

† June 29, 1992 - 8:30 a.m. – Open Meeting

Department of Health Professions, Conference Room 3, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to conduct informal conferences with licensees to determine what, if any, action should be recommended to the Board of Nursing.

Public comment will not be received.

Contact: Corinne F. Dorsey, Executive Director, 1601

Rolling Hills Drive, Richmond, VA 23229, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

BOARD OF NURSING HOME ADMINISTRATORS

July 3, 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 Nursing Home Administrators intends to amend regulations entitled: **VR 500-01-2:1. Regulations of the Board of Nursing Home Administrators.** The board is amending regulations to delete outdated requirements, clarify continuing education requirements, provide an additional route to licensure, and revise reinstatement requirements.

Statutory Authority: §§ 54.1-2400 and 54.1-3101 of the Code of Virginia.

Written comments may be submitted until July 3, 1992.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Drive, Richmond, VA 23229-5005, telephone (804) 662-9111.

POLYGRAPH EXAMINERS ADVISORY BOARD

June 23, 1992 - 9 a.m. – Open Meeting

Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to administer the polygraph examiners licensing examination to eligible polygraph examiner interns and to consider other matters which may require board action.

Contact: Mr. Geralde W. Morgan, Board Administrator, Department of Commerce, 3600 W. Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8534.

BOARD OF PROFESSIONAL COUNSELORS

June 15, 1992 - 8 a.m. – Open Meeting

June 16, 1992 - 8 a.m. – Open Meeting

June 17, 1992 - 8 a.m. – Open Meeting

June 18, 1992 - 8 a.m. – Open Meeting

Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia.

Oral examinations for professional counselor licensure.

June 18, 1992 - 9 a.m. – Open Meeting

Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia.

Informal conferences.

June 19, 1992 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia.

A board meeting to (i) discuss general board business;
(ii) respond to committee report; and (iii) conduct
regulatory review.

Contact: Evelyn B. Brown, Executive Director or Joyce D.
Williams, Administrative Assistant, 1601 Rolling Hills Drive,
Richmond, VA 23229-5005, telephone (804) 662-9912.

BOARD OF PSYCHOLOGY

† June 29, 1992 - 9 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☐

Informal hearing. No public comment.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling
Hills Drive, Suite 200, Richmond, VA 23229, telephone
(804) 662-9913.

† July 22, 1992 - 9 a.m. - Public Hearing
1601 Rolling Hills Drive, Conference Room 1, Richmond,
Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Board of Psychology
intends to amend regulations entitled: **VR 565-01-2.
Regulations Governing the Practice of Psychology.**
The proposed regulations establish requirements
governing the practice of psychology in the
Commonwealth. They include requirements necessary
for licensure; criteria for the examinations; standards
of practice; and procedures for the disciplining of
psychologists. The proposed regulations respond to a
biennial review conducted in accordance with
Executive Order 5 (86) of Governor Gerald L. Baliles.
The review of the regulations resulted in revisions to
existing regulations. All relevant documents are
available for inspection at the office of the Board of
Psychology, 1601 Rolling Hills Drive, Richmond,
Virginia 23229, telephone (804) 662-9913.

STATEMENT

Basis: Title 54.1, Chapter 1, §§ 54.1-100 through 54.1-114;
Chapter 24, §§ 54.1-2400 and 54.1-2510; and Chapter 36, §
54.11-3600 et seq. of the Code of Virginia provide the
statutory basis for promulgation of the regulations by the
Board of Psychology. The Board of Psychology has
approved the proposed revisions for a 60-day public
comment period.

Purpose: The proposed regulations are designed to ensure
the public protection by establishing standards for

licensure, examination, training, and practice of
psychologists.

Impact: The regulations will impact all psychologists who
practice in the Commonwealth.

Statutory Authority: §§ 54.1-2400 and 54.1-3600 of the Code
of Virginia.

Written comments may be submitted until August 15, 1992.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling
Hills Drive, Suite 200, Richmond, VA 23229, telephone
(804) 662-9913.

REAL ESTATE APPRAISER BOARD

June 16, 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.

REAL ESTATE BOARD

† June 15, 1992 - 10 a.m. - Open Meeting
Tysons Corner Marriott, 8028 Leesburg Pike, Vienna,
Virginia.

The board will meet to conduct a formal hearing: File
No. 90-00599, Real Estate Board v. Constance Crigler.

† June 15, 1992 - 2 p.m. - Open Meeting
Tysons Corner Marriott, 8028 Leesburg Pike, Vienna,
Virginia.

The board will meet to conduct a formal hearing: File
No. 91-00052, Real Estate Board v. Nahid P. Masumi.

† June 15, 1992 - 11 a.m. - Open Meeting
Tysons Corner Marriott, 8028 Leesburg Pike, Vienna,
Virginia.

The board will meet to conduct a formal hearing: File
No. 90-01826, Real Estate Board v. Samuel Land.

† June 16, 1992 - 9 a.m. - Open Meeting
Tysons Corner Marriott, 8028 Leesburg Pike, Vienna,
Virginia.

The board will meet to conduct a formal hearing: File
No. 92-00710, Real Estate Board v. Lindsay Altman t/a
Key Properties, Inc.

Calendar of Events

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad Street, Fifth Floor, Richmond, VA 23230, telephone (804) 367-8524.

DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

† June 25, 1992 - 10 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The board will receive department reports, consider regulatory matters and conduct the regular business of the board.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Avenue, Richmond, VA 23230, telephone (804) 367-0318, toll-free 1-800-552-5019/Voice and TDD ☎ or (804) 367-0280/TDD ☎

Finance Committee

† June 25, 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

† June 25, 1992 - 9 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A regular meeting.

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

† June 25, 1992 - 9 a.m. - Open Meeting
4901 Fitzhugh Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A regular meeting.

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

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)

June 17, 1992 - 2 p.m. - Open Meeting
June 18, 1992 - if necessary - 9 a.m. - Open Meeting
July 15, 1992 - 2 p.m. - Open Meeting
July 16, 1992 - if necessary - 9 a.m. - Open Meeting
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☒

A work session and formal business meeting of the aforementioned board.

Contact: Phyllis Sisk, Staff Specialist, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229, telephone (804) 662-9236, toll-free 1-800-552-3431 or 1-800-552-7096/TDD ☎

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June 19, 1992 - 10 a.m. - Public Hearing
Blair Building, Conference Room C, 8007 Discovery Drive, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to amend regulations entitled: **VR 615-08-1. Virginia Energy Assistance Program.** The purpose of the Virginia Energy Assistance Program is to provide assistance to eligible households to offset the costs of home energy that are excessive in relation to household income and to respond to energy-related, weather-related, and supply shortage emergencies.

The amendments to the crisis assistance component will clarify that routine maintenance such as chimney cleaning and that supplemental heating equipment such as oil tanks and stands will be provided. The second amendment to the crisis assistance component will further clarify the intent to provide fuel to respond to the crisis situation of households who did

not receive fuel assistance in the current program year.

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

Written comments may be submitted until June 19, 1992, to Charlene H. Chapman, Department of Social Services, 8007 Discovery Drive, Richmond, VA.

Contact: Peggy Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

† July 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.

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

June 17, 1992 - 2 p.m. – Open Meeting
Virginia Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

Contact: John G. Milliken, Secretary of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-6670.

June 18, 1992 - 9 a.m. – Public Hearing
Virginia Department of Transportation, Auditorium, 1221 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A final 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 for the Richmond, Fredericksburg, Suffolk, Culpeper, and Northern Virginia Districts, as well as public transit.

Contact: Mr. Albert W. Coates, Jr., Assistant Commissioner, Virginia Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-9950.

June 18, 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, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-6670.

* * * * *

August 10, 1992 - 1 p.m. – Public Hearing
Highway Auditorium, 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 385-01-5. Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities. The Department of Transportation is authorized by §§ 33.1-12(3) and 33.1-49 of the Code of Virginia to regulate use of state highways and the interstate system to protect the safety to traffic. The proposed amendments to the Hazardous Materials Transportation Manual (i) change the regulations to allow vehicles which use natural gas (or gases with similar properties) as fuel to use the tunnel facilities in the Commonwealth; and (ii) change the regulations pertaining to the conditions under which low-pressure liquid oxygen can be transported through tunnel facilities in the Commonwealth.

Amending the manual allows Virginia to keep its regulations up-to-date with new chemicals and how they may be used or transported. Without these amendments, natural gas-powered vehicles and carriers of low-pressure liquid oxygen not in conformance with the amendments will be unable to use the tunnels.

Statutory Authority: §§ 33.1-12(3) and 33.1-49 of the Code of Virginia.

Written comments may be submitted until August 17, 1992, to Mr. J.L. Butner, Traffic Engineering Division, Virginia Department of Transportation, 1401 E. Broad Street, Richmond, VA 23219.

Contact: C.A. Abernathy, Transportation Engineer, Traffic Engineering Division, Virginia Department of Transportation, Room 206, Highway Annex, 1401 E. Broad

Calendar of Events

Street, Richmond, VA 23219, telephone (804) 786-2889.

TREASURY BOARD

June 17, 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.

COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

† **June 17, 1992 - 1 p.m.** – Open Meeting
General Assembly Building, Speakers Conference Room,
6th Floor, Richmond, Virginia. ☒

A general meeting.

Contact: William T. McCollum, Executive Director, 1001
East Broad Street, Suite 245, Richmond, VA 23462,
telephone (804) 786-5895.

VIRGINIA RACING COMMISSION

† **June 24, 1992 - 9:30 a.m.** – Open Meeting
VSRS Building, 1200 East Main Street, Richmond, Virginia.
☒

A regular meeting including discussion of the
regulations pertaining to the Virginia Breeders Fund,
reciprocity of permits for participants, and satellite
wagering facilities.

Contact: William H. Anderson, Policy Analyst, Virginia
Racing Commission, P.O. Box 1123, Richmond, VA 23208,
telephone (804) 371-7363.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

July 25, 1992 - 11 a.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue,
Richmond, Virginia. ☒ (interpreter for deaf provided upon
request)

A meeting to advise the Virginia 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 VOLUNTARY FORMULARY BOARD

† **July 24, 1992 - 10 a.m.** – Public Hearing
James Madison Building, 109 Governor Street, Main Floor
Conference Room, Richmond, Virginia.

A public hearing to consider the proposed adoption
and issuance of revisions to the Virginia Voluntary
Formulary. The proposed revisions to the Formulary
add and delete drugs and drug products to the
Formulary that became effective on February 1, 1992,
and the most recent supplement to that Formulary.
Copies of the proposed revisions to the Formulary are
available for inspection at the Virginia Department of
Health, Bureau of Pharmacy Services, James Madison
Building, 109 Governor Street, Richmond, Virginia
23219. Written comments sent to the above address
and received prior to 5 p.m. on July 24, 1992, will be
made a part of the hearing record.

† **September 10, 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.

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 (VIRGINIA WASTE MANAGEMENT BOARD)

† **July 15, 1992 - 7 p.m.** – Public Hearing
Upper Occoquan Sewage Authority, Board Room,
Administration Building, 14631 Compton Road, Centreville,
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 for an Industrial Landfill
which shall be located adjacent to the Upper
Occoquan Sewage Authority Treatment Plant located in
Fairfax County on Compton Road, Centreville, VA. The
purpose of the public hearing will be to solicit
comments regarding the technical merits of the draft
permit pertaining to the landfill design, operation, and
closure. The public comment period will extend until
July 27, 1992. Copies of the proposed draft permit
may be obtained from Aziz Farahmand, Department of
Waste Management, 11th Floor, Monroe Building, 101
N. 14th Street, Richmond, VA 23219. Comments

concerning the draft permit must be in writing and directed to Hassan Vakili, Department of Waste Management, 11th Floor, Monroe Building, 101 N. 14th Street, Richmond, VA 23219.

Contact: Aziz Farahmand, Environmental Engineer Consultant, 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 ☎

June 17, 1992 - 8:30 a.m. – Open Meeting
The Omni Hotel, Lobby, Virginia Beach, Virginia.

The board will tour Mount Trashmore Visitors Center, 300 Edwin Drive, Virginia Beach; Virginia Beach Landfill, 1989 Jake Sears Road, Virginia Beach; Southeastern Public Service Authority Landfill, 1 Bob Foeller Drive, Suffolk, Virginia; RDF Plant, 4 Victory Boulevard, Portsmouth, Virginia; and Norfolk Transfer Station, 3136 Woodland Avenue, Norfolk, Virginia. This is only a tour. No decisions will be made and no business will be discussed.

Contact: Loraine Williams, Executive Secretary, 101 N. 14th Street, Monroe Building, 11th Floor, Richmond, Virginia 23219, telephone (804) 225-2667 or (804) 225-3753/TDD ☎

June 18, 1992 - 10 a.m. – Open Meeting
The Virginia Beach Council Chambers, 2nd Floor City Hall, Municipal Center, Courthouse Drive and N. Landing Road, Virginia Beach, Virginia. ☒

A general business meeting to seek authorization from the Virginia Waste Management Board to hold public hearings on revisions to the Solid Waste Management Regulations (VR 672-20-10). Staff will seek authorization from the board to hold public hearings on revisions to the Hazardous Waste Management Regulations (VR 672-10-1). Staff will seek authorization from the board to hold public hearings on the Public Participation Guidelines Regulation (VR 672-01-1). (They were published February, 1985 - VR 352-01-1). An update will be given on enforcement procedures and sites.

Contact: Loraine Williams, Executive Secretary, 101 N. 14th Street, Monroe Building, 11th Floor, Richmond, Virginia 23219, telephone (804) 225-2667 or (804) 225-3753/TDD ☎

STATE WATER CONTROL BOARD

† **June 16, 1992 - 7 p.m. – Public Hearing**
West Point High School, Auditorium, 2700 Mattaponi Avenue, West Point, Virginia. ☒

A public hearing to receive comments regarding the proposed application to modify the ground water

withdrawal permit for Chesapeake Paper Products Company, 19th and Main Streets, Box 311, West Point, VA 23181. The current permit limits the company's withdrawal to an average of 22.6 million gallons per day (mgd) and further limits withdrawals from 14 wells located in West Point to an average of 19.24 mgd. The proposed modification will allow the company to withdraw an additional average of .75 mgd from 10 of the 14 wells located in West Point that are completed in the Potomac aquifers. This additional withdrawal is only requested when both of the new wells located at the Mann Site are out of production. The proposed modification will not increase withdrawal rights from the Chickahominy-Piney Point aquifer nor will it increase the company's total withdrawal right.

Contact: Lori F. Jackson, Hearings Reporter, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, 4900 Cox Road, Glen Allen, Virginia 23063, telephone (804) 527-5163.

June 17, 1992 - 7 p.m. – Public Hearing
Town Hall, 131 Center Street, Narrows, Virginia. ☒

A public hearing to receive comments on the issuance or denial of Virginia Pollution Abatement (VPA) Permit No. VAP02061 for Norfolk and Western Railway Company Coal Dust Suppression Facility, 110 Franklin Road, S.E., Roanoke, Virginia 24042-0013. The proposed facility will be located on the banks of the New River, adjacent to Route 460 East of Narrows, just downstream of the Hoechst Celanese "Celco" Plant and will spray well water on coal carried by railcars in order to prevent or minimize the release of coal dust from the cars. There will be no discharge allowed by the permit.

Contact: Lori F. Jackson, Hearings Reporter, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, 4900 Cox Road, Glen Allen, Virginia 23063, telephone (804) 527-5163.

June 22, 1992 - 10 a.m. – Open Meeting
4900 Cox Road, Board Room (Room 1000), Glen Allen, Virginia. ☒

A regular quarterly meeting.

Contact: Doneva A. Dalton, Hearings Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230, telephone (804) 527-5162.

† **June 22, 1992 - 10 a.m. – Open Meeting**
4900 Cox Road, Board Room (Room 1000), Glen Allen, Virginia. ☒

A formal evidentiary hearing to consider revocation of No Discharge Certificates where the permittee (i) no longer owns the facility; (ii) no longer operates the facility; or (iii) continues to operate the facility but

Calendar of Events

does not require a VPA permit. This hearing is being held pursuant to §§ 9-6.14:12 and 62.1-44.25 of the Code of Virginia, as well as the Board's Procedural Rule No. 1 and VR 680-14-01 (Permit Regulation).

Contact: Charles L. Turner, Office of Water Resources Management, State Water Control Board, Innsbrook Corporate Center, 4900 Cox Road, Richmond, Virginia 23230, telephone (804) 527-5000.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

June 25, 1992 - 10 a.m. – Public Hearing
Virginia Department of Commerce, 3600 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled: **VR 675-01-02. Board for Waterworks and Wastewater Works Operators Regulations.** The proposed regulation will adjust the fee structure of the board and bring the fee structure of the board in line with costs to cover the preparation of the examinations by an outside examination vendor.

Statutory Authority: §§ 54.1-113, 54.1-201, 54.1-202, and 54.1-2301 B of the Code of Virginia.

Written comments may be submitted until June 22, 1992.

Contact: Mr. Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad Street, Richmond, Virginia 23230-4917, telephone (804) 367-8534.

THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA

Board of Visitors

† June 30, 1992 - 9:30 a.m. – Open Meeting
Blow Memorial Hall, Richmond Road, Williamsburg, Virginia. ☒

A called meeting to act on resolutions concerning faculty appointments for the 1992-93 academic year for the College of William and Mary and Richard Bland College. An informational release will be available four days prior to the board meeting for those individuals and organizations who request it.

Contact: William N. Walker, Director, Office of University Relations, James Blair Hall, Room 101C, College of William and Mary, P.O. Box 8795, Williamsburg, Virginia 23187-8795, telephone (804) 221-1005.



VIRGINIA DEPARTMENT OF
**YOUTH &
FAMILY SERVICES**
Youth Begins With You.

BOARD OF YOUTH AND FAMILY SERVICES

† August 24, 1992 - 10 a.m. – Open Meeting
Virginian Beach, 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) 371-0700.

LEGISLATIVE

JOINT SUBCOMMITTEE STUDYING EROSION AND SEDIMENT CONTROL

† June 22, 1992 - 2 p.m. – Open Meeting
State Capitol Building, House Room 1, Richmond, Virginia.

The subcommittee will meet for purpose of reorganization and review of Project YES. (HJR 178)

Contact: Frank Munyan, Staff Attorney, Division of Legislative Services, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591.

SUBCOMMITTEE OF THE COMMITTEE ON MINING AND MINERAL RESOURCES TO STUDY CARRYOVER HOUSE BILL 896 RELATING TO WATER SUPPLIES CONTAMINATED BY MINING ACTIVITIES

† July 17, 1992 - 4 p.m. – Public Hearing
Clinch Valley College, Wise, Virginia.

A meeting to receive comments from the residents of Southwest Virginia relating to water supplies contaminated by mining activities. (HB 896)

Those persons wishing to speak should contact Lois V. Johnson, House of Delegates, Committee Operations, General Assembly Building, Richmond, VA 23219.

Contact: Frank Munyan, Staff Attorney, Division of Legislative Services, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591.

VIRGINIA CODE COMMISSION

June 24, 1992 - 9:30 a.m. – Open Meeting
General Assembly Building, 6th Floor Conference Room, Richmond, Virginia.

A general business meeting.

July 15, 1992 - 9:30 a.m. - Open Meeting
General Assembly Building, 6th Floor Conference Room,
Richmond, Virginia.

A general business meeting, including a review of the
draft revision of Title 24.1 (Election Laws).

Contact: Joan W. Smith, Virginia Code Commission, 910
Capitol Street, Richmond, VA 23219, telephone (804)
786-3591.

Title 4 Task Force

June 22, 1992 - 10 a.m. - Open Meeting
General Assembly Building, 6th Floor Conference Room,
Richmond, Virginia.

Revision of the alcoholic beverage laws (Title 4). (SJR
13)

Contact: Maria Everett, Staff Attorney, Division of
Legislative Services, 910 Capitol Street, Richmond, VA
23219, telephone (804) 786-3591.

COMMISSION ON POPULATION GROWTH AND DEVELOPMENT

June 18, 1992 - 9:30 a.m. - Open Meeting
June 19, 1992 - 9:30 a.m. - Open Meeting
Roslyn Conference Center, Richmond, Virginia.

A meeting to discuss developing growth strategies at
the local and regional levels.

Contact: Katherine L. Imhoff, Executive Director, General
Assembly Building, Suite 519B, 910 Capitol Street,
Richmond, VA 23219, telephone (804) 371-4949.

CHRONOLOGICAL LIST

OPEN MEETINGS

June 15
Emergency Planning Committee, Local - Prince
William County, Manassas City, and Manassas Park
City
Professional Counselors, Board of
† Real Estate Board

June 16
† Air Pollution Control Board, State
Housing Development Authority, Virginia
Labor and Industry, Department of
- Apprenticeship Council
Professional Counselors, Board of
Real Estate Appraiser Board

† Real Estate Board
† Water Control Board, State

June 17
Chesapeake Bay Local Assistance Board
- Regulatory Review Committee and Program Study
Group
Conservation and Recreation, Department of
- Board of Conservation and Recreation
Corrections, Board of
Historic Resources, Department of
- State Review Board
- Historic Resources Board
Local Debt, State Council on
Professional Counselors, Board of
Social Services, State Board of
Transportation Board, Commonwealth
Treasury Board
† Virginia Alcohol Safety Action Program, Commission
on the
Waste Management Board, Virginia

June 18
† ASAP Policy Board - Rockingham/Harrisonburg
† Auctioneers, Board for
Conservation and Recreation, Department of
- Virginia Soil and Conservation Board
Fire Services Board, Virginia
- Fire/EMS Training and Education Committee
- Fire Prevention and Control Committee
- Legislative/Liaison Committee
† Game and Inland Fisheries, Board of
Historic Resources, Department of
Medical Assistance Services, Department of
- Drug Utilization Review Board
Population Growth and Development, Commission on
Mapping, Surveying and Land Information Systems,
Advisory Commission on
Professional Counselors, Board of
Social Services, State Board of
Transportation Board, Commonwealth
Waste Management Board, Virginia

June 19
† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
- Board for Interior Designers
† Building Code Technical Review Board, State
Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
Fire Services Board, Virginia
Interdepartmental Regulation of Residential Facilities
for Children
- Coordinating Committee
Population Growth and Development, Commission on
Professional Counselors, Board of

June 20
Dentistry, Board of
Medicine, Board of
- Credentials Committee

Calendar of Events

June 22

Alcoholic Beverage Control Board
† Chesapeake Bay Local Assistance Board
Code Commission, Virginia
- Title 4 Task Force
Cosmetology, Board for
† Erosion and Sediment Control, Joint Subcommittee
Studying
Water Control Board, State

June 23

† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
† ASAP Policy Board - Tidewater
Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
Cosmetology, Board for
Health Services Cost Review Council, Virginia
Library Board
Marine Resources Commission
† Nursing, Board of
- Special Conference Committee
Polygraph Examiners Advisory Board

June 24

† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
Chesapeake Bay Local Assistance Board
- Northern Area Review Committee
- Regulatory Review Committee and Program Study
Group
Code Commission, Virginia
- Title 4 Task Force
Contractors, Board for
- Complaints Committee
Education, Board of
Medicine, Board of
Mental Health, Mental Retardation and Substance
Abuse Board, State
† Virginia Racing Commission

June 25

† Architects, Professional Engineers, Land Surveyors
and Landscape Architects, Board for
Compensation Board
† Emergency Planning Committee, Local - Richmond
† Rehabilitative Services, Board of
- Finance Committee
- Legislation Committee
- Program and Evaluation Committee

June 26

† General Services, Department of
- Division of Forensic Science
† Information Management, Council on
Medicine, Board of
- Advisory Committee on Physician's Assistants

June 29

† Middle Virginia Board of Directors and the Middle
Virginia Community Corrections Resources Board

† Nursing, Board of
- Special Conference Committee

June 30

Aging, Department for the
- Long-Term Care Ombudsman Advisory Council
† Athletic Board
† William and Mary in Virginia, The College of
- Board of Visitors

July 6

† Soil Scientists, Board for Professional

July 7

Agriculture and Consumer Services, Department of
- Virginia Winegrowers Advisory Board
Hopewell Industrial Safety Council

July 8

† Dentistry, Board of
† Interagency Coordinating Council on Early
Intervention, Virginia

July 9

† Agriculture and Consumer Services, Board of
Agriculture and Consumer Services, Department of
- Virginia Cattle Industry Board
† Emergency Planning Committee, Local - Fairfax
County, The City of Fairfax, and the Towns of
Herndon and Vienna
† Longwood College
- Academic Affairs/Student Affairs Committee
† Youth and Family Services, Board of

July 10

Medicine, Board of
- Advisory Board on Physical Therapy

July 15

Code Commission, Virginia
† Corrections, Board of
Social Services, State Board of

July 16

† Audiology and Speech Pathology, Board of
† Corrections, Board of
- Liaison Committee
Social Services, State Board of

July 19

† Local Government, Commission on

July 20

† Local Government, Commission on

July 21

† Local Government, Commission on

July 22

† Mental Health, Mental Retardation and Substance
Abuse Services Board, State

Calendar of Events

July 25
Visually Handicapped, Department for the
- Advisory Committee on Services

July 27
† Longwood College
- Board of Visitors
† Nursing, Board of

July 28
Marine Resources Commission
† Nursing, Board of

July 29
† Nursing, Board of

July 30
Education, Board of

August 7
† Dentistry, Board of

August 14
† Dentistry, Board of

August 19
† Corrections, Board of

September 10
† Voluntary Formulary Board, Virginia

July 16
Labor and Industry, Department of
- Apprenticeship Council

July 17
† Mining and Mineral Resources to Study Carry Over
House Bill 896 Relating to Water Supplies
Contaminated by Mining Activities, Subcommittee of
the Committee on

July 20
† Local Government, Commission on

July 22
Air Pollution Control Board, State
† Psychology, Board of

July 24
† Voluntary Formulary Board, Virginia

July 27
Lottery Department, State

July 29
† Education, Department of

July 30
† Chesapeake Bay Local Assistance Board

August 10
Transportation, Department of

PUBLIC HEARINGS

June 17
Water Control Board, State

June 18
Transportation, Department of

June 19
Social Services, Department of

June 25
Waterworks and Wastewater Works Operators, Board
for

July 1
Air Pollution Control Board, State

July 4
Medicine, Board of

July 8
Air Pollution Control Board, State

July 15
Air Pollution Control Board, State
† Waste Management, Department of

Calendar of Events
